

Memorandum

To: Texas A&M Student Government Association Judicial Court
Texas A&M Student Government Association Student Senate

From: Jeremy Peel - Off-Campus Senator

Date: October 07, 2015

Subject: Regarding the Speaker of the Student Senate's memo to the Judicial Court

Friday, October 2, 2015, the Speaker of the Student Senate sent a memo on behalf of the Senate to the Chief Justice of the Judicial Court. The Speaker called into question the competence of the Court in regards to their decisions and actions during 68-01.

To the Court, I would like to say how sorry I am for an unnecessary and unprofessional tone that the Speaker used in his memo. Furthermore, I would like to say that I, like the many other Senators who disagree with the Speaker, find it inappropriate that he used the official Student Senate letterhead on a message that we do not all agree on. For that matter, the Senate had not even discussed the issue in a meeting before the memo was sent. It is not our official opinion, and not all of us would show the same disrespect that the Speaker did when he used the term "incompetence" and compared the Court to a "classmate that constantly comes to class unprepared." As the Aggie Family, we may disagree. However, we should work out these disagreements in a respectful manner. Respect. It is an Aggie core value. As a student leader, I would expect our Speaker to represent these core values.

The Speaker believes that with his memo he had "successfully" soiled the credibility of the Court (using an unprofessional phrase that I would rather not quote). However, I would like to point out why he was unsuccessful in doing so and why his solution is not rational.

The Speaker notes that the Justices of the Judicial Court have failed to learn the contents of our governing documents (the SGA Constitution and Code, the Judicial Court Bylaws, the Election Regulations, etc.). However, in regards to the response that the Court sent, they seem to have a better understanding of the rules than they are credited for, especially since they correct the Speaker on his misinterpretation of a rule.

His solution to making sure that we have a Court who has an incentive to follow these rules set by our governing documents is to amend them so that each Justice has to be reconfirmed after serving for a year. This poses a serious problem. Say we have a controversial case much like 67-03, and the Senate disagrees with the opinion of the Court. After this case, all the returning

Justices are up for reconfirmation. Since the Senate disagreed with the outcome of the case, they decide to not reconfirm any of the returning Justices. Now, the Court has only new Justices, none of which have any experience, and none who know how the Court works. This scenario would be far worse than a Court with Justices who serve a "life" term.

This amendment would also give the Senate more control than it currently has and needs. It would not only threaten our system of checks and balances, but it would also create a Court that would rule on cases the way the Senate would want them to only so they could be reconfirmed. Much like a Senator who does what the voters want so that they can be reelected, Justices would rule on a case the way the Senate wants just so they can remain on the Court. It is vital to our democratic process that this does not happen so that Justices stay unbiased in their rulings.

In his memo, the Speaker compares the Student Senate confirming Justices to the U.S. Senate confirming Supreme Court Justices. He points out that the U.S. Senate has to review the extensive legal work of a Supreme Court nominee, and the Judicial Court nominees give only a resume and presentation with questions and answers. Of course this is not the federal government; this is a university. In the Student Government Association at Texas A&M University, Justices are confirmed by the Senate. Therefore, when the Speaker questions the competence of the Court and the process in which the Court is chosen, he is calling into question our competence and doubts the decisions we make when we vote.

I have only been in Senate since the spring. However, it does not take much for me to see that most Senators tend to side with the leadership on almost all issues. We were elected by our constituents to serve the student body and to look inside ourselves to make difficult decisions. To my fellow Senators, I ask that you research this issue beyond the information the Speaker has provided, and to not take his memo as your own opinion. It is time to do what we were elected to do. It is time to lead, and not to follow. In the words of Frank Underwood: "Join the pack, or stay with the herd."

Gig 'em and God Bless,

Jeremy Peel '16

Off-Campus Senator