ASUCI Judicial Board

"All judicial authority of ASUCI shall be vested in the Judicial Board. The Judicial Board's authority shall extend to all judicial cases arising under [the ASUCI] Constitution; the various by-laws of ASUCI; all official actions of the Executive Officers, Legislative Council members, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council."

Statement on R50-32

Vice Chair lozano, writing in dissent.

Upon reviewing ASUCI legislation, the Judicial Board has voted not to rule against Resolution 50-32, "UC System Divestment from the Gun Industry" (R50-32). I respectfully dissent from that decision.

The Judicial Board possesses the authority to "interpret all parts of [the ASUCI] Constitution." A.S. Const. art. VI, § B(1). The Board has previously interpreted the Constitution as "prohibit[ing] legislation that is beyond the authority of the Legislative Council to enforce." *Judicial Ruling on R49-57*, p. 1. Specifically, we have found legislation that "claim[s] authority over how funds outside of ASUCI are invested" to be "beyond the authority of the Legislative Council." *Judicial Ruling on R49-57*.

The Resolution at hand contains two clauses that are relevant to my analysis. First, it "resolve[s] that [the] ASUCI Legislative Council compels the Board of Regents to develop a plan to divest any university funds invested in the gun industry." Resolution 50-32, cl. 6. It also "resolve[s] that [the] ASUCI Legislative Council compels the Board of Regents to prohibit all future investments in the gun industry." Resolution 50-32, cl. 9.

The Legislative Council is "the supreme policy-making body of ASUCI, and shall promote the … interests of the undergraduate students, subject to [the] limitations … enumerated" in the Constitution. A.S. Const. art. IV, § A. This is an extremely broad grant of power to the Council. For example, the Legislative Council is empowered to take positions on issues that the Council decides are of interest to the undergraduate student body. In addition, where Constitutionally appropriate, the Council may order any person(s) holding a position of responsibility in ASUCI to take (or cease to take) action as directed by the Council. However, as further explained in the judicial ruling cited above, the Council does not have the authority to "compel" entities that do not answer to the Council. The clauses of Resolution 50-32 therefore directly contravene provisions of the ASUCI Constitution.

I believe that allowing the previously-mentioned clauses of Resolution 50-32 to go into effect would not only be a violation of the Constitution, but would also be arbitrary and unfair to advocates of previous resolutions struck down on similar grounds. Therefore, I would follow this Board's precedents, and, utilizing the authorities granted to the Judicial Board by the ASUCI Constitution, I would declare the sixth and ninth clauses of Resolution 50-32, "UC System Divestment from the Gun Industry," to not be in effect.[1] I hereby dissent from the Board's decision.

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myron lozano, Judicial Board Vice Chair

[1] I reiterate my position, as stated in *Judicial Ruling on R50-07*, on the status of unilateral Judicial Board rulings.