

STUDENT ASSOCIATION JUDICIAL COUNCIL

Opinion No. 1- F2025

*THE OFFICIAL AND PERTINENT OPINION OF THE MISSISSIPPI STATE UNIVERSITY
STUDENT ASSOCIATION JUDICIAL COUNCIL REGARDING THE QUESTION OF
CONFLICTING CONSTITUTIONAL PROCEDURE IN THE REMOVAL OF AN APPOINTED
EXECUTIVE COUNCIL MEMBER, PERTAINING TO ARTICLE II OF THE MSU SA
CONSTITUTION.*

[August 31, 2025]

Hearing No. 1-F.2025

Argued August 28, 2025-Decided August 29, 2025

CHIEF JUSTICE WILLIAMS delivered the 10-2 decision of the Council. In accordance with precedent established by prior Judicial Council practice, those members who declined to take a definitive position on the constitutional question before us have been formally recused. Their abstentions are therefore not included in the final tally of the Court's decision, which reflects only the votes of those members reaching a considered judgment on the matter.

Ruling

*In the question of conflicting constitutional procedure in the removal of an appointed Executive Council member, specific to **MSU SA Const. art II, § 2-G; MSU SA Const. art II, § 6-C; and MSU SA Const. art II, § 8-B**; it is the majority opinion, and thus the prevailing opinion, of the Mississippi State University Student Association Judicial Council, that the unilateral removal of an appointed member of the President's Executive Council is and should here forth be recognized as, until such rewrites of the constitution by the Student Association address the conflict of powers, UNCONSTITUTIONAL.*

The Judicial Council will not attempt to presume the intentions of the Executive in unilaterally removing Ms. Campbell from her position as Director of Programming, nor will we

engage in speculation as to the rationale underlying that action. Rather, our analysis turns upon the constitutional text itself.

We find fault in the conflict presented by the aforementioned provisions of Article II of the most recent MSU SA Constitution, for the following reasons. Article II, § 8-B provides that Cabinet members “shall serve at the pleasure of the SA President,” it is the Judicial Council’s opinion that the clause cannot be construed in isolation. Article II, § 2-G prescribes the specific mechanism by which the President may remove Executive Council members: “with the concurrence of a majority of the SA Senate.” To adopt the strong Executive interpretation, that the President may exercise unilateral removal authority under § 8-B, would render the removal clause in § 2-G surplusage. Under the canon against surplusage, no constitutional text should be interpreted so as to be without operative effect. Both provisions must therefore be read harmoniously, *in pari materia*, such that each retains its intended force.

Accordingly, the phrase “at the pleasure of the SA President” in § 8-B must be understood as conferring discretion upon the President to propose or initiate removal, but not as dispensing with the explicit procedural requirement of Senate concurrence contained in § 2-G. The canon of constitutional harmonization requires that, where possible, provisions be reconciled to avoid conflict rather than privileging one at the expense of another.

The Executive contends that impeachment serves as a sufficient safeguard against the unilateral removal of Executive Council members. This argument is unavailing. Impeachment is a remedy of last resort, punitive in character, and cannot substitute for the regular constitutional process of removal prescribed in § 2-G. To accept such an argument would invert the structure of constitutional checks and balances, permitting the President to act first in contravention of

text, and forcing the legislative branch to exercise extraordinary remedies in response. Such an interpretation contravenes the canon of constitutional avoidance, as it would invite instability and undermine the democratic character of the Student Association.

*The Executive further asserts that Executive Council members are indistinguishable from Cabinet members generally and thus may be removed through the same informal procedures. This contention likewise fails. While Article II, § 6-C states that Executive Council members are also members of Cabinet, the converse is not true: not all Cabinet members are Executive Council members. Under the canon of *expressio unius est exclusio alterius*, the explicit inclusion of removal procedures for Executive Council members in § 2-G indicates the framers' intent to treat those offices differently from other Cabinet positions. To equate the removal of an Executive Council officer with that of a Freshman Reacher is constitutionally unsound and institutionally destabilizing.*

For these reasons, and in light of the canons of interpretation requiring that (1) provisions not be rendered superfluous, (2) constitutional text be harmonized wherever possible, and (3) specific provisions control over general ones, the Council holds that the President of the Student Association lacks unilateral authority to remove members of the Executive Council. Such removal requires Senate concurrence pursuant to Article II, § 2-G.

Accordingly, the Judicial Council finds that the attempted removal in the present case, undertaken without the constitutionally required concurrence of the Senate, is hereby declared UNCONSTITUTIONAL. Pursuant to the Judicial authority vested in this body under Article IV, § 3-D of the Mississippi State University Student Association Constitution, the affected member is ordered reinstated to her office forthwith. The Judicial Council further urges the Senate to

address and reconcile the conflicting provisions of Article II through constitutional amendment or clarification, so as to prevent future disputes and ensure consistency in the separation of powers.

It is so ordered.