

SUPREME COURT OF ARABIA

Syllabus

KENLANE, et al. v. LEGISLATIVE
CABINET, et al.

ORIGINAL JURISDICTION

No. 0027. Argued Mar. 29 - 30, 2020—Decided Mar. 30, 2020

The Legislature is empowered to set its own procedures by the Constitution. Utilizing this power, it passed a series of items to require legislative sessions to occur primarily on Reddit, as opposed to Discord, with instructions to the Legislative Cabinet, the respondent of this case, to enable this process. With only a couple of exceptions, these procedures appear not to have been followed at all since their adoption. The petitioner, Attorney General Kenlane, brings a suit to this court, indicating such and requesting an order from this court to the respondent for the purposes of realizing the procedures that depend on Reddit.

Held: The Legislative Cabinet failed to follow these procedures and is ordered to do so, with all previous items that passed or failed the Legislature immediately returned to the docket—if still possible—for approval in line with these procedures.

Chief Justice Parrish delivered the opinion of the Court, joined by Justice Retro.

SUPREME COURT OF ARABIA

No. 0027

KENLANE, et al. v. LEGISLATIVE
CABINET, et al.

ORIGINAL JURISDICTION

[Mar. 30, 2020]

CHIEF JUSTICE PARRISH DELIVERED THE OPINION OF THE COURT

The Legislature of Arabia requires clearly defined procedures, in order to write laws and make other binding decisions in a manner that is transparent and communicable to the other branches and the public. The petitioner brings his case, arguing that the Cabinet of the Legislature has failed to operate according to these procedures and must be ordered to comply.

I

This dispute before the Court has its origin in three documents. These include the Reddit Legislative Exposure Act (RLEA), the Move to Reddit Act (MRA), and the Move to Reddit Act: Delegation of Responsibility Amendment (DRA). Citing these, the petitioner has noted that the respondent has failed to follow these procedures, such that the necessary actions to make legislative action visible on Reddit did not occur and thus requested a court order to require the performance of these duties. Given the nature of such a request, an inquiry of the facts on this matter were in order.

We start by reviewing the relevant language of the documents cited. The first one listed by the petitioner is the RLEA. The pertinent language states (R-36, §2.1):

A spreadsheet tracking the votes of the Legislature and Ministry shall be maintained, pinned to the sidebar of r/democraciv, visible from both old.reddit.com and reddit.com.

A simple glance at r/democraciv shows that this is not the case. Moreover, there is no evidence that the respondent attempted to change this. The Court thus finds the facts to be consistent with the petitioner's claim that the RLEA was not followed.

More serious provisions exist in the MRA. The crux of the case comes down to the following clauses, which read (A-01, §1.1):

Henceforth, Reddit shall be the primary platform for debate and discussion regarding any current or prospective legislative motion, including but not limited to legislation, appointments and confirmations, and the selection of legislative leadership.

This language indicates two things. One, that discussion and debate are considered a part of the legislative procedures. Secondly, it indicates, unequivocally, that Reddit is to be the "primary platform" for legislative decisions. It does add, however (A-01, §1.1.a):

Everyone may still use Discord, but the legislature pledges to make a conscious effort to uphold these principles, and recognizes the necessity of such changes.

This would imply that Discord is still an acceptable platform to use, but the circumstances for such are not clear in this document alone. Because the MRA specifies (A-01, §2.1) that it will overrule previous procedures that are in conflict with it, the most straightforward reading of this language is not that Discord is acceptable by default but that circumstances can exist that permit it. An older procedure, for example, could establish such a context. The Court could only find a single example of such a possibility in extant procedure, which reads (R-00, §4.1):

The Cabinet may, at the request of the Ministry, or by their own will, call for an emergency session.

This is important because it provides a context that allows for emergency sessions, which might be difficult to organize on Reddit, to be called by the respondent, and it does this in a manner that does not conflict with the preceding language of the MRA.

The final document, the DRA, is what makes the respondent the proper object of this suit. It modified existing procedure to apply to the Cabinet and not just the Speaker, stating (A-04, §2):

Consistent with these ideals, the Cabinet shall be responsible for posting each submitted legislative motion to Reddit separately...The Cabinet shall be responsible for creating debate threads on Reddit regarding any prominent legislative topic(s) arising in the community...The Cabinet may choose to post such debate threads on the main Democraciv subreddit, or some other relevant subreddit of their choosing, such as r/democracivlegislature.

The previous language of the MRA concerned only the Speaker, and with the amendments to apply the MRA to the Cabinet as a whole, a common thread pertaining to the duties and powers of the Cabinet, the respondent, is established. What is left is to review how the evidence aligns with this thread.

The broader question of whether the respondent failed to operate as specified on Reddit was raised. A review of the history of the main subreddit, as well as the arguments offered by each party, verify that with only two exceptions, the respondent has failed to follow the procedures of the MRA in every single decision made by the Legislature, since the adoption of the MRA on January 25, 2020.

The petitioner specifically argued, “Over two months, the legislative cabinet has repeatedly failed to follow the procedures dictated by the MRA.” The respondent later concurred, confiding, “The law in question flew under the radar for most of us, not being brought up for over a month despite the failure to carry it out. This is not an excuse, just an observation. I missed it, and I take responsibility for it.” The Court receives these emphatic statements as an agreement to the facts and, lacking evidence to the

contrary, accepts that the respondent failed to follow legislative procedures during the period following the passage of the MRA.

Even given the possibility that operating on Discord might have effectively been calling an emergency session, the petitioner made a keen observation, arguing, “Emergency sessions must be announced in a way that makes them considerably different...[c]alling every session an emergency session is not an effort, it is an excuse.” The Court agrees. The nature of emergency sessions is that they do not apply to usual business, and the respondent did nothing to indicate a sense of emergency in any of these sessions, all of which appear to cover routine matters at the most. With the potential for emergency sessions dismissed, so too does the Court find that no procedural recourse for operating on Discord existed for the sessions in question, given the respondent’s failure to make even an attempt.

II

With these facts found on the record, the Court determines that an order to provide a remedy, as requested by the petitioner, is acceptable, with modifications. In their application, the petitioner indicated the following request:

A court order mandating the release of the backed dockets and documents that are required to be on reddit and for the cabinet to begin immediately following the law.

The Court can easily provide the latter element, that the respondent immediately comply with these procedures. The court can even go further and order that the spreadsheet of legislative votes be pinned to the sidebar of r/democraciv. It can go further and order, as requested in hearing, that the ADI monitor Reddit and Discord to ensure this compliance. The warning against future violations as grounds for prosecution for felony offenses, however, is not permissible because this would violate the constitutional right of citizens to be heard, per the Bill of Rights, and so civil hearings shall not be conflated with distinctly criminal hearings.

III

The release of backed dockets, however one might define that, is more complicated to issue in an order. This owes to the necessary consequences of the evidence that was brought before this Court and how its wider implications shape what is an appropriate order to be issued.

The Court cannot merely order a simple, retroactive posting of the dockets onto Reddit, that the respondent might be shoehorned into legal compliance at the eleventh hour. The language previously cited explains that this must occur in the moment, using the terms “current or prospective” to describe the legislative content that must be put on Reddit. Therefore, doing this after the fact is still not valid, and, consequently, a remedy cannot be produced in the eyes of the law, in this manner.

Critically, the petitioner even argued, “Aside from being a breach of procedure, failing to post on Reddit can, theoretically, leave legislators and citizens in the dark about certain issues. A series of debate threads will effectively keep people informed.” The Court concurs, noting that expanded access to the public is the most obvious advantage of operating on Reddit, compared to the more insular nature of a Discord server. Retroactively applying the dockets does not provide remedy to the loss of a legislative process that aspires to be more public.

This does not mean the petitioner is without recourse to have the older dockets applied to Reddit. The Court has also managed to determine that this is still possible, in light of the respondent’s failure to follow procedure. While not laws, the legislative procedure is not without legal basis. The Constitution states (Art. 1, §2.6):

The Legislature may establish additional rules and procedures for itself.

This establishes that legislative procedures, while not laws that apply to the whole of Arabia, have a constitutional basis. Because the right of the Legislature to set its own procedures is protected by the Constitution, anything that would interfere with this would be in violation of the Constitution.

As aforementioned, the Court has found that the respondent failed to follow the legislative procedures by which it was bound. Ergo, any sessions administered by the respondent in this manner must be considered in violation of the Constitution, as this came in conflict with the protected latitude of the Legislature as a whole to set its own procedures. Without proper procedures, the Legislature is robbed of a *process* to make binding decisions. This also means that the decisions rendered in these unlawful sessions lack any constitutional support. Each of these decisions, be they approvals or rejections of items of business, must be considered null and void under the Constitution. It is in this context that dockets for these items may be ordered to be posted on Reddit, this time as new items of business.

IV

Because such a long period of time concerns these violations, the Court must discuss what the impact of these voided decisions by the Legislature are. The material covered by the MRA is all-encompassing, applying to “any legislative motion, including but not limited to legislation, appointments and confirmations, and the selection of legislative leadership.” The MRA applied to all subject matter, and so the Court shall void all categories of decisions just as equally.

This means that several appointments to positions of government are nullified. This also means that several pages of law no longer apply and that even some Arabian states do not formally exist. Some previous decisions of this Court also cannot have any force. All of these things shall be nullified immediately and may not become binding until properly decided by the Legislature, in accord with its procedures.

* * *

The Legislature is empowered by the Constitution to set its own procedures. Current procedures require legislative decisions to be hosted and administered through Reddit, with a spreadsheet to its votes to be linked in the sidebar, and that the respondent is

responsible for executing these things. The facts on the record demonstrate that the respondent failed to perform these duties, and so the Court finds in favor of the petitioner. By holding sessions that did not comply with the constitutionally protected legislative procedures, the decisions rendered by those illegal sessions are ruled null and void.

The Court instructs the respondent to comply with the legislative procedures in all future sessions and to include previous items from those older dockets in the next, if any still apply. It also instructs the ADI to monitor the respondent for the faithful performance of these duties going forward.

The Court will provide a list of all things known to be nullified by this decision, attached by hyperlink. It will, however, state some of these for convenience. The appointments of John the Jellyfish and Norjam to the Ministry are considered null, as are any residual decisions or policies made possible by them. The creation of the states of Damascus and Kobe Nova under Arabia are considered null. These states must be dissolved, and thus Quaerendo Invenientis and Kenlane no longer have gubernatorial status. The Penal Code is also considered null.

While this means many previous actions in the game may be considered illegal, the Court accepts that it cannot control time and will accept gameplay effects as they are, but future streams must comply with the legal impact of this decision.

The Court is aware that these instructions even have impacts on itself, and so with this decision, the Court shall shut down indefinitely until the justices can be appointed in a manner that is consistent with legislative procedure.

It is so ordered.