

RUSA

8/30/2017

Chris Kay, Parliamentarian

Complainant: Viktor Krapivin, Internal Affairs Chair

Question: Are Expedited Removals Constitutional?

Finding: Article IV section 4.03 of the RUSA Constitution is the Article which governs Impeachments. In Article 4.03 it is stated that “to remove a member from office, The Assembly... shall follow the procedures in this section, and may adopt additional procedures.” Article 4.03 goes on to detail the means by which impeachment is carried, stating “The accused member being impeached shall be tried at a closed meeting of The Assembly, and shall be given an opportunity to defend the charges brought against him or her. Said member shall not have a vote and shall not be counted amongst the number of voting members present. A 2/3-majority vote of all voting members present is required to remove a member from office. If the President is the member being impeached, the Vice President shall chair the proceedings.” From two passages cited above it seems clear that any impeachment or removal of a member of RUSA requires that the accused member be given a trial before their peers in the Assembly as a minimum requirement for removal. However, the Assembly is free to create additional barriers to removal on top of the explicitly stated minimum requirements. Which is to say, the Assembly has the power to make removal a more difficult process to achieve, but it may not make the process any simpler. Therefore Article XXIV section 1 subsection c is not constitutional because the process of expedited removal circumvents the constitutional requirement that all members facing removal be afforded the right to a trial by their peers.