

**IN THE STUDENT COURT FOR THE
ASSOCIATED STUDENTS OF THE UNIVERSITY OF NEW MEXICO**

No. S-2019-MT-001

YOUNG MCCARTHYISTS, PETITIONER, v. RILEY DUNCAN, IN HER OFFICIAL CAPACITY AS
ASUNM VICE PRESIDENT

[April 4, 2019]

CHIEF JUSTICE CARRILLO delivered the opinion of the Court.

Petitioner's claim was not factually disputed. On Wednesday, March 20th, the Full Senate granted an appropriation to an outside organization called "Americans for Communist Utopia," or AFCU, for the purposes of hosting a speaker in the Student Union Building (SUB). AFCU comprises no students as defined by the ASUNM Constitution Art. I §1(A) and thus was legally unable to charter as a student organization; however, AFCU requested the funds by declaring themselves a "Service Entity" as defined by the Definitions Code, and the Finance Committee and subsequently Full Senate granted the appropriation per Finance Code Art. III §3. Petitioner sued, claiming that AFCU did not meet the requirements to be granted an ASUNM appropriation. The Court found that it had jurisdiction to hear the case per ASUNM Constitution Art. IV §2(A). As AFCU cannot be considered a student organization, a part of ASUNM government, or an ASUNM Student Service Agency, we must now consider the definition of "Service Entity" and whether the Senate erred in dispensing the appropriation to AFCU.

The Definitions Code defines Service Entity as "[a] program whose primary purpose is to provide service to the students of UNM." The funds dispersed to AFCU were used to pay for an individual who used the public space to speak about a political ideology. AFCU's primary purpose is to advocate its ideology using public forums. We find the speech in question to be a reasonable means to accomplish this purpose. The speech was targeted toward UNM students. Thus, we can consider the speech a program with a primary purpose directed toward students of UNM; the question now hinges on the definition of "service." Because the SUB is available to all students, Respondent argues that the event qualified as a service to UNM students, similar to other programs such as the Student Activities Center's "Welcome Back Days." We agree that an event or program must be available to *all* students to qualify as a "service to the students of UNM." If one student were to claim funds as a Service Entity for their sole benefit, that would be patently illegal; similarly, if an outside organization claimed funds for use only by UNM athletes, it would not serve "*the* students of UNM," merely *some* students of UNM. Therefore, a service must be demonstrably available to all students.

However, this is not the only stipulation. Service is a qualitative term. A reasonable person cannot argue that the pointless blaring of a loud foghorn in the SUB would qualify as a “service” to the students of UNM, despite its “availability” as an event in a public space. Service is done to assist; its purpose is to aid in a specific and advantageous goal. A “service to the students of UNM” must aid the students in their capacity as students. Any other notion of service would be contrary to the purpose of ASUNM Government and in opposition to the rights of the student as recognized by the ASUNM Constitution. We therefore define “service” as *an action that provides a clear benefit which is reasonably available to all students.*

Thus, the question becomes one of benefit. Petitioner argues that AFCU advocates “radical and dangerous ideas to an impressionable audience;” however, we reject the argument that speech should be limited based solely on its content. The environment of a higher education provides a space for controversial ideas to be discussed and debated. While this benefit is not without limit, the subject at hand is additionally relevant within multiple disciplines of academic study. Given the facts of this case and the context of the nature of the speech within the educational economy of the free exchange of ideas, we find that the event demonstrated a clear benefit to UNM students in their capacity as students. Therefore, the speech constitutes a service. As it reasonably supports the primary purpose of the AFCU, we therefore find the AFCU to qualify as a Service Entity. Accordingly, we affirm Respondent’s decision to issue an appropriation.

It is so ordered.

On Behalf of the Court,



Ian Carrillo
Student Court Chief Justice, 2018-2019