

Defense, plaintiffs claim win after Court's 'compromise'

By Janet Fix

Both the counsel for the defense and the plaintiff were claiming victory Thursday after Wednesday morning's Student Court decision invalidating ASUN Senate actions since Dec. 15.

Defense counsel Steve Voigt and Dennis Martin, counsel for the plaintiffs, agreed that the court decision was a compromise. Britt Miller and Randall Murphy were plaintiff's but could not be reached for comment Thursday.

Martin said "in a way it's a victory for both sides, but both sides also lost."

Voigt said, "I think that we won. The main issue was the question of a legal quorum and the court reversed their (December) decision which required a quorum be two-thirds of the 35 authorized members."

Currently, no appeals of the decision are planned, Martin and Voigt said.

The Miller-Murphy suit charged that ASUN had not had a valid quorum since Dec. 15.

The court said Wednesday that a quorum was two-thirds of the current seated members presently serving on the senate.

The decision invalidated all senatorial appointments made after Dec. 15, 1976 until March 30, 1977.

Voigt said the decision allows ASUN to continue to function when senators resign or are dismissed and the total is less than 35.

The requirement for a quorum and valid ASUN action is defined clearly in the constitution, Martin said.

Martin said the constitution states that the Senate shall consist of 35 senators and that two-thirds of those must be present for a decision.

"The constitution is a very poorly written document and needs to be revised," he said.

The plaintiffs wanted to bring to the attention of ASUN, the students, court members, and administrators the "inconsistencies" that exist in the ASUN constitution, Martin said.

"There are at least two or three dozen clauses in the constitution that are not being followed," Martin said.

Martin said portions of the constitution are impossible to follow without change.

The plaintiffs had hoped that the court would have declared a constitutional crisis and demanded a constitutional convention or revision, he said.

In their decision, the court recommended a review of constitutional questions by a joint body of representatives from ASUN, the Council on Student Life and the vice chancellor of student affairs.

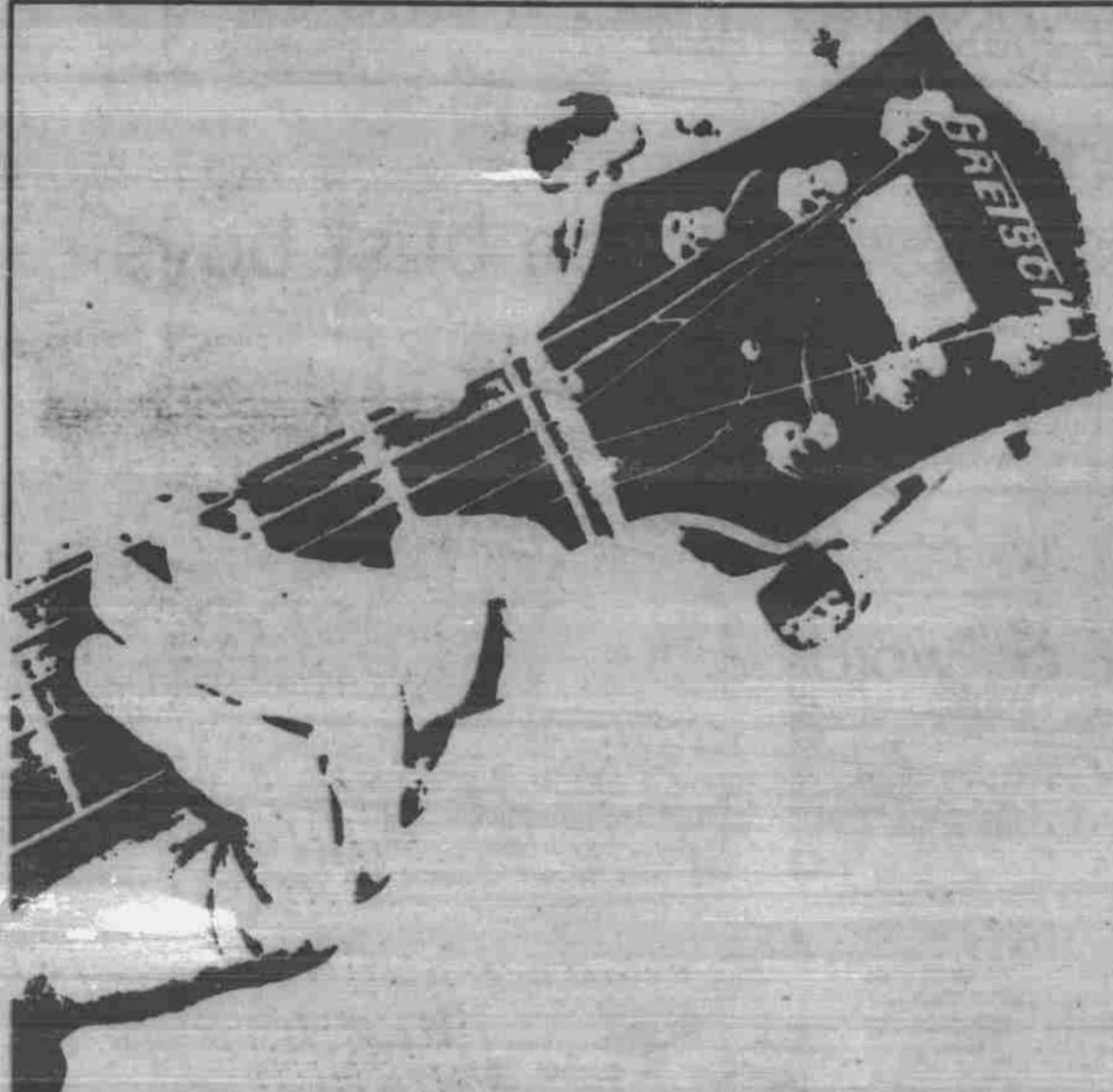
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