

The following case was submitted online:

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Petitioner Name: Rivka Maizlish

Party against whom the case is being brought: Brandeis University

Undergraduate Student Union Secretary Michael Goldman

Complaint: As a concerned member of the Brandeis University undergraduate student body, I ask that my case be heard. My case regards what I believe to be unethical and unconstitutional behavior on the part of Student Union Secretary Michael Goldman, and as the Student Union Secretary oversees and certifies all Student Union elections, I as an eligible voter and as a constituent of Michael Goldman believe I deserve to be heard on this—such an important—matter.

Hence, I ask and strongly urge the Union Judiciary that my case may be granted certiorari.

Constitutional Complaint # 1:

Firstly, I wish to contest the constitutionality of a portion of the resolved content of the Brandeis University Student Union Senate' s “Resolution for the Censure of Secretary Michael Goldman” of September 24, 2007. Specifically, I wish to challenge the recommendation “that Mike Goldman [current Student Union Secretary] no longer be given access to the elections system.” According to Article 3, Section 5 of the Union Constitution, the Union Secretary shall

“Oversee and certify all Union elections

” I do not believe the Senate may pass legislation stripping the Secretary of this ultimate constitutional charge of right and responsibility or any parts of it. That is, precluding a pre-passed constitutional amendment, the Union Secretary may not be denied access to any or all elections information, as the role of Secretary includes that of Chief of Elections.

Redress Sought regarding Constitutional Complaint #1:

I ask that the afore-quoted portion of the resolution be deemed unconstitutional and repealed or declared unconstitutional via a pre-emptive non-binding Union Judiciary opinion, and that any other parts of the censure resolution that may also be found unconstitutional in kind be repealed or its/their passage be advised against. In addition, I ask the Union Judiciary to clarify that short of a direct amendment to the Union Constitution, the removal of any election-related powers from an individual holding the position of Union Secretary requires that that individual resign or be removed from office through impeachment by the Senate followed by a conviction by the Union Judiciary on the charges of impeachment.

Constitutional Complaint # 2:

Secondly, I wish to challenge Secretary Goldman' s appointment, and announcement of appointment of Rajiv Ramakrishnan to the position of

Assistant Secretary for Technology, in addition to Secretary Goldman's creation of the position of Assistant Secretary for Technology itself.

Whereas Article 3, Section 4, specification 8 assigns the Union Treasurer the power to "Retain the ability to delegate administrative duties to students appointed and confirmed by the Senate expressly for such purposes;" and whereas Article 12, Section 6, specification 4 of the Union Bylaws allows that "The OJAA shall establish a structure and set of guidelines to instruct the Director on the selection of a staff, their responsibilities, and office practices," and specification 6 of that same Section 6 speaks to the President's power to appoint "at his/her discretion" "the Director of the OJAA to the Union Executive Office," and "As a member of the Executive Office the Director of the OJAA may be assigned additional responsibilities by the President;" and whereas Article 3, Section 2, specification 9 of the Union Constitution states that the President can "Create additional Union Executive Office positions and nominate appointees to fill such positions," according—since the acceptance of the Union Bylaws—to the guidelines set out in Article 4, Section 4 of the Union Bylaws; and whereas according to Article 2, Section 1, specification 7 of the Union Constitution the Senate shall "Reserve all powers not specifically granted elsewhere in this Constitution," nowhere is it stated, either explicitly or implicitly, that the Secretary of the Union shall have either the power to create offices or positions—whether they be Executive Offices, assistant offices, or staff positions of any sort—or to officially nominate or appoint individuals to fill any offices or positions whatsoever. Furthermore, I contest Secretary Goldman's announcement and certification of Mr. Ramakrishnan as Student Union Assistant Secretary for Technology as executed by email to Official members of the Student Union, as they constitute an unconstitutional abuse of the power of the Office of the Secretary to have unilateral and ultimate authority over listservs and of the power of the Office of the Secretary of official, unilateral, and ultimate Union certification.

**Redress Sought regarding Constitutional Complaint # 2:**

I ask the Union Judiciary to dissolve the position of Assistant Secretary for Technology, and to declare unconstitutional the creation of such an office by the Union Secretary Michael Goldman and the appointment of Mr. Ramakrishnan to that position. Additionally, I ask that the Union Judiciary condemn and repeal the announcement and official certification via listserv of the appointment of Mr. Ramakrishnan to that position as abuses of power unconstitutional in light of the inability of the Secretary to create an office or appoint individuals to an office to begin with. Additionally, I ask that the Union Judiciary recommend the most appropriate course of action to be taken by the Union's legislative body, the Senate, regarding these abuses of power and unconstitutional acts of Secretary Michael Goldman. That is, I venerably ask the Union Judiciary for a suggested

course of action regarding the issues at hand, specifying if possible whether in the opinion of the Union Judiciary it be most responsible/appropriate for the Senate to take action regarding the current Secretary Michael Goldman, and/or regarding the office creation and appointment powers via the Union Constitution, and I ask what that/those recommended action(s) would/should be.

### Constitutional Complaint # 3:

Thirdly, I ask that the Union Judiciary find Secretary Michael Goldman' s disclosure of then current election vote tallies during the 24 hour election periods during the Spring 2007 round 2 elections and the Fall 2007 round 1 elections unconstitutional, as per interpretation of Article 3, Section 5, specification 4 of the Union Constitution, which states that the Secretary shall "Oversee and certify all Union elections," and whereas the Union Constitution via its preamble is intended to "foster observance of the shared goals and ideals of the University (community);" and whereas the Massachusetts State Constitution is said explicitly to supercede the Brandeis Student Union Constitution; and whereas the United States Constitution is said to supercede all state constitutions, and whereas either explicitly or implicitly it is expressed through these constitutions that equality, free and fair elections, and justice are among the most central, paramount, and necessary values that permeate all bodies of law.

Specifically, I urge that the Union Judiciary consider the widely legally accepted "reasonable man" argument when considering the constitutionality of Michael Goldman' s actions regarding disclosure of voting tallies during ongoing elections—to which he has freely admitted. That is, would the "reasonable man (or person)" understand and/or reasonably be expected to understand/interpret the specification that the Secretary of the Union shall "Oversee and certify all Union elections" to mean that s/he should do so fairly and according to the values of equality and justice? I strongly believe this to be the case. And I ask the Union Judiciary whether they agree that the reasonable person among the student body would/should understand/be expected to understand/interpret that specification as such.

### Redress Sought regarding Constitutional Complaint # 3:

I ask that the Union Judiciary find Secretary Michael Goldman' s open disclosure of vote tallies during ongoing elections to friend(s)/candidate(s)/third parties on multiple occasions and in every election in which he had opportunity to do so since his election as Union Secretary an inexcusable breach of his constitutional duty to "oversee and certify all Union elections," as the disclosures are an obvious and outrageous breach of this duty according to the student body, Massachusetts, and United States' paramount principles of

equality and justice. I ask that the Union Judiciary recommend any action or courses of action you (the Union Judiciary) deem appropriate/proportional action(s) to be taken by the Union Senate in response to Secretary Michael Goldman' s unconstitutional actions in this regard.

Final, relevant requests for clarification/recommendation:

I ask, finally, that the Union Judiciary express its opinion with regard to the blatant conflict of interest regarding the potential for a Union Secretary to be given/assume the charge of selecting an individual responsible for ensuring that his/her boss—the Secretary and individual who selected him/her—be barred from having access to information/powers to then be held by this selected individual.

And furthermore, I ask for the Union Judiciary' s opinion regarding the selection and appointment of election commissioners, specifically whether they ought from now on to be Senate-confirmable positions.

And I ask that the Union Judiciary speak to the importance of transparency and fairness of elections within a democratic system in light of the issues at hand.