

Student Court:

ASUN decisions invalid from Dec. 15 to present

UNL Student Court early this morning ruled all actions taken by the ASUN Senate since Dec. 15, 1976 as invalid.

After hearing testimony Tuesday night on a lawsuit filed by Britt Miller and Randall Murphy against ASUN, the court reached a decision at 3 a.m. this morning.

The Miller-Murphy suit charged that the ASUN Senate had not had a valid quorum since Dec. 1.

Because of a lack of a legal quorum, the suit stated, all action taken since that time is invalid and unconstitutional.

The court concurred with this charge.

The opinion of the entire court in the Miller-Murphy vs. William Mueller (ASUN president) et. al. is as follows:

"ASUN was from Dec. 15 1976 and is until compliance with this order, in violation of the December 1976 declaratory judgment rendered by the Student Court regarding the definition of a quorum. A quorum as defined by the December 1976 opinion is 24 members. From Dec. 15 1976 until the present this number has not been obtained by the Senate. Therefore, all actions taken by the Senate from Dec. 15 1976 until the present are invalid.

"In reconsideration of the quorum question, the court finds that as of March 30 1977, two-thirds of the current seated members, who are presently serving on the senate, shall constitute a quorum. The court finds the Senate vacancies should be filled within a reasonable time. The constitution calls for 35 members and every effort must be made to fill all Senate vacancies as quickly as possible.

"The court recognizes only those senators who were either elected or duly appointed prior to Dec. 15 1976 as valid seated members who are presently serving on the Senate. Two-thirds of this number constitutes a quorum to conduct Senate business, which includes appointments to fill present Senate vacancies.

"Upon compliance with this order the Senate may approve or disapprove any actions which were taken between Dec. 15 1976 and March 29 1977.

"The completion of these procedures shall lift the temporary restraining order of this court regarding the 1977 ASUN elections.

"The Student Court is concerned and appalled by the absence of procedural propriety displayed by all parties and student governmental bodies involved in this controversy.

"It is the opinion of this court that numerous incongruities and inconsistencies exist in the present ASUN constitution which contributed to the creation of the current problems. The court recommends that ASUN, Council on Student Life and the

vice chancellor for student affairs form a task force to consider remedies to the problems the present ASUN constitution poses."

Fritz Stehlik, chief justice of the Student Court, released the decision.

Stehlik said the entire court agreed on those points, but several justices are writing concurring opinions to be released today or later this week.

The six-member court deliberated for three and one-half hours before releasing the opinion.

Stehlik said the court also ruled on the Kirk Hemphill petition, but Stehlik said he could not release the decision until an opinion was written.

Hemphill's petition questioned the disqualifications of nine High People's Coalition (THC/LSD) party.

The candidates were disqualified three weeks ago by the ASUN Electoral Commission because petitions filed lacked the 35 signatures from the candidates' college required for filing as a candidate.

Paul Byerly, ASUN faculty adviser, met in an hour-long executive session with the Student Court and the plaintiffs before the court convened Tuesday night.

Byerly challenged the constitutionality of the court and five of its members, but the court denied the challenge and began the hearing.

Dennis Martin, plaintiff counsel, said ASUN "did nothing but violate both common law and the constitution of ASUN" when it appointed five new members to the Senate Dec. 15.



Dennis Martin (left) representative for the plaintiffs and defense representative Steve Voigt confer during a recess of the Student Court's hearing Tuesday night on whether or not to abolish ASUN.

Photo by Ted Kirk

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ASUN ratification attempt fails

By Betsy Ammons

The ASUN Senate Tuesday failed to ratify the appointments of 10 senators named in a suit before the UNL Student Court at a special meeting called by president Bill Mueller.

The Senate met in the Nebraska Union just prior to the court hearing on a case submitted by Randall Murphy and Britt Miller.

Miller and Murphy contend in the suit that those senators appointed after December 15 were unconstitutional because they were appointed without a quorum.

The Senate Tuesday failed to pass resolution 56, which states that the 24 senators needed for a quorum, elected prior to the date questioned in the suit, would ratify all motions since that date.

Although 24 senators were present at Tuesday's meeting, resolution 56 could not be passed because some of the 24 were not

senators before December 15.

However, Mueller told the Senate that the meeting was also convened to witness the court hearing and possibly take action.

He said all senators elected or appointed prior to December 15 were contacted to attend the special meeting.

"I thought all of them could come," he said. "If we could have voted on the resolution, in our opinion it would have made the case moot."

Mueller said the Senate could vote on the resolution during the court hearing if the correct senators could be contacted. However, by 10 p.m. Tuesday no action had been taken.

Although the resolution was not passed, it showed the Student Court that an attempt had been made to make the appointments entirely legal, according to Sen. Charlie Fellingham.

"I can't say that we did it to protect

ourselves, but we did it to counteract any move the Student Court may make tonight," Fellingham said.

By ratifying Resolution 56, he added, the Senate could assure that the election commission guidelines would be valid and Senate elections could be held.

The Student Court postponed the March 16 elections on March 15 because the constitutionality of the election guidelines were questioned.

Fellingham said the resolution could be voted on at tonight's Senate meeting, but added that he thinks that will not be necessary.

Sen. Eric Carstenson said he thinks the way the court has operated during the hearings prompted Mueller to introduce the resolution.

Carstenson said he thinks the Senate was not given enough notice to adequately prepare its case.

Calculator races off for E-Week

The off-button has been pushed for the calculator race scheduled as an activity of Engineering Week (E-Week).

Members of Tau Beta Pi, engineering honorary, had scheduled a calculator competition as part of E-Week activities, but canceled the race when little interest was shown, according to David Wiest, Tau Beta Pi president.

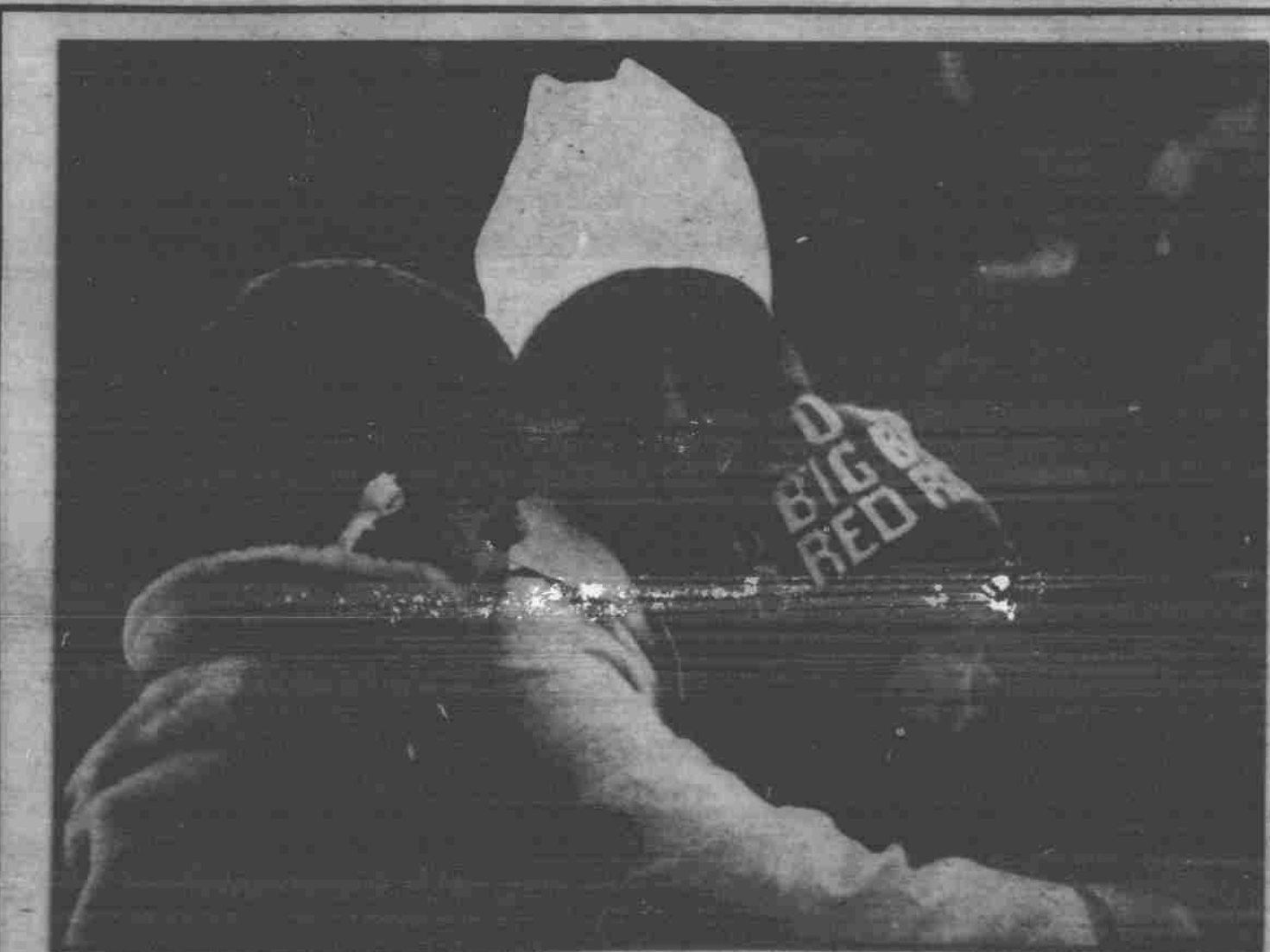
"There were only about two persons entered in each category," Wiest explained; adding that he does not think there would be enough competition.

The race was planned to solve the question of who builds the best calculator. Competition was divided into three categories: scientific, four-function and scientific programmable calculators. A separate race was scheduled for slide rule contestants.

Wiest said he would like to make the calculator race an E-Week project next year.

wednesday

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Sports: UNL's softball team will open its season today when the Huskers play Kearney State College in Kearney . . . p. 18



Daily Nebraskan photo

No, they aren't football fans. They are baseball fans, bundled up against Tuesday's winds, watching the Huskers' home opener against St. Cloud State University.