OFFICE OF THE PARLIAMENTARIAN
DEPARTMENT OF THE CHAIRMAN

The Chairman, and to those whom it may concern.

RULING ON: *California College Republicans v. Leibiwitz*

Kimo Gandall, California College Republican Parliamentarian, writing on behalf of the Office of the Parliamentarian on the issue of the San Diego Regional Vice Chair Office,
Ariana Rowlands, Chairman, signing in concurrence to the opinion from the Office of the Parliamentarian on the issue of the San Diego Regional Vice Chair Office.

Opinion of the Office of the Parliamentarian

Parliamentarian Gandall delivered the opinion of the office, in regards to the legality of the election of Joshua Leibiwitz and station of the San Diego Regional Vice Chair.

During the 2017-2018 California College Republican Convention, Chairman Danzek ordered the election of the San Diego Regional Vice Chair Joshua Leibiwitz. The Chairman declined all motions that questioned this order.[1] Two primary slates were present for the election to control the California College Republicans (herein CCR), Rebuild CCR and Thrive CCR, although only the Thrive candidate was eligible for election based on the submission of the proper documents. These regulations, however, were not present in any bylaws nor were they contingent on the constitutional basis of any position. Finally, Chairman Danzek argued that an amendment was made to the constitution allowing for the action.

Prior the issuance of this opinion, there is no official recorded document of a ruling by a parliamentarian for this organization on this issue. Therefore, this opinion, thereafter referred to as *California College Republicans v. Leibiwitz*, shall stand as a case of original authority. The precedence set shall stand for future actions regarding the implementation of directed constitutional actions.

Additionally, the context behind this removal is deeply complicated, and has been misconstrued by several members. The parliamentarian will thus clarify the actual proceedings. Specifically, the parliamentarian holds that the following procedures were followed: (1) The Point of order; (2) the appeal of the chair to adopt the resolution but modify the chair's power; (3) the failure of the vote to ratify the appeal; (4) the subsequent adoption of the chair's ruling in lieu of any objections. However, the parliamentarian will hold that some, but not all, of the precedent set by Chairman Danzek permitted this action. In talks with the chairman, it has been decided that the rule of law will supercede unlawful action taken by the previous chair.

Finally, It is the opinion of the parliamentarian that the election of Leibiwitz violated the constitution in a sufficient and clear manner. Furthermore, the parliamentarian rules that the chair has the unilateral authority to strike down the defendant. The parliamentarian therefore holds that the defendant's election, both illegal and procedurally unjust, must be struck down.

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[1] Note: While oddly phrased, a point of order is considered an incidental motion. Thus, within this ruling, a motion to the chair may actually be in reference to a point of order.

I.

The question at hand specifically asks whether the presence of the San Diego Vice Chair as an elected position is legally permissible. However, no such provision exists in the constitution to appropriate the geographical region of San Diego to an independent office. Indeed, the constitution in its current form actually appropriates the region of jurisdiction for San Diego to the Southern Vice Chair. CCR constitution, Art. VI §9. Furthermore, it is reasonable to argue that geographic districts are indicative to the provided explicit names of the regions in the constitution. Specifically, the constitution outlines that, "The Northern, Bay Area, Capitol Region, Central Valley, Central Coast, Los Angeles, and Southern Vice Chairmen must fulfill the requirements of Section 5 of this Article at a college or university within their respective geographical jurisdictions." CCR constitution, Art. V §6. Not only does the constitution not provide a requirement for the presence of the chair in a territory to a San Diego Regional Vice Chair, but it additionally fails to recognize the position altogether. Even if Chairman Rowlands were to recognize the position, she would be unable to provide that chair any jurisdiction, as it would violate the provisions in the CCR constitution found both by explicit appropriation in Art. VI §9, and implied appropriation in Art. V §6. Thus, the current constitution does not provide any powers to the seat of the San Diego Vice Chair. An elected seat with no jurisdiction, simply put, cannot exist as it would lack a voting constituency. Therefore, because the seat is both nonexistent and has no constituency appropriated within the constitution to even vote for it, the election for the seat is struck.

However, Chairman Danzek indicated at the convention that an amendment had been made. At approximately one hour, forty minutes, and fifty five seconds through proceedings pursuit to the livestream posted on the Rebuild CCR facebook group, Chairman Danzek announced that Joshua Leibiwitz, unopposed due to an alleged lack of paperwork filed for his opponent, Gregory Lu, had won the seat of San Diego Vice Chair. A member of the committee proceeded to make a point of order against the constitutionality of the case, which was rejected by Chairman Danzek as they had, "already voted," and the committee was now closed, thus making any point of order unavailable. To determine the (A) eligibility of the amendment, and (B) the implementation of the amendment, we must consider the application of the constitution's adjudicating authority.

The procedural rules found in Robert's Rules of Order Newly Revised, 11th edition (RONR) disagrees with the actions of the prior chair. The authority to use RONR for procedural guidance is derived from the constitution. Specifically, Art. XII §3 of the CCR constitution stipulates that, "Robert's Rules of Order, Newly Revised shall be the parliamentary authority for all disputed matters not

specifically covered by this Constitution or subsequent Bylaws." Therefore, it is reasonable to assume we have authority to act within the realm of the authority in RONR as long as it does not violate provisions found in the constitution.

First, the response of the Chair, upon inspection of the evidence is woefully inadequate. Not only does the current constitution not stipulate the supposed amendment as Chairman Danzek argued it did, but it already appropriates the said authority to a different chair. Additionally, there is even less evidence of the occurrence of the said amendment following the appropriate procedures in the constitution. Firstmost, it is clear and evitable that the amendment did not occur at this convention. Specifically, the constitution requires that any constitutional amendment be, "... available upon request to Board members and to the presiding officers of chartered CCR clubs prior to the Convention." Art. XIII §1. No such amendment was made present in any form, based on the parliamentarian's anecdotal observations, and that of collected testimony. Finally, there is no record of the said amendment's existence. Therefore, in lieu of evidence otherwise, we must reject the existence of this supposed amendment having passed at this convention. However, it is possible for the chairman to argue that this amendment was passed in a far begone prior conference; we would too, unfortunately, be required to reject this argument in favor of a reasonable burden of proof standard for the existence of a mythical constitutional amendment. Finally, even if there was an amendment passed in a bygone election in the past, it was never implemented into the constitution. It would be unreasonable to require members to adhere to statutes not published. This argument is impactful as RONR specifies that it is simply, "Good policy for every member… to be given a copy of the [rules]." RONR (11th ed.) p. 14, ll. 30 - 35. While this does not create a legal duty to publish the constitution publically, it is unreasonable to assume any member could sign up for a position they have no knowledge about. Furthermore, it is easily deduced that it violates the purpose of the constitution not to publish an updated constitution that significantly modifies powers and jurisdictions; indeed, the CCR constitution specifies that the organization has an objective to, "to promote good government at all levels." Art. I §1(e). However, it is inherently contradictory claim good governance, while actively ignoring the principle of electoral participation. If, in fact, one is to postulate that good governance is determined, in part, by the activity of the individual to act and participate in the electorate, i.e. excel in their civic duties, then it is inconsistent, if not impossible, to argue that the constitution should be censored to individual CRs outside of the Executive board. Additionally, the permittance of a private constitution allows any sort of legal abuses; indeed, if the constitution had no public foundation, who isn't to simply say there is a clause allowing for a dictatorship of the chair? This thereby creates a dangerous slippery slope, one clearly in contrast

the purpose of CCR and the intent of RONR. Thus, it seems that the very act of implementation of this amendment, even assuming it exists, violates fundamental objectives of the constitution. Therefore, unless, and until, there is formal proof of this amendment's existence and of the work of the Executive Committee to inform members of its existence, any of these arguments made by the prior chair must be rejected.

In response to this opinion, Co-Chair Nick Steinwender collected a signed document alleging that an amendment had been drafted and passed in 2014 that established a San Diego Vice Chair. We find this document irrelevant. Specifically, Steinwender reported:

> *Hey guys, I finally was able to get the amendment that was unanimously approved during the 2014 convention. I was told that the internal constitution was updated but there was a mess up with the constitution that was posted to the website.*

Firstmost, as previously argued, it is poor practice to have internal constitutions, as their is no end to unregulated power. Secondmost, even should it be assumed that this power for 'internal constitutions' is acceptable, it violates the ability of members to equitably participate. As prior acknowledged RONR already provides this intent, arguing that members ought to be given bylaws so as to uphold the rules. RONR (11th ed.) p. 14, ll. 25 - 30. Indeed, there is common sense to this citation: there is no reason the board should withhold valuable information in the form of an "internal" constitution, unless that said board held vindictive values about electing members, i.e. cronyism. Rules are created to mitigate these abuses, of which an 'internal' constitution serves to exacerbate. Finally, it is a direct violation of parliamentary procedure for the credentials process. RONR, in fact, makes clear that the rules for elections and election eligibility must be disclosed. Specifically, the rules stipulate that information must be disclosed relevant to, "...the time and manner of [an officer] election." RONR (11th ed.) p.610 , ll. 5 - 10. Therefore, even should it be found that an internal constitution was both moral and legally acceptable, it must be disclosed to the applicants for any position. For this did not occur. Therefore, opponents to the chair are in a legal double bind: either an internal constitution exists and the credentials committee did not disclose it, thus making the officer's election for San Diego illegal, or the credentials committee did not register this amendment, and upon acceptance by the committee, adopted its procedure that there was no San Diego region. In either the case, whether the credentials committee actually had the document in question or not, the election was illegal.

Second, the response of the Chair was a violation of procedure. Specifically, the Chair was required to acknowledge future point of orders prior to the dismissal of the committee. There are several reasons for this. First, while a motion to adjourn is usually a privileged motion, and thus supersedes other motions on the floor, including a point of order, the chairman was effectively acting to, "...dissolve the assembly… as is usually the case in a mass meeting or the last meeting of a convention." RONR (11th ed.) p. 234, ll. 15 - 25. This motion, however, as specified by the rules, "...is not privileged and is treated just as any other main motion." RONR (11th ed.) p. 234, ll. 20 - 30. Furthermore, while the convention was set to end at ten after noon, the hour for dismissal had not been reached, as the chairman declared her motion at around seven fifty nine after noon. Therefore, the chairman did not obtain the authority to dismiss the assembly at will, as described in RONR (11th ed.) p. 240, ll. 30 - 35. Thus, this stands as a main motion, which is required to yield to an incidental motion, such as a point of order, as a main motion, "ranks lowest in the order of precedence of motions." RONR (11th ed.) p. 62, ll. 20 - 25. Because the chair violated procedure in a tangible, evitable manner, one which has produced severe consequences, thrusting the organization into a constitutional crisis, it seems necessary to comment on this action. Unfortunately, this point of order has now ceased to exist, i.e. is no longer subject to legal interpretation, as, "matters temporarily but not finally disposed of, except those that remain in the hands of the committee to which they have been referred… fall to the ground." RONR (11th ed.) p. 237, ll. 10 - 5. This has, in effect, set a precedent for poor customs, as the arbitrary adjournment of meetings can be weaponized to prevent pending business from ever coming to the floor. It therefore upon the new chair to interpret the constitution in a binding manner to eliminate this harmful custom, pursuant to Art. XII §2. The following is thus in order, that it is necessary, if not prudent, for a member to file the point of order within the guidelines of Art. XII §2 that the prior chair, Leesa Danzek, unlawfully dissolve the committee pending a legal objection. The remedy, in this situation, and most pragmatically, is to use this opinion as the basis of the enforcement mechanism for the point of order. Simply put: the chair ought to correct the wrong.

One may argue, however, that the chair effectively ruled on the point of order and thus was permitted to proceed (even if the adjournment was not legal). This falls flat, however, as the contention is not the first point of order, but the possible request of another, a suspicion that is confirmed by even a basic glance at the recording of the event. No vote, in fact, was taken upon the adjournment, and the immediate dismissal made the process of a motion not available, which falls under the legal norm *Lex non cogit ad impossibilia,* or, the law does not command impossibility. Most significantly, this doctrine rules that if a legal impossibility

arises then the provision of any binding contract is void, allowing for the reasonable exception of the filing we make here today. This doctrine applies in this instance as it would allow the point of order to move forward. Simply put: the board ought to file the point of order against Danzek,[2] even assuming she legally responded to the initial claim, as her method of adjournment created an impossibility of fulfilling the legal rights inherent to all members.[3] However, even assuming none of this was possible, as the General Session has lapsed, and Danzek is no longer in power, Chairman Rowlands now has this ability to rule, thus, the ruling at the following meeting, which occurred on October 27th, continues to stand that the San Diego Vice Chair does not have constitutional claim to his title. Therefore, until a specific motion otherwise interpreting the constitution is pressed, Chairman Rowlands ruling stands.

II.

The presence of the vote itself is nonetheless allegedly indicative of an opinion of the General Session. Indeed, several individuals have contended that this election implied a standing rule by its very presence. The prior chairman disagreed with this opinion, arguing that standing rules did not exist, and that this action was constitutional due to an amendment (*see prior*). We dissent from both arguments.

First, standing rules do not create new constitutionally appropriated powers. The extent of the authority of a standing rule is, "...rules (1) which are related to the details of the administration of a society rather than to parliamentary procedure, and (2) which can be adopted or changed upon the same conditions as any ordinary act of the society." RONR (11th ed.) p. 237, ll. 10 - 15. Thus, these rules are typically administrative in nature; while RONR provides differences for conventions, we find these are not relevant for several reasons: first, there was no committee on standing rules, and thus RONR (11th ed.) p. 618, ll. 1 - 35 is not relevant to applied case; second, even if there was a Committee on Standing Rules, the rules were never formally adopted by the General Session pursuant to RONR (11th ed.) p. 618, ll. 30 - 35, and thus cannot be in effect. Equally, neither of these partitions of Standing Rules, either general or convention, permits new elected seats. Therefore, by the very definition and nature of these entities of parliamentary procedure, the argument that standing rules created the ability to elect the defendant is rejected,

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[2] Note: The chair acts on the ruling. The actual petition, as long as it pertains to a procedural problem, by a board member, whoever it may be, does not require a majority vote on the board, as the chair is acting within her grounds of authority under the point of order. Specifically, RONR mandates that the ruling is, "...ruled upon by the chair." RONR (11th ed.) p. 237, ll. 25 - 30. Thus, motion is to stand until appeal.

[3] Note: This problem more fully describes the hopelessness of a procedural as such; indeed, Chairman Danzek made it almost impossible to hold her accountable for her own procedures.

both in the inherent flaw of procedural correctness, and in the very jurisdiction the rules.

Second, we additionally disagree with the chair that standing rules do not exist nor can take effect. As long as the standing rules have been presented to a committee, passed, and were presented to the General Session to receive a majority vote they are legal, assuming the rules do not limit debate, at which point would require a two-thirds vote. RONR (11th ed.) p. 620, ll. 1 - 15. Often, however, it seems that the prior chair was confused between the appeal of a parliamentary decision under a point of order, which upon passing would become an acting motion, and the official statutory powers of a standing rule.

We determine it necessary to clarify both points to the prior chair, so as to hold a strong future precedent. Firstmost, standing rules exist, as prior discussed. Second, a point of order that is accepted and clarifies portions of the interpretation of the constitution act as a binding rule, although not necessarily a standing rule. RONR (11th ed.) p. 247, ll. 1 - 5. However, even if the point of order is not respected, a delegate can appeal the chair's opinion. RONR (11th ed.) p. 255 - 256, ll. 25 - 1. Supposing an appeal is called, at any time, against a chair's opinion on a point of order, the chair's decision can be, "...reversed by a majority." RONR (11th ed.) p. 258, ll. 15 - 20. This would then make the interpretation of the parliamentary procedure binding; however, it would not create new jurisdictions, appropriations or elected positions, nor would directly contradict articles of the constitution. Only an amendment under the constitution would accomplish such a goal. To provide examples of these situations: at the first convention of CCR for the 2017 election, a point of order was made that challenged the chair's opinion that the entry provision for delegates of the CCR constitution for the convention, Art. IX §9, specified that delegates must present, "...student… identification…", which was interpreted to mean that only physical student ID cards were permitted. The point of order, upon the opinion of the chair, failed. An appeal was made by the same delegate, now Chairman Rowlands, which then passed by a majority, thus taking effect, allowing student transcripts or bona fide proof of being student, to constitute student identification. RONR (11th ed.) p. 258, ll. 15 - 20. Chairman Danzek, at a continuation of the same convention, refused to implement the procedure, after claiming to have, "spoken to a parliamentarian." No proof of this could be provided. However, even if Chairman Danzek had consulted a parliamentarian, we find this ruling illegal; indeed, not only did the General Session make clear that a parliamentary rule for entry had been made and clarified, but it provided a legal mandate for her to implement it, unless an explicit provision of the constitution was found that contradicted such. No rule was ever found or cited, thus making the rule binding. Furthermore, the opinion of the hold must hold the reasonable exceptions;

indeed, many schools do not issue student ID cards, and thus cannot comply by the rule. These schools ought, under the ambiguous of the constitution, be provided an exception within the ruling of a legal impossibility. Thus, the standard is clear: if the rule is a clarification which is either an addition or subtraction to an interpretation, not a physical clause, then the point of order or standing rule is legal. However, if either of these procedures seeks to alter or modify the constitution, then it ceases to hold legal authority. For instance, to argue that the General Session implied into existence an amendment is a violation of the fundamental procedures of the constitution; indeed, the CCR constitution requires that any amendment not only be submitted, "at least thirty days before the first day of general session for the Convention," but it also requires that any amendment be, "...amended by a two-thirds majority of the accredited delegates present and voting at any Convention." Art. XIII §1. The passage of Joshua into office accomplished neither of these, and thus his alleged election did not create an amendment by its very nature.

III.

A.

First, it is important understand the contextual proceedings behind the defendant's removal, and the subsequent permanent nature of such. Prior to the Executive Committee meeting, individuals were worried by the authority of chairman Ariana Rowlands, specifically her unilateral ability to draft a ruling. The ruling provided by Rowlands at the Executive Meeting, a ruling that still stands, is thus: (1) the San Diego Vice Chair is not to be found in the constitution; (2) that in lieu of finding within the constitution the elected seat cannot exist, and thus cannot be filled. However, Rowlands attempted to resolve the political situation by ordering the parliamentarian to work with an appeal of her own ruling. The appeal would have functioned, if passed by the Executive Committee, to limit the chair's removal power as such: (1) the chair would not have the final action to rescind the defendant's seat. While he can act preliminarily, it is not final. Therefore, the chair would be legally required to consult the Executive Committe and ratify any opinion at the next meeting, which differed from the status quo as the chair's ruling in the present can be upheld without ratification; finally, and perhaps most importantly, (2) that the Southern Vice Chair would appropriate his authority to the San Diego Region and hold elections to promote an officer to guide the region. This final solution would have, in effect, allowed for elections of the San Diego region. This was seemingly favored as Chairman Danzek had not allowed any delegates from the San Diego region to vote, arguing that only the *Thrive CCR* candidate had

properly filed paperwork, and had prevented opposition candidates from running. Any *Thrive* candidate, of course, would still be allowed to run in this election, but the election itself would be an appropriation from the Southern Vice Chair, rather from an autonomous region.

Concerns were made about this opinion. While the parliamentarian will not rule on the political concerns between members, such as the possibility of partisanship, the parliamentarian will clarify legal concerns.

First, members feared the appeal would have actually acted to illegally expand the chair's authority. They cited the power of preliminary discretion to remove members as an expansion of authority. While the parliamentarian attempted to explain this was not the case, as the chair in the status quo holds absolute, not preliminary, authority to rule on infractions of the rules (*see part B*), members still possibly misunderstood it's intention.

Second, the third solution brought concern about the unlawful delegation of power. Simply put, the constitution puts the San Diego region under the Southern Vice Chair, not a separate authority, and thus, the Southern Vice Chair has an obligation to act as representative of this region. Already, this authority had been well described by the courts; indeed, it is possible to interpret this action as constituting a violation of the nondelegation doctrine, which argues that one branch of government ought not delegate authority the constitution relegates to them, as the regional appropriation would be sufficiently changed. We rule that this final concern, on the unlawful delegation of authority, does not apply to this case. We derive this authority from both case law and the constitution of CCR.[4] The first is the specification of the courts that authorities cannot delegate powers specifically authorized to them in the constitution. *A. L. A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935). In this case specifically, Schechter Poultry Corp. sued the US government over alleged infractions to the "Live Poultry Code," a code that has, "...been adopted pursuant to an unconstitutional delegation by Congress of legislative power." The defendant thus argued that Congress, given the specific power to write codes under the constitution, could not then delegate that power, in it's entirety, to the executive branch. In the case of *A. L. A. Schechter Poultry Corp.* this applied to President Roosevelt's New Deal, insofar as the legislative branch had surrendered the ability to create codes to the executive branch. This, the Supreme Court ruled, constituted an unlawful delegation of power. However, the Supreme

[4] Note: Case law is not necessarily binding to CCR, as our organization is not public, and thus does not follow the Brown Act. However, it provides grounds to discuss important principles regarding legality, and a consistent manner to interpret rules and law. We have heard arguments for and against this philosophy from both members and parliamentarians; however, in this case, we see fit that it provides an equitable platform for discussing the philosophy of constitutional appropriations of power.

Court nuanced this opinion, explaining that illegal conduct arises out of, "unfettered," creation of codes. Specifically the court found that Section 3 of the National Industrial Recovery Act, a part of Roosevelt's New deal:

> *...supplies no standards for any trade, industry, or activity. It does not undertake to prescribe rules of conduct to be applied to particular states of fact determined by appropriate administrative procedure. Instead of prescribing rules of conduct, it authorizes the making of codes to prescribe them.*

Therefore, it seems that the powers appropriated must be acted upon by the actor specified in the constitution. However, that actor can create a rule of conduct to prescribe necessary administrative procedures to facilitate any given plan, code, or bylaw created within the jurisdiction of that actor. To summarize: delegation is legal so long as the delegator specifically explains the restrictions of the administrative procedure. The administrative procedure, however, cannot be an ambiguous mandate to institute new codes.

Thus, to understand the lawful appropriation within the context of CCR, it is important to understand the Southern Vice Chair's realm of authority. The constitution specifies in Art. VI §9 the following:

The Southern Vice Chairman shall coordinate recruitment, organization, and other activities in San Diego, Imperial, San Bernardino, Orange, and Riverside counties. He shall establish new clubs in his Area, assist them in becoming chartered, and encourage and support existing CCR clubs in their activities.

These duties are ambiguous, and moreso, difficult to define within the realm of *A. L. A. Schechter Poultry Corp.*, as the Southern Vice Chairman acts closer to an administrator than a legislative body. However, some similarities exist, specifically in this case, organization. To organize requires a code, even that of which is wholly informal, such as calling people, authorizing exchanges, or most significantly, appropriating power. For instance, should the Southern Vice Chairman ask a member to help bring out and organize College Republicans, he is implicitly appropriating the power and duty of organization on behalf of the state board out to an unapproved member. This is both pragmatic and usual; indeed, if every member of CCR that worked with the organization had to enter a formal process of first appointment by the chair, and then approval by the Executive Committee, there would be an endless line of bureaucrats. The interpretation of this authority does not imply any such restrictions; indeed, *A. L. A. Schechter Poultry Corp.* acknowledged that it was permissible to, "...create administrative machinery for the

application of established principles of law to particular instances of violation." It was not, however, permissible to, "authorize new and controlling prohibitions through codes of laws which would embrace what the formulators would propose." Therefore, while a bureaucrat can be assigned to administrate an already approved standard, the administrator could not create new standards from which to fall under.

However, it is still ambiguous what is permissible, as it seems, in the context of CCR, all powers to the Southern Vice Chair are administrative. To better understand this principle requires a specific legal test. We thus create the following to apply to future examinations of this policy: A lawful appropriation of power is permissible in such that the Southern Vice Chair provides:

(1). The detail of the range and extent of authority, herein to be defined as geographical location;

(2). The administrative functions;

(3). The administrative restrictions;

(4). Power over ethical and final administrative decisions;

In the case of the appropriation of power from the Southern Vice Chair to a San Diego Vice Chair, most of these would be obvious. Because the provision was not officially adopted, however, it is unnecessary to finalize codification but rather provide a platform for future debate, should the Executive Committee so wish to do so. However, the Southern Vice Chair cannot surrender the region of San Diego. Instead, any appointed official, through whatever equitable procedure the Southern Vice Chair so passes, must admit dependence upon the Southern Vice Chair for final authority upon appealed procedures or decisions. This power is derived from the power to organize, and since organization can possibly require discipline, these powers shall reside, in their original authority, to the Southern Vice Chair.

The Parliamentarian, however, shall not move past this point. Future codification for this position would need to be analyzed contextually should it meet the prior standards. This dissertation was simply a disclosure of the debate leading to this decision. This vote, however, failed. The results were as follows:

Affirming the Resolution to Mitigate Chair Interpretative Authority:

Position	**Name**
Chair	Ariana Rowlands
Secretary	Leslie Garcia
Central Coast VC	Katherine Rueckert

Southern VC	Noah Ritter

Opposing the Resolution to Mitigate Chair Interpretative Authority:

Position	**Name**
Co-Chair	Nick Steinwender
Northern VC	Hunter Garrison
Central Valley VC	Samantha Emerson
Los Angeles VC	Favian Fragoso
Capital VC	Mason Daniels
Bay Area VC	Andrei Satchlian

Therefore, because any vote to mitigate the chair's interpretative powers failed, the chairman shall retain the status quo power to rule on these matters. While multiple individuals have protested this authority, the failure of the vote makes this ruling, just or not, binding. Chairman Rowlands ruled that the defendant's seat, for the aforementioned reasons, was illegal. Thus, because no other point of orders were made at the meeting, the chair's interpretation remained. While the initial opinion on preliminary authority, in essence reversing the authority of a point of order to surrender power back to the deliberative body, failed as a political tool to resolve crisis, the jurisdiction of the chair to enforce the opinion nonetheless stands.

B.

Next, is the authority of which the chair may hold these discretionary power to act upon a point of order or discovery of a constitutional violation. We derive this authority from both the constitution, and in extension, RONR.

The constitution upholds Rowlands authority. Art. XIII §3 requires that the parliamentary authority handle all matters not specifically undertaken by the constitution. This matter, not being found in the constitution, and representing an abstraction of constitutional authority. However, certain members have argued this authority cannot be based on RONR as disputes are covered more strenuously under Art. XII §2 of the constitution.

There are several reasons to dissent from this argument. First, the specific code of the parliamentary authority dictates that constitutional infringements are

brought before the chair. Specifically, RONR asserts that this unitary authority, found under a point of order, which, "thereby [calls] upon the chair for a ruling and an enforcement." RONR (11th ed.) p. 247, ll. 1 - 5. In effect, the point shall be, "ruled upon by the chair. No vote is taken unless the chair is in doubt or his ruling is appealed" RONR (11th ed.) p. 249, ll. 25 - 30. Therefore, the chair, under the parliamentary authority, can rule on the wrong, and remedy of the wrong, without any proceeding vote from the body. The appeal, however, as in alignment with the prior outlined argument that the Executive Committee deals with constitutional disputes, falls under Art. XII §2. This accurately describes a conforming identification amongst both the rules and the constitution. Contextually for this specific case, both the minutes and the motions taken at the October 27th meeting show that neither an appeal nor a general motion passed modifying this opinion. Therefore, in lieu of a motion or appeal to the chair's decision, the chair retains the jurisdiction to act unilaterally to remove the defendant.

Finally, the power to rule is found to be a custom of CCR. Prior to this, we held that the Chair can hold power to act unilaterally on constitutional wrongs. The prior administration held also this true, and we concur with the opinion. Specifically, Chairman Danzek held that Student IDs were not permitted as valid entry to the conference. While this opinion dissents whether IDs were permitted within of themselves as valid identification, as many schools do not issue IDs and thus cannot comply with Danzek's standard, we hold that the power to interpret this provision follows, at least prior to a point of order. We further dissent that an appeal of a ruling was not permitted, as clearly the constitution allows this happen either at an Executive Committee meeting, Art. XII §2, or General Session, whose procedure to appeal the chair's interpretation can be found under RONR (11th ed.) p. 258, ll. 10 - 20. In accordance to the minutes taken at the last Executive Committee meeting on October 28, no appeals were passed. Therefore, the ruling stands.

C.

There is a separate question unto the Chairman's ability to appoint an acting official to the region of San Diego in light of this extraordinary circumstance.

Specifically, the constitution creates a prerogative for the chair to intervene under his managerial power. The constitution states, "[The Chair] shall be the chief executive officer and shall exercise general supervision over the organization's activities and officers." Art. VI §1. General supervision over the organization's activities means that the chair has no specific authority, and thus cannot the authority wherein problem management arises unless specified by a different part of the constitution, such as presiding over meetings. However, in the case of the San Diego region, Vice Chairman Noah Ritter made it clear that he cannot manage the

region.[5] In effect, during the Executive Meeting held on October 28th, he has surrendered the ability to administer the region. Mr. Ritter cited several reasons for this; first, it was simply not pragmatic. The number of clubs, he argued, within both Orange County and the rest of Southern Region, in addition to San Diego, would make his jurisdiction larger than the rest of the state combined. Second, prior Chairman Danzek did not allow San Diego to vote on the Southern Vice Chair, making the entire San Diego region nearly impotent for handling regional affairs. We rule that Mr. Ritter is allowed to ask the chairman for help in accordance with this provision. Should Mr. Ritter ever wish to reassert authority over the region, he clearly may. The Chair thus now holds the burden to manage the region. The constitution then permits the chair to appoint a necessary governor, specifying that, "The Chairman may appoint additional qualified members of the CCR to positions of an advisory role or to facilitate in the execution of the Chairman's duties." Art. VI §16. Thus, the chair may unilaterally appoint a regional governor of San Diego, in lieu of the proper authority.

However, several members have argued the chair requires an Executive Committee vote to appoint this governor. Specifically, Art. V, "Officers," §3 stipulates that the chair, "The chairman shall also appoint committee chairmen and such nonvoting officers as he deems appropriate, with the approval of a majority of the Board or Executive Committee." Allow us to break down this clause; the actor, the chair, must appoint either a committee chairman or, "nonvoting officers," to access the restriction, which is the approval of the Board or Executive Committee. Clearly, the Chairman is not attempting to appoint a committee chairman, as this would require either a majority vote under the Executive Committee, found under Art. VIII §5, or the Board of Directors, Art. IV §3. Thus, the argument comes down to whether this governor would be a nonvoting officer.

Clearly, not all members of CCR working with the state board are nonvoting officers. Most direct affiliates of the state organization are to be classified as staffers. For instance, the Chairman may ask for an individual member to help him cut out ribbons, or draw posters. Even further, the Chairman may appoint someone, for example, to drive her to an official event, or moreso to this context, drive other members, perhaps from their own chapters, to an event. Perhaps even greater, the Chair, as seen recently, wants to promote a Republican event, and grants a member from a specific chapter power to help organize. Through an extremely narrow

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[5] Note: Vice Chair of the Southern Region Noah Ritter specifically stated the following: *I, as CCR Southern Region Vice Chair, hereby authorize and consent to forfeit my responsibility of and power over the San Diego and Imperial counties area from my region at the petition of the Chairman, and furthermore authorize and consent to the Chairman reassigning responsibility and power over San Diego and Imperial counties to another qualified individual. I forfeit my powers over this aforementioned jurisdiction until the end of my term or until the next Annual convention.*

interpretation of the constitution, this would infringe upon the Vice Chairs power of organization. However, the chair can access these as the chief executive officer exercising general management duties. We define these individuals, or people work directly under the chair for the purposes of facilitating the execution of duties or for advice, as staffers. Should these members, however, begin to act as permanent members, i.e. attend executive meetings and provide motions, then these members become nonvoting officers, and require a vote.[6] The CCR constitution supports this interpretation, thus permitting the appointment of these staffers, with Art VI §16 specifying that, "The Chairman may appoint additional qualified members of the CCR to positions of an advisory role or to facilitate in the execution of the Chairman's duties." These individuals thus act outside of the role of a nonvoting officer.[7]

The rules regulating such ambiguous jurisdictions are unclear. Indeed, RONR only specifies grounds for a few appointed positions, such as Executive Director and Parliamentarian, RONR (11th ed.) p. 464 - 465, ll. 5 - 15; ll. 10-30. Clearly the constitution includes more positions by custom and regulation; indeed, not only did the prior administration appoint a Membership Director, Nick Steinweinder, and a Chief of Staff, Robert Petrosyan, neither of which are mentioned in the constitution nor RONR. Customs thus sets this precedent. Customs, in this case, more importantly complies with the constitution, allowing the chair to appoint staffers to, "facilitate in the execution," of duties. Art. VI §16. These staffers are not officers, as they cannot make motions. Therefore, while the Chairman's current appointee to assist in the execution of duties, Gregory Lu, cannot make motions, draft proposals, or make reports to the Executive Committee without committee approval, he can govern the region within the explicit permission of the chair. For this reason, we define his position as a staffer.[8]

We therefore find the following: first, the governor of San Diego region is under the discretion of the chair, unless and until the Vice Chair of Southern Region lays claim to the region. Second, the governor of the San Diego region is a staffer of the Chair, not an independent officer. Therefore, the chair holds direct

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[6] Note: Staffers can attend meetings as guests, but cannot make motions or other substantive acts unless given explicit permission by the appropriate chamber of the meeting.

[7] Note: For clarification, there are thus 5 classifications of status within CCR: Elected Officer, Constitutional Officer, Nonvoting Officer, Staffer, and Member. Members, while not discussed in depth here, are simply individuals who are California College Republicans, but are not sanctioned in anyway by the Executive Committee or a member of the authorized power of the Executive Committee or other station. Constitutional Officers are simply those mandated into existence by the constitution, but neither elected nor holding voting power. The only exception to this classification is the Executive Director, who while not elected by the General Session, still has voting authority.

[8] Note: It is not found relevant what this position is called. For instance, arbitrary positions are consistently drafted, which is permitted both in the constitution,

liability for his actions and until he receives a ratified board or Executive Committee vote, cannot participate in normal nonvoting rights, such as making motions, point of orders, etc., to the Executive Committee.

D.

Finally, and perhaps most importantly, the powers derived from precedence and custom must be explained. We define precedence as procedural interpretation defined by the parliamentarian or rules. We define custom as action taken by the chair, without consultation with the rules. We rule that while some the actions undertaken by the prior chair were procedurally correct, many were not. We seek to clarify which customs will be enforced in relation to this case.

First, Chairman Danzek's action for student ID's is held in part. As prior noted, Danzek had the authority to rule on student ID cards, even in argument with the General Session.[9] We specified in part C the specific legal permission. However, this precedence holds larger impact; indeed, Chairman Danzek made this ruling before the committee, not during. Thus, it seems that the reasonable power to interpret and enforce the constitution, under Danzek, offers a preliminary authority to the chair to enforce the constitution without a vote from the General Session or Executive Committee. Furthermore, RONR surrenders this external act of administration, asserting that, "... in many organized societies, the [chair] has duties as an administrative or executive officer, but these are outside the scope of parliamentary law…" RONR (11th ed.) p. 456, ll. 25-30. Therefore, CCR's upheld customs, such as using the power of enforcement of the constitution to prevent members without student IDs from entering, and the CCR constitution's general management clause found in Art. VI §1, allow for these actions.

Second, Chairman Danzek's denial of appeals is struck.[10] Chairman Danzek, at the prior CCR convention, refused to accept an appeal against her authority to rule on the San Diego region.[11] We find this flawed, as the refusal to acknowledge a germane appeal to a ruling is a violation as, "...any two members have the right to appeal from his decision on such a question." RONR (11th ed.) p. 255, ll. 25. As

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[9] Note: We acknowledge that substantively this argument was flawed at it's inherent logical basis; not only did the General Session prior vote against the chair's interpretation, but many schools do not offer student IDs, thus making it illogical to force all delegates to produce them.

[10] The chair must follow the procedure outlined in RONR (11th ed.) p. 647, ll. 25 - 35, which requires a vote. Unilateral for removing a member is not in order unless that individual is committing an illegal action, such as rioting, or is a nonmember who is found to be an annoyance to the assembly.

[11] Note: While tempting to explain the rules behind removing individuals from the procession within the opinion, it is not germane to discuss these herein. However, should the opinion ever be necessary, it is within the realm of this case to rule that removing appeals is also illegal. Thus while the chair can 'interpret' the constitution to deny entry, once the entries have occurred, the chair cannot extra-constitutionally remove members found to be 'disrespectful.'

Danzek violated the rights of the members to make such an appeal, without an adequate, independent ruling, Danzek violated parliamentary procedures.

* * *

We emphasize today that the decision held need not be the final word on the matter. Indeed, unlike the prior administration, procedural appeals will be allowed. If the defendant so chooses, he may issue a written notification of appeal within 3 days of the chair publishing this opinion. The notification must include his reasoning, governing articles to support said reasoning, and rebuttals to the presented argument. The office of the parliamentarian will respond within 3 working days of the submission pending confirmation of receival. If this prior holding is upheld, the parliamentarian will not respond, or will do so upon request of the chairman or Executive Committee. If any possible merit is found in the appeal, a tribunal will be held with appointed individuals from the chairman and approval of the Executive Committee or Board of Directors. The tribunal shall be held at the next Board of Director's meeting, or at a time defined by the Executive Committee. Alternatively, a member in good standing of the Executive Committee may attempt to appeal this ruling, pursuant to the procedures found in RONR. All of this power, however, is at the discretion of the chair, and may only be appropriated by the chair, as no binding appeal can be made after the lapse of the Executive Committee meeting where the ruling was announced. Specifically, RONR states that, "...the appeal must be made at the time of ruling." RONR (11th ed.) p. 257, ll. 25 - 35. Therefore, the ruling made the chair at the prior meeting is not only binding, but is no longer appealable without an additional vote to suspend rules, a procedure that has not yet been determined.[12] Furthermore, Executive Committee members, "...have no right to criticize a ruling of the chair unless they appeal from his decision." RONR (11th ed.) p. 256, ll. 1 - 5. Thus, until an official appeal is filed with the chair, one that has been argued or made at the time of the ruling or such that requires a rescission of the ruling of the chair, this decision is to be held.

We do, however, stress the immediate impact of this opinion. Immediately after the commissioning of the report pursuant to the constitution, it shall act as precedence to the actions of all further actions involving the constitutionality of elected positions. Furthermore, it shall act as the official interpretation of the constitution on these matters held herein.

Therefore the parliamentarian rules the following:

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[12] Note: As the procedure to this is not clear, the Parliamentarian holds no opinion on how to proceed with a suspension of the rules, or even if this possible at an Executive Committee meeting.

(1). The elected seat of San Diego Regional Vice Chair does not exist. Nonexistent seats cannot be voted on. Therefore, any petition from Mr. Leibiwitz for his authority under the San Diego Regional Vice Chair is rejected.
(2). The Chairman holds the right, upon a ruling announced at the Executive Committee meeting, to rescind the authority of Mr. Joshua Leibiwitz to vote and participate as a committee member, and to act upon any other constitutional violations.
(3). The Chairman shall retain the right to appoint individuals to assist in managing any region with permission of that region's Vice Chair.
(4). The Chairman's appointment of Gregory Lu as Governor of the San Diego Region is constitutional and permissible.

It is so ordered.

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Kimo Gandall, Parliamentarian

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Ariana Rowlands, Chairman