TEXAS A&M UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION
JUDICIAL COURT

Election Commissioner Krenzien vs. Chair Harris
(Plaintiff) (Defendant)

Judicial Court Appeal #65-01

February 13, 2013

Concurring in part, dissenting in part

The Court has divided this case into three separate inquires: of standing, checks and balances, and policy implication. The Court is unanimous in its opinion of standing and therefore bears no need for further discussion beyond what has been explicated in the majority's opinion.

However, where this opinion diverges is in the latter questions of checks and balances and in policy implication. The Court has used Article IV, Section 3, Subsection b in upholding the regulation by segregating "internal deliberations" and "hearings", and though this distinction between the two is clear in practice, the deviating factor that binds the two as inseparable, is the necessity of the latter to precede the former. The freedom of the Court's deliberation is wholly conditional upon the event and opportunity of a hearing. Inherent in the right to deliberation entails the prerequisite of being presented with an appeal and by extension a hearing also; to limit the power of the Court in it's discretionary right to decide when to either accept or deny a case, is to limit the very right to deliberate. The marriage of deliberation and a hearing is neither an overextension nor a presumption within this interpretation of the Constitution. To frame in lesser abstract ideals, take the example of a grandfather clause: citizen A reserves the right to vote, however one may only vote if his ancestors had the right to vote before the period of civil war. The citizen here has no such ancestor and is thereby barred from the right. Note that this civilian is not explicitly denied the right to vote but the liberty to do so is preempted by a condition which he lacks authority. The formal logic here is parallel to that of this case, if citizen A have a grandfather who bears the right to vote, then citizen A reserves the right to vote. Correspondingly, if the Judicial Court have the opportunity for a hearing, then the Court may have deliberations and if the Court may not have deliberations, then the Court did not have the opportunity for a hearing. The right to deliberate and the occurrence of a hearing are not indistinguishable in exercise, but the intrinsic nature that one must head the other combines deliberation as indivisible and thus wholly dictated by the ability to hear a case. Defendant argues that the Act binds the

candidates rather than the Court, but the authority of the Court is obliquely diminished when it fails to retain the capacity of discretion.

The majority of this Court has concluded that the right to a "speedy and public trial" has not been threatened here and is in concord with the protection of students' rights. In the event of Student Body Elections and the case of a disqualified candidate, the timing of a trial and its conclusion is abundantly pertinent to the success or failure, and even simply the possibility for success or failure, of a campaign. Because the statute of relevance in this case deprives the student of his or her speedy trial – speedy with the denotation by most imperative means – in court, it is explicitly in discord with the Constitution. It is therefore the Court's burden to make determinations of exercisable judgment based on priority, urgency, necessity, and so forth to establish the case's presence and order on the docket; it is not within the powers of any branch of the Student Government Association, the right to delay a student's case before it has satisfied the analysis of these criteria.

The subsequent point of departure is in policy implication. The majority has indicated that the Constitution, if reasonably interpreted, permits Senate's constraint on our power. The discrepancy here does not question Senate's ability to outline policies regulating the Court, it being acknowledged that Senate indubitably is granted that right, but in the specific limitation in question and it's overreaching suppression of the Court's equivalently indubitable right to, within reason and at it's discretion, a hearing as an extension of deliberation. The concern here is not if the Senate advanced the Act unconstitutionally, but that the very content and ramifications of the policy violates the independent power of the Court.

Texas A&M University

Appeal 65-01

The undersigned justices assent to the following dissenting opinion.