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ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary

From: Tom Miller

Date: October 29, 1969

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

~~Chapter II, Article II, Section 5-B -3a., Chapter II Article II Section 5-B 2 d,~~
~~of A. S. Bylaws.~~

Cause for request: ~~There is a need to interpret the above sections of the Bylaws~~
~~to find out if Deputy Administrators may be appointed without the approval of the~~
~~A. S. Senate.~~

Briefly explain the substance of your issue: ~~After reading the above section~~
~~it was my opinion that the Deputy Administrators may be appointed by the A. S.~~
~~Administrator. However, the Vice President feels differently. Therefore, a declaratory~~
~~judgement is necessary to determine the above "dispute". Whether the A. S.~~
~~Senate or A. S. President has power of approval.~~

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

Signed Tom Miller
Tom Miller



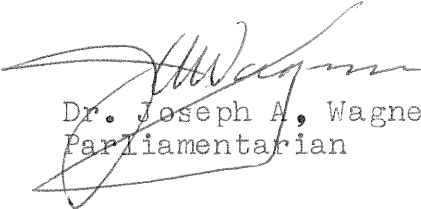
CALIFORNIA STATE COLLEGE, LONG BEACH
90801

ASSOCIATED STUDENTS JUDICIARY

Dr. Joseph A. Wagner
Professor, Speech
C.S.C.L.B.

Nov. 6, 1969

This is to certify that I have spoken with and instructed Justice Robert Bland, Jr. as to the logical implications of the outline form of Chapter II, Article II, section 5 of the Associated Students Bylaws. Our discussion was in relation to the binding effect of a subsection in relation to a different mainsection. I further concur with his final interpretation of that section in regards to our discussion. I realize that this document shall be used as Exhibit 1 in the Declaratory Judgment petitioned this Court by Thomas Miller on October 30, 1969.


Dr. Joseph A. Wagner
Parliamentarian

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

Declaratory Judgment
Appointment and Approval of Deputy Administrators

Thomas Miller, Associated Students Administrator, Petitioner.

Justice Bland delivered the Opinion of the Court.

CONFLICT SUMMATION

The area of concern in this case, as cited by Mr. Miller, is section 5 of Article II, Chapter II of our Bylaws. Specically cited were subsections B, 2d and B, 3a. These subsections have to do with the appointment and approval of the Deputy Administrators of the Associated Students Administrator. The section reads:

- B. Associated Students Administrator
 - 1. The A.S. Administrator shall be an employee of the Associated Students, shall be paid at the current rate for student assistants, and shall be limited to twenty hours each week.
 - 2. Duties
 - a. To supervise the A.S. Cabinet of Commissioners and the A.S. Committees.
 - b. To handle all applications for A.S. telephone credit cards and expedite payment of bills presented by card-holders.
 - c. To take care of purely administrative matters for the Associated Students.
 - d. To appoint deputies as needed to aid him in the performance of his duties.
 - e. To assist the President of the Associated Students as deemed necessary by that officer.
 - 3. Deputy Administrators
 - a. The A.S. Administrator upon the approval of the A.S. President shall be allowed to appoint deputy administrators, who may be employees of the A.S. and paid at the current rate for student assistants.

The issue for this Court to settle is who has the power of appointment and who has the power of approval over these deputies.


The Associated Students Judiciary, in pursuance of its role as official interpreter of the Bylaws of this association and recognizing its position as the final authority of the Associated Students, hereby renders the following decision.

JUDGMENT

- I. That in recognition of the outline of section 5 and in trust of the statement by Dr. Joseph A. Wagner, Parliamentarian and Professor, Speech Department, C.S.C.L.B., (Exhibit 1) the form and wording of section 5 clearly gives to the Associated Students Administrator the power to "appoint deputies as needed to aid him in the performance of his duties."
- II. That the power of approval of Deputies is clearly a power of the Associated Students President as stated in section 5, 3a reading, "The A.S. Administrator upon the approval of the A.S. President shall be allowed to appoint Deputy Administrators."
- III. That the Deputy Administrators, unlike the chief Administrator, need not be paid for their services. To further quote subsection 3a, the deputy administrator ". . .may be an employee of the Associated Students and paid at the current rate for student assistants."
- IV. Further, that the Deputy Administrators must, like all other elected and appointed officers of this association, meet the requirements of office as stated in Chapter II, Article VI, section 9, C.

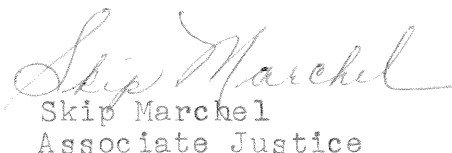
For the purpose of clarification and explanation, the Court would like to elaborate on its decision. The Associated Students Senate, by legal authority, asserts the right of approval over all presidential appointments. These include Commissioners, Committee Chairman, Justices of the Court, and appointive Executive Officers. However, they do not maintain this right over members of commissions, committees, or deputies of the Administrator. These individuals are approved by the Associated Students President after their appointment by the respective commissioner, chairman, or Administrator. Therefore, the Court wishes to make clear the fact that we are not depriving the Associated Students Senate of its approval power over presidential appointments. On the contrary, the Court is simply clarifying the positions open to Senate approval as outlined in Chapters I and II of our Bylaws. The fact that the Senate has formerly invoked this power in regards to Deputy Administrators in no way justifies the fact. Precedence misused is not precedence of importance.

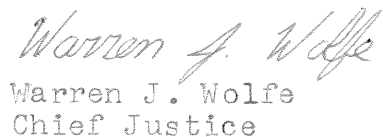
Therefore, be it abjudged this 7 day of November, 1969 that the Associated Students Deputy Administrators be appointed by the Associated Students Administrator and approved by the Associated Students President.


Larry Wilhelms
Associate Justice



Robert C. Bland, Jr
Presiding Justice


Skip Marchel
Associate Justice


Warren J. Wolfe
Chief Justice

Exhibits mentioned in this decision are available in the Judiciary Office.