

Associated Student Government Judiciary

ASGJ-2019-GE5

March 8, 2019



Associate Justice Pierce Teeuwen authoring for the Majority decision where the majority rules (5-0).

I. Introduction

The Majority has ruled that election violation complaint ASGJ-2019-GE5, submitted by Mariam Siddiqui against Maria Calderon, Shay Longmate, Kirsten James, Allie James, and John Hedgecock was found valid. However, the parties involved have been found not guilty of violating Section VI, § C § 4 of the 2019 General Elections packet. There was no presence of libelous material used by the Together We AR ticket. We also reasoned that if the court was erroneous in the decision of whether the material is considered libelous, the safety mechanism of which the decision is based on, is that there was no evidence of malice in the rhetoric used by the campaign. This verdict was made on the basis of evidence and testimonies provided by the Complainant, Witnesses, and the Defendants during the time of the formal ASG Judiciary hearing held March 8th, 2019, in JB Hunt 535, after ASGJ quorum was met.

II. Facts of the Case

The court was asked to determine whether the Together We AR campaign violated Section VI, § C § 4 of the General Elections packet.

The complainant, Mariam Siddiqui, submitted the claim, along with a photo of a text received by a campaign staffer for the Spark the Change ticket. The text included rhetoric that advocated for the vote of Together We AR by discrediting the ASG experience of the other two presidential candidates.

During the trial an articulate and sited definition of libelous material was only provided by the defendants. It read as follows “a published false statement that is damaging to a person's reputation; a written defamation,” cited directly from Google definitions. No competing definitions were offered so this is the standard of which we weigh the complainant’s allegations.

The other evidence submitted on behalf of the complaining party was used as a means to demonstrate the rhetoric previously used by the defendants with the only major example being the hashtag #ExperienceMatters.

It is also important to note that both parties agreed that they were public figures in the eyes of the University of Arkansas public.

III. Discussion

Our discussion began with determining what libel was. During the hearing justices asked a lot of questions about experience and what qualifications are. If they are a moral standard for which people base reputations on, or if they are a measurement for likeness to succeed. The court determined that experience and questions of experience are not measurements of one’s character and reputation, but instead a means of acknowledging qualifications for the position that a candidate is applying for. The court debated about the complainant’s point that the text said

“lacks experience” however, towards the end Associate Justice Turner pointed out that the qualifier ASG was mentioned 3 times in the sentence before the phrase had appeared in the text message. The court deemed that the phrase in question was about ASG experience and not experience in general.

We moved from the discussion about experience into the argument from which we could hang our hat on. It was determined that even if the court was wrong in its evaluations of the text message, and that it did so happen to be libel, we found safety in the acknowledgement that there was no evidence of malice. The court and both parties in the hearing agreed that the threshold for libel against public figures is malicious intent behind the publication of libelous material. The complainant supplied no evidence of this malice not qualifying the defendants of surpassing that threshold of the case.

IV. Conclusion

The burden of proof through the entire case rested on the complainant. The goal was to prove that her reputation and character were harmed, not her qualifications and to prove that the words and rhetoric used by the Together We AR ticket were intentional and premeditated. The threshold for proving these facts true was not met by the complainant. Therefore, the Together We AR campaign did not violate the General Elections packet, Section VI § C § 4.

V. Decision

The rhetoric of assessing and speaking about another parties’ qualifications is not slanderous or libelous, but merely a means of campaigning and propagating of one’s own party as a means of distinguishing themselves from the other tickets in the election. As the decision was ruled in favor of the Majority, the Majority rules. The decision stands as is.

IT IS SO ORDERED

Authored by Associate Justice Pierce Teeuwen

Joined by Associate Justice Semien Hagos

Joined by Associate Justice Justyce Yuille

Joined by Associate Justice Brandon Turner

Joined by Associate Justice Proxy John Kiefner
