

## SUMMARY REPORT

In the case of Buchanan v.s. the Associated Students Senate, the A.S. Judiciary finds unanimously for the plaintiff in that the Senate did on December 4, 1968 violate Chapt. II, Art. 1, Sec. 6, A-3.

A two-thirds (2/3) vote of the A.S. Senate shall be necessary to overrule a decision of the A.S. Board of Control.

The Court finds that the amendment in question - to approve the Board of Control minutes with the exception of Section IV, Number B, has the same intent as the prior defeated motion to delete that same section. Both by not approving the minutes of the section, implies that the action of the Board in that instance does not stand. Thus if the action does not stand, it is being overruled and would call for a 2/3 vote to deny it. ( Chapt. II, Art. 1, Sect 6, A-2 & 3.)

It was further concluded by the Court that the definition of amend, according to Sturgis Standard Code of Parliamentary Procedure 1950, is to change by adding, deleting, or substituting words or provisions. Under the A.S. Senate Rules and Procedures, it takes 2/3 majority vote to delete from the Board of Control minutes (p.3- Sect 19,C). The amendment was therefore invalid because it was a deletion by less than 2/3 majority.

The Court finds invalid the argument that Section IV, Number B was not considered ~~but~~ old Business (p.7). The Board of Control's considerations have a specified position on the Senate agenda. A referral of its matter's would require a motion to suspend the rules or to postpone definitely. Because neither option was presented and, or approved by the Senate, the matter was incorrectly considered under Old Business. Secondly, because Senators were not aware that the matter would be considered out of the agenda order and because in the interim, the original number of Senators who deliberated on the matter was reduced, the court holds that the intent of a 2/3 majority to overrule a decision of the Board of Control (by withholding approval) was not demonstrated.

The Court stresses intent here because Parliamentary Procedure was correctly and incorrectly use . Therefore the Court refers to the rationale behind the use of Parliamentary Procedure.

Sturgis Standard Code of Parliamentary Procedure, p. 1. -

"Parliamentary procedure is not to be used for dilatory purposes. Its aim is not to confuse, to mislead, or to thwart an honest expression of the majority's will \*.

..Overly technical use of rules to defeat the majority's will is a misuse of rules.

.. The main purpose of parliamentary procedure is to ascertain the will of the majority and to see that this will is carried out."

(\*Majority required in this instance is a 2/3 majority)

~~---The Court feels that due to the matter being considered a total of 4 times, and in only one was there a 2.3 majority~~

The Court finds that there was intent by less than the 2/3 majority of the Senate to delete, table, and to not approve of the disputed section. However, the section was not affirmatively approved either. Thus the order of the court is to refer the section back to the Board of Control. Chapt. II, Art. 1, Sect. 4.

The Court Recommends the following.

1. That rules governing the A.S. Senate's approval of Board of Control minutes, or financial measures, or both, be made uniform, consistent, and logical guides for action.

Specifically, the following conflicting issues :

Bylaws - Chapt. I, Art. 4, Sect. 6- entire  
Chapt. II, Art. 1, Sect. 6-A

A.S. Senate Rules and Procedures - Section 19-C.

2. That a Parliamentarian be appointed to assist the Chairman of the Senate in deciding matters of parliamentary procedure.

*Ihana Palmer*  
Ihana Palmer,  
Presiding Justice

Concurring Justices,

Dave Campbell  
Jim Preston

December 19, 1968

*Dave Campbell*