



ARTICLES OF IMPEACHMENT

Date: 10/31/2017

Re: Petition for Articles of Impeachment Against Jacob Kurtz (Rep. Shakeel Alibhai)

Resolved that Parliamentarian Jacob Kurtz will not be removed from office.

Senior Leadership Team (6-0)

*Parliament (19-3) *11 abstentions*

INTRODUCTION

The effect of an Auditor General's decision to recommend articles of impeachment to Parliament and the Senior Leadership Team is much like that of a grand jury's indictment; it is not a finding of guilt, but instead is only a mandate that the accusations at hand be further contemplated. Considering the role of Parliamentarian, specifically its oversight authority over Parliament, it is important that all petitions from Parliament representatives for articles of impeachment against the Parliamentarian be considered deferentially in order to steer clear of despotism from the only unelected branch of government. The full form of that deference, which should be practiced by the Auditor General, can be described with the following directive: if, in light of the appertaining accusations, defensive arguments, evidence, and constitutional rules, a reasonable belief in the guilt of the Parliamentarian can be maintained, then articles of impeachment should be recommended by the Auditor General. The reason for this is that ultimate authority should always lie with the student body, which has entrusted, via direct elections, Parliament and the Executive Office to act within constitutional bounds to govern. For this reason, when a petition from a Parliament representative calls for the impeachment of the Parliamentarian, the Auditor General must act according to the aforementioned deferential

directive, in order to ensure that the Auditor General is not being inserted in the place of elected representatives who are actually part of the constitutional process of appointing the Parliamentarian. It is pursuant to this goal that I have made the decision to recommend the following article of impeachment, as the finding of guilt as it pertains to the accusation of the petitioner requires a type of judgment that is solely within the purview of the Executive Office and Parliament, and not the Ethics Board.

BACKGROUND

On October 26, 2017, Parliament Representative Shakeel Alibhai sent an email to both Parliamentarian Jacob Kurtz and myself, Auditor General Morrease Leftwich, Jr., in order to convey his petition for articles of impeachment to be brought against Parliamentarian Kurtz. Soon after receiving the petition, I requested that Parliamentarian Kurtz submit a defense against the allegations, which he did. I then considered the opposing arguments and made preliminary judgments as to which, if any, of the accusations would come to fruition in an article of impeachment. On October 30, 2017, I held a private preliminary impeachment hearing between myself, the accused, and the petitioner, in which I heard further argumentation and witness testimony from both parties. At the end of that meeting, I delivered my final judgment to both Parliamentarian Kurtz and Representative Alibhai as to which accusations would be the subject of this article of impeachment.

ARTICLE I

On September 22, 2017, during a meeting of the Parliament Steering Committee, Representative Alibhai asked Parliamentarian Kurtz when the election for Vice Chair of the Steering Committee would be held, to which the accused responded that the position is

nonexistent. This event is undisputed. Representative Alibhai argues that this event is proof of a lack of requisite eligibility to serve as Parliamentarian on the part of Parliamentarian Kurtz. As proof, he cites the constitutionally enumerated roles of the Parliamentarian: specifically, "Interpreting and enforcing the Temple Student Government Constitution for the Parliament...Maintaining the Temple Student Government Bylaws...Serving as an expert on Parliamentary procedure" TSG IV, II, ii.

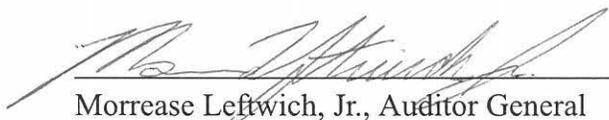
RELEVANT RULES

It is not debated between the parties whether or not the role of Vice Chair of the Steering Committee exists, and proof of it can be found throughout Article II of the TSG Constitution. In this case, the question of subject is whether this single misstep of the Parliamentarian is sufficient to prove a lack of requisite expertise on behalf of Parliamentarian Kurtz. It is undoubted that the Parliamentarian must serve "as an expert on Parliamentary procedure" TSG IV, II, ii. Because of this requirement, it would be proper to vote for the removal of a Parliamentarian from office if they are not "serving as an expert" TSG IV, II, ii. as this would amount to "[d]ereliction of duty" TSG III, V, ii. an impeachable offense.

PROCEDURE FOR REMOVAL FROM OFFICE AND PUNISHMENT

The TSG Constitution sets the requirements for removing the Parliamentarian from office. The combination, in order, of the recommendation of the Auditor General, $\frac{2}{3}$ approval of the Senior Leadership Team and Parliament, respectively, and finally the consent of the Faculty Advisor is necessary. Additionally, as quorum is undefined for impeachment trials, only the amount of voters necessary to remove the Parliamentarian from office is required to attend the public impeachment trial. During the trial, I will introduce the alleged violations that are the

subject of these articles of impeachment, explain my reasoning for bringing the allegations against the accused in these articles of impeachment, and finally, will give the accused infinite time to defend himself. After the completion of Parliamentarian Kurtz's oration, I will explain the requirements for removal from office and the process by which votes will be tallied. After tallying votes, I will then pass judgment on what the punishment, which "shall not extend further than removal from office and disqualification to hold any subsequent office within Temple Student Government" TSG II, V, iii, if any, will be.



Morrease Leftwich, Jr., Auditor General



Ballot certification

Matthew Diamond, Elections Commissioner