



ASGSCU: Student Court

May 8-9, 2019

In the Case of the Young Americans for Freedom appeal of the Student Senate RSO vote:

The Student Court voted 4 to 1 in favor of the Young Americans for Freedom's (YAF) appeal of the Student Senate's decision regarding their denied RSO status. In this document, the Student Court will outline the aforementioned decision, including concurring and dissenting opinions to that of the vote.

In regards to actions taken by the Student Senate that were in violation of the ASGSCU bylaws, one of the arguments against YAF by the respondents was that the organization did not distinguish itself from the RSO Turning Point USA. However, after assessing the presentation and websites of both organizations, it is clear that, while the organizations both have conservative views, they focus on distinct issues and address different conservative topics.

Senators have an obligation to be informed about the topics on which they vote, therefore classifying YAF as a redundant organization due to being uninformed about Turning Point USA violates their obligations. Senators have the ability to request that a vote be pushed to the following Senate, giving them another week to learn about and deliberate topics such as Turning Point USA if they require more time to consider the topics at hand. However, this process was not employed by the Senate in YAF's case.

That said, some senators acted in accordance with their roles as stated in the bylaws. The Student court does not agree with the petitioner's claim that the Student Senate was in violation of Article 8. Section 1. of the ASGSCU Bylaws, which states that senators must uphold the Solomon Code of Ethics. In response to this, the Student Court holds that the Senators acted within the parameters outlined by the Solomon Code of Ethics, most specifically in regards to the petitioner's claims regarding Fairness and Honesty.

Furthermore, while YAF argued against the claims made of political RSOs having poor retention of members, they had little evidence to support their counter-argument. The senators have had the experience of witnessing multiple political RSOs form or dissolve during their time in ASG, giving them the ability and knowledge to make such claims.

In conclusion, in order to ensure that the re-vote in the Student Senate is conducted appropriately, the Student Court suggest that YAF present their RSO again, improving that

which Senate felt the first presentation lacked. The Senators will only take into account this new presentation during their re-vote on YAF. This process will ensure that the presentation is up to date, and senators can make an informed decision on the RSO. In the event that YAF declines to present to Senate again, the RSO vote will be conducted again by the Student Senate.

Concurring Opinion: DeSimone

The Student Senate erred in its handling of the Young Americans for Freedom (YAF) organization's petition for Registered Student Organization (RSO) status. The reasons presented by the members of the Student Senate for voting against YAF's petition – namely, that YAF and Turning Point USA (TPUSA) are “overlapping” organizations, that YAF's presence on campus would pose an inherent threat to the safety of Senators' constituents, that YAF lacked sufficient support and was prone to “fizzling out,” and that YAF misinformed members of the Student Senate concerning YAF's mission and values during its presentation requesting RSO status – are insufficient reasons to deny YAF RSO status, and are mutually exclusive.

Regarding the question of YAF's supposed “overlap” with TPUSA, evidence provided by YAF in court demonstrated convincingly that YAF and TPUSA are fundamentally different organizations. YAF emphasizes advocating for traditional family values and classical liberalism, whereas TPUSA focuses upon macroeconomic issues (i.e. fiscal policy) from a conservative perspective. Further, even if a sizable amount of overlap between the two organizations did exist, precedent has been established that organizations with highly similar values and objectives can coexist at Santa Clara University.

Regarding the members of the Student Senate's claim that YAF's receiving RSO status would pose a threat to the safety of students at Santa Clara University, it is evident that YAF is a legitimate organization with a well-established history on college campuses dating back to 1960. YAF does not advocate for violence, discrimination, or anything that could be legitimately construed as posing a threat to the safety of students on campus. To deny an organization RSO status on the grounds of this baseless allegation is a violation of the First Amendment to the Constitution of the United States of America.

Regarding the members of the Student Senate's claim that YAF lacked the student support necessary to become a successful RSO, the YAF presented a list of 30+ interested members that indicate a healthy level of campus-wide interest in the organization. In consideration of the lack of opportunities on campus for conservative-leaning students to join a club that advocates for traditional conservative values – as TPUSA advocates for macroeconomic issues, and the College Republicans club advocates for the interests of the Republican party – it can be

reasonably assumed that any flaws in the list amount to immaterial errors, and that a sufficient amount of interest in YAF exists for it to become a successful RSO.

Regarding the members of the Student Senate's claim that YAF misinformed the members of the Student Senate regarding YAF's mission and values, the fact that the previously-addressed allegations against YAF exist is sufficient evidence that Senators understood the general principles and values of YAF – otherwise, they would have no grounds to claim that YAF and TPUSA are “overlapping” organizations, or that YAF's presence on campus would pose a threat to the safety of Santa Clara students. Additionally, it is the obligation of the Senators to both review the agenda and research its topics *before* Senate (ironically, one of the Senators who voted no on the grounds that YAF didn't provide enough information has approached the Student Court with a bylaw concerning this very issue), and to ask questions of the presenter if anything about the presentation remains unclear. Further, one of the members of the Student Senate's main claims regarding this issue – that YAF misleadingly displayed an image of Ilhan Omar to imply the leftist Congresswoman's endorsement of the club – was thoroughly disproven, as Ilhan Omar never appeared in YAF's presentation.

Considering these claims both holistically and individually, it is evident that the Student Senate had no legitimate basis upon which to deny YAF RSO status. Violations of the Solomon Code of Ethics Section I. I. 2. and Section I. A. 4. on the part of the Senators are evident. I find in favor of YAF's appeal.

Dissenting Opinion: Zintl

This entire episode has been an absolute mess.

If one thing was made clear at the hearing, it's that the initial presentation and voting process were contaminated by poor communication. YAF wants their club to be approved, and more than one senator outlined a path to their approval. If the “No” senators and the petitioner had communicated properly from the start, this entire conflict could have been avoided.

RSO presentations and approval votes are primarily the responsibility of the Student Senate. Although YAF shares a significant portion of responsibility for how *their* presentation was handled, it is also obvious that the Student Senate made several errors in judgment during the process, namely that:

1. Senate did not adequately address questions of clarity immediately after the presentation.
2. They were clearly under informed about the significant differences in between YAF and TPUSA. As Senators they have a responsibility to know what they are talking about.

3. They did not pay close enough attention to determine that the woman on the slide was not in fact Ilhan Omar.
4. They did not take advantage of the option to delay a vote.

Senate clearly could have done much better throughout this process.

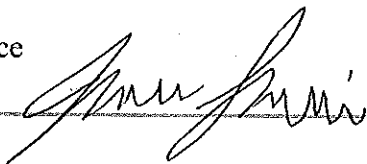
Nonetheless, I did not see adequate evidence to ascertain that any individual Senator broke the ASG bylaws or the California Leonard Law.

1. It is ridiculous to assert that a liberal Senator must recuse themselves from a vote on a conservative club. I don't feel the need to elaborate here.
2. YAF meeting the requirements to become an RSO does not mean that Senate *has* to approve them. If it was just about checking off boxes on a list, what would be the point of the vote?
3. Most of the evidence presented by the petitioner was aimed at disproving the Senate-provided reasons for rejection. This strategy cannot sufficiently prove that Senate broke the bylaws or California Leonard Law. For example, arguing that Senators *didn't* base their vote on redundancy is entirely different from arguing that Senators *did* base their vote on political ideology.
4. To say that any individual Senator broke the Solomon Code of Ethics would require proof of intent. Ignorance, while irresponsible, does not equate to intentional dishonesty.

I think that Senate handled this presentation and vote very poorly. I also cannot say that I saw any convincing evidence that they broke the law.

I agree with my colleagues' suggestion that YAF should present to Senate again. I would also advise YAF to proactively engage with the Senators who voted "No" in order to address their concerns.

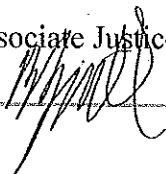
Chief Justice



Chief Justice Pro-Tempore



Associate Justice



Associate Justice



Court Clerk (Acting as Associate Justice)

