

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

Jessica Lyn Goletz ~ First Place ~ Seventh Grade
L'Anse Creuse Middle School North, Macomb, Michigan
Teacher – Sheryl Furnas

Should the President be able to Expel a Congressman?

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?

Fwick! The television turned on, as the family sat down around it. Soon enough, the President walked up to the podium.

"So from here-on-out, every citizen shall be required to eat pudding for breakfast, lunch, and dinner. Thank you. That will be all," he stated.

"But that is ridiculous!" Mother exclaimed.

"The President does what he wants," father explained.

Do you believe that this is unfair? I believe that it is. The president should not be granted that much power. By letting the President expel a Congressman, he is being granted too much power over another branch. This is why I very strongly believe that the President should not be able to expel a Congressman.

When I say the word "justice", what comes to your mind? When I think of justice, I think of an extremely important core democratic value, with an important meaning. Justice means that when correcting wrongs and making decisions, everyone is treated fairly. If the President expels a Congressman, he is not treating him fairly, because the Congressman shows no fewer qualifications. The President sets an example for all of us. By not showing justice, where will that lead America?

Only thirty-seven years ago, just a case happened. In the case of Powell v. McCormack, 395 U.S. 486(1969), Powell was denied a seat in the House of Representatives. McCormack claimed he had "misappropriated public funds and abused the process of the New York courts." The courts could not find anything that showed that he was ineligible for the seat. Powell was elected into the House of Representatives.

In sixth grade social studies, I learned that directly in the Constitution of the United States of America, our founding document, it gives important information on the discussed topic. In Article One Section Five it states, "[e]ach House may determine the rules of its proceedings, punish its member for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This means, that each House can only expel members of their own House. Letting a member of the Executive branch affect a member of a different branch would be going against our Constitution and the idea of Checks and Balances.

Perhaps, instead of the President expelling the Congressman, he could advise another member of Congress on this matter. Then, that member of Congress can call a trial, and with a two-thirds vote, then expel the Congressman from his seat. This would be the proper way to go about this matter.

In conclusion, I strongly believe that the President should not be able to expel a Congressman. This is a topic that I hope we can all become educated on, as it is an important topic.