

Us law essay

[Law](#), [Constitution](#)



Steve Dedmon, a newly elected representative member from the State of Florida declined to use the bible in affirming his allegiance to perform his duty as a congressman. This has sparked several debates across the country given that House Rule 1. 01 provides that the only text that can be used to take an oath is the Bible.

The House of Representatives, in such circumstances, chooses not to recognize such a member in their capacity. In addition, such a member is barred from performing house duties. In fact, Congress has the power to expel a member of the House. However, this is only possible in the event that a two thirds majority votes in favor of the expulsion. Again, this only applies to members who have taken the Oath of Allegiance. The Powell v. McCormack is a case in point. The Speaker of the House John William McCormack prevented Powell from taking oath of office given various allegations charged against him (read Powell). His expulsion was reversed by the Court. This example shows that one cannot be expelled from the House unless he has taken the Oath of Allegiance. In fact, the court found that Powell was wrongfully expelled from his seat. Though Article 1, Section 5 of the US Constitution provides that the House shall judge the qualifications of its members, this clause only applies to members who have taken the Oath of Office.

The majority in this case held that Congress has no power to develop qualifications to the House other than those defined in Article 1 and 2, clause 1 and 2 of the US Constitution.

Being a Muslim does not exclude one from candidacy for membership of the House. Neither is being a Christian a direct ticket for candidacy to the House

of Representatives.

However, House Rule 1. 01 would be a challenge given that they require one to administer their Oath of Allegiance using the Bible. Applying the literal interpretation of statutory laws, Steve would be barred from taking his oath using the Quran. Steve's quest to enforce his bid to use the Quran is bound to fail. It is in that regard that he would lose his seat since he would not have taken the Oath of Office. The House may be unable to expel him since he has not been incorporated into the House through the Oath of Allegiance as provided for in the Constitution.

Works Cited

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Eskridge, William N. *Dynamic Statutory Interpretation*. New York: Havard University Press, 1994.

Powell et al v. McCormack. No. 395 U. S. 486. US Supreme Court. 16 June 1969.