April 24, 2007
In re: Presidential Advisor Appointment
Constitutional Council Majority Opinion
Chief Justice Shana Zaia

Chief Justice Zaia:

It came to the attention of the Constitutional Council that Student Union President Neil Patel had appointed Treasury Representative Aaron Robinson as his official Presidential Advisor. While the President is indeed constitutionally permitted to appoint executive assistants as he sees fit, as written in the Constitution, Article III, Section 2, d. “[the President may] appoint such executive assistants as shall be deemed necessary for the proper execution of his duties and have the power to remove such persons from their positions,” this particular appointment was inappropriate. The office of “Presidential Advisor” is indistinct from an “executive assistant,” despite the discrepancy in name. This executive assistant falls under the Executive branch, whereas Aaron Robinson is already a member of the Legislative branch as a representative of the Treasury. A representative of the Legislative cannot serve in an Executive office concurrently due to the inherent conflict of interest, just as no representative of any branch may concurrently hold a position in another branch. The Constitution makes this prohibition explicit in Article II, Section 4: “All members of the Student Union who hold a position in the Student Union must be members in good standing. No member may hold more than one office during any given session.” Should Aaron Robinson hold both a seat in the Treasury and the office of Presidential Advisor, he would clearly be in violation of the Constitution. Neil Patel must, if he desires to have an executive assistant, appoint someone who is not currently holding an elected or appointed office within Student Union.

There was no dissent in this case.