



## **DECISIONAL MEMORANDUM**

Date: 11/5/18

Re: Constitutionality Committee v. Parliament

### **ISSUES**

- Whether Parliament has been fulfilling their constitutional duties by drafting resolutions as representatives of the Temple student body.

#### **1. Statement of Facts**

It has been brought to the Constitutionality Committee's attention, that Parliament's present body has been ineffective when it comes to its main function: "Certain members of the Constitutionality Committee... have attended a number of Parliament sessions and have spoken with members of Parliament's general body as well as its Steering Committee. As a corps, we, the Constitutionality Committee, have come to the conclusion that Parliament's present body has been ineffective when it comes to its main function." Parliament has initiatives that they are working on, however, there has been no real action taken to create resolutions to implement these initiatives. There has been one resolution, and then tabled, but none have been voted on or approved.

#### **II. Constitutional Analysis**

The Parliamentary Counselor's Constitutional authority is listed in the Constitution as followed: "Maintaining, interpreting, and enforcing the Temple Student Government Constitution and Bylaws for Parliament" TSG VII.ii,iii,ii.i. It is pursuant to these governing rules that in order



to limit conflict surrounding this case and that may arise

in future cases, this precedential evaluation, which is Constitutionally, and statutorily authorized, must occur.

Parliament's sole job as representatives of the student body is putting forth resolutions as per the Constitution, "The Parliament shall consist of a representative body of students whose primary function is to consider and propose initiatives that address aspects of student life" TSG III. i.

Additionally, "The Parliament shall have the power and responsibility to...Pass resolutions that express the opinions of the student body TSG III. iii. ii. Any orthodox method of constitutional analysis requires that an analyzer gives each word in the document meaning. In this clause, two phrases are used to describe the passage of resolutions by Parliament: 'power to' and

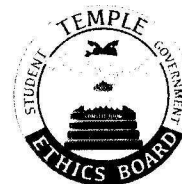
'responsibility to'. The Constitutionality Committee says: *We doubt the definition of 'power to' is moot; it should just be construed to mean 'authority to' or 'ability to'. 'Responsibility to' is a different case. Oxford Dictionaries defines 'responsibility' as "[t]he state or fact of having a duty to deal with something or of having control over someone."* I agree with this statement, if 'responsibility to' means that Parliament must take action, then Parliament must pass resolutions.

Now I must define how many resolutions Parliament needs to pass. Passing resolutions is a constitutional requirement and if a representative does not fulfill their Constitutional requirement, then they are not doing their job and that is grounds for impeachment. Individuals will be impeached; not groups. So, I must find a way to individualize this Constitutional requirement to pass resolutions. The only way to do that is to require that each member either propose a resolution or co-sponsor a resolution each term.

### III. Conclusion



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For the preceding reasons, each Parliament

representative is now required to either propose a resolution or co-sponsor a resolution by the end of each semester. I'll consider this by a case by case basis for this semester because of the time we're at in the semester. Therefore, by December 18th 2018, Parliament must have 15 resolutions proposed. If representatives fail to meet these standards, this will be considered grounds for impeachment.

Nancy Allen, Parliamentary Counselor