

IN THE SUPREME COURT)
)
Action No. 09 SSC 002)
)
Zach Dexter)
Finance Chair, Student Congress)
&) MOTION
Saang Lee,) FOR
Rules and Judiciary Vice-Chair, Student Congress) SUBPOENA <i>DUCES TECUM</i>
PLAINTIFFS)
)
)
Versus)
)
)
Joseph Levin-Manning)
Speaker of Student Congress)
DEFENDANT)

Done this the 13th day of November 2009

Background

On November 10th at 11:34 PM, the Clerk of Student Congress emailed to the representatives of Student Congress, via the [congress] Listserv, the minutes of that night’s meeting. The minutes were titled “Minutes 11 10.doc”. The minutes of each meeting are kept pursuant to Title II Article VII Section 249 (“Congress Records”) by a Principal Clerk, whose duties during meetings of Congress consist of keeping role and maintaining the minutes. On November 12th at 10:24 PM, the Speaker of Student Congress sent an amended version of the minutes, also titled “Minutes 11 10.doc”, to the members of Congress on the Listserv. The amendments were made to the portion of the minutes relating to the open Court case.

Argument

1. Keeping the Minutes is one of two responsibilities of the Clerk during meetings.

As pursuant to Title II Article II Section 126, the Principal Clerk takes roll during meetings of Congress and maintains the minutes at the meeting for public record. These two responsibilities are the only ones listed in Section 126 that are relevant during a full meeting of Congress. As stated in subsection F, the Clerk is “paid at a rate pursuant to Title V, Article VII, Section 707.” Our current Clerk has held the position of Clerk for two years. Prior to this past week, none of her previous minutes had been amended.

Joe Levin-Manning’s responsibilities are listed in Title II Article II Section 122, “Powers of the Speaker”. All members of Congress, especially the Speaker, have many responsibilities

and duties to fulfill during the meetings, which is one of the reasons why the Clerk must be selected from a member of the student body outside of Congress. The Clerk is present during a full meeting of Congress for the sole purpose of keeping public record.

2. Minutes are public records and changes should not be made without warrant.

As stated in Title II Article VIII Section 249, “Congress Records”, minutes must be kept on record along with any amendments. Minutes are a way for the public to learn about the events that occur in Congress and must be kept accurately. The original minutes were in line with what happened at the full session of Congress held on November 10th and in the shared opinion of the plaintiffs, there was no reason for there to be any change to the document.

3. There is no mention of “misvote” in either Title II or *Mason’s Manual of Legislative Procedure*.

The amendment to the minutes changed the language from “Lachiewicz motioned to revote...” to “the vote was declared to be a misvote...” As the word “misvote” is used neither in the Student Code nor *Mason’s Manual of Legislative Procedure* (Title II Article V Section 173 Subsection B., “In the event the Congress Rules, Student Government Code, or Student Constitution do not provide for, or cover any point of order raised by any Representative, the current edition of Mason’s Manual of Legislative Procedure shall govern.”), it is not clear what constitutes a “misvote.” The word has a wide range of connotations and could cover anything from a simple clerical error to voter fraud.

Conclusion

As the amended portion of the minutes, “Minutes 11 10” is relevant in our case, we respectfully ask that the Court grant us our motion and issue a subpoena to the Speaker of Student Congress, Joe Levin-Manning, to produce both documents labeled “Minutes 11 10.doc” and to re-title the amended version to “Minutes 11 10-2.doc”). We also ask that the Court require a written documentation with an explanation for the amendment and evidence to support his claim.

PLAINTIFFS

Zach Dexter

Finance Chair, Student Congress

Saang Lee

Rules and Judiciary Vice-Chair, Student Congress

DEFENDANT

Joseph Levin-Manning

Speaker, Student Congress

Filed this the 13th day of November, 2009 at 2:24 PM.