RE: Distribution of Life Member Rebates

WHEREAS: Article XIII – DUES, Section 2 – LIFE MEMBER REBATES, sub-section B. The capita payment-based on a previous national convention vote-50% to the National Organization and 50% equally split between Departments and Chapters and

WHEREAS: The 2018 National Convention in Spokane, Washington voted to approve a change to Article XIII Dues, Section 2 Life Member Rebates, Paragraph B so the distribution of Life Member Rates would be 50% to the National Organization and 50% equally split between Departments and Chapters, and

WHEREAS: During the discussion on the Convention Floor it was recommended that the resolution be for one year, but the resolution could not be change after being presented and that a new resolution should be submitted at the next National Convention.

WHEREAS: Passing of the resolution 2018-15 during the National Convention in Spoken, WA. Part of the resolution was to remove from Article II - Membership, Section 4 - Dues, 1) the words chapter and departments, be it,

RESOLVED: That Article XIII Dues, Section 2 Life Member Rebates, Paragraph B be restored to its original language: B. The per capita payment—based on a previous national convention vote—will be 50% to the departments and 50% to the chapters. Be it further,

RESOLVED: That Article II – Membership, Section 4 B– Dues, be amended to read:

1) Any interest, dividends, or capital gains earned shall be used exclusively for the Life Membership rebated to chapters and departments.

Submitted by the Departments of Texas, Arkansas, & Department of Oklahoma
RE: Cancellation of National Conventions

WHEREAS: ARTICLE IX - NATIONAL CONVENTION Section 3 - MEETINGS paragraph C: In the event a national Convention cannot be held because of a government edict (e.g., a time of a war or any other emergency), a USPS mail or digital vote for the election of officers is to be held not later than October 31 and

WHEREAS: There are no provisions for cancelling a national Convention due to means other than a government edict and

WHEREAS: Other reasons for cancellation of a National Convention may include a national security action other than a time of war, a natural or manmade disaster, any other emergency, or the lack of adequate funds to convene a national convention, therefore be it

RESOLVED: That ARTICLE IX - NATIONAL CONVENTION Section 3 C—MEETINGS, be amended to read:

In the event a National Convention cannot be held because of a government edict (e.g., a time of a war or any other National emergency), or a natural or manmade disaster, or any emergency as determined by the NEC of the Order, a digital vote for the election of officers is to be held not later than July 31. No National Convention shall be cancelled without the consent of the National Executive Committee (NEC).

Submitted by: Departments of Arkansas, New Mexico, & Texas
COMMITTEE: Constitution & Bylaws
RESOLUTION NO: 3 ~ 2019

Committee's Recommendation

Convention Action
APPROVED

RE: Article X – National Officers, Section 2 – Officers and the Department Commander of each Department

WHEREAS: During the revision of the National Bylaws in 2017 the above section of Article X-National Officers, Section 2-Officers, “and the Department Commander of each Department” was inadvertently omitted, and

WHEREAS: “and the Department Commander of each Department” was added to this bylaw in/or about 2011, and

WHEREAS: Per Title 36 USC 14054 (b) Officers.- (1) The officers of the corporation are a commander, a senior vice commander, a chaplain, an adjutant, a finance officer, a judge advocate, an inspector, a surgeon, a historian, and other elected officers as provided in the constitution and bylaws, and

WHEREAS: The wording “and the Department Commander of each Department” should be changed to “and other elected officers as provided in the constitution and bylaws” therefore, be it,

RESOLVED: That Article X – National Officers, Section 2 – Officers be amended to read:

The National Officers of the Military Order of the Purple Heart of the U.S.A., Inc., shall be National Commander, National Senior Commander, National Junior Vice-Commander, six National Region Commanders, National Adjutant, National Finance Officer, National Judge Advocate, National Inspector, National Sergeant-at-Arms, National Service Director, National Legislative Director, National Chaplain, National Americanism Officer, National Surgeon, National Historian, National Public Relations Director, National Women’s Veteran Coordinator, National VAVS Director, and the Department Commanders of each Department.

Submitted by: National Bylaws Committee
RE: Term of Office

WHEREAS:  Article X – National Officers, Section 4, B – Term of Office, says:

B) No National Commander, National Senior Vice Commander, or National Junior Vice Commander shall succeed him or herself by election to a second full term, and

WHEREAS:  During the National Convention an election of National Officers takes place with the newly elected officers starting their term per the National Bylaws, Article X - National Officers, Section 4 – Term of Office, paragraph A., to begin at the end of the National Convention, and

WHEREAS:  As seen since an amendment to the National Bylaws in 2006 that both Chapters and Department can establish term limits for the elected officers, which has allowed those, especially, that of the Chapter or Department Commander, to follow through with their agenda for the Good of the Order of the Chapters and Departments, and

WHEREAS:  Allowing the National Commander, National Senior Vice Commander and National Junior Vice Commander to serve, by re-election to a second consecutive term, would allow the National Commander, National Senior Vice Commander and National Junior Vice Commander to fore fill their agenda’s, thus, moving forward the MOPH and the Good of The Order, and

WHEREAS:  If the body of the Order believes that the National Commander, National Senior Vice Commander or National Junior Vice Commander should be re-elected to serve an additional consecutive one-year term, they, the body of the Order may re-elect those Officers if nominated, therefore, be it

RESOLVED:  Article X – National Officers, Section 4 B– Term of Office.  be amended to read:

No National Commander, National Senior Vice Commander or National Junior Vice Commander shall serve more than two consecutive terms, if re-elected to the second term.  If said National Commander, National Senior Vice Commander or National Junior Vice Commander are considering serving a second term said officer shall notify, in writing, by April 1st of the year, prior to the National Convention, through the National Adjutant, who will then notify the body of the Order of said notice by April 5 of said year.  Said written notice shall be by digital means.

Submitted by: National Bylaws Committee
RE: Structure of the National Executive Committee

WHEREAS: Article XII – National Committees, Section 1 – National Executive Committee, sub-section A. The National Commander, Past National Commander, National Senior Vice Commander, National Junior Vice Commander, six Region Commanders, National Finance Officer, National Judge Advocate, National Inspector, National Sergeant-at-Arms, Department Commanders, National Finance Committeemen, and National Publications Committeemen who shall all have a voice and a vote, and

WHEREAS: TITLE 36 - PATRIOTIC AND NATIONAL, OBSERVANCES, CEREMONIES AND ORGANIZATIONS Subtitle II - Patriotic and National Organizations Part B – Organizations CHAPTER 1405 - MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED § 140504. Governing body (a) Board of Directors. — (1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for all funds of the corporation. (2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 18 directors, and

WHEREAS: Currently there is an estimate of about eighty-eight (88) members of the National Executive Committee, and

WHEREAS: Article XII – National Committees, Section 2 E– Duties of National Executive Committee reads: Be vested, in the interval between Conventions, with full administrative powers of the National Organization delegated to it by the National Convention within the limitations prescribed in these Articles. All actions of the NEC, however, shall be subject to approval by the next National Convention, and

WHEREAS: Per Title 36, Section 140504 of the Congressional Charter, a board of directors of at least 18 members would govern the Order between the meetings of the corporation, and

WHEREAS: Establishing a Board of Directors for the NEC of twenty-one (21) members would streamline and expedite actions of the National Executive Committee thereby benefitting the corporation, therefore be it
RESOLVED: To be added to Article XII – National Committees, Section 1 – NATIONAL EXECUTIVE BOARD

A. The National Executive Committee Board of Directors (NECBD) shall consist of twenty-one (21) members, the National Commander, National Senior Vice Commander, National Junior Vice Commander, all six (6) Region Commanders, and two Department Commanders elected by the Region’s Department Commanders.

B. The Chairman of the NECBD shall be elected annually by the members of the NECBD. The National Commander shall not be the Chairman.

C. The NECBD will meet at the call of the Chairman. One third of the members can request a meeting of the NECBD.

D. A quorum shall be eleven (11) members of the NECBD.

E. All members of the NEC will be notified of and may attend the NECBD meetings.

F. The National Adjutant or a representative designated by the chairman of the NECBD shall keep all minutes and correspondence of the NECBD.

G. The National Judge Advocate shall be the legal advisor with a voice and no vote of the NECBD.

H. The National Finance Officer, National Finance Committee Chairman, and National Publications Committee Chairman shall have a voice and no vote.

I. The NECBD shall be invested with the power as granted by the body of the Order and to act on behalf of the NEC between National Conventions.

J. All Region Commanders shall report back to their region Departments of all decisions and actions taken by the NECBD.

K. All actions taken by the NECBD shall be reported to the whole NEC immediately after the decisions are made. The NECBD’s actions and decisions shall be ratified at the next NEC meeting and subsequently at the National Convention.

RESOLVED: The old section 1 shall become section 2, Section 2 will be section 3, etc. throughout Article XII.

Submitted by: National Bylaws Committee
RE: NATIONAL INSPECTOR

WHEREAS: That ARTICLE XI SECTION 9 (G) states that the National Inspector will:

Do an inspection at the request of the National Commander of any National Officer’s office including the National Adjutant, Service Director, and Legislative Officer, and

WHEREAS: That the bylaws do not provide for an inspection of national headquarters to insure that procedures are followed according to the bylaws, and

WHEREAS: That an annual inspection of national headquarters finances should be a customary practice for the protection of the Order, therefore, be it

RESOLVED: Article XI, Section 9 (G) be changed to read:

G. To protect the finances of the Order:

1) The National Inspector will do an annual inspection of National Headquarters to assure that all procedures are being following according to the bylaws and report the results of the inspection to the National Commander.

2) The National Inspector will do an inspection at the request of the National Commander of any National Officer’s office including the National Adjutant, Service Director, and Legislative Officer.

Submitted by: National Junior Vice Commander
RE: NATIONAL Adjutant

WHEREAS: That ARTICLE XI SECTION 5 A 1) 2) states that the National Adjutant will:

1) The National Adjutant’s normal duty station is in the National Headquarters.
2) Occasionally, it may be necessary for the National Adjutant to attend meetings and functions outside the Headquarters’ building., and

WHEREAS: With the advent of electronic communication the National Adjutant could access any of the headquarters files from any location , and

WHEREAS: The current budget crunch makes it difficult to hire a Purple Heart recipient for the Adjutant’s position in the Washington DC area,

WHEREAS: The Order needs to be flexible in where the Adjutant resides, therefore, be it

RESOLVED: Article XI, 5 A 1) & 2) be removed

Submitted by: National Junior Vice Commander