

ASASU Supreme Court

College Libertarians v. United Voices for ASU

Chief Justice Walther, Opinion of the Court

Joined by Justice Haji, Justice Lombard, Justice Murphy

Justice Rios recused himself from this case

Decision Filed on April 21st, 2020

A. Fact Summary

On April 16th, 2020, the College Libertarians (CL) filed a complaint with the Elections Department against the United Voices for ASU (UVA) Senatorial Candidate coalition. They filed many instances of alleged defamation and libel against the CL by UVA. They asked for each member of the coalition to receive nine (9) infraction points for these alleged violations of the Student Code of Conduct as well as State and Federal law with the complaints of defamation and libel. On April 20th, the Elections Department dismissed their complaint on the grounds that the UVA candidates were protected underneath the First Amendment of the United States Constitution. The CL appealed this decision and it is now before the Supreme Court.

B. Dismissal of College Libertarians v. United Voices for ASU

Per the Rules of the Court, as stated in Rule 13, Section A, Sub-section 4, The Court has the power to issue a dismissal of a case for the reason that the issue cannot be fairly addressed by the Court. The Court holds that the issues presented before the court may not be fairly adjudicated for the following 3 reasons:

1. The Supreme Court does not have Jurisdiction to make interpretations about the First Amendment to the Constitution.
2. The Supreme Court does not have Jurisdiction to interpret State and Federal Laws on defamation and libel.
3. The Supreme Court does not have Jurisdiction to determine violations of the Student Code of Conduct.

The ASASU Supreme Court has Jurisdiction to interpret the USG Constitution, Bylaws, and Election Code. While the election code may lead to infraction points being incurred for

blatant violation of the Student Code of Conduct and State/Federal Laws, it is not for the Court to decide whether these have been broken, but only to apply punishment when it has been made clear that there has been a violation of any of the above. The Court holds that we do not have Jurisdiction to interpret any of these documents fairly, and thus we cannot adjudicate.

However, the Court recognizes a pattern of inappropriate behavior on behalf of the candidates of the United Voices for ASU coalition. As shown in their submitted documents, there have been 7 complaints filed against them with the Elections Department, with 2 being appealed to the Supreme Court. We recognize this as a consistent pattern of inappropriate behavior, and do not believe this behavior shall go unchecked.

While the Supreme Court may not have the Jurisdiction to interpret the Student Code of Conduct, The Dean of Students Office has such authority.

Therefore, the Court orders:

1. This case be dismissed.
2. All documents submitted to the Court be referred to the Dean of Students for investigation into Code of Conduct violations. This shall be done by the Court Clerk within 24 hours of this decision being filed.

SIGNED BY THE ASASU SUPREME COURT

APRIL 21st, 2020 at 10:20 PM

Justice Rios recused himself from this case