

THE SEVENTY-SECOND STUDENT SENATE

Journal: Wednesday, July 8, 2020

Call to order: 7:35pm

Pledge of Allegiance: Senator Leckie

Moment of Silent Reflection:

Roll Call: Adamyk, Murcia, Bateman, Hinks, Little, Lavendar, Selva, Rossi, Mougey, Tillman, Wilkinson, Palacio, Wang, Gnanam, England, Eazer, alvarez, Gipalo, Leckie, Gonzalez, Adams, Bogle, Diaz ,dean, Cusnier, Medley-Neyra, Tookes, Chabot, waters, Stinson, Gonzales, Porter, Murray, Rudd

Absent: McMillen, McKay, quellen, aconda Gabrielle

Verification of Quorum: Verified

Dean moves to impose a 2-minute limit for open comment, Cusnier seconds.

Corrections and Approval of the Journal: July 1, 2020 Alvarez moves to approve the Journal, Leckie seconds, no objections. The Journal was amended to properly

Student and Non-Budgeted RSO Comments:

Students gave their opinions/comments about Resolution 59.

The students who spoke were: Karen Bard, Zack Gersowsky, Cindy Chamides, Halle Gold, Danielle Pinto, Shayna Cohen, Donna Alima, Jack Fox, Moriah Richman, Mageda Nader, Jamie Reeves, Bana Habash, Yasmien Farsakh, Melissa Calil, Tala Habash, Michael Yost, Sydney Siegel, Adi Cohen, Noah Bartfield, Lioz Grunberger, Rachel Hud, Edmund , Emily Pacenti, Shelby Shoup, Daniel Bynum, Mimi Kelsey, Jake M, Samantha Jacobsen, John Ocampo, Evan Weinstein, Daniel Matos, Mikha Feldman, Amanda Press, Kathryn Judge, Alex Schafer (Halle Gold), Elad Almog (Stephanie Selva), Audrey Chifflette (Jack Fox), Noah Kalter, Liam

Porter moves to unlock the calendar, Alvarez seconds.

Special Introductions and Announcements:

Messages from the Executive Branch:

President Levin talked about the state of the community. The Executive branch will be releasing statement about the state and concerns of the community. City of Tallahassee, FSU PD safety and training, Renaming building and statutes process, relationship with the tribe of Florida, advocacy of international students due to the recent statements from ICE, survivors of sexual assault, and the Jewish community.

Messages from Agency and Bureau Directors, SGA Organizations Officers and Employees:

Ashley Gonzales spoke for the Pride Student. They are having an inclusive language workshop on Sunday, July 12<sup>th</sup> from 11am-12:30pm. She will be sending a link for people to sign up.

Messages from the Executive Cabinet: Secretary Abhari: Calendar.fsu.edu is an all-encompassing calendar of events, build community by knowing what is going on! Let's provide grace, space for community, and dialogues, and work towards the transformation that we each have the capacity to achieve.

Messages from the Class Councils:

Messages from the Congress of Graduate Students:

Messages from the Judicial Branch:

Messages from the Union Board and SOAR Board:

Messages from the Campus Recreation Board:

Report of the SGA Accounting Office: The financial manual is updated, and the certification exam is now open for students to take. Senators must complete and pass the financial certification exam.

Report of Senate Liaisons:

Report of Committees: Finance, SLAA, IA, RI&J Ad Hoc, Rules meets prior to Senate. Budget did not meet.

Senate Confirmations:

Matthew Egan, IRHC Assistant Director of Finance; Absent  
Diamond Scrivens, Sophomore Class Council Vice President; 36-0-1  
Kristian Diaz, OGA Director 32-0-6  
Kelvin Ready, Attorney General; 28-2-9  
Kyle DiMatteo, Mental Health Council Director 26-8-4

Temporary Supreme Court Justices: Abby Salter Absent, Kassie Satterly 30-2-4, Nate Hearn:30-1-4 Gabi De Almeida 32-1-4

Peter Moguey, undergraduate studies sear 12 30-0-7

Liam Fineout, RTAC Member: 35-0-3

Alvarez has a point of order about the senate president being out of order for given floor time to the temporary supreme court justices because the senate did not receive a forwarding letter and a proper forwarding letter from the senate chief justice.

The senate was advised that there was an email that said there was not an outlined process for nominations. Temporary supreme court justices do not usually have an application. The four temporary supreme court justices will serve until the student body president picks someone in the fall. They have a case at the supreme court that needs attention.

Senate president recognized the issue and will continue to hear from the temporary supreme court justices to be confirmed.

Alvarez moves to appeal the decision of the Chair, Fails

Alvarez moves to appeal the decision of the Chair, Leckie seconds 11-21-5

England calls the question, Gonzalez seconds, no objections. 14-20-5

Alvarez moves to forward Abby to the Judiciary Committee, Dean seconds.

Character questions – vote– 28-7-3

Alvarez, Gnanam move to table, Selva objects. 7-23-8 or 8-22-7

Cusinier forward candidates individually/Gonzalez calls the question, Waters seconds 31-2-4

All candidates sworn in at 12:07am

Consent Calendar: PAC and RTAC do not meet in the summer.

Daraldik motioned to unlock the calendar- England moved the motion, seconded by Gipalo

Resolutions:

- Resolution 59 Sponsored by Senators Rudd, Adamyk (P), Adams, Cusinier, England, Mougey, Murray, Selva, and Stinson (Co)  
Student Senate committing to better support the Jewish community in SGA. **Murcia moves to send the resolution to committee, England seconds. REFERRED TO SLAA, 7.1.**  
**AMENDED AND PASSED IN SLAA, 7.1. Alvarez called to table this resolution. Cusinier moves to send it to SLAA. Tabled 17-15-6**

Alvarez asked about resolution 59 and 71 being brought onto the table. Alvarez tabled resolution 59, seconded by Gonzalez. Objected by senator Cusinier. Alvarez did not withdraw his motion to table resolution. Motion is debated. Gonzalez motion to pro-con. Senator Bogle seconded into going to pro-con. Little and Gipalo spoke about the pros of tabling this motion. Selva, Adamyk, Mougey, Adams, Bateman, Cusinier, & England spoke about the cons of tabling. No one spoke for the second round of pro. Cusinier called to question and Little seconded. Sponsor Alvarez spoke about his reasoning for raising the motion. Motion goes to a vote: 17-15-6. Resolution 59 is tabled. Daraldik Send to committee. Cusinier moves it to SLAA, second by Silva. Martin Objected. Alvarez raised a point of order. Cusinier rescinded his motion. Resolution 59 is tabled.

- Resolution 71 Sponsored by Senators J. Alvarez and England (P), Gnanam, Selva, Sam, Hinks & Gonzalez  
Urging the University Administration to take all possible means of ensuring student visa recipients be permitted to attend courses in the Fall. Porter moves to pass by Acclamation, Gonzalez seconds, Bateman objects. Bogle calls the question, Little seconds. Bateman no. Eazer abstain. PASSED 35-1-1.

Unfinished Business:

Statements of Dissent: 2 statements of dissent from Alvarez

Statement of Dissent against the Senate President's decision to find it in-order for the alleged "candidates" for temporary appointment to the Student Body Supreme Court to be heard on the Senate Floor.

Pursuant to Senate Rule 10.15, we, Senators John Alvarez, Griffin Leckie, Daniella Murcia, and Katherine Gipalo dissent from the decision made by the President of the 72nd Student Senate on July 6th and 7th to permit the inclusion of four candidates to our student Body Supreme Court on the Senate Calendar, and to then allow them to be considered on the floor of the Senate for confirmation.

The basis of our Federal, State, and Student Body Constitutions is that our governments are to be comprised of three co-equal branches, and that these three branches divide their powers so that no individual or group will have too much power.

The Legislative Branch, our Senate, makes the laws. The Executive Branch, our Student Body President and Vice President, carry out the laws. And the Judicial Branch, our Student Body Supreme Court, evaluates the laws.

Each branch of government can change acts of the other branches, and this ability of each branch to respond to the actions of the other branches is called the system of checks and balances. The President can veto legislation from the Senate and nominates students to student body office. The Senate confirms or rejects the president's nominees and can remove the president from office in exceptional circumstances. And the Justices of the Student Supreme Court, who can overturn unconstitutional laws, are nominated by the President and confirmed by the Senate.

Such a system is delicate, and when one Branch fails to ensure this balance is maintained, questions of legitimacy of process and sovereignty come into play.

Starting on June 24th, 2020, I made clear to the Student Senate President that it would be far out-of-order to consider the candidates for the Student Supreme Court as posted on the SGA website on that same day. The letter, as many Senators had not had the chance to read over until the meeting of the Senate itself, contained multitudes of inconsistencies in the face of our Constitutional and Statutory procedures in which candidates to become Supreme Court Justices are to be considered.

In order for the Senate to consider permanent appointments to the Student Supreme Court, we must look to the very specific processes laid out in Article IV, Section 5 of our Student Body Constitution. Several key parts include:

“Within six weeks after a vacancy on the Court occurs, the Student Body President shall select a nominee for each vacant position and present these names to the Senate.”

“Before choosing a nominee, the Student Body President shall submit the candidate’s application forms to the Student Bar Association at the College of Law. The Student Bar Association shall then interview each candidate and submit a written opinion on the fitness and qualifications of each candidate to serve on the Court to the Student Body President. The Student Body President shall then forward one of the candidates to the Student Senate for confirmation.”

I ask the Senate then, as it has been more than six weeks since the seats of the Student Supreme Court have become vacant, has the President nominated any Justices to our Supreme Court? No, he has not. Has the President of the Student Bar Association “nominated” Justices to our Supreme Court? Apparently, in the plain language of the letter posted on 24th of June, yes. How far the Senate has fallen to think that we cannot expect our own Government Officers to do their Constitutionally mandated duties, and instead have privatized the process in the hopes that expediency may follow.

But, you may ask, these nominations were not for permanent vacancies, they were utilizing the powers outline in Student Body Statute 510 for Summer Vacancies to the court! Right you are hypothetical Senator, but you have failed to understand the scope and plain language of that Statute. Much like how the letter failed to be written and signed by the President of the Student Body and duly sent to the Senate, 510 places the power of temporary summer appointments onto the Chief Justice of the Supreme Court. And just as in my previous point about the letter, there is no such document made available to the Senate nor the public that was written and signed by our former Chief Justice.

Furthermore, the statue states that such appointments are to be made “At the conclusion of final examinations at the College of Law”, and “the earliest summer session of the Student Senate.”

Now, unless I am reading the posted Academic Calendar of the Florida State University College of Law incorrectly, the final day of examinations before the summer term was May 1st, 2020, well before the publication date of this supposed "Forwarding Letter", and if the second-to-last meeting of the Student Senate is now “the earliest”, then perhaps we need to reconsider our understanding of time as a linear process and start governing on a quantum-physics based timescale.

Additionally, and I’ll even be the first to admit I had not brought this specific point to the attention of the Senate President, Chapter 510 also makes clear that these temporary nominations are not to made if and when there are to be permanent vacancies within the Student Supreme Court, but only when sitting Justices are not enrolled in the Summer Session and request a leave of absence:

“All eligible officers shall notify the Chief Justice in writing on or before the last day of final examination at the College of Law of their intention to take a leave of absence during the summer session.”

“All of the permanent officers of the Judicial Branch, who take a leave of absence for the summer term, shall receive no compensation for the summer term. Such compensation shall only resume when they assume their permanent offices at the opening of classes in the fall semester.”

“All temporary judicial officers are entitled to serve throughout the summer session, even if their permanent counterparts come back from the summer early. Permanent members only resume their offices at the opening of classes during the fall semester.”

Even after my initial message of caution to the Senate President on the date of the publication of this letter, it was further assured to me when I was appointed to be acting presiding officer of the Senate for the meeting of July 1st, 2020, that it would still be out of order to consider any

such candidates on the letter from the President of the Student Bar Association, and that an updated set of nominations was to come in the proper, legally binding, format in the days to come. This assurance was directly misleading, and led to what I believe to be the worst and most abhorrent instance of misfeasance by the Student Senate in my three years of service within it.

While I am glad that, in some capacity, that our Student Judicial system is getting attention of some kind, as it has been sorely ignored in our three previous Executive administrations, but the manner in which the current administration has openly and blatantly disregarded the clear and plain language of our Constitution, the single most important document of this Student Government, with the aiding and abetting of our Student Senate and its leadership brings me complete and total shame in my title as Senator.

“To see the perils of substituting stories for statutes, we need look no further than the stories we are offered in the case before us.” -From the majority opinion of the SCOTUS case *McGirt v. Oklahoma*

If we, collectively, within the Student Government Association, are unwilling to abide by our governing documents, and instead choose expediency and flippant disregard for the work of those who are responsible for the writing of said documents, carrying out the duties of said documents, and reviewing of said documents, then perhaps the Student Government Association is best left to be wholly vacated, and leave it to our RSOs to advocate for the interests of the Student Body.

Now that the decision is in the past, and we have established this horrific precedent of violating our Constitutional and Statutory duties as Senators, I plead with my fellow Senators and our Senate President on two points.

Read our Constitution. Read our Statutes.

Herein signed,

John “Jake” Alvarez, Senator for the College of Social Sciences & Public Policy: Seat 1

## Senate Hall of Fame Inductee, 2019

Co-signed,

Griffin Leckie, Senator for the College of Social Sciences & Public Policy: Seat 5

Chair of the Senate Judiciary Committee

Daniella Murcia, Senator for the College of Arts & Sciences: Seat 3

Katherine Gipalo, Senator for the College of Social Sciences & Public Policy: Seat 3

New Business: Election of Senate Pro Tempore. Bill 26 Presidential Veto. Senator of the Month for April, May, June

Closing Announcements:

Final Roll Call: The last senate vote was considered as the final roll call

Adamyk, Murcia, Bateman, Hinks, Little, Lavendar, Selva, Rossi, Mougey, Tillman, Wilkinson, Palacio, Wang, Gnanam, England, Eazer, alvarez, Gipalo, Leckie, Gonzalez, Adams, Bogle, Diaz ,dean, Cusnier, Medley-Neyra, Tookes, Chabot, waters, Stinson, Gonzales, Porter, Murray, Rudd

Zoom Link: [https://fsu.zoom.us/rec/share/2pJwH7LWzFpJHrOOzWaOYr4IM4rJT6a8gCVN-KJfz0\\_c1FDHXDPyvHdEcMII9uaF](https://fsu.zoom.us/rec/share/2pJwH7LWzFpJHrOOzWaOYr4IM4rJT6a8gCVN-KJfz0_c1FDHXDPyvHdEcMII9uaF)