

March 26, 1997

In the case of Matthew Sugarman vs. Elections Commissioners and Student Union President Larry Phillips, we, the members of the Brandeis Student Union Judiciary find unanimously in favor of the accuser, Matthew Sugarman. The accuser charged that the Candidates' Rules of Conduct, distributed by the Elections Commissioners as the official statement of rules governing first week elections, indicated that "The Justice will provide each candidate with a space to have a piece published in the Forum section" (Number 7, Bullet 4). Given this statement, we agree with his claim that once published, this became a binding agreement upon the Elections Commissioners. The Constitution of the Brandeis Student Union states explicitly that "The Elections Commissioners shall establish all rules and guidelines needed for an election" (Article 6, Section 3-A). We interpret this statement as an obligation upon the Elections Commissioners to fully uphold the rules and guidelines which they created under the authority vested in them by Article 6, Section 3 of the aforementioned Constitution.

Larry Phillips, on behalf of the accused, claimed that since the Justice is an independent student newspaper, not beholden to the Student Union, the Elections Commissioners fulfilled their obligation by passing these printed statements to the Justice. In Phillips' opinion, the Election Commissioners were not responsible for the Justice's failure to print Sugarman's statement. It is our opinion that because the Justice failed to print Sugarman's statement, the election rules stipulated in the Candidates' Rules of Conduct, Number 7, Bullets 1 and 4, were violated. Furthermore, we believe that the participants in the first week elections could reasonably have believed that the Elections Commissioners would ensure that their statements would be printed in the Justice.

Our decision focuses solely upon the total absence of a candidate's (i.e. Sugarman's) forum statement. In the future, we strongly recommend that future Elections Commissioners do not rely upon the Justice forum section unless they can ensure equal access (i.e. all statements submitted by the appropriate time will be printed in some form in the Justice). The Elections Commissioners should not issue regulations which they cannot uphold.

In view of our finding, we hereby declare the primary election for the Student Representative to the Board of Trustees, null and void. We order that the primary election for the Student Representative to the Board of Trustees be held on Wednesday, April 2, 1997, and that the final election for this position be held on Friday, April 4, 1997. We further injunct all second week elections until the week after the Board of Trustees elections have been completed. All other first week elections will run as scheduled.

The Election Commissioners are obligated to notify all candidates for the Board of Trustees and all second week elections of this matter as soon as possible.

We thank all parties for their time, commitment, and patience in this matter.

Schuyler Abrams, Micah Berman, Scott Friedman, Warner Macklin