

STATE OF MICHIGAN LAW DAY 2006 ESSAY CONTEST  
“LIBERTY UNDER LAW: SEPARATE BRANCHES, BALANCED POWERS”

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*Suppose that the Executive Branch has become aware that a congressman has been misappropriating federal funds and selling military secrets. Should the President issue an executive order expelling the congressman from the House of Representatives?*

The President should not be able to expel a Congressman from the House of Representatives even if that specific Congressman has been selling military secrets and diverting federal funds. I believe this because according to Article 1 §5 of the Constitution, the House of Representatives has the authority to expel someone for any reason by a vote of two-thirds. It is Congress who has this power, not the executive branch.

The Supreme Court case Powell v. McCormack, 395 U.S. 486(1969) is a very important case in the history of all court cases, and it strongly relates to this topic. In November of 1966, Adam Clayton Powell Jr. was elected from the 18th Congressional District of New York to serve in the United States House of Representatives. He was not permitted to take his seat because an investigation was conducted. A special Subcommittee on Contracts of the Committee on House Administration found that Powell had been lying to House authorities about his travel expenses, and it also showed that illegal salary payments were being made to Powell's wife by his hand. The House ended up expelling Powell. He met all of the requirements that are expected of him by the Constitution, but Congress has the power to expel someone for any reason by a vote of two-thirds. If a President wants to expel someone, he should not be able to do it. It is only in the hands of Congress. There are three branches of government: the executive branch, the legislative branch, and the judicial branch. Each branch is given specific powers.

The core democratic value of justice states quite clearly that everyone should be treated fairly when it comes to the benefits and obligations of our society; no one should be favored over anyone else. Justice ties into the principle of Separation of Powers. There are three branches of government; judicial, legislative, and executive. When it comes to power, all three branches are equal. No one branch is more important than the other. Each branch has certain powers that no other branch has and they each reserve the power to check each other's actions. This is Checks and Balances, also guaranteed in our Constitution. The president should not be able to expel anyone from the House or Representatives because that power lies in the hands of the legislative branch, not the executive branch.

I believe that the President has no place to expel someone from Congress because of one simple reason, the separation of powers. Our country wouldn't be the same if one branch of government had more power than the other. I strongly stand behind my beliefs. If one branch of government were to have more power over the other this country would basically be run under a dictatorship. America is the amazing country it is today because of our freedoms.