

MILITARY ORDER OF THE PURPLE HEART



The Only Congressionally Chartered
Veterans' Organization Exclusively For
Combat Wounded Veterans

Bylaws

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ARTICLE I - NATIONAL ORGANIZATION²

Military Order of the Purple Heart USA, Inc. - (the Order)

Section 1 - REGIONS

- A. Region is a geographical grouping of states and territories for membership expansion. A National Region Commander is elected annually from each of the following Regions.
 - 1) Region I Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Northern New England (Maine, New Hampshire, Vermont), Pennsylvania, Rhode Island, and Virginia.
 - 2) Region II Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, and Wisconsin.
 - 3) Region III Alaska, Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming.
 - 4) Region IV Alabama, Florida, Georgia, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee.
 - 5) Region V Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.
 - 6) Region VI Arizona, California, Guam/Asia Pacific, Hawaii, Nevada, and Utah.
- B. Region Commanders shall conduct a Region meeting each year to be held no later than the end of October. The meeting may be held digitally.

Section 2 - DEPARTMENTS

- A. Departments may be organized where there are two or more active chapters, with a minimum combined membership of one hundred (100) members and associate members, in any state, territory, or foreign country.
- B. All chapters within such state, territory, or country shall be subordinate to the department, if a department exists. If no department does exist, the Chapter shall be subordinate to the Region.²⁸
- C. "Active" is defined as a department that has submitted a current election report.

Section 3 - CHAPTERS

- A. A chapter may be formed by the authority of the National Commander on the application of not less than twelve (12) Purple Heart recipients who are members in the Military Order of the Purple Heart of the USA, Inc.
- B. No chapter shall be recognized by the Order unless operating under a valid charter.
- C. Charter requirements:
 - 1) Applications for a chapter or department charter shall be submitted to the National Headquarters on a form to be furnished by the National Adjutant.

- 2) The charter members listed on the charter application and on the charter shall be Purple Heart recipients.
 - 3) Chapter charter applications must be endorsed by the Commander of the Department or in the absence of a Department Commander, the Region Commander may endorse the charter.
 - 4) No new chapter shall be given the same name or number as an existing or former chapter.
 - 5) No chapter shall bear the name of a living person.
 - 6) Chapters may request a specific number; otherwise, National will assign the next available number on the sequential list.
- D. "Active" is defined as a chapter that has submitted a current election report.

Section 4 - INSTITUTION

- A. Upon the issuance of a Chapter charter, the Commander of the Department having jurisdiction handles the institution of the Chapter.
- B. In those cases where there is no such Department or in the case of the forming of a new Department, the Region Commander shall have the responsibility to appoint the Instituting Officer.

Section 5 - INSTALLING OFFICER

The Installing Officer may or may not be the same individual as the Instituting Officer. The Installing Officer will:

- A. Install, in accordance with the Bylaws and Ritual of the Order and instruct the officers in their duties.
- B. Deliver to the Chapter/Department Commander who was installed, copies of the Constitution, Bylaws, and Rituals of the Order.
- C. Make a report in writing to National Headquarters.
 - 1) Giving the name and the number of the Chapter that was installed, as well as the number of members obligated at the time of the institution.
 - 2) The names and addresses of the installed officers elected to serve until the next election.

Section 6 - SURRENDER of CHARTER

No charter shall be surrendered by any active chapter that has at least twelve (12) living members.

Section 7 - REVIVAL ⁵⁰

- A. Subject to the approval of the National Commander a Chapter/Department which was previously disbanded may be reinstated provided:

- 1) The Department making application for reinstatement follows the National Bylaws as to the number of members and Chapters.
 - 2) The Chapter charter may be reinstated with its original name and number.
- B. A new charter will be issued, bearing the names of the petitioning members.

Section 8 - BYLAWS⁵⁰

- A. Departments and Chapters may adopt Bylaws that do not conflict with the Constitution and Bylaws of the Military Order of Purple Heart of the USA, Inc.
- B. Chapters and Departments must send their bylaws to the National Judge Advocate for review to ensure compliance with the National Bylaws.
- 1) The Judge Advocate will make a recommendation to the National Commander about their compliance with the Order's Bylaws.
 - 2) The National Adjutant will notify the Chapter/Department of the National Commander's decision.

ARTICLE II - MEMBERSHIP

Section 1 - APPLICATION

- A. Every application for admission to membership in the Order must be on a form provided by the National Headquarters.
- B. Applications for membership must be submitted to the National Headquarters with a copy of the applicant's DD-214, DD-215 (supported by a DD-214)³, AGO 53-55 or General Orders of the award of a Purple Heart. Certificates showing the award of the Purple Heart Medal are not accepted.
- C. The Fees submitted with an Application for Membership are NONREFUNDABLE.

Section 2 - ELIGIBILITY

- A. Any person who is serving in or has served in one of the Armed Forces of the United States, or any foreign country who can show proof of the award of the Purple Heart for wounds (**ARTICLE II, Section 1, B**).
- B. Chapters or Departments may reject members accepted by National, who are not of good moral character.
- C. The determination to be accepted into a Chapter is made by the assigned Chapter.

Section 3 - MEMBERSHIP AT LARGE

An applicant residing in a State where no Chapter or Department exists will be a National Member-at-Large.

Section 4 - DUES

- A. The National Convention shall fix the dues rate for all memberships.

- B. Life Membership dues shall be invested to perpetuate the Order.
 - 1) Any interest, dividends, or capital gains earned shall be used exclusively for the Life Membership⁴ rebated to the National Headquarters, Chapters and Departments.^{5, 52}
 - 2) Withdrawal of the Life Membership principal is prohibited except as provided in Article XII, Section 4, N.⁶
- C. To determine the disposition of any money left in the Life Membership fund upon dissolution of the Military Order of Purple Heart, **see 36 USC Chapter 1405**.

Section 5 - MEMBERSHIP CODE of CONDUCT⁵⁴

The word MEMBERS as used in these bylaws refers to any type of membership as recognized by the Order.

- A. Members of the Order will follow all the bylaws, rules, and regulations of the MOPH.
- B. Members of the Order will never commit any injustice or wrong to any Member of this Order or their family.
- C. Members of the Order will try to aid any member of the MOPH.
- D. Members of the Order will uphold and support the Constitution of the United States of America and honor the Flag of our Country.

Section 6 - RESIGNATION

- A. To protect the rights of members, Patriots no longer desiring to be considered a member of the Military Order of Purple Heart must submit a signed statement of resignation of membership.
 - 1) Such signed statement must be mailed or e-mailed to the National Headquarter.
 - 2) The effective date of the resignation is the postmark date on the envelope of the resignation letter, or the date e-mail was sent.
 - 3) A member may resign from the Order at a National Convention by submitting a written notice to the National Commander presiding at the convention. The date and time of receipt by the presiding National Commander is the effective date of the resignation.
- B. A member who resigns shall no longer have rights, privileges, or consequences of membership in the Military Order of Purple Heart.
- C. To regain membership, the Patriot must reapply and provide documentation of the award of a Purple Heart. Before the National Adjutant may reinstate an individual, who has been expelled or resigned to avoid charges under Article XV, Section 13, a review must be conducted. **(Article XV, Section 13, A., 2), d)**.

Section 7 - TRANSFERS⁵¹

- A. Any member may request to be transferred to another Chapter or to an At-Large status

- by submitting an MOPH Transfer Request form to the National Adjutant.
- B. The National Adjutant will make the transfer and notify the gaining and losing Chapters of such action.
- C. The receiving Chapter may vote not to accept the transferred member, within ninety (90) calendar days of the notification of the transfer.
- D. A member shall not belong to more than one Chapter.

Section 8 - DISPOSITION of MEMBERS⁵¹

Member(s) of a defunct Chapter may be transferred to another Chapter nearest to his or her residence or may become a Department Member-at-Large at the member's discretion. The National Adjutant will provide the member(s) with a list of the locations of Chapters in the area.

ARTICLE III - CHAPTERS

Section 1 - ELIGIBILITY

All Chapter⁷ members, except as hereinafter provided, shall be eligible for any office in the Chapter. **(See Article XVIII - Associate Members for exception)**

Section 2 - OFFICERS³⁷

- A. The required elected officers of each Chapter shall be a Commander and Finance Officer.
- B. The required appointed officer of each chapter shall be an Adjutant.
- C. If needed for Chapter operations, a Senior Vice Commander, Junior Vice Commander, Sergeant at Arms, and two (2) Trustees may be elected.
- D. The Commander may appoint a Chaplain.

Section 3 - COMMITTEE(S)

The Commander may appoint committee(s) as deemed necessary for specific functions.

Section 4 - ELECTIONS

- A. **Elections of the Chapter officers should be held in March and/or April of the year, and.**
- B. **Elections should be held in a face-to-face meeting.**
- C. **In the event a regular and/or election meeting cannot be held face-to-face because of a government edict (e.g., a time of a war or any other National Emergency), or a natural or manmade disaster, or in instances of inclement climatic conditions, or any emergency as determined by the members of the Chapter, regular and/or election meetings maybe held by digital means, of a quorum per Article V – Meetings of Chapters, Section 1 and Section 2. (Also refer**

to Article XIX, Conduct of Meetings)⁶⁸

- D. Installation of newly elected and appointed officers shall not be later than April 30.
- E. Due notice of such election must be mailed or emailed to all members at least two weeks before the meeting.
- F. Both elected and appointed officers may succeed themselves if properly elected or appointed.

Section 5 - TERM of OFFICE⁵⁵

Chapters may establish term limits for elected officers by defining Term Limits in their Chapter bylaws.

Section 6 - VOTING

- A. In the cases of a vote for officers, a majority of all votes cast shall be necessary for a decision.
- B. If there is no majority vote for one candidate on the first vote, the name of the Patriot receiving the lowest number of votes will be dropped, and so on, in successive votes, until an election is made.

Section 7 - VACANCIES

- A. All vacancies in an elective office shall be filled by the Chapter at the next regular meeting following such vacancy.
- B. In the event of a vacancy in the office of Commander, the Senior Vice Commander shall become the Commander, and the Junior Vice Commander shall become the Senior Vice Commander.
- C. The Chapter shall then elect a Junior Vice Commander to fill the vacancy and shall likewise elect other officers to fill any elective office(s) that become vacant.

Section 8 - ABSENT CHAPTER ELECTED OFFICER

- A. A Chapter may declare vacant the position of any elective officer who has absented themselves from three (3) meetings by a majority vote of the votes cast at a meeting.
- B. A notice (any shipping service entity⁵⁷ return receipt requested or email) is required to be given to the delinquent officer.
- C. The notice (any shipping service entity⁵⁷, email, or telephone) of the intended action shall be communicated to the Chapter members at least fifteen (15) calendar days before such action is to be voted upon.

Section 9 - BANK ACCOUNTS

The only authorized Bank Account(s) are those maintained by the finance officer.

ARTICLE IV - DUTIES of CHAPTER OFFICERS

Section 1 - COMMANDER

- A. Preside at all meetings of the Chapter, enforce a strict observance of the bylaws and usage of the Corporation, and all orders from proper authority.
- B. Approve all warrants drawn up by the Chapter Adjutant for the appropriation of monies made and passed at a regular meeting of the Chapter.
- C. Checks issued by the Chapter Finance Officer should be co-signed when possible.
- D. Perform such other duties as the Bylaws of the Corporation may require.
- E. Responsible for public awareness of Chapter activities and purpose.
- F. Immediately after entering the office appoint:
 - 1) An Adjutant and a Chaplain.
 - 2) Committee(s) not otherwise provided for.
 - 3) The Commander may remove these officers and committee(s) members when necessary.

Section 2 - SENIOR VICE COMMANDER

- A. Preside in the absence of the Commander.
- B. Assist the Commander in preserving order and preside in the absence of the Commander.
- C. Perform such other duties as the Bylaws may require.
- D. Cooperate with the Commander in aggressive membership recruitment.

Section 3 - JUNIOR VICE COMMANDER

- A. Preside in the absence of the Commander or Senior Vice Commander.
- B. Perform such other duties as may be required by the Bylaws.
- C. Assist in membership recruitment.

Section 4 - ADJUTANT

- A. Keep the Chapter's files properly prepared.
- B. Maintain the Constitution, an updated version of Bylaws of the Order, and the Bylaws of the Chapter and Department if they exist.
- C. Take the minutes and record all the proceedings of each meeting of the Chapter. At the next meeting, the minutes shall be read and any needed correction(s) made and approved at the Chapter meeting.
- D. Maintain an Orders File in which shall be kept all orders or circulars issued by the National Commander, Region Commander, Department Commander, or Chapter Commander.
- E. Keep a Letters File.

- F. Keep such other documents as required by the Order or any legal jurisdiction.
- G. Attest by signature all actions of the Chapter.
- H. Draw up all warrants on the Finance Officer for approval by the Commander for appropriation of monies by motions made and passed at a regular meeting of the Chapter or for items that have been approved in the budget.
- I. Prepare all reports required by the Commander.
- J. Complete Chapter Officer Election Report Form, as furnished by the National Adjutant, within twenty-four hours after the election. The Chapter Adjutant will promptly forward a copy directly to the National Adjutant and the Department Adjutant.
- K. Transfer without delay to a successor all books, papers, and other property of the Chapter.

Section 5 - FINANCE OFFICER

- A. Pay out monies only upon a proper warrant drawn by the Chapter Adjutant and approved by the Commander. Maintain a file of all warrants that have been drawn.
- B. Hold and be responsible for the funds, securities, vouchers, and other financial instruments of the Chapter.
- C. Prepare and sign each check issued by the Chapter. The Chapter Commander is the other co-signer of the check when possible.
- D. File IRS 990 Form annually with Internal Revenue Service and maintain a copy for files.
- E. Perform such other duties as the Bylaws may require.
- F. Prepare a complete annual financial report on a form provided by the National Adjutant covering the period May 1 to April 30.
 - 1) Allow the Chapter's financial records to be open for inspection by the Chapter's Trustees.
 - 2) The Finance Report to the National Adjutant requires the signatures of one Trustee and the Commander.
- G. Deliver to the new Finance Officer, or to anyone designated by the Chapter, all monies, books, financial statements, and other property of the Chapter.
- H. When the Commander and both Vice Commanders are absent the Finance Officer will chair the meeting. If none of the officers above are present the Chapter members present shall elect a Commander "pro tempore."

Section 6 - SERGEANT-AT-ARMS

- A. Take a post at the inside door of the meeting room.
- B. Perform such other duties as the Commander may direct.
- C. Be responsible for the Chapter's Colors and Bible.

Section 7 - TRUSTEE(S)

Trustees shall semi-annually, in September and in March, audit the accounts of the Chapter and make a status report to the Chapter.

- A. The Chapter Trustees will report their findings at the next Chapter meeting that is before April 30 and October 31.
- B. Provide a copy to the Chapter Commander by April 30 and October 31.
- C. Provide a copy to the Department Finance Officer by April 30 and October 31.
- D. Provide a copy to the National Adjutant by April 30 and October 31.

Section 8 - CHAPLAIN

- A. Be responsible for the opening and closing invocations of the Chapter meeting.
- B. Assist in or take charge of burial ceremonies for departed Patriots.
- C. Perform such other duties requested of him or her by the Commander.

Section 9 - RESIDENCE

All Chapter elected, and appointed officers shall reside within the geographic boundaries of the Region as defined by the National Bylaws and/or reasonable commuting distance of the Chapter.

ARTICLE V - MEETINGS of CHAPTERS

Section 1 - REGULAR MEETINGS

- A. Chapter meetings should be held monthly when possible.**
- B. Digital meetings are allowed in the event of inclement climatic conditions or the inability to have a quorum in a face-to-face meeting.**
- C. The Quorum of a regular meeting of the Chapter shall be five members consisting of at least three (3) or more active Patriots of the Chapter and the balance being Associate members.⁶⁷**

Section 2 - SPECIAL MEETINGS

- A. Special meetings may be convened by the Commander or the written request of five (5) members. Associate members may be included in the count. (See Article VIII).
- B. Digital meetings are allowed.
- C. The Chapter Adjutant shall notify all the Chapter's members of the business to be transacted at such meeting.
- D. Quorum – The Quorum for a Special Meeting shall be five members and/or Associate members of the Chapter with a makeup per Article V, Section 1, C.⁶⁷**

Section 3 - CHAPTERS

- A. Chapters formed and affiliated with military (active or guard/reserve units) that are

deployed shall continue to enjoy all the voting rights at both the Department Convention, and/or the National Convention, notwithstanding their inability or failure to submit proper Election and Financial Reports.

- B. The deployed members must constitute more than 50% of the Chapter's members.
- C. Upon the return from deployment, Election and Financial reports are required to be filed with the National Adjutant prior to the next National Convention.

ARTICLE VI - DEPARTMENTS

Section 1 - GOVERNING BODY

Each Department shall be governed by a Department Convention, which is subordinate to the National Convention.

- A. **MEETINGS - There shall be an Annual Department Convention held between April 1 and May 30 of each year.**
- B. **Elections should be held in a face-to-face meeting.**
- C. **In the event the Annual Department 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 Department Commander, a digital vote for the election of officers shall be held not later 30 May of the year.⁶⁹**
- D. **DEPARTMENT CONVENTION** shall consist of:
 - 1) The Department Commander and all other elective officers of the Department with a voice and a vote.
 - 2) Appointed Department officers are members of the Convention with a voice but no vote.
 - 3) Chapter Commanders throughout its jurisdiction with a voice and a vote.
 - a) In the absence of the Commander, the Senior Vice Commander or Junior Vice Commander may represent the Chapter.
 - b) Chapter Commanders may cast the votes of any absent delegates in addition to his or her Charter vote.
 - c) In the absence of the Commanders, a Chapter may submit a written statement designating that an officer of the Chapter is to be its representative.
 - (1) Only the Chapter Commanders may carry the charter vote.
 - (2) The designated Chapter officer may carry the votes of delegates votes not in attendance.
 - 4) Patriots who have served as National Commanders and past Department Commanders of that Department, both of whom are members of the Department,

with a voice and a vote.

- 5) No one will have more than one vote. Members who are holding or having held multiple offices still only have only one (1) vote. The prohibition does not include provisions for casting the votes of absent delegates.
- 6) Delegates to be elected by the Chapters shall be one (1) for each twelve (12) members or major fraction thereof in the Chapter at the time of election with a voice and a vote.
- 7) ELIGIBILITY All members except as hereinafter provided shall be eligible for any office in the Department (See Article XVIII Associate Members for exceptions).

Section 2 - OFFICERS

- A. The elected officers of each Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Judge Advocate, Inspector, and Sergeant-at-Arms.
- B. The Commander shall appoint an Adjutant and Chaplain and may also appoint a Legislative Officer and/or Chief of Staff.
- C. The Department Commander shall serve as a member of the National Executive Committee (NEC). In the Commander's absence, the Senior Vice Commander, or Junior Vice Commander in the order of precedence of their office shall serve on the NEC.

Section 3 - ELECTION of OFFICERS

- A. The Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Judge Advocate, Inspector, and Sergeant-at-Arms will be elected at the Annual Department Convention.
- B. In the event of a contested Department election result based upon allegations of an unfair, tainted, or illegal election by the outgoing officers, the Region Commander shall appoint a temporary Department Commander and Department Finance Officer.
 - 1) These temporary two officers will assume immediate control of all books, records and monies of the Department pending a hearing panel appointed by the Region Commander into the tainted, invalid, or illegal election process.
 - 2) To invoke this section, three (3) members must submit sworn affidavits setting forth the alleged claims of an illegal, tainted, or invalid election process with supporting proof.
 - a) The sworn affidavits must be notarized.
 - b) The affidavits must be sent to the Region Commander within ten (10) calendar days of certification of the election results by the Department Adjutant.
 - 3) The Region Commander will immediately appoint a hearing panel (Panel) of three

- (3) members, who will conduct a hearing. The Panel shall consist of any combination of past Region Commanders or past Department Commanders.
 - a) The Region Commander will appoint the chairman of the panel.
 - b) The hearing will be no later than ten (10) calendar days from the Panel appointment. The Region Commander will designate the date, city/town, and location of the hearing.
 - c) The Panel will evaluate the evidence and testimony from all the involved parties concerning the allegations of an illegal, invalid, or tainted election process.
 - d) The Panel will report its findings and recommendations within ten (10) calendar days to the Region Commander. A copy will be sent to the National Adjutant.
 - e) The Region Commander upon receiving the results of the hearing will:
 - (1) Affirm or reject (cannot modify) the hearing panel's findings and decision.
 - (2) Either call for a new election or uphold the election.
- 4) If the Region Commander accepts the Hearing Panel's recommendation that there were no improprieties, then said acceptance shall be sent to the National Commander to certify the election.
 - a) Upon certification by the National Commander, the newly elected officers will be sworn in and assume command.
 - b) The temporary appointees will turn over all books, records, and monies of the Department to the newly certified and properly elected Department Officer(s).
- 5) In the event of a Panel finding of an illegal or tainted election, the Region Commander will immediately call for a new election to be conducted within twenty (20) calendar days of receipt of the hearing panel's recommendation(s).
- 6) All appeals will be to the National Commander within five (5) calendar days of the notification of the Panel's decision. The National Commander's decision is final and definitive.

Section 4 - TERM of OFFICE⁵⁶

Departments may establish term limits for elected officers by defining Term Limits in their Department bylaws.

Section 5 - VACANCIES

- A. In the event of a vacancy in the office of the Commander, the Senior Vice Commander shall at once succeed to the title and duties of the office, and the Junior Vice Commander shall succeed to the title and duties of the Senior Vice Commander.
- B. The Department Executive Committee (DEC) shall vote for the election of a Junior Vice Commander.
- C. Other vacancies in elective offices shall be filled by the Department Executive

Committee (DEC).

- D. Elections may be at a meeting, through any shipping service entity⁵⁷ mail vote, or secure and auditable³⁵ digital vote. **(Also refer to Article XIX, Conduct of Meetings)**³⁶
- E. All candidates may provide information about themselves to be included with the any shipping service entity⁵⁷ and digital votes.

Section 6 - REMOVAL

Any department officer who misses two meetings of the constituent body may have the office declared vacant by a vote of the Department Executive Committee (DEC).

- A. The officer may be retained if a legitimate excuse is provided for each absence.
- B. When so removed, the officer shall have the privilege of an appeal to the Region Commander. The appeal must be taken within sixty (60) calendar days of the date of the order declaring such office vacant.

Section 7 - BANK ACCOUNTS

The only authorized Bank Account(s) are those maintained by the Finance Officer(s).

Section 8 - DEPARTMENT EXECUTIVE COMMITTEE (DEC)

The Department Executive Committee shall consist of:

- A. The Commander, Senior Vice Commander, and Junior Vice Commander with a voice and a vote.
- B. All elected officers of the Department with a voice and a vote.
- C. Past National Commander(s) or Past Department Commander(s) who are members of the department with a voice and a vote.
- D. Appointed officers of the department with a voice but no vote.
- E. Chapter Commanders and in their absence one of the Vice Commander in order of precedence of their office with a voice and a vote.

Section 9 - DUTIES & FUNCTIONS of DEPARTMENT EXECUTIVE COMMITTEE

- A. The Department Executive Committee shall meet immediately preceding the Department Convention.
- B. The DEC shall meet at least once during the interval between Department Conventions at:
 - 1) The call of the Department Commander.
 - 2) The written request of five (5) of the Department Executive Committee members.
 - 3) Digital meetings are allowed between conventions. If done electronically, the Department will be responsible for the costs.
- C. In the interval between Department Conventions, the Department Executive Committee shall be vested with full administrative powers of the Department. All actions of the

Department Executive Committee shall be subject to approval by the subsequent Department Convention.

- D. The Department Executive Committee shall authorize all expenditures, audit the accounts of the Finance Officer and Adjutant, and be responsible for verifying the authorization of income-producing ventures.
- E. Contracts and ventures extending beyond the limitations of Department Conventions can only be approved by the Department Convention by a two-thirds vote of the votes cast. The Department Convention may previously approve and mandate to the Department Executive Committee authority for specific action beyond these limits.
- F. The Department Adjutant shall be responsible for a complete report of the Minutes of all DEC meetings.
- G. The Department Executive Committee may be polled by the Department Adjutant through any shipping service entity⁵⁷ or email to vote on any matter, which in the opinion of the Department Commander requires action.

Section 10 - VOTING

- A. At Department Conventions and Department Executive Committee meetings voting shall be as follows:
 - 1) Each member of the Department Convention present at a meeting of the Convention shall be entitled to one (1) vote. Members who are holding or having held multiple offices still only have only one (1) vote. All appointed officers shall be without a vote.
 - 2) The vote of Chapter Commanders or Vice Commanders shall be recorded as the Chapter's charter vote.
 - 3) At Department Conventions, the vote of any Chapter delegate absent and not represented by an alternate may be cast automatically by the Chapter Commander, Senior Vice Commander, Junior Vice Commander, or a Chapter delegate present provided that the Chapter's Election Report is on record.
 - 4) Voting at the meeting(s) of the Department Executive Committee shall be done per **(Article VI, Section 8)**.
 - 5) Members holding both Chapter and Department offices with an entitlement to a vote shall have only one (1) vote. This does not pertain to situations where an officer carries the delegate votes of a Chapter.
 - 6) One-third (1/3) of the voting membership of the DEC shall constitute a quorum.
- B. Voting by proxy will not be allowed.

ARTICLE VII - DUTIES of DEPARTMENT OFFICERS

Section 1 - COMMANDER

- A. Preside at the Department Convention and Department Executive Committee meetings.
- B. Enforce a strict observance of the Order's bylaws.
- C. Ensure compliance with orders from National Headquarters.
- D. Responsible for public awareness of Department activities and purpose.
- E. Perform such other duties as the Bylaws may require.
- F. Approve all warrants before they may be paid by the Finance Officer.
- G. Be a co-signer on all checks drawn by the Finance Officer when feasible.
- H. Appointed an Audit Committee for the Department Finance Officer's records.
 - 1) This shall be done before the Department Executive Committee meeting preceding the Department Convention.
 - 2) The Audit Committee will report their findings to the Department Executive Committee and the Department Convention.
- I. Appoint:
 - 1) Adjutant
 - 2) Chaplain
 - 3) Necessary Committees
 - 4) If needed, a Chief of Staff to assist the Commander.
- J. Serve as the member of the NEC with a voice and a vote.

Section 2 - SENIOR VICE COMMANDER

- A. Preside in the absence of the Commander.
- B. Assist the Commander in preserving order at meetings.
- C. Perform such other duties as the Bylaws may require.
- D. Cooperate with the Commander in:
 - 1) Aggressive membership recruitment.
 - 2) Organization of new chapters
 - 3) The revival of inactive chapters.
- E. May also serve in the absence of the Department Commander as a member of the NEC.

Section 3 - JUNIOR VICE COMMANDER

- A. Preside in the absence of the Commander and Senior Vice Commander.
- B. Perform such other duties as the Bylaws may require.
- C. Coordinate the Department's membership activities with the Senior Vice Commander.
- D. May also serve in the absence of the Department Commander and Senior Vice Commander as a member of the NEC.

Section 4 - ADJUTANT

- A. Keep correct records of:
 - 1) Minutes of the Department Convention and Department Executive Committee meetings.
 - 2) Orders, reports, letters, memorandums, and correspondence received.
 - 3) May keep vouchers and warrants that are drawn on the Finance Officer.
 - 4) Monies due and receivable from all sources.
- B. Conduct the correspondence and issue all orders under the direction of the Commander.
- C. Draw all warrants on the Finance Officer.
- D. Take a receipt from the Finance Officer for all monies turned over from whatever source.
- E. Prepare for each Department Convention a list showing the Chapters, and the number of delegates to which each Chapter is entitled.
- F. Deliver to a successor all books and property of the Department.

Section 5 - FINANCE OFFICER

- A. Pay out monies only upon a proper warrant drawn by the Department Adjutant and approved by the Department Commander.
- B. Hold and be responsible for the funds, securities, vouchers, warrants, and other financial instruments of the Department.
- C. Prepare and sign each check issued by the Department. The Department Commander may be the co-signer of the check.
- D. Prepare a complete annual financial report on a form provided by the National Adjutant covering the period May 1 to April 30.
 - 1) Allow the Department's financial records to be open for inspection by the Department Finance Committee if applicable or a Department Audit committee appointed by the Department Commander before the Department Executive Committee meeting preceding the Department Convention. The Department Finance Committee/Audit Committee will report their findings to the Department Executive Committee and the Department Convention.
 - 2) Provide a copy to the Department Commander and the Department members in attendance at a meeting by May 31.
 - 3) Provide a copy to the National Finance Officer by May 31.
 - 4) Provide a copy to the National Adjutant by May 31.
- E. Deliver to the new Finance Officer, or to anyone designated by the Department, all monies, books, financial statements, and other property of the Department.

Section 6 - JUDGE ADVOCATE

- A. Preferably be a licensed attorney and in good standing with their state bar.
- B. Give the Commander legal and parliamentary assistance as required.
- C. Provide counsel to the Commander and legal advice if he or she is an attorney.

Section 7 - INSPECTOR

- A. Make inspections within the Department and the subordinate Chapters.
- B. Inspect the books of each Chapter in the Department upon request of either a Chapter or the Department Commander.
- C. Make inspections at the direction of the Department Commander.
- D. Reports directly and only to the Department Commander.
- E. Send an annual inspection report to the National Inspector no later than May 31.

Section 8 - SERGEANT-AT-ARMS

- A. Take a post at the inside door of the meeting room.
- B. Perform such other duties as the Commander may direct.
- C. Be responsible for the Department Colors.
- D. The Sergeant-at-Arms may request the Department Commander to appoint such Assistant Sergeants-at-Arms as necessary to assist with his or her assigned duties.

Section 9 - CHAPLAIN

- A. The Chaplain shall be a member of the clergy, when possible.
- B. Be responsible for the opening and closing prayers of the Department meetings.
- C. Assist in or take charge of certain burial ceremonies for departed Patriots.
- D. Participate in patriotic ceremonies.
- E. Perform such other duties as requested by the Commander.

Section 10 - CHIEF of STAFF

Perform such duties as may be required by the Commander.

Section 11 - RESIDENCE

All Department elected, and appointed officers shall reside within the geographic boundaries of the Region, or within reasonable commuting distance of the Department.

ARTICLE VIII - DELEGATES TO CONVENTIONS⁴⁰

Section 1 - REQUIREMENTS

Election of delegates are only required if the Chapter is planning on sending delegates in place of its elected officers to a convention. If delegates are elected, then the following sections apply.

Section 2 - DEPARTMENT

- A. Delegates to the Department Convention shall be elected at a Chapter meeting at least thirty (30) calendar days prior to the Department Convention.
- B. Delegates may be elected for each twelve (12) members, or major fraction thereof, as recorded by the National Adjutant.

Section 3 - NATIONAL CONVENTION

- A. Delegates to the National Convention shall be elected at a Chapter meeting at least thirty (30) calendar days prior to the National Convention.
- B. One delegate may be elected for each twelve (12) members, or major fraction thereof, as recorded by the National Adjutant on June 30.

Section 4 - VOTING

- A. Delegates may be voted for on the same ticket by the passage of a resolution so ordering. The resolution must be passed before voting begins.
- B. The allotted number receiving the highest number of votes shall be declared delegates.

Section 5 - DELEGATE LISTS

- A. Immediately after the election of delegates, the Chapter Adjutant shall forward the list of names to the Department Adjutant or National Adjutant as the case may be.
- B. Such lists shall be used by the Credentials Committee in determining duly accredited delegates to Department and National Conventions.

Section 6 - CONVENTION PREREQUISITE

- A. Chapters with fewer than the minimum requirement of twelve (12) members shall not be entitled to any delegates at either Department or National Conventions.
- B. Chapters must have submitted reports of the Chapter's elected and appointed officers (election report) to be entitled to charter and delegates votes at both Department and National Conventions.
- C. Departments must have submitted reports of the Department's elected and appointed officers (election report) to be entitled to charter and delegates votes at National Conventions.
- D. These prerequisites must be met:
 - 1) By the start of a Department Convention for participation at the Department Convention.
 - 2) By June 30 for participation at the National Convention.
 - a) An exception may be made if the Chapter or Department has extenuating circumstances and requests their election report be accepted.
 - b) The Credentials Committee will review the request and make a recommendation

to the convention body whether to allow the exception.

- c) The convention body will vote by a division of the assembly.

ARTICLE IX - NATIONAL CONVENTION

Section 1 - SUPREME BODY

The supreme power of the Military Order of Purple Heart shall be vested in an Annual National Convention.

Section 2 - COMPOSITION of the NATIONAL CONVENTION

- A. The National Commander, elective National Officers, and Past National Commanders with a voice and a vote.
- B. All appointed National Officers with a voice, but no vote.
- C. All Department Commanders with a voice and a vote. In the absence of the Commander, the Senior Vice Commander or Junior Vice Commander may represent the Department.
- D. All Chapter Commanders with a voice and a vote. In the absence of the Commander, the Senior Vice Commander or Junior Vice Commander may represent the Chapter.
- E. Delegates to be elected by the Chapters:
 - 1) One for each twelve (12) members, or major fraction thereof.
 - 2) Based on the number of Chapter members as recorded by the National Adjutant on June 30.

Section 3 - MEETINGS

- A. The National Convention shall be held annually on such calendar days and at such places as shall have been determined at a previous National Convention, or by the NEC.
 - 1) Any National Convention Committee may determine Convention sites for two or more years in advance.
 - 2) Priority will be given to sites which are easily accessible for severely disabled and handicapped individuals.
 - 3) If two or more bidding Departments have nearly equal bids, the recommendation will be given to the Department which has never had a Convention. Otherwise, it will go to the Department whose Convention was held furthest in the past.
- B. Between Conventions the National Adjutant may poll the NEC for necessary approval, by a secure and auditable³⁵ digital vote, of a suitable Convention time and place. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
- 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 National emergency), or a natural or manmade disaster, or

any emergency as determined by the NEC of the Order, a secure and auditable³⁵ 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).¹² **(Also refer to Article XIX, Conduct of Meetings)³⁶**

- D. The National Adjutant shall notify the membership and allow a thirty (30) calendar day period for candidates to declare candidacy for an office.
- E. Fifteen (15) calendar days shall be allowed for the return of votes before the vote count.
- F. The final date of returning the vote shall be designated in the letter explaining the reason for the vote.
- G. The National Commander will appoint a parliamentarian for the National Convention meetings. If he deems necessary, a professional parliamentarian may be used at the National Convention.
 - 1) At all other meetings, the National Commander will appoint the parliamentarian.
 - 2) At National Committee meetings, the presiding officer will appoint the parliamentarian.
 - 3) Appointed parliamentarians in any meeting, who are members, will not vote on any recommendation they make.

Section 4 - Order of BUSINESS

The Order of Business at the National Convention, unless otherwise voted by a majority of the votes cast by the Convention body, shall be as follows:

- ❖ Opening of the National Convention in due form.
- ❖ Roll Call of Departments.
- ❖ Roll call of Officers.
- ❖ Reading of Minutes.
- ❖ Introduction of Guests.
- ❖ Appointment of Convention Committees.
- ❖ Reading of Communications.
- ❖ Report of Committee on Rules.
- ❖ Report of Credentials Committee.
- ❖ Reports of Officers, beginning with that of the National Commander.
- ❖ Reports of Standing Committees.
- ❖ Reports of Convention Committees.
- ❖ Unfinished Business.
- ❖ New Business.
- ❖ Final Report of Credentials Committee.
- ❖ Election of Officers.
- ❖ Installation of Officers.
- ❖ Good of the Order.
- ❖ Adjourn.

Section 5 - RULES of the NATIONAL CONVENTION

- A. Rules of the National Convention, unless otherwise voted by the Convention assembled, shall be as follows: Robert's Rules of Order, Newly Revised.
- B. Only duly accredited and registered members of the National Convention (**Article IX, Section 2**) shall participate directly or indirectly in discussions or voice vote (hand or standing vote may be permitted) on any subject before the Convention.
- C. The Chair may grant the floor to any visitor:
 - 1) With the consent of a majority of the Convention.
 - 2) This privilege shall not be extended for business or point of order.
- D. The National Convention registration fee shall be determined by the National Convention Committee but shall not be less than \$25.00 for each attendee. No person otherwise eligible shall be entitled to vote unless registered and paid such fee.
- E. A member desiring to make a motion or address the Convention will rise, address the Chair as "Patriot Commander," state his or her name, Chapter number, and office before proceeding.
- F. At the discretion of the Presiding Officer, discussions shall be limited to three (3) minutes to each speaker. A Patriot may be permitted to speak only once on any subject, except by the consent of two-thirds (2/3) vote of the votes cast by the Convention's delegates.
- G. Committee Chairmen may speak as frequently as may be necessary about the report of their Committee.
- H. Voting shall be by acclamation except when these Bylaws call for:
 - 1) Division of the Assembly.
 - 2) A roll call is called for and approved by a majority of votes cast by the Convention body.
 - 3) The election of National Officers shall be by roll call.
- I. Chapters shall not be entitled to any delegate votes that have:
 - 1) Fewer than the minimum requirements of twelve (12) members.
 - 2) Not submitted election reports by June 30th.
- J. Departments that have not submitted election reports by June 30th shall not be entitled to any votes.
- K. The vote of Chapter/Department Commanders or Vice Commanders shall be recorded as the Chapter's/Department's charter vote. A Commander shall not have more than one charter vote.
- L. On a roll call vote, the Department reporting officer will announce the Chapter charter and delegate(s) votes.
 - 1) One of the Chapter's Commanders or acting chairman of a Chapter delegation shall

- poll the Chapter's delegates and will inform the Department Reporting Officer how the Chapter's vote shall be cast.
- 2) One or more delegates of a Chapter only partially represented may vote the full accredited delegate strength of the Chapter.
- M. Chapters not having any Commanders or delegates present may vote automatically through their Department Commander or Vice Commanders.
- 1) In the absence of any of the Department Commanders, a Department Elected Officer may cast the Chapters' delegates votes provided the Department Adjutant has notified the National Adjutant in writing.
 - a) The notification must be sent to the National Adjutant at least ten (10) calendar days prior to the National Convention. Extenuating circumstance may be considered by the credentials committee who make a recommendation to the Convention Body. The Convention will vote on the recommendation without discussion.
 - b) The name and title of the Department Elected Officer is required to be the accredited official representative of the Chapters' delegate votes.
 - 2) In the case where a Chapter is not subordinate to a Department, Chapters not having any commander or delegates present may designate the Region Commander to cast the Chapter delegate votes (**refer also to Article IX, Section 5, I).**²⁹
- N. Recommendations for consideration and action of the Convention shall be in the form of resolutions as advanced by Chapters, Departments, or official committees.
- 1) The resolutions shall³⁸ be signed and dated.
 - 2) The resolutions must be received by the National Adjutant at least thirty (30) calendar days prior to the Convention.
 - a) A majority of the votes cast by the delegates is required for the resolution(s) to be referred to the Resolutions, Bylaws, Legislative, or Rituals Committee for study, consideration, and/or recommendation.
 - b) The committee(s) may report with or without a recommendation for approval.
 - 3) Mandates and resolutions adopted at each National Convention shall be effective only until the beginning of the next Convention.
 - a) Legislative resolutions are excluded from this rule and may carry over from year to year.
- O. Voting on committee reports may be on the report as a whole or considered in part upon a majority of the votes cast.
- 1) Any part or all the report of a Convention Committee may be referred back for

reconsideration or amendment by a majority vote of the votes cast by the Convention.

2) A motion to recommit must state the reason for the action.

P. Nomination for National Officers shall be from the floor. Nominating speeches are limited to one (1) for each candidate.

Q. If there is no election on the first vote, the name of the person receiving the lowest number of votes may be dropped, and so on, in successive votes, until an election is made.

ARTICLE X - NATIONAL OFFICERS

Section 1 - ELIGIBILITY FOR OFFICE

A. All MOPH members shall be eligible for any National Office except as otherwise restricted herein.

B. A member who wants to be nominated at a National Convention and will not be present at the Convention shall submit a written statement to the National Adjutant of the¹³ candidate's willingness to accept such office. A two-thirds vote of the votes cast is needed to admit the name for a nomination.

Section 2 - OFFICERS

The National Officers of the Military Order of the Purple Heart of the USA, Inc., shall be a National Commander, National Senior Vice Commander, National Junior Vice Commander, six (6) 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 Veterans Coordinator, and National VAVS Director, the Department Commanders of each Department **and the National Chiefs of Staff.**⁷¹

Section 3 - ELECTION and APPOINTMENT of OFFICERS

A. The Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Judge Advocate, National Inspector, and Sergeant-at-Arms shall be elected annually at the National Convention.

B. Six (6) Region Commanders shall be elected annually at the National Convention.

1) Each Region's Commander Candidate(s) is nominated and elected by the Region's Departments.

2) The Region Commander must be a resident of the region that elects him or her.

3) The ranking Commander from each Department in the Region will vote the Department Caucus' selection.

- 4) The membership strength will not be used in the election; the vote shall be one (1) Department, one (1) vote.
 - 5) In the event of a tie within the Region, after three (3) tie votes, the vote will go to the Convention Body with each Department having one (1) vote. Appointed National Officers will not have a vote.
- C. The newly elected National Commander:
- 1) Shall appoint the National Adjutant, Service Director, Legislative Director, Chaplain, Americanism Officer, Surgeon, Historian, Public Relations Director, Women's Veterans Coordinator, VAVS Director, and Director of Medal Recovery.
 - 2) May appoint one Chief of Staff in states which have no Department organization.

Section 4 - TERM of OFFICE

- A. The National Officers shall enter upon the duties of their respective offices immediately after the adjournment of the meeting or Convention at which they were elected or appointed. Said officers shall hold office until the next Annual Convention or until a successor is duly elected or appointed and installed.
- 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.
- 1) If the National Commander, is permanently unable to finish the term of office and the Senior-Vice Commander accedes to the office he or she may stand for election to be National Commandeer, provided the unfinished term of the predecessor is (one hundred eighty-three (183) calendar days) or less.
 - 2) If the National Junior-Vice Commander, accedes to the office National Senior- Vice Commander he or she may stand for election to be National Senior Vice-Commandeer, provided the unfinished term of the predecessor is (one hundred eighty-three (183) calendar days) or less.
 - 3) If a Region Commander is elected to the office National Junior-Vice Commander other than at National Convention, he or she may stand for election to be National Junior-Vice-Commandeer, provided the unfinished term of the predecessor is (one hundred eighty-three (183) calendar days) or less.

Section 5 - VACANCIES

- A. In the event of a vacancy in the office of National Commander, the National Senior Vice Commander shall at once succeed to the title and duties of the position. In the event of a vacancy in the office of the National Senior Vice Commander, the National Junior Vice Commander shall at once succeed to the office of the National Senior Vice Commander.
- B. The NEC shall elect an officer to fill the position of National Junior Vice Commander

until the next Convention from one of the six (6) Region Commanders.

- C. Vacancies occurring in the elective offices of the National Organization shall be filled by the NEC in the following manner:
- 1) The National Commander shall duly notify all the National Executive Committee members of the vacancy. Thirty (30) calendar days after the notification of the vacancy the National Adjutant shall notify the NEC members of the names of Patriots announcing for the position.
 - 2) National Executive Committee members will vote to fill the vacancy by digital voting.
 - 3) The votes shall be opened:
 - a) At a time specified by the National Commander.
 - b) By tellers appointed by the National Commander.
 - c) In the presence of such officers of the National organization as the Commander may designate.
 - 4) The Patriot receiving the highest numbers of votes shall be declared duly elected to the office. The National Adjutant shall notify the NEC members of the results. **(Article XII, Section 2, I., 3), a), b), c))**.
 - 5) The Region shall elect an officer to fill the position of Region Commander until the next Convention from one of the Region's Department Commanders.

Section 6 – VOTING

- A. At regular meetings of the National Executive Committee, the rules shall be as follows.
- 1) Each elected member of the NEC present at a meeting shall have one (1) vote.
 - 2) All appointed officers shall be without a vote.
 - 3) One-third (1/3) of the eligible membership of the NEC present at a meeting shall constitute a quorum.
 - 4) No proxy votes may be counted.
- B. At special meetings of the NEC, the rules shall be as follows:
- 1) Executive Committee members will vote by secure and auditable³⁵ digital voting. **(Article XII Section 2, I.). (Also refer to Article XIX, Conduct of Meetings)³⁶**
 - 2) These votes shall be opened:
 - a) At a time specified by the Commander.
 - b) By tellers appointed by the Commander.
 - c) In the presence of the National Adjutant, or in his or her absence the National Service Director, or Legislative Officer. **(Article XII, Section 2, I., 2).**
- C. At National Conventions, the rules shall be as follows:
- 1) Each member of the National Convention **(Article IX, Section 2, A. thru E.)** present at a meeting of the Convention shall be entitled to one (1) vote.

- 2) All appointed officers shall be without vote.
 - 3) The vote of Chapter/Department Commanders or Vice Commanders shall be recorded as the charter vote.
 - 4) One or more delegates of a Chapter only partially represented may vote the full accredited delegate strength of the Chapter.
 - 5) The Department roll calls reporting officer will be bound to vote as the Chapter Commander and delegate(s) instructed.
 - 6) No proxy votes may be counted.
- D. At National Conventions, the rules shall be as follows for any Chapter delegates absent and not represented by the Chapter Commander, Senior Vice Commander, or Junior Vice Commander may be cast automatically in the order named by the:
- 1) Department Commander.
 - 2) Department Senior Vice Commander.
 - 3) Department Junior Vice Commander.
- E. If none of the Department Commanders are present, then the vote of any Chapter delegate absent and not represented may be cast by any other Department elective officer present provided:
- 1) The Department Adjutant has notified the National Adjutant in writing or e-mail of whom will carry the vote.
 - 2) The letter or e-mail was sent at least ten (10) calendar days prior to the National Convention. The beginning of the ten (10) calendar days is determined by the postmark on the letter's envelope or the date the email was sent (**Article IX, Section 5, M., 1) a)**).

ARTICLE XI - DUTIES of NATIONAL OFFICERS

Section 1 - NATIONAL COMMANDER

- A. As the executive head of the MOPH shall have full power to enforce the Constitution and Bylaws of the Order within the limitations of these Articles.
- B. Shall carry out the orders and directives of the National Convention and the Executive Committee by issuing such orders as may be necessary.
- C. Preside at the National Convention and National Executive Committee (NEC) meetings.
 - 1) Decide all questions of law and usage.
 - 2) Decisions may be appealed to the National Convention or the NEC bodies, respectively.
- D. Authorize by signature or digital signature:
 - 1) Warrants that are properly drawn on the Finance Officer by the National Adjutant.

- 2) Official papers.
 - 3) Contracts properly authorized and approved by the National Convention.
 - 4) Contracts properly authorized and approved by the NEC provided:
 - a) The contracts are within the authorization prescribed in these Articles.
 - b) The contracts are within the mandates specifically granted to it by the National Convention.
 - 5) Co-authorize all disbursements to be properly issued by the Finance Officer.
- E. Will appoint the following officers upon entering office:
- 1) A National Adjutant, National Service Director, and National Legislative Director.
 - a) Each appointment or reappointment will require a majority vote of the NEC votes cast for approval.
 - (1) Vote(s) will be taken separately for each office.
 - (2) Voting will be by a Division of the Assembly.
 - b) If the Commander does not desire to reappoint either the National Adjutant, National Service Director or Legislative Director, the Commander will so state.
 - (1) It will require a two-thirds (2/3) vote of the NEC votes cast for the officer to not be reappointed.
 - (2) If the vote does not reach the two-thirds (2/3) vote threshold, the subject officer will be considered reappointed. Another vote is not required.
 - c) All three (3) officers may be given a one-year contract with a second-year option.
 - (1) The option year will require a simple majority vote for approval unless the new Commander exercises the provisions of Article XI, Section 1, E., 1) b).
 - (2) Each year's new contract may provide for an option year.
 - (3) Negotiators representing the Order on these contracts will be:
 - (a) The National Senior Vice Commander, National Junior Vice Commander.
 - (b) National Adjutant for Adjutant's position.
 - (c) National Service Director for the service director's position.
 - (d) If either the National Adjutant or National Service Director is unavailable or ineligible to participate in the negotiations, then the responsibility will go to the other i.e., National Adjutant replacing the National Service Director and vice versa.
 - (e) The current National Commander cannot overturn the recommendations of the three negotiators.
 - (4) The National Judge Advocate will review the negotiated terms of the contract and will ensure the contracts will be valid and legally binding.

- (5) The National Commander will be the signatory on the contracts.
 - 2) Chaplain, Americanism Officer, Public Relations Director, and VAVS Director appointment(s) will require a majority vote of the NEC votes cast for approval.
 - 3) Chief of Staff in each State which has no Department organization and Aide-de-camps as may be necessary.
 - 4) Committees and officers not otherwise provided for.
 - 5) A National Bylaws Committee of nine (9) members will be appointed by the National Commander.
 - a) The National Commander will appoint either the National Senior Vice Commander, National Junior Vice Commander, or one (1) of the six (6) Region Commanders to serve as the chairman.¹⁴
 - b) It will consist of members who have demonstrated:
 - (1) Their knowledge of the bylaws.
 - (2) How to interpret the bylaws.
 - (3) An Institutional memory acquired through years of experience in the Order.
 - (4) They are of high ethical character.
 - c) The National Judge Advocate will be available for consultation with the National Bylaws Committee. He or she will not be a part of the committee.
 - 6) All such appointments shall be published by the National Adjutant not less than thirty (30) calendar days after appointment.
- F. May appoint any such officers who are salaried or receive an expense allowance exceeding \$100.00 per month.
- 1) Appointment(s) will require a majority vote of the NEC votes cast for approval.
 - 2) Such Officers may only be removed by two thirds (2/3) vote of the NEC votes cast after the National Commander has recommended removal.
 - 3) In removing other officers, the National Commander may request an endorsement vote of the National Executive Committee, but this endorsement is not mandatory.
- G. May appoint a parliamentarian pro tem at meetings.
- H. Be responsible for:
- 1) Having the Public Relations Director develop a nationwide program of publicity for the Order.
 - 2) Developing plans for a social media program and the Order's website.
 - 3) Cooperating with other veterans' organizations on mutually beneficial programs of legislation, Department of Veterans Affairs issues, and other veterans' activities.
 - 4) May approve legislative issues that occur between conventions that require timely decisions.

- I. Devote major time to the coordination of all the activities of the National Officers, Departments, and Chapters.
- J. Be an ex-officio member of the National Finance, Publications, and Executive Committees with a voice and a vote.

Section 2 - NATIONAL SENIOR VICE COMMANDER

- A. Assist the Commander by counsel and otherwise.
- B. If the National Commander is absent or becomes disabled, he or she shall discharge the duties of the National Commander.
- C. In the event of a vacancy in the office of the National Commander, the National Senior Vice Commander shall at once succeed to the title and duties of that position.
- D. Be responsible for:
 - 1) Membership recruitment.
 - 2) Coordinating with the National Adjutant in developing plans for social media program and the Order's website.
 - 3) Overseeing the social media program.
 - 4) Chapter and Department organization or reorganization.
- E. Be assisted in the execution of membership responsibilities by the National Junior Vice Commander and the six (6) Region Commanders.
- F. May serve as the chairman of the National Bylaws Committee.¹⁵
- G. Be an ex-officio member of the NEC with a voice and a vote.
- H. Be an ex-officio member of the National Finance Committee with a voice but no vote.

Section 3 – NATIONAL JUNIOR VICE COMMANDER

- A. Assist the National Commander by counsel and otherwise.
- B. If the National Senior Vice Commander is absent or becomes disabled, he/she shall discharge the duties of the National Senior Vice Commander.
- C. In the event of a vacancy in the office of the National Senior Vice Commander, the National Junior Vice Commander shall at once succeed to the title and duties of that position.
- D. Be directly responsible to the National Senior Vice Commander for the membership recruitment and organization of new Chapters, as well as the reorganization of inactive Chapters.
- E. Supervise the activities of the six (6) Regions Commanders and/or the National Chiefs of Staff.
- F. May serve as the chairman of the National Bylaws Committee.
- G. Be an ex-officio member of the NEC with a voice and a vote.
- H. Be an ex-officio member of the National Finance Committee with a voice but no vote.

Section 4 - REGION COMMANDERS

- A. Assist the National Junior Vice Commander, the National Senior Vice Commander, and National Commander by counsel and otherwise.
- B. Be under the supervision of the National Junior Vice Commander.
- C. Be directly responsible for the development of effective programs for new membership and organization of new Chapters and Departments in their respective Regions.
- D. The Region Commander shall supervise the activities of each Department and/or State within the region's boundaries. For this purpose, will issue such orders as may be necessary to enforce a strict observance and compliance with all orders from the National Headquarters.
- E. Have authority to appoint National Region Chiefs of Staff to assist as needed.
- F. Shall be on any other Committee(s) as appointed by the National Commander.
- G. Have the authority to appoint an unpaid Region Adjutant to assist in communications and record keeping.
- H. Should a Region Commander move outside the geographical boundaries or his or her Region, then he or she will immediately vacate that Region Commander's Office.
- I. Be an ex-officio member of the NEC with a voice and a vote.

Section 5 - NATIONAL ADJUTANT ¹⁷

- A. The National Adjutant's responsibility as the Executive Secretary of the Order is to work on the administrative responsibilities assigned under these bylaws and additional duties as assigned by the National Commander.
- B. Be responsible for the recording and transcription of the minutes of the National Convention, National Finance, and NEC meetings.
 - 1) Publish the minutes of the National Convention and make them a matter of record.
 - 2) Ensure the minutes of the National Finance and Executive Committees shall be distributed to the entire membership of the respective Committees.
- C. Prepare briefs for the meetings of the National Finance and Executive Committees held immediately before and after the National Convention.
- D. Conduct the necessary correspondence for the National organization.
- E. Issue the orders as directed by the National Commander or those of other authorized officers or committees.
- F. Prepare all forms and publications required for the successful performance of duties as required by the Commander and the Constitutions and Bylaws of the MOPH.
- G. Keep proper files of all correspondence, applications for membership, general and special orders issued, and other papers and records of the office.
- H. Keep the Master of the Constitution, Bylaws, and Rituals.

- 1) This includes the paper version as well as the digital version.
- 2) The digital Master of the Bylaws shall be kept so that the National Adjutant is the only person to have access to the file.
- 3) When changes are made by National Conventions, the National Adjutant will make a copy that may be used by whoever has been delegated the responsibility of updating the Constitution, Bylaws, and/or Rituals.
 - a) The changes will be reviewed by the National Adjutant and National Judge Advocate for accuracy.
 - b) Then the amended version will be noted as to which version it is by sequential numbering in the footer.
 - c) An end note will be added to the changed wording denoting the year the amendment was passed. It will also contain a brief explanation as to why the change was made.
- 4) The amended version will then become the official version of the Bylaws.
- 5) The original Master version and all later amended versions will be kept protected by the National Adjutant.
 - a) When the National Adjutant has need of updating the Bylaws, a duplicate will be made to allow a trusted key employee to type the changes.
 - b) After the changes have been made, the National Adjutant will save the file as the new Master using a password known only to him or her.
 - c) The password(s) protecting the Master will be kept in a sealed envelope in a secure place which is known only to a trusted key Headquarters staffer and the National Judge Advocate.
- I. Submit to the Convention a list showing the Chapters and Departments who have submitted election reports as of June 30 to determine the number of delegates for each Chapter and Department.
- J. Be responsible for the preparation and annual publishing of the names and addresses of every National Officer, Department Commander, Department Adjutant, Chapter Commander and Chapter Adjutant, and such other officers and committees as may be desirable. As subsequent names and addresses or corrections are received, the list shall be updated accordingly.
- K. Prepare, approve, and authorize by signature or digital signature all warrants drawn upon the National Finance Officer for payment of bills.
 - 1) The warrants shall be substantiated by bills or other proper authority.
 - 2) Determine that budgets have not been exceeded prior to signing such warrants.
 - 3) All requests for payments to be made by the Order including petty cash funds,

whether covered by budgetary allowance or otherwise, must be submitted to the National Adjutant for approval and vouchering.

- 4) Immediately advise the National Commander, Chairman of the Finance Committee, and all the National Finance and Executive Committees' members of any attempt to circumvent these procedures.
- L. Maintain a complete and accurate inventory of all present and newly acquired office equipment, furniture, files, desks, chairs, and other property owned by the National Corporation at the National Headquarter or by any officer or member at any location. Semiannually release the list to the National Finance Officer for inclusion in the semiannual and annual financial reports.
- M. Be directly responsible for the operation of the supply department of the organization, subject to such regulations as are hereinafter defined.
- N. Be directly responsible for ensuring the Order's website is updated monthly.
- O. Be bonded by a surety company for the faithful discharge of duties. The amount of the bond and the surety company shall be determined by the National Finance Committee and approved by the NEC.
- P. **May receive compensation for services if it is recommended by the National Finance Committee (NFC) and approved by the National Executive Committee (NEC).**
 - 1) **The amount of compensation shall be on an annual basis. (Refer to Article XI Section 1, subsection e., 1), c) & 4) & 5))**
 - 2) **Travel expenses may be allowed, with prior approval by the National Commander (NC).**⁶⁴
- Q. Upon termination of office, transfer to a successor all books, papers, records, and property of the MOPH.
- R. Be an ex-officio member of the NEC with a voice and no vote.
- S. Attend National Finance Committee meetings.
 - 1) Will not be a member of the committee.
 - 2) Attendance is to provide information and answer questions concerning the National Headquarters' budget.

Section 6 - NATIONAL SERVICE DIRECTOR

- A. **The National Service Director's primary duty station is at the National Headquarters but will be allowed to operate from a home base office instead out of the HQ. Occasionally, it may be necessary for the National Service Director to attend meetings and functions outside the National Headquarters' and/or home office.**

- 1) The NC may appoint an assistant National Service Director whom shall have the same qualifications as the National Service Director as per Article XI, Section 6, B.⁶⁶**
- B. Shall be accredited as a National Service Officer by the Department of Veterans Affairs (DVA).
- C. Direct, supervise, and coordinate the activities of all National Service Officers.
- D. Make qualified recommendations to the Department of Veterans Affairs for accreditation of MOPH National Service Officers.
- E. Supervise and direct Military Order of the Purple Heart Service Office personnel in:
 - 1) Claims and appeals involving the Regional and Central Office(s) of the DVA on Compensation, Pension, or Dependency and Indemnity Compensation (DIC).**
 - 2) Other similar matters pertaining to the Military Order of the Purple Heart members, their widows, orphans, families, and dependents.**
 - 3) National Adjutant's office personnel in the Adjutant's absence.**
- F. Arrangement for the representation of such persons in the presentation of appeals before the Board Veterans Appeal of the DVA and United States Court of Appeals for Veterans Claims.
- G. Ensure that everyone represented by the Military Order of Purple Heart Service Program has been provided a Power of Attorney authorizing the Military Order of the Purple Heart to represent them.
- H. Review monthly and periodic reports of activities required of the National Service Officers.
- I. Provide an annual report on the Service Program to the National Convention
- J. Coordinate with the Legislative Director in the preparation and presentation of federal legislation pertaining to Compensation, Pension, DIC claims, and other service-related matters.
- K. Act as the Legislative Director in the absence of the appointed Legislative Director.
- L. Maintain good relations with other veteran service organizations and government agencies for the benefit of veterans and their families.
- M. Cooperate with Welfare Officers in handling service claims of hospitalized veterans. Cooperate in the VAVS Program as requested.
- N. Use the Purple Heart Magazine and other publications to provide information relating to matters of service, rehabilitation, welfare, and service-related legislative activities.
- O. May receive compensation for services if it is recommended by the National Finance Committee (NFC) and approved by the National Executive Committee (NEC).**

- 1) The amount of compensation shall be on an annual basis.
- 2) Travel expenses may be allowed as a volunteer with prior approval by the National Commander (NC).⁶⁶

- P. Be an ex-officio member of the Legislative Committee with a voice and a vote.
- Q. Be an ex-officio member of the NEC with a voice and no vote.
- R. Attend National Finance Committee meetings.
- 1) Will not be a member of the committee.
 - 2) Attendance is to provide information and answer questions concerning the National Service Program's budget.

Section 7 - NATIONAL FINANCE OFFICER

- A. The National Finance Officer is responsible to and under the direction of the National Finance Committee.
- B. Take charge of all the funds of any nature or any source and deposit these promptly only in such separate or consolidated bank deposit accounts. Any banks used by the Order require the approval of the National Finance Committee.
- C. Keep a correct account of all monies due and receivable.
- D. Disburse monies payable by the MOPH.
- 1) The disbursement request shall be on a warrant (accompanied by substantiating bills or other proper authority properly) drawn and authorized by the National Adjutant's signature or electron signature.
 - 2) No payment shall be issued for any expenditure that will exceed the budgeted amount approved by the National Finance and Executive Committees.
 - 3) Notify the Chairman of the National Finance Committee of any request for expenditures beyond budgetary amounts. The National Finance Committee will take whatever action deemed necessary.
- E. Will compile and maintain a complete and accurate list of all disbursement contacts to include the name of the financial institution with the account and routing numbers for processing and digital payments.
- 1) Payments may be made by direct deposit to the payee's bank account.
 - 2) Direct deposit to the payee's bank account is the suggested method but is not mandatory.
- F. Take possession of and be responsible for all securities, other negotiable instruments, or other similar property of the MOPH.
- 1) They shall be deposited in a safe depository approved by the National Finance Committee.

- 2) All such securities and negotiable documents of monetary value shall be properly inscribed with an instruction that they cannot be sold, transferred, or posted for loan purposes without properly documented authorization issued, signed, and notarized by the National Finance Committee after approval by the NEC.
- G. Keep a complete detailed record of all liabilities of the Corporation.
- H. Keep warrants, vouchers, and records per the procedures authorized by the National Finance Committee.
- I. Prepare and publish semiannually a complete financial report consisting of:
- 1) A detailed account of all cash receipts and disbursements by category, with every salary or expense account of an officer, employee, or member shall be shown separately.
 - 2) Report other itemization as may be prescribed by the National Finance Committee.
 - 3) A full detailed inventory of all equipment, furniture, and supplies of the National Corporation.
 - 4) **A complete list of all current receivables and payables.**⁷⁸
 - 5) **All the below shall be in a form acceptable to the National Finance Committee.**
 - a) **These semiannual reports will reflect the six-month interim period of the fiscal or calendar year as set by the Corporation.**
 - b) **The semiannual reports will be prepared and published not later than two (2) months after the end date of the semiannual period.**
 - c) **The reports will be distributed to the entire membership of the National Finance Committee.**
 - d) **A financial report for the calendar or fiscal year will be prepared, published, and issued at the National Convention. It shall be distributed to every:**
 - 1) **Member present at such National Convention.**
 - 2) **Members of the National Executive and Finance Committees.**⁷⁸
- J. Be Audited annually by an independent Certified Public Accountant engaged by and responsible to the National Finance Committee.
- K. Ensure reports of the National Finance Officer and of the Certified Public Accountant shall comply in every respect with the requirements as set forth in the Congressional Charter, Public Law 761, 85th Congress as amended by 36 USC Chapter 1405.
- L. Be bonded for the faithful discharge of duties in an amount and by such surety company as may be determined by the National Finance Committee and approved by the NEC.

M. **May receive compensation for services if it is recommended by the National Finance Committee (NFC) and approved by the National Executive Committee (NEC).**

1) **The amount of compensation shall be on an annual basis.**

2) **Travel expenses may be allowed as a volunteer with prior approval by the National Commander (NC).**⁶⁵

N. Upon termination of office deliver to the new National Finance Officer all monies, books, records, equipment, files, office furniture, and other property of any nature belonging to the National Corporation.

O. Be an ex-officio member of the:

1) NEC with a voice and a vote.

2) National Finance Committee with a voice and no vote.

Section 8 - NATIONAL JUDGE ADVOCATE

A. The National Judge Advocate shall be an active licensed attorney and in good standing with his/her state bar association where licensed to practice law.⁴¹

B. Be the legal advisor of the National Corporation:

1) Provide the National Commander advisory opinions and recommendations. To avoid a conflict of interest or the appearance of a conflict of interest, the Judge Advocate will:

a) Have no authority to make any decisions or issue orders.

b) Have a vote during the National Convention

c) Have a vote during the NEC meeting.

2) At other times when such legal advice on the interpretation of the Constitution and Bylaws by any National or Department officer may be requested.

3) Will be available for consultation with the National Bylaws Committee. He or she will not be a part of the committee.

4) Provide an opinion upon request for advice by chapter and/or department officers, which have been made through the Department Judge Advocate.

C. Make advisory opinions and usage of the Constitution and Bylaws of the organization.

1) The National Commander shall render his or her decision(s).

a) The decision(s) shall be subject to appeal to the NEC and/or National Convention.

b) The NEC or the National Convention shall have the power to rescind or modify the decisions. In all such cases, the decision of the National Convention shall be final.

- D. Be the primary legal counsel on all legal matters of any nature which include:
 - 1) Contracts, lawsuits, or threatened suits involving the National Corporation. Making such advisory opinions as are necessary.
 - 2) Referring legal matters to outside legal firms as shall be employed by direction of the National Commander with the approval of the NEC.
 - 3) Without the approval of the National Commander and the approval of the NEC, an individual(s) who contracted for the outside legal firm would be financially liable for the fees of the legal firm(s).
- E. Provide advice and recommendation(s) to the National Commander when chapters, departments, or any subsidiaries of the MOPH desire to incorporate.
 - 1) Review all bylaws submitted by departments and non-department chapters for compliance with the National Constitution and Bylaws.
 - 2) After the review make a recommendation(s) to the National Commander.
- F. Be an ex-officio member of the:
 - 1) NEC with a voice and a vote.
 - 2) National Finance Committee with a voice but no vote.

Section 9 - NATIONAL INSPECTOR

- A. Will be the principle advisor to the National Commander on inspections and investigations.
- B. Reports directly to the National Commander.
- C. The National Inspector will give suggestions to the Department Inspectors.
- D. Make such inspections of departments or chapters as necessary or are requested or delegated by the National Commander.
- E. Inspections of chapters shall be made by the Department Inspector unless a request shall be made by the department or chapter to the National Inspector.
- F. The National Inspector, when directed by the National Commander after consultation with the Judge Advocate, shall also have the authority to make such inspections without notice to the department or chapter to be inspected. The inspections shall consist of by not limited to:
 - 1) Criticism and correction of the methods of bookkeeping and keeping of records.
 - 2) Checking on the use of the National Bylaws are the functions of the National Inspector.
 - 3) On matters as directed by the National Commander.
- G. 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.
- H. Consolidate all reports made to the Department Inspector by chapters to be included in

the annual report to the National Convention.

- I. Be an ex-officio member of the NEC with a voice and a vote. The National Inspector will not vote on any actions where he or she was involved.

Section 10 - NATIONAL SERGEANT-AT-ARMS

- A. Take a post at the inside door of the meeting rooms at the National Convention and NEC.
- B. Perform such other duties as the National Commander may direct.
- C. Perform such other duties incident to the office, or as the National Convention may direct.
- D. Be responsible for the National Colors.
- E. The Sergeant-at-Arms may request the National Commander to appoint such Assistant Sergeants-at-Arms as deemed necessary to assist in carrying out assigned duties.
- F. Be an ex-officio member of the NEC with a voice and a vote.

Section 11 - NATIONAL LEGISLATIVE DIRECTOR

- A. Direct and supervise all federal legislative activities of the Military Order of the Purple Heart of the USA, Inc.
- B. Assist the National Adjutant as needed.
- C. Promote and carry out an aggressive federal legislative program on behalf of combat-wounded veterans of the Armed Forces of the United States.
- D. Be the representative on behalf of the Order to Congressional Committees.
- E. Be vigilant that no federal legislation shall be sponsored or endorsed by any Officer or member of the MOPH unless it has been approved by the National Commander or a designated representative of the National Commander.
- F. Coordinate activities with the National Service Director who shall cooperate in the preparation and presentation of bills to Congress pertaining to Compensation, Pension, DIC claims, and other service matters.
- G. Prepare a legislative program including resolutions and recommendations on legislation affecting combat-wounded veterans that may have been mandated by the National Convention or by the NEC in the interim.
- H. With the assistance of the National Service Director present such program(s) to Congress as has been prepared by the National Legislative Committee.
- I. Will get the approval of the National Commander concerning legislative issues that occur between conventions that require timely decisions.
- J. Inspect all copies of bills or proposed bills for state legislatures sent by the Department Legislative Officers. Make recommendations for approval or disapproval all proposed

- legislation to be sponsored by this organization in any state.
- K. Ensure no legislation of conflicting purposes will be introduced in different states.
 - L. Serve as Chairman of the Legislative Committee and recommend members for the Committee to the National Commander's approval.
 - M. Be an ex-officio member of the NEC with a voice and no vote.

Section 12 - NATIONAL CHAPLAIN

- A. The National Chaplain shall be an ordained clergyman or licensed minister.
- B. Perform such duties as may be required by the National Commander.
- C. Be an ex-officio member of the NEC with a voice and no vote.

Section 13 - NATIONAL AMERICANISM OFFICER

- A. The National Americanism Officer shall direct and coordinate the activities of the chapters and departments in the development and promotion of a program of "positive Americanism." Such programs shall be in harmony with the principles and objects of this Corporation as set forth in the Order's Congressional Charter.
- B. Submit an annual budget request through the National Adjutant to the National Finance committee.
- C. Make periodic reports of activities as necessary and shall compile and consolidate reports from chapters and departments for an annual written report to the National Convention.
- D. Perform such other duties incident to the office and such other duties as the National Commander may direct.
- E. Be an ex-officio member of the NEC with a voice and no vote.

Section 14 - NATIONAL PUBLIC RELATIONS DIRECTOR

- A. Be responsible for developing and promoting good publicity and public relations for the National Corporation and National Convention.
- B. Perform such other duties incident to the office and such other duties as the Commander may direct.
- C. Assist chapters and departments in developing local public relations initiatives
- D. Submit an annual budget request through the National Adjutant to the National Finance committee.
- E. Be an ex-officio member of the NEC with a voice and no vote.

Section 15 - VETERANS AFFAIRS VOLUNTEER SERVICE (VAVS) DIRECTOR

- A. Be appointed by the National Commander and shall be responsible for all aspects, programs, and protocols of the MOPH VAVS Program.
- B. May appoint up to three (3) National Deputy VAVS representatives. Additional

National Deputy VAVS representative may be appointed with the National Commander's approval and after receiving prior approval from the Department of Veterans Affairs (DVA), Central Office, VAVS Office.

- 1) One of these deputies will serve as the National Certifying Official.
 - 2) Be responsible for making appointments based upon recommendations of the Department Commander-of local representatives and deputies to the Veterans Administration Medical Centers (VAMC) and State Veterans Homes.
- C. Shall annually update the MOPH National VAVS Handbook and provide training of Department VAVS Officers.
- D. Submit an annual report to the National Convention.
- E. The National VAVS director or a deputy is required to attend the Department of Veterans Affairs National Advisory Committee (NAC) meeting and the Executive Committee meeting to that body. One (1) National Deputy Representative may attend the NAC meeting within budget limitations. The VAVS Director shall serve as the voting member representing the Military Order of the Purple Heart on the NAC.
- F. Submit an annual budget request through the National Adjutant to the National Finance committee.
- G. Review all quarterly local VAVS committee minutes. When the local MOPH representative(s) or Deputy Representative(s) fails to attend three consecutive quarterly meetings, as required by the DVA directive, the National VAVS director will remove these individuals. The notification may be in a written letter and/ or digital communication.
- 1) The National Commander will be kept informed on a case-by-case basis.
 - 2) The notification of the removal will be sent to local VAMC VAVS Chief, department commander, and the individual.
- H. Review all Annual Joint Review (AJRR) reports, endorse them with comments, and return to the MOPH local VAVS Representative.
- I. Be an ex-officio member of the NEC with a voice and no vote.

Section 16 - DIRECTOR OF WOMEN VETERANS' ISSUES

- A. The Director of Women Veterans' Issues shall perform the duties incident to her or his office and such other duties as the Commander may direct.
- B. The Director will reach out to female members to provide them with relevant information on a regular basis and to assess any needs that they may have at that time.
- C. The Director will address specific requests for assistance from female veterans, both members and non-members, on a wide variety of issues as they arise.

- D. The Director will actively update the Women Veterans issues webpage with current information to assist our female veterans.
- E. The Director will search for other female MOPH members who will volunteer to assist in looking for speaking and writing opportunities to promote the program and women veterans' issues.

Section 17 - NATIONAL SURGEON

The Surgeon shall be a licensed physician, or medical practitioner, and shall perform such duties incident to his office or as the Commander may direct. He or she shall give advice to the National Service Director as may be required and shall submit recommendations to the National Legislative Committee.

Section 18 - NATIONAL HISTORIAN

The Historian shall compile a history of the activities of the National organization during his term of office, to be kept as a permanent record of the National organization. He or she shall perform such other duties as may be required or as the Commander may direct.

Section 19 - NATIONAL CHIEFS of STAFF ⁴¹

In states without a department, the National Chiefs of Staff shall be:

- A. Responsible for the coordination of the activities of existing chapters,
- B. Responsible for the organization of new chapters in the state for the purpose of organizing a department.
- C. Responsible to their respective National Region Commander.
- D. Recommend to the National Commander through the National Adjutant the appointment of such other Deputy Chiefs of Staff as are deemed desirable.
- E. **Be an ex-officio member of the NEC with a voice and no vote.**⁷¹

Section 20 - REGION CHIEFS of STAFF ⁴¹

- A. Be appointed by and be responsible to the respective Region Commanders.
- B. Assist in membership activities and new chapter organization in conjunction with the Region Commander.
- C. Perform such duties as may be required by the Region Commander.

Section 21 - DIRECTOR MEDAL RECOVERY ⁴¹

- A. Be appointed by the National Commander.
- B. Responsible for assisting National Headquarters, Departments, and Chapters with lost and or found medal recovery and return inquiries.
- C. Such other duties and responsibilities will be assigned by the Commander.

- D. In states without a department, shall be:
- 1) Responsible for the coordination of the activities of existing chapters.
 - 2) Responsible for the organization of new chapters in the state for the purpose of organizing a department.³⁰

ARTICLE XII - NATIONAL COMMITTEES

Section 1 - NATIONAL EXECUTIVE COMMITTEE

- A. The National Commander, Past National Commanders, 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.
- 1) In the absence of the Commander, the Senior Vice Commander or Junior Vice Commander may represent the department at the NEC meetings in the convention city at the pre-convention and post national convention NEC meeting.
 - 2) Only the Department Commander has a vote during all other NEC votes.¹⁸
 - 3) Past National Commanders (PNC) WILL retain their NEC vote. However, after five (5) years of PNC Status they will no longer be reimbursed for travel to or from any NEC meeting.¹⁹
- B. The National Adjutant, National Service Director, National Legislative Director, National Chaplain, National Americanism Officer, National Public Relations Director, VAVS Director, Director of Women Veterans Issues, Director Medal Recovery **and the National Chiefs of Staff** ⁷¹ program who shall have a voice no vote.
- C. Hold office for one (1) year or until a successor is chosen and duly installed.

Section 2 - DUTIES of NATIONAL EXECUTIVE COMMITTEE

- A. Meet in the convention city immediately preceding the National Convention
- B. Meet in the convention city within twenty-four (24) hours following the adjournment of the National Convention.
- C. May meet during the interval between National Conventions:
- D. At the discretion of the National Commander.
- 1) At the written request of a majority of the NEC.
 - 2) Digital meetings are allowed between conventions.
 - 3) One-third (1/3) of the eligible membership of the whole NEC shall constitute a quorum.
- E. 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.

F. The NEC shall:

- 1) Run meetings in accordance with Roberts Rules of Order, Newly Revised.
- 2) Be recorded and transcribed by the National Adjutant's office.
- 3) Have the proceedings' minutes presented by the National Adjutant to the National Convention body for consideration and action.

G. Have exclusive power to approve the actions of the National Finance Committee, within thirty (30) calendar days after the close of each National Convention, to:

- 1) Fix salaries of all officers and employees.
- 2) Approve all budgets of the National Corporation.

H. Have the power to approve contracts involving salaries and income producing ventures of the National Corporation.

- 1) All contracts must first be reviewed by the National Judge Advocate who will recommend what actions should be taken by the National Finance Committee and such recommendation shall be provided to the National Convention and/or the NEC.
- 2) Employment and/or salaries contracts cannot exceed one (1) year in duration unless approved at a National Convention.
- 3) Income producing venture or income producing contracts may exceed the one (1) year duration or may extend beyond the next Convention in one of the three following situations:
 - a) The contract is approved by a two-thirds (2/3rds) vote of the NEC of the votes casted.
 - b) The National Convention previously approved and mandated to the NEC authority for specific action beyond these limitations.
 - c) The Bylaws authorizes the contract or venture to be approved longer than one year by another method specified.
- 4) Contracts for the normal administrative operation of a business by the National Adjutant and National Service Director do not have to be reviewed by the Judge Advocate or the Finance Committee.
 - a) Approvals of the line item expenditure in the National Budget by the National Finance Committee and ratified by the NEC will be de jour approval to sign contracts to continue the usual and customary operation of business covered by that budget item.
 - b) Any question as to whether the contracts are usual and customary will be

referred to the Judge Advocate for an opinion.

- I. Be polled by the National Adjutant through a secure and auditable³⁵ digital vote on any matter. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - 1) The requirements for polling the NEC are:
 - a) When an action is required. This will be determined by the National Commander.
 - b) Upon the request of a majority of the National Executive Committee members:
 - c) Upon the request of any chairman of a standing committee, which shall be made through the National Commander,
 - d) To have a vote on the NEC between in-person meetings, said member(s) shall have an e-mail address.
 - (1) The voting on issues other than at NEC or National Convention meetings will be done by the National Adjutant using secure and auditable³⁵ digital votes. Digital voting is an electronic voting method that precludes having to mail a physical document.²⁰ **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - (2) Patriots will provide the National Adjutant with an e-mail address for NEC secure and auditable³⁵ digital votes. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - (3) The National Adjutant, other MOPH officers, or members shall not spam an NEC member's designated voting email address.
 - (4) An NEC member who blocks receipt of secure and auditable³⁵ digital votes from the National Adjutant will not have a vote. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - 2) Tellers will:
 - a) Be appointed by the National Commander.
 - b) Be members of the Order.
 - c) Not be Employees of the Military Order of the Purple Heart or the Military Order of the Purple Heart Service Foundation.
 - 3) After the tellers have counted and certified the votes, the results will be sent out to every member of the NEC.
 - a) The names of the tellers and any position(s) held within the Order will be provided to the entire NEC.
 - b) The vote tallies showing how each NEC member's vote was recorded will be included in the results.
 - c) These procedures are to ensure the NEC members that their vote was received

and counted properly.

- 4) If any of the provisions of ARTICLE XII, Section 2., 1., 2) & 3) are not followed exactly, then the vote is invalid and must be redone. There are no exceptions to this rule.
- J. Be estopped from delegating its authority to any other committee(s) set up either by the Commander or the NEC except as may be specifically provided in these Articles.
- K. Make disposition of all properties of chapters and departments:
 - 1) Returned to or taken over by the National Adjutant from chapters or departments which have:
 - a) Surrendered or forfeited their charters.
 - b) Been declared defunct.
 - 2) These action(s) thereon shall be final.

Section 3 - THE NATIONAL FINANCE COMMITTEE

- A. The National Finance Committee shall be composed of nine (9) members.
- B. The National Commander shall be an ex-officio member with a voice and a vote.
- C. Another four members, each with a voice and a vote, shall be elected by the NEC. One member shall be elected each year to serve four years. If a vacancy occurs in one of the "additional four members" positions, such vacancy will be filled by a vote of the NEC. The vote shall not be earlier than thirty (30) calendar days after the National Adjutant sends out an announcement of the vacancy.
- D. The National Senior Vice Commander, National Junior Vice Commander, National Finance Officer, and the National Judge Advocate shall have a voice but no vote.
- E. The National Adjutant will:
 - 1) Be the ex-officio Secretary.
 - 2) Not be a member of the committee.
 - 3) Attend to provide information and answer questions concerning the Headquarters' budget, and budgets submitted by other officers.
- F. The National Service Director will:
 - 1) Not be a member of the committee.
 - 2) Attend to provide information and answer questions concerning the National Service Program's budget.
- G. The Finance Committee shall meet at least twice each year-once before and once after each national convention.
- H. Digital meetings are allowed between conventions.
- I. Additional meetings may be called:
 - 1) At the discretion of the Chairman of the National Finance Committee.

- 2) Upon request of the National Commander.
- 3) Upon request of the National Finance Committee members.

Section 4 - DUTIES of NATIONAL FINANCE COMMITTEE

- A. Be responsible for the preparation and review of the annual budgets of the National Corporation after receipt of budgetary requests from officers and committees.
- B. It shall supervise and control all expenditures and the handling of regular funds and those of all income-producing programs of the National Corporation.
- C. Present all budgets within thirty (30) calendar days after the close of each national convention, or adjustments thereto, to the NEC for its final action.
 - 1) The National Finance Committee shall have the power-subject to the approval of the NEC-to allocate for budgetary purposes all funds received from any source within the limitation prescribed in these Articles.
 - 2) It shall have authority to approve expenditures beyond budgetary limits by the ten (10%) percent of the individual item. Requests for the expenditures in excess of this allowance must be submitted to the NEC for approval.
- D. Exercise unquestioned fiscal responsibility.
- E. Any person or persons approving warrants, vouchers and/or checks in an amount exceeding the approved or amended budget line items shall be personally liable for this overdraft.
 - 1) Such person(s) shall reimburse the Corporation the amount of the overdraft.
 - 2) The National Adjutant, National Commander, and National Finance Officer shall each be jointly and severally liable for such repayment to this Corporation.
- F. Contracts for employment of employees, rental or purchase of new office space, or other high-priced capital expenditures will be reviewed by the Judge Advocate for correctness prior to submission to the National Finance Committee.
- G. The National Finance Committee meeting held after the Nation Convention will set "high priced capital expenditure" criteria.
- H. Be charged with the investigating and the reporting to the NEC on all contracts submitted to MOPH.
- I. It shall render advice to the NEC on all financial questions.
- J. Not allow any Chapter, Department, Auxiliary, or other unit of the Military Order of the Purple Heart of the USA, Inc., to raise or acquire any monies, funds, or other things of value with the help or assistance of a paid or otherwise compensated person, employee, individual, or company without approval.
 - 1) Such entity must submit written notification to the National Commander, National Adjutant, National Judge Advocate, and the Chairman of the National Finance

Committee as to all the details of the fund-raising project.

- a) The Chapter, Unit, Department, or any subsidiary of the Corporation requesting permission for such fund-raising activities shall comply with all local ordinances, codes, or laws; and federal ordinances, codes, laws, or regulations covering the various fund-raising activities. Event insurance is recommended.
 - b) Determine that funds raised by such fund-raising activities or programs shall be used only for such purpose or purposes as are advertised in the solicitation for which approval has been granted by the National Finance Committee.
 - c) Institute such additional regulations for the licensing, fees, and overall supervision of all fund-raising activities by all subsidiaries of this Corporation, as may be determined and promulgated by the National Finance Committee. It shall determine that the regulations are fully complied with by all concerned.
- 2) It shall be the duty of the National Commander, the National Adjutant, and the National Judge Advocate, within thirty (30) calendar days of receipt of such request, to make a recommendation to all the National Finance Committee members regarding such a fund-raising project.
- 3) The National Commander or the Chairman of the National Finance Committee shall forthwith call for a vote of the National Finance Committee.
- 4) A majority of the National Finance Committee must approve such a fund-raising project.
- K. The National Commander will have the National Adjutant certify approval or rejection for the fund-raising project by the National Finance Committee. Define for the National Finance Officer in detail:
- 1) The accounting system to be used by the Corporation.
 - 2) The form and frequency of regular and special reports that it may require of him or her covering all funds, offices, officer's expenditures, and similar items.
- L. Be responsible for the annual audit of all funds of the National Corporation by an independent Certified Public Accountant and shall audit on specifically designated dates.
- M. Determine that the reports of the National Finance Officer and the independent Certified Public Accountant shall comply in every respect with the requirements as set forth in the Congressional Charter, Public Law 761, 85th Congress as amended by 36 USC Subtitle II Chapter 1405.
- N. Will act as custodian of the Life Membership Fund and as such will review any consideration for withdrawal of any part of the principal from this account and submit its recommendation to the National Executive Committee for approval. Approval to

withdraw funds will require two thirds of the votes received from the National Executive Committee by ballot or at a National Convention. Recommendation to withdraw funds must include a plan for repayment over a specific period of time.²¹

Section 5 - INVESTMENT COMMITTEE

- A. Includes the Chair of the National Finance Committee, the National Finance Officer, the National Adjutant, and the voting members of the National Finance Committee.
- B. Conduct periodic reviews of investment policies. These reviews will be done at least annually, but preferably more often.
- C. Based on these reviews, the Investment Committee will advise the Finance Committee-every time that committee meets-regarding the investment of funds controlled by the Military Order of the Purple Heart.

Section 6 - NATIONAL PUBLICATIONS COMMITTEE

- A. Be composed of the following members:
 - 1) The National Commander who shall be an ex-officio member with a vote.
 - 2) An additional four members, each with a vote, shall be elected by the NEC. One member shall be elected each year to serve four years. If a vacancy occurs in one of the "additional four members" positions, such vacancy will be filled by a vote of the NEC. The vote shall not be earlier than thirty (30) calendar days after the National Adjutant sends out an announcement of the vacancy.
- B. Meet during the national convention each year and such other times at the call of the Chairman. Digital meetings are allowed between conventions.
- C. The Committee shall elect its own Chairman each year at the meeting held after the NEC Meeting.
- D. Hold the Editor responsible (through the Chairman) for the editing and publishing to ensure the successful administration of the Purple Heart Magazine.
- E. Shall charge the Chairman with forming a search committee from among the National Publications Committee members when there is an opening for the position of Editor of the Purple Heart Magazine. The National Adjutant will use the services of the Headquarters Office to assist in advertising for the opening.
- F. Select the Editor subject to approval by the NEC. The Editor may be removed by a majority vote of the votes cast by the National Publications Committee, but such removal must be ratified by two thirds (2/3) vote of the votes cast by the NEC.
- G. Determine the publishing, advertising, and editorial policies of the Purple Heart Magazine.
- H. Promote the Order's social media program and national website in the magazine.

- I. The Purple Heart Magazine shall be the official publication of the Military Order of the Purple Heart of the USA, Inc. Official notices and orders published in the Purple Heart Magazine shall be deemed sufficient and lawful notice to all members for all purposes whatsoever.
- J. Ensure that the Purple Heart Magazine be sent to every member. The correct address(s) for every member shall be provided by the National Adjutant.
- K. Hold the Chairman responsible for the preparation of a budget for the operation of the publication, which shall be submitted to the National Publications Committee for approval. The National Publications Committee will submit a budget to the National Finance Committee prior to the National Convention.
- L. The National Publications Committee may provide the Editor support staff to assist in the production of the Purple Heart Magazine.
- M. See that the Editor and production support staff receive as compensation for services such sum as may be recommended by the National Publications Committee and approved by the National Finance and Executive Committees.

Section 7 - NATIONAL LEGISLATIVE COMMITTEE

- A. Determine that the policy of the National Legislative Committee shall be such as will ensure fair and just treatment to the combat-wounded veterans of the Armed Forces of the United States.
- B. Prosecute an aggressive federal legislative program affecting combat-wounded veterans and their dependents by and through the National Legislative Director.
- C. The overall program of service, legislation, welfare, and rehabilitation shall primarily emphasize the service-connected disabled veterans. This does not imply opposition to the non-service connected disabled veterans but rather to establish the Order's priorities.
- D. Be responsible for preparing a legislative program for presentation to the National Convention, or the NEC in the interim.
- E. Coordinate all resolutions and material of a federal nature from any source whatsoever-including chapters and departments-in preparation for submission to, and action by the NEC.
- F. Ensure that no proposal for federal legislation shall be sponsored or endorsed by any Officer or member of the Military Order of the Purple Heart unless it has been approved by the National Commander.
- G. The National Legislative Director shall serve as Chairman of the Committee.
 - 1) The National Commander, National Service Director, and the National Adjutant shall serve as ex officio members.

- 2) The National Legislative Director shall select the other members of the Legislative Committee with the approval of the National Commander.
- 3) Digital meetings are allowed between conventions.

Section 8 - NATIONAL BYLAWS COMMITTEE

- A. This will be a standing committee of nine (9) members.
 - 1) The National Senior Vice Commander, Junior Vice Commander, or Region Commander will serve as the chairman.
 - 2) The members who have demonstrated:
 - a) Their knowledge of the bylaws.
 - b) How to interpret the bylaws.
 - c) An Institutional memory acquired through years of experience, working knowledge, and voluntary participation in the Order.
 - d) They are of high ethical character.
 - 3) There will be a diverse geographic and conflict demographics make-up of the committee.
 - 4) If a member is absent from the bylaws committee meeting during the National Convention, the National Commander may replace him or her with another member who meets the qualifications listed in Article XII, Section 8, A., 2), 3).
- B. The National Judge Advocate will be available for consultation with the National Bylaws Committee. He or she will not be a part of the committee.

Section 9 - DUTIES of the BYLAWS COMMITTEE

- A. Review the bylaw amendments submitted for consideration to the National Convention.
 - 1) Make recommendations to the convention body as to the validity, practicality, and need for the amendment. If the committee's recommendation is to reject the amendment, a full explanation will be made as to the reason for the recommendation.
 - 2) No modifications or changes to the original wording of the submitted amendment(s) will be allowed to be made in the Bylaws Committee meeting. Correcting spelling errors and minor grammar usage is allowed.
 - 3) Assist the departments in writing and submitting a proposed bylaw amendment.
- B. The committee shall review bylaws annually between annual conventions with at least one physical or digital meeting to make any necessary recommendations for amendments.

ARTICLE XIII - DUES

Section 1 - NATIONAL DUES

- A. Life Membership dues will be established by the National Convention.
- B. Associate Member dues will be the same as the Life Membership dues.
- C. Withdrawal from the Life Membership Fund principal is prohibited except as provided in Article XII, Section 4, N.²²

Section 2 - LIFE MEMBER REBATES

- A. The departments and chapters will be rebated annually for all eligible Life members on record as of June 30, and who have been verified by October 1. A chapter's Life Membership Verification Report may be made by either the Chapter or Department Adjutant.²³
- B. The per capita payment will be sixty (60%) percent to the National Headquarters, twenty (20%) percent to the Chapters, and twenty (20%) percent to Departments and the Life Member Rebate distribution shall return to fifty (50%) percent to the Departments and fifty (50%) percent to the Chapters after five years ending (2026).⁵³
- C. Rebates will not be made to a Chapter or Department that fails to submit a timely election report to National by June 30.

Section 3 - EXCEPTIONS

- A. Residents of an Armed Forces Retirement Home (AFRH), a nursing home or residential assisted living facility operated by the US Department Veterans Affairs (DVA Home) or a state government Veterans agency (State Veterans Home) or, a Military Hospital, of at least six months duration, who have been awarded the Purple Heart may become members at one-half the life membership dues. An affidavit signed by an official of such AFRH, or DVA Home, State Veterans Home or, Military Hospital certifying to the applicant's period of residency shall also accompany each such application.⁵⁸
- B. Recipients⁵⁹ of the Medal Of Honor, who also have been awarded the Purple Heart, will be given Life Membership at no cost.
- C. No rebates to Chapters or Departments will be made for the categories of membership listed in above paragraphs A., B., and Associate Life members.

ARTICLE XIV - UNIFORMS & SUPPLIES

Section 1 - SUPPLY DEPARTMENT

- A. The Supply Department shall be the direct responsibility of the National Adjutant.
- B. The National Adjutant shall determine the nature and selling price of such materials.
- C. The funds of the Supply Department shall be included in the General Fund.

- D. The National Adjutant shall maintain a complete and accurate inventory of all items and materials handled through this Supply Department.
- E. The National Adjutant shall semiannually release the list to the National Finance Officer for inclusion in semiannual financial reports.
- F. The National Adjutant shall report on the operation of the Supply Department to the National Convention.

Section 2 - CAPS

- A. Chapter caps shall be purple with white piping and white lettering.
- B. Department caps shall be purple with white tops and have white lettering and gold piping.
- C. National caps shall be all white with gold (or purple) piping and gold (or purple) lettering.
- D. A Purple Heart Beret is acceptable headgear for all MOPH functions.
- E. Every National and Department Officer, upon termination of such office, shall immediately discontinue wearing the cap of such office unless the years during which such office was held are on such cap.

Section 3 - FLAGS

- A. Chapter Flags shall be purple with white ribbon streamers, gold lettering, pole hem, and two-inch gold fringe.
- B. Department Flags shall be white with purple ribbon streamers, gold lettering, pole hem, and two-inch gold fringe.
- C. National and Region Flags shall be white with purple ribbon streamers, gold lettering, pole hem, and two-inch gold fringe.

Section 4 - UNIFORMS

- A. Standard Dress
 - 1) Navy or black blazer with a Purple Heart symbol on the left breast pocket area or lapel.
 - 2) Dress white shirt with long or short sleeves.
 - 3) Medium gray trousers or skirt.
 - 4) Black shoes.
 - 5) Purple necktie with white edged George Washington emblem is sewn thereon, or regimental stripe necktie with Purple Heart colors.
 - 6) Cap as described in Article XIV Section 2.
- B. Honor Guard is the same as the standard dress uniform.
- C. Variations from the above-described uniforms may be made only with the prior written

approval of the National Commander through the National Adjutant.

Section 5 - VIOLA

- A. The Viola, the official flower of the Corporation, must be purchased through the Viola Program.
- B. The use of the Viola for fund raising purposes shall be in accordance with **(Article XII, Section 4, J.)**.
- C. The use of any other flower by any subordinate unit is prohibited.
- D. In some local areas where the use of such flowers for fund-raising may be forbidden by law, the subordinate unit may be granted special permission for the use of a similar flower or item. The request should be through the National Adjutant for approval of the National Finance Committee.

Section 6 - CERTIFICATES AND CITATIONS.

- A. A Past Commander's Certificate-signed by the National Commander and National Adjutant-for Past National, Department, and Chapter Commanders shall be available through the Supply Department. It will be presented at an appropriate ceremony at the expiration of said officer's term of office.
- B. Past National Commanders shall be awarded the Past National Commander's gold pin with diamonds at the expense of the National Corporation. It will be presented at an appropriate ceremony at the expiration of their term of office.
- C. Citations for "Conspicuous and Meritorious Service to the Military Order of the Purple Heart of the United States of America, Inc." and for "Conspicuous and Meritorious Service to Your Community, Fellow Citizens, and Veterans" shall be available through the Supply Department.
 - 1) Recommendations may be made by any member and are subject to approval by the Department or Chapter Commander. The Citations shall be written and describe the outstanding services of the proposed recipient.
 - 2) Citations shall be signed by the National Commander and National Adjutant.
 - 3) Citations may be produced locally and signed by a Department or Region Commander.

ARTICLE XV - TO PRESERVE the INTEGRITY of the CORPORATION

Section 1 - INCORPORATION

- A. No subordinate unit of the Military Order of the Purple Heart of the USA, Inc., shall incorporate under the laws of their state for any purpose whatsoever without first having the incorporation papers sent to the National Judge Advocate.

- B. The National Judge Advocate shall review:
 - 1) The proposed certificate of incorporation.
 - 2) A copy of the laws of the state under which the unit is to be incorporated.
 - 3) All applications and certificates of incorporation shall state the entity shall be governed by the Constitution and Bylaws of the Military Order of the Purple Heart of the USA, Inc.
- C. The National Commander will decide whether to allow the incorporation after receiving the Judge Advocate's recommendation(s).

Section 2 - ELECTED OFFICERS

- A. No person shall hold more than one elective office in:
 - 1) The National organization.
 - 2) A Department.
 - 3) There is no limit to the number of Chapter elective and/or appointed offices that can be held by a single person simultaneously provided:
 - a) The Commander shall not be the Finance Officer.
 - b) The Finance Officer should not be the Adjutant.
- B. No National Elective officer shall hold a department elective office.
- C. A member who is a salaried employee or the spouse of a salaried employee of the National or a Department organization shall not:
 - 1) Hold a National or Department Elective office.
 - 2) Be an elected or appointed member of a National Committee.

Section 3 - WELFARE FUNDS

- A. A welfare fund for the assistance of needy members or veterans and their dependents may be established by chapters and departments. Such donations to funds shall be used exclusively for the needy listed above.
- B. Donations to a needy member(s) or veteran(s) from the fund shall be regarded as strictly confidential. Names of recipients will be left off the warrants.

Section 4 - BOND

- A. Each accountable officer of the Military Order of the Purple Heart of the USA, Inc. must be bonded in a sum at least equal to the amount of the funds and value of the property for which he/she is accountable.
- B. The bonding shall have a cap of \$30,000 and the fees for the bond shall be paid from the funds of the National Headquarters in the month of September of each year. This bond is to cover all accountable officers at the Chapter, Department, and National levels.

Section 5 - INSPECTION

- A. The Department Commander may require the inspection of any Chapter or Department in his or her respective jurisdiction, whenever the best interests of the Order require it.
- B. The Region Commander may require an inspection by a Department Inspector of any Chapter or Department in his or her respective jurisdiction, whenever the best interests of the Order require it.
- C. The National Commander may require the inspection by the National Inspector of any Officer of the Order or Office, whenever the best interests of the Order require it.

Section 6 - POLITICS

- A. The Corporation's National, Region, Department, or Chapter officers shall not contribute to, otherwise support, or assist any political party or candidate for public office as a representative of the Military Order of the Purple Heart.
- B. No discussion of partisan questions shall be allowed at any meeting of the Corporation.
- C. No nominations, recommendations, or endorsements for political office shall be made by a member as a representative of the Military Order of the Purple Heart. No lobbying as a representative of the Military Order of Purple Heart will be done before the US Congress without the recommendation of the National Legislative Officer and concurrence of the National Commander.

Section 7 – INELIGIBILITY

- A. **In the event the eligibility of a Patriot is questioned, a statement of the facts should be forwarded through the Department Commander or Department Adjutant to the National Adjutant.**
 - 1) **The National Adjutant shall attempt to determine such eligibility through official sources and advise those concerned accordingly.**
 - 2) **The National Adjutant, with the approval of the National Commander, may request from a Patriot proper documentary evidence of the award of the Purple Heart.**
 - 3) **Failure to provide evidence of the award of the Purple Heart within one hundred twenty (120) days shall result in forthwith expulsion from the Corporation.⁷⁶**
- B. **A member who has been expelled for cause may be restored to eligibility only by meeting all the following requirements:**
 - 1) **Making a re-application.**
 - 2) **Providing authentic documentation of the award of a Purple Heart.**
 - 3) **Showing that clear and unmistakable error (CUE) occurred during the**

expulsion procedures.

- a) CUE is a particular and rare kind of error. It is the kind of error, of fact or law, that, when called to the attention of later reviewers, compels the conclusion, to which reasonable minds could not differ, that the result would have been manifestly different but for the error.
 - b) Generally, either the correct facts, as they were known at the time, were not before the disciplinary panel, or the bylaw provisions in existence at the time were incorrectly applied.
 - c) Review for clear and unmistakable errors in a prior panel decision must be based on the record and the law that existed when that decision was made.
 - d) To warrant revision of a panel decision on the grounds of clear and unmistakable error, there must have been an error in the disciplinary panel's adjudication of the appeal, which, had it not been made, would have manifestly changed the outcome when it was made.
 - e) If it is not absolutely clear that a different result would have ensued, the error complained of cannot be clear and unmistakable.
- 4) Approval of the re-application for eligibility can only be approved by a vote of the National Convention body. A majority of the Division of Assembly votes cast is required for approval.⁷⁶

Section 8 - SUSPEND, CANCEL, or ANNUL a CHAPTER/DEPARTMENT CHARTER⁶²

- A. Chapters that have not submitted election reports for two (2) consecutive years or more may be declared defunct using the following procedures:
- 1) The Department Commander or his designee will contact the last known Commander directly regarding the Chapter's status.
 - a) The Commander will request the last known email address of the Chapter's Patriots.
 - b) A written report will be made of this contact. The members of the Department Executive Committee will be made aware of the Commander's findings.
 - 2) A notice will be sent via email to the members. If an email address is not available, then the notice is to be sent via the United States Post Office. Unless twelve (12) members object within thirty (30) days, the Chapter will be closed.
 - a) The members of the Chapter will be reassigned to the nearest geographic Chapter.
 - b) A member may request assignment to another Chapter.
 - 3) If after thirty (30) days, there are not enough Patriots wanting to keep the

Chapter open, the Adjutant will prepare a list reassigning the members to another Chapter.

- 4) The DEC will be given the assignment list with seven (7) days to suggest any changes to the assignment list.
 - 5) After the seven (7) days, the DEC will vote "YES" or "NO" to the closing of the Chapter and to the reassignment list.
 - 6) The information concerning the closing of the Chapter and the reassignment of the members will be sent to the National Headquarters.
- B. The Chapter's charter may be suspended or revoked for failure to follow lawful order(s) and directive(s) as authorized by the Constitution and/or Bylaws.
- C. The steps to request suspension are:
- 1) The Department Commander may request the Department Inspector to investigate and report on the facts.
 - 2) The Department Commander must make a request for chapter suspension.
 - 3) The Region Commander must concur with the Department Commander's request for suspension or revocation of the charter.
 - 4) The National Commander may request the National Inspector to investigate the situation.
 - a) The National Inspector will report the findings of the investigation to the National Commander and the respective Department and Region Commanders.
 - b) The date(s) and location(s) of the investigation will be in the report.
 - c) The names of everyone interviewed during the investigation will be in the report.
 - d) Any evidence gleaned will be included but not limited to:
 - (1) Oral
 - (2) Written
 - (3) Financial records
 - (4) E-mails and all digital evidence
 - (5) Pictures or digital imaging
 - (6) A summary report will give the facts and findings based on the evidence.
 - 5) The Region Commander and/or the National Commander may appoint a responsible, unbiased, and uninvolved member or a professional mediator for mediation of the dispute. The Mediator will give a full and complete report to the appointing Commander.
 - 6) After the inspection with or without mediation, the National Commander will decide

whether to approve or disapprove the Department Commander's request for suspension.

- 7) The National Commander will have the National Adjutant, within seven (7) calendar days, submit a request for approval of the Commanders decision to suspend a Chapter for sixty (60) calendar days for an approval vote of the NEC. The vote will be done by a secure and auditable³⁵ digital vote. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
- 8) The NEC will have fifteen (15) calendar days to read the facts, the entirety of the evidence, and its recommendation(s) and vote. The request to the NEC must allow the committee to download the whole package of the Commander's request.
- 9) After the National Commander's review of the election results, the tally of votes will be sent out by the National Adjutant to NEC following the procedures in Article XII, Section 2, I.
- 10) If any of the provisions of ARTICLE XV, Section 8, C., 8) & 9) are not followed exactly, then the vote is invalid and must be redone. There are no exceptions to this rule.
- 11) If a suspension is approved by the NEC, the National Adjutant will send the notice of the suspension to:
 - a) The Chapter Commander and Adjutant via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.
 - b) To all the Chapter members with a copy of the Department Commander's letter requesting the suspension with the signatures of the Region Commander and National Commander. It will include all evidence submitted to the NEC.
- 12) The Chapter has sixty (60) calendar days to submit a formal appeal to the suspension, via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested to the National Commander and National Adjutant with copies to the Department and Region Commanders.
 - a) The Department Commander, as the requesting officer, has the authority to lift the suspension, if the Chapter has resolved the problems by acting to correct the issue(s) that caused the suspension.
 - b) Notification of the removal of the suspension will be delivered to the Chapter Commander, the Chapter Adjutant, and the National Adjutant within seven (7) calendar days via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.
 - c) The National Commander may lift the suspension if the Chapter has resolved the problems by acting to correct the issue(s) that caused the suspension or if

- the Chapter's appeal is granted.
- d) Notification of the removal of the suspension will be delivered to the Chapter Commander and Chapter Adjutant and the National Adjutant within seven (7) calendar days via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.
- 13) The Chapter's charter may be revoked after the sixty (60) calendar days' suspension if the Chapter fails to comply with the lawful directives and orders and their appeal is not granted.
- a) The Department Commander with the concurrence of the Region Commander must request the National Commander to proceed with the revocation of the Chapter's charter.
 - b) The National Commander will have the National Adjutant notify the Chapter Commander and Chapter Adjutant via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested of the intention to revoke the Chapter's charter.
 - c) The Chapter has sixty (60) calendar days to appeal the revocation of the Charter through the chain of command to the National Commander.
 - (1) Any member(s) of the Chapter may file an amicus brief with the Department Commander, thru the Region Commander to the National Commander stating any objections and reasons to halt the proposed revocation of the Charter. The National Commander shall then consider all evidence and briefs submitted.
 - (2) If no brief(s) is filed, and the National Commander denies the Chapter's appeal, the revocation process will continue.
- 14) The National Adjutant will send a vote to the NEC asking for a vote "for" or "against" the revocation of the Charter within fifteen (15) calendar days after the end of the sixty (60) day appeal period.
- 15) A copy of the Department Commander's letter requesting the revocation of the Charter with the concurrence of the Region Commander and approval by the National Commander will be sent to the Chapter. All evidence submitted will be included in the notice package sent to the NEC.
- 16) Fifteen (15) calendar days will be allowed for the return of votes. The count of calendar days begins the day after the mail and secure and auditable³⁵ digital votes are sent out. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
- 17) After the National Commander's review, the tally results will be sent out by the National Adjutant to the NEC to show how each counted vote was cast. (This is to ensure each NEC member's vote was recorded properly by the tellers.)

- 18) The NEC vote will not be held over to the next Executive Committee unless the meeting is within forty-five (45) calendar days of the beginning of the National Convention.

Section 9 - SURRENDER of PROPERTY⁶³

- A. When a Department is declared defunct, or its charter is revoked the rituals, paraphernalia, and property may be sent to the Chapters within the state. The Department charter and all monies will be sent to the National Corporation to be held in trust for a period of twelve (12) months.
 - 1) If a Department charter is revoked or declared defunct and is not reinstated within a period of twelve (12) months, all monies from that Department shall be distributed to all remaining Chapter(s) in good standing within the state.
 - a) The distribution of funds will be distributed evenly among the Chapters within the state.
 - b) To receive these funds the Chapters must have a current election report, confirmation of 990-filing and Finance Report on file with the National Adjutant.
 - 2) If there are no active Chapters within the jurisdiction of the defunct Department then all monies and properties shall become the absolute property of the National Organization after the twelve (12) month period.
- B. When a Chapter is declared defunct or its charter is revoked the charter, rituals, paraphernalia, and all property must be sent to the Department. The Department is responsible for sending the Chapter charter to the National HQ. All monies shall be sent to the Department to be held in trust for a period of twelve (12) months.
 - 1) If a Chapter is not chartered in the Area of Operation of the defunct Chapter within twelve (12) months all monies and properties shall become absolute property of the Department to be used, as necessary.
 - a) During the twelve (12) month holding period, the Department can use the monies for the purpose of emergency relief to a veteran or their family who meets the following:
 - (1) Lives within the Area of Operation of the defunct Chapter
 - (2) The Veteran or Family Member applies to the Department.
 - 2) If a Chapter is established within the (12) months in the Area of Operation of the defunct Chapter, the Department will transfer any monies not used as outlined in Article XV, Section 9, B., 2).
 - 3) If the defunct Chapter is in a state without a Department all monies and properties will be turned over to the National Headquarters' to hold in trust for a period of twelve (12) months after which if no Chapter has been reestablished than the

monies and properties become absolute property of the National Organization.

Section 10 - USE of PURPLE HEART

- A. Replicas or facsimiles of the Purple Heart, as awarded by the Government of the United States, shall not be made, caused to be made, or used in any manner that would tend to degrade the award, or permit any commercial use thereof.
- B. Replicas or facsimiles may be used only for the official papers of the Corporation or subordinate units thereof.

Section 11 - AUTHORITY

If any Commander is the subject of a grievance, charge or recall, the Senior Vice Commander shall assume the role of the Commander to adjudicate the matter.

Section 12 - GRIEVANCE

- A. A grievance is a complaint from a member for some action which causes disruption within the Order.
 - 1) Grievances can only be filed against individual Patriot(s).
 - 2) Grievances consist of quantified unfairness, affront(s), insult(s), or indignity.
 - a) Grievances do NOT involve misfeasance, malfeasance, malicious or intentional violation(s) of the Constitution and/or Bylaws of the Military Order of the Purple Heart of the USA, Inc.
 - b) Misfeasance, malfeasance, malicious or intentional actions are covered in Article XV, Section 13.
- B. A grievance may be submitted by a member(s) to the appropriate next level Commander with a copy to the National Adjutant.
 - 1) Grievance(s) among the same Chapter's member(s) will be heard at the Department level before three current or past Department Commanders. The Commanders do not have to be from the same Department where the grievance is filed.
 - 2) Grievance(s) among Department member(s) from different Chapters will be heard at the Region level before any combination of three past or current Department Commander(s) or past or current Region Commanders. The Commanders do not have to be from the same Department or Region where the grievance is filed.
 - 3) A grievance against a current elected or appointed National officer will be heard at the National level.
 - 4) Department grievance committee will consist of any combination of three Past Department Commanders or Past/Current Region Commanders.
 - 5) National grievance committees will consist of any combination of three Past

National Commanders and/or current or Past Region Commanders.

- C. The grievance complaint must be in writing and in sufficient detail to establish the facts.
- 1) The following procedures shall be followed without exception:
 - a) Be signed.
 - b) Notarized.
 - c) The formal signed and notarized grievance(s) will be sent to the commander at the next higher level.
 - d) The formal signed and notarized grievance(s) will be sent via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested to the individual(s) against whom the grievance(s) is filed.
 - 1) The Judge Advocate at the appropriate level shall review the grievance to ensure that it meets the requirements of a formal grievance.
 - a) A failure to comply with all the requirements of Article XV Section 12, C., 1) thru d) will render the grievance(s) invalid.
 - b) The Department or National Judge Advocate shall provide the Chapter, Department, Region, or National Commander a written opinion that the grievance does or does not meet the requirements of a formal grievance. All parties concerned shall be notified of the opinion by the convening Commander via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.⁴²
- D. The Commander may appoint a disinterested and unbiased member from any Department for mediation of the dispute. A professional mediator may be used.
- 1) The Judge Advocate at any level must remain neutral and will not be the mediator.
 - 2) If the mediation efforts fail:
 - a) A written report to the Commander and all parties involved will be sent via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested by the Mediator.
 - b) A thirty (30) calendar days' period shall elapse before further action is taken. Said thirty (30) calendar days' period starts the day after the letter to the Commander is postmarked.
- E. Grievance(s) will be heard by a grievance committee composed of three impartial Commanders at the appropriate level (**Article XV, Section 12 B., 1) thru 5**).
- 1) A recorder, who has no vote, shall⁶⁰ be obtained to provide a written transcript of the proceedings.
 - 2) The Commander who appoints the grievance committee will take care in selecting members who have no personal involvement, prejudice, or who have not been consulted about the issues of the grievance to be heard.

- 3) The convening Commander will select the Grievance Committee Chairman.
- F. The Grievance Panel shall:
- 1) Provide for an accurate record of the proceedings which include a summary of the Grievance Committee's finding(s).
 - 2) Announce the findings after the committee has discussed and voted. Every issue noted in the grievance must be addressed separately.
 - 3) Recommend action(s) based on the announced finding of the Grievance Panel.
 - 4) Forward the finding(s) and recommendation(s) via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested to the appropriate Commander, Petitioner, and all participating parties within fifteen (15) calendar days from the date of the close of the hearing.
- G. The usual finding(s) should result in appropriate actions to eliminate the grievance.
- H. The recommendations of the grievance committee for a penalty can only be one of the following four actions:
- 1) A Commander's Meeting.
 - 2) A Verbal Reprimand.
 - 3) A Formal Letter of Reprimand.
 - 4) A recommendation for new and separate action e.g., to bring charges under Section 13 will require initiation of formal charges to comply with the requirements of Article XV, Section 13.
- I. A member who is salaried employee regarding matters of employment may only use such grievance procedures as provided for in the MOPH Policy for Salaried Employees.

Section 13 - DISCIPLINE, TRANSFER, and EXPULSION of MEMBERS

A. Charges

- 1) No member or associate member of the Military Order of the Purple Heart of the USA, Inc., may be punished or have any membership rights abridged except for the following reasons:
 - a) Intentional, willful, and/or malicious violation of the Constitution and/or Bylaws of the MOPH.
 - b) Misfeasance or malfeasance.
 - c) Refusal to comply with the lawful orders-as defined in the Constitution and/or Bylaws-of a Commander or the National Convention body.
 - d) Willful misconduct and/or malicious violation of the oath of office.
 - (1) Repeated violations of the oath of office are considered "willful misconduct" which is chargeable under this sub-section.

- (2) The repeated violations do not have to be from the same part of the oath but can be used to establish a pattern of "willful misconduct."
 - (3) A claim of ignorance of the bylaws is not a defense against "willfully" violating the "oath of office."
 - e) Action which brings discredit to the Order.
 - f) Conviction of a crime involving theft or moral turpitude.
- 2) No charges may be adjudicated against a member or associate member who has submitted a resignation from the Order.
- a) The effective date of a resignation is the date on the postmark on the envelope of the resignation letter or other written correspondence. The National Adjutant shall date stamp the receipt of the resignation notification.
 - b) The effective date of a resignation for an e-mail is the date it was sent out. A printout copy will be made as evidence of the date. It will be part of Charges Evidence Package.
 - c) The charges, evidence, statements, testimony, and all other documents will be put in a sealed file and be retained by the National Adjutant.
 - d) If the former member reapplies for membership, the charges will be reviewed by the National Judge Advocate, who will then:
 - (1) Confer with the Commander now at the level in the chain of command where the adjudication was halted because of the resignation.
 - (2) Make a recommendation to the jurisdictional Commander as to whether the adjudication should proceed from the point where the procedures stopped.
 - (3) The jurisdictional Commander will make the decision about proceeding with or dropping the charges.
- B. The preferring of charges should be an action of last resort. Every effort in the chain of command should be made to solve problems without the necessity of filing formal charges. Should all efforts fail, charges may be filed as follows:
- 1) Any Chapter Commander may bring charges on any Chapter member if the Department Judge Advocate has provided a written opinion that the Chapter Commander has or has not complied with all the requirements in Article XV, Section 13. If the requirements have not been met, the Department Judge Advocate shall so state, and the Chapter Commander shall take corrective action if they still plan to pursue the charges.
 - 2) Any Department Commander may bring charges on any member of the Department if the Department Judge Advocate has provided a written opinion that the Department Commander has or has not complied with all the requirements in

Article XV, Section 13. If the requirements have not been met, the Department Judge Advocate shall so state, and the Department Commander shall take corrective action if they still plan to pursue the charges.⁴⁴

- 3) Any Region Commander may bring charges on any member of the Region if the National Judge Advocate has provided a written opinion that the Commander has or has not complied with all the requirements in Article XV, Section 13. If the requirements have not been met, the National Judge Advocate shall so state, and the Region Commander shall take corrective action if they still plan to pursue the charges.⁴⁵
- 4) The National Commander may always bring charges on any member of the Order if the National Judge Advocate has provided a written opinion that the Commander has or has not complied with all the requirements in Article XV, Section 13. If the requirements have not been met, the National Judge Advocate shall so state, and the National Commander shall take corrective action if they still plan to pursue the charges.⁴
 - a. **If the National Commander brings the charges, they are prohibited from taking further action(s) on the processing charges (e.g., Acting as the Convening Authority, appointing the Disciplinary Hearing Panel Members, or being the Appellate Authority).**
 - b. **Any communication by the National Commander with the Convening Authority, Disciplinary Hearing Panel member/witnesses, or any attempt to sway or influence a judgment about the case will be considered a direct and willful violation of the bylaws.**⁷²
- 5) Any three members of the Order may join in the submission of charges.
 - a) The National Judge Advocate must provide a written opinion that the charges brought by the three members comply with all the requirements in Article XV, Section 13.
 - b) The National Commander, National Senior Vice Commander, or Junior Vice Commander may not join with other members to bring charges. (This ban on bringing charges is to ensure that an accused member is guaranteed a non-prejudiced appeal).
- 6) Formal charges must be written in sufficient detail to establish the fact(s) of a violation of one or more of the circumstances listed in Article XV, Section 13, A., 1), a) thru f). Charges must be signed and notarized.
 - a) **The charges must clearly and precisely describe the alleged violation(s).**
 - b) **Precise is defined as enumerating the exact words or actions that violate**

the bylaws.

- c) **If the charges fail to meet the standards in a) & b), the charges will be considered improper, and the offending charge will automatically be dropped at the hearing.**
- d) **If the Disciplinary Hearing Panel does not drop the Charge(s) with an imprecise violation description, the Appellate Authority will be required to drop the defective Charge.⁷³**

- 7) The charges will be sent via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested to the Adjutant at the level where the charges are brought and a copy to the National Adjutant.
- 8) A prior confidential investigation by an elected Inspector is encouraged to ascertain all relevant facts.
- 9) Adjudication shall be imposed at the next higher level.
 - a) Charges brought against a chapter member will be heard at the Department level. The panel will consist of three (3) current or past Chapter or Department Commanders. The Commanders do not have to be from the same state.
 - b) Charges brought against a Department elected, appointed officers, or Department or National members-at-large (DML & NML) will be heard at the Region or National level. The panel will consist of three (3) disinterested members of the National Executive Committee, who have demonstrated a clear understanding of the constitution and bylaws.
 - c) Charges against National elected or appointed officers will be heard by a disciplinary hearing panel. The panel will consist of three (3) disinterested members of the National Executive Committee, who have demonstrated a clear understanding of the constitution and bylaws.

C. Procedures for the Handling of Received Charges:

- 1) The convening authority which is the commander at the next highest level will provide the accused with a copy of the notarized charges, all related documents, evidence, and a clear statement of the alleged violations **by any entity shipping service return receipt.⁷⁴**
 - a) The accused member or the associate member will be notified of the hearing time, date, and place. The **hearing date⁷⁴** will not be set without consulting with the accused for available dates **(to be determined by any shipping service entity return receipt).⁷⁴**
 - (1) **The consultation will be done by an e-mail that requests verification/validation of the shipping service entity receipt.**

(2) If the email is not acknowledged, the accused will be contacted by phone. If a phone connection is not made, a Chapter/Department officer will make a personal visit to the Charged Patriot /Associate member.

(3) Refusal of the shipping service entity receipt by the Charged Patriot/Associate Member will allow the hearing to be scheduled.⁷⁴

- b) All hearings will be fixed for a date not less than twenty (20) calendar days or more than sixty (60) calendar days from the date (to be determined by the any shipping service entity⁵⁷ return receipt) the accused received the charges.
- c) Should the accused require additional time to prepare his or her case, **the Charged Patriot/Associate Member will be entitled to one and only one postponement of the hearing date. The convening authority will grant the postponement for thirty (30) calendar days. The convening authority should be notified of the postponement request a minimum of ten (10) calendar days prior to the scheduled hearing date.⁷⁴**
- d) All correspondence with the accused will be sent via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.

2) The convening authority will appoint:

- a) A Disciplinary Hearing Panel (DHP).
- b) The chairman.

3) The convening authority will arrange for an impartial recorder for the proceedings to keep an accurate record of the proceedings. Due to the problems in getting an accurate transcription of hearings, a certified professional recorder is required.

D. Procedures for a Disciplinary Hearing Panel (DHP):

- 1) This is an administrative hearing and rules of evidence as in a court of law do not apply.
- 2) If the accused does not appear as directed, the hearing will proceed without them. In cases of extenuating circumstances, the hearing may be postponed, provided proof is submitted to the National Adjutant. The chairman of the hearing panel will be notified of the postponement.
- 3) The accused member or associate member may represent themselves or may retain counsel. Counsel can advise the accused **and⁷⁵ address the Disciplinary Hearing Panel.⁷⁵**
 - a) **Counsel may be either a lawyer or any Patriot of the Military Order of the Purple Heart. The Accused Member or their counsel may object to:**
 - 1) **Violations of the Bylaws or MOPH Procedures. Submission of**

**evidence that has not been provided to the Accused less than ten (10)
full calendar days before the hearing.⁷⁵**

- 4) The accused has the right to speak and produce witnesses in his or her own defense. **The Accused and/or their Counsel may ask questions of witnesses.⁷⁵**
 - 5) The chairman will introduce the parties on both sides and the panel.
 - 6) The chairman will read the notification of charges as written in the notarized charges letter. No new charges may be added at the hearing.
 - 7) The chairman will then ask the accused how he or she pleads to each charge-guilty or not guilty.
 - 8) Opening statements are made by both sides with the hearing panel starting first.
 - 9) The testimony of any witness(s) produced by the panel will be followed by the testimony of any defense witness(s). Cross-examination of the witness(s) is allowed.
 - 10) Rebuttal witnesses are allowed with the panel going first followed by the defense.
 - 11) After closing arguments are completed by both sides, the hearing panel will go into "executive session" (in accordance with Roberts Rules) with only the panel members being present.
 - a) The chairman will poll each member of the panel on each charge for a finding of guilt or innocence.
 - b) If the member is found guilty, a member of the hearing panel other than the chairman will make a motion for an appropriate penalty.
 - c) The hearing panel will vote on the motion for the penalty.
 - 12) The hearing will be reconvened, and the panel chairman will report to the accused for the record, the finding of guilt or innocence on each charge.
 - 13) After resuming the hearing, the panel chairman will report the recommendations for punishment on charges when the member is found guilty.
 - 14) The hearing will be adjourned.
- E. If found guilty, the penalty that may be imposed under this section are:
- 1) Censure - shall consist of a written reprimand of admonition to the member by the appropriate commander.
 - 2) Transfer - shall be the permanent transfer of membership to another Chapter or to either a Department or National member-at-large status.
 - 3) Suspension - shall remove the member from membership and/or from any office held by them for not more than one (1) year from the date of receipt by the member as determined by the any shipping service entity⁵⁷ Certified Mail Return Receipt

Requested.

- 4) Restriction - shall be allowed to remain a Chapter member with a vote but shall have a restriction from being allowed to hold any elected or appointed office at any level for a specific length of time or permanently for life.
- 5) Expulsion - shall remove the individual from membership.

F. Post-Hearing Procedures

- 1) Within fifteen (15) calendar days after the close of the hearing the following shall be done:
 - a) The accused will be sent:
 - (1) The written decision(s) of guilt or innocence on each charge via any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.
 - (2) The recommended action(s) of the Hearing Panel.
 - (3) A transcript of the proceeding when it becomes available will be sent via secure and auditable³⁵ digital means. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - b) The Commander who was the convening authority will be sent via secure and auditable³⁵ digital means transcript of the proceeding when it becomes available. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - c) Additional copies along with a transcript of the proceedings will be sent via secure and auditable³⁵ digital means to the chairman of the hearing panel and the appropriate adjutant with a copy to the National Adjutant. **(Also refer to Article XXI, Conduct of Meetings)³⁶**
- 2) In all cases of recommended expulsion, the National Adjutant must be notified immediately.
- 3) All hearing decisions, except for expulsions, will be final after allowing a fifteen (15) calendar days' period after the decision unless the accused submits an appeal. The starting date for the appeal period is to be determined by the date as recorded on the any shipping service entity⁵⁷ Certified Mail Return Receipt Requested.

G. Review and Appeal:

- 1) A member may appeal the decision of the hearing panel to the next higher level within fifteen (15) calendar days of receipt of both the decision and a transcript of the hearing.
- 2) An appeal shall be limited to the specific violations of established procedures, the rights of the accused, or on new evidence.
- 3) The reviewing Commander will decide on the merits of the appeal and may take any action other than increasing the recommended punishment.

- 4) The National Commander is the final appeal on all actions taken.
 - a) The National Commander will not hear or rule on the appeal if he or she brought the charges.
 - b) The National Commander will recuse himself or herself on appeals where there was personal involvement.
- H. All appeals by members concerning any decision rendered by a National Disciplinary Panel will be presented to the NEC along with the facts and the recommended actions.
 - 1) The accused will be allowed to provide documentation setting forth evidence and facts to be included with documents provided by the National Commander.
 - a) **Failure to provide the Charged Patriot is so vital to fairness that its exclusion will invalidate the NEC vote.**
 - b) **The Officer who oversees the appeal will drop the charges when the Charged Patriot challenges their right to have their evidence and facts included in the documentation sent to the NEC.⁷⁷**
 - 2) The NEC members must be allowed up to fifteen (15) calendar days to review the case before voting on the matter.
 - 3) Secure and auditable³⁵ digital voting is to be used. The NEC members will be allowed to download the material for review before voting. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
- I. All recommendations for expulsion will be reviewed by the National Commander unless he/she is the originator of the charges. Then it will pass to the Senior Vice Commander, who will not consult with the National Commander before making the decision.
 - 1) If the Commander affirms the decision for expulsion, the National Adjutant will be notified.
 - 2) The National Adjutant will seek the approval of the NEC by sending the final decision by secure and auditable³⁵ digital voting within fifteen (15) calendar days of the date of the Commander's approval of the expulsion. **(Also refer to Article XIX, Conduct of Meetings)³⁶**
 - 3) If the NEC meeting before the national convention is thirty (30) calendar days or less in the future, the approval of the NEC will be docketed for this scheduled meeting.
- J. After all appeals have been exhausted, the National Adjutant will advise the accused of the decision. The National Commander after getting the approval of the NEC will take the action(s) that is deemed appropriate on all recommended punishment(s).
- K. If any steps in this section are skipped, the process will be stopped immediately.

- 1) The Judge Advocate and the National Adjutant at the behest of the National Commander will review the steps taken in the process to ascertain the last point at which everything was done correctly.
 - 2) The Judge Advocate will submit an advisory opinion to the National Commander and a copy to the National Adjutant as to what the next step should be.
- L. If the ALL the procedures in Article XV, Section 13 are not followed exactly, then the charges will start at the beginning or be dropped.
- M. The National Convention is the Supreme Body of the Order and will accept or reject the actions on expulsions from the Order voted on by the NEC during the year.

Section 14 - RECALL of an ELECTED OFFICER

- A. This section is reserved for those elected officers at all levels who are not accused of any wrongdoing and not subject to the provisions or charges of **(Article XV, Section 13, A.)**. This section provides the procedures for removal of elected officers who:
- 1) Do not fulfill the responsibilities of his or her elected office.
 - 2) Are incompetent, non-active in his or her office, have poor attendance, or have demonstrated egregious performance in the duties of the office.
 - 3) Elected officers who hold position by title alone and do nothing.
- B. The initiation of a recall of an elected officer for removal from office for reasons listed in **(Article XV, Section 14, A.)** must be by a Commander from the Chapter, Department, Region, or National.
- C. A transmittal letter requesting the recall of an elected officer at any level must be:
- 1) Prepared with specific detail for the reasons.
 - 2) Signed by three Commanders.
 - a) If the Commander is the member subject to recall, the initiation may be made by three members.
 - b) The request shall be sent to the Commander at the next higher level.
 - 3) Notarized and forwarded to the National Adjutant.
 - 4) The National Commander must approve and have oversight.
- D. Jurisdiction exists at the level where the officer subject to recall holds office. The recall will be supervised by the National Commander through the National Adjutant.
- 1) If the officer subject to the recall is a Chapter officer, the vote will be at a Chapter meeting. Those voting on the recall will be the Chapter's elect officers and Past Chapter Commanders.
 - 2) The rules for voting at Department and NECs apply at those levels.
 - 3) A super majority of three-fourths (3/4) of all members eligible to vote is required to remove an elected officer.

Section 15 - LAWSUITS

- A. A member may be suspended and tried should he resort to or join in a civil court action against a Chapter, Department, or the National Organization, or officers thereof, before exhausting all remedies available within the Organization.
- B. The Order shall pay legal fees, to defend an officer sued for actions taken while performing the duties of his or her office.
- C. The Order shall pay legal fees to defend the Good of the Order.

Section 16 - NON-PROFIT STATUS

- A. The Order will follow and conform to the federal law for exemptions by non-profit organizations. The following are the regulations for non-profits under Internal Revenue System United States Code 26 U.S. Code § 501 (c)(19)²⁵

To be exempt under Internal Revenue Code section 501(c)(19), an organization must be either:

- A post or organization of past or present members of the United States Armed Forces.
- An auxiliary unit or society of such post or organization.
- Or a trust or foundation for such post or organization.

A veterans' post or organization must meet the following requirements to be exempt under section 501(c)(19):

1. It must be organized in the United States or any of its possessions.
2. At least 75 percent of its members must be past or present members of the United States Armed Forces.
3. At least 97.5 percent of its members must be:
 - present or former members of the United States Armed Forces.
 - Cadets (including only students in college or university ROTC programs or at Armed Services academies).
 - Or spouses, widows, widowers, ancestors, or lineal descendants of individuals referred to in the first or second bullet.
4. It must be operated exclusively for one or more of the following purposes:
 - to promote the social welfare of the community (e.g., to promote the common good and general welfare of the people of the community
 - to assist disabled and needy war veterans and members of the United States Armed Forces and their dependents - and the widows and orphans of deceased veterans
 - to provide entertainment, care, and assistance to hospitalized veterans or members of the United States Armed Forces
 - to carry on programs to perpetuate the memory of deceased veterans and members of the United States Armed Forces and comfort their survivors
 - to conduct programs for religious, charitable, scientific, literary or educational purposes
 - to sponsor or participate in activities of a patriotic nature
 - to provide insurance benefits for members or their dependents or
 - to provide social and recreational activities for members
5. No part of its net earnings may inure to the benefit of any private shareholder or individual.

An organization may be exempt under section 501(c)(19) as an auxiliary unit or society of a veterans' post or organization if it meets the following requirements:

1. It is affiliated with, and organized in accordance with the bylaws and regulations of, a veterans' post or organization described above
2. At least 75 percent of its members are veterans, spouses of veterans, or related to a veteran within two degrees of consanguinity (i.e., grandparent, brother, sister, grandchild represent the most distant allowable relationships)
3. All members are either members of a veterans' post or organizations described above, or spouses of a member of such post or organization, or are related to a member of such post or organization within two degrees of consanguinity
4. No part of its net earning inures to the benefit of any private shareholder or individual.

ARTICLE XVI – AUXILIARY²⁶

Section 1 - RECOGNITION

- A. The Military Order of the Purple Heart of the USA, Inc., recognizes an "Auxiliary, Military Order of the Purple Heart of the USA, Inc. (MOPHA)"
- B. Subordinate organizations to be known as Auxiliaries to Chapters and Departments shall be approved by the Military Order of the Purple Heart of the USA.
- C. The associations shall be subject to the authority of the National Convention of the Military Order of the Purple Heart of the USA, under the jurisdiction and supervision of the National Commander and the NEC,

Section 2 - MEMBERSHIP

- A. In the MOPHA is hereby granted, subject to:
 - 1) The terms and conditions as set forth in the Congressional Charter of the Military Order of the Purple Heart of the USA, Inc., (36 USC Chapter 1405).
 - 2) The various restrictions and limitations as set forth in the Ladies Auxiliary Constitution, Bylaws, Rules, and Regulations as adopted at their 1959 National Convention and amended.
 - 3) Conforming to the requirements of Title 26 United States Code § 501 (c)(19).
 - 4) Such limitations as might from time to time be imposed by the MOPH National organization.
- B. The Constitution, Bylaws, Rules, and Regulations of the MOPHA as adopted at their 1959 National Convention shall:
 - 1) Act as limitations to the various powers and authorities of the Auxiliary.
 - 2) In no case, shall be interpreted as broadening or increasing the authority or power of such Auxiliary beyond the specific limitations as set forth in 36 USC Chapter 1405 of the Congress of the United States of America, or our own Resolutions, Constitution, Bylaws, Rules, and Regulations.

Section 3 - PURPOSE

The purpose of the MOPHA is to assist in furthering and perpetuating the objects of the

MOPH as set forth in Article III of the Constitution of the National Corporation, particularly that part that pertains to "assisting, comforting, and aiding all distressed members and their dependents.

Section 4 - REPORTS

The MOPHA National Secretary, at its annual National Convention, shall give a complete report, as of June 30, to the MOPH. This report shall include by way of enumeration and not limited to:

- A. A detailed list of Departments and Units, showing the number added, reinstated, reorganized, and charters forfeited.
- B. The total membership showing increase or decrease.
- C. The National Secretary shall submit to the National Adjutant and Editor of the Purple Heart magazine a complete list of elected and appointed officers. The list is due immediately after the close of the NEC meeting following the National Convention.
- D. The MOPHA is responsible for submitting the necessary 990 reports directly to the Internal Revenue Service as prescribed by law.
- E. The MOPHA shall also submit a complete financial report, as of June 30 of each year, to the National Adjutant no later than July 31.

Section 5 - BYLAWS

No National, Department, or Unit of the MOPHA shall adopt any Constitution, Bylaws, Rules, or Regulations, or adopt any policy or take action that conflicts with the Constitution and Bylaws of the National Corporation of the Military Order of the Purple Heart of the USA, Inc.

ARTICLE XVII - ASSOCIATE MEMBERS⁴⁷

SECTION 1 - RECOGNITION

The Military Order of the Purple Heart of the USA, Inc., recognizes the eligibility of Associate members.

SECTION 2 - MEMBERSHIP

- A. Associate Membership is hereby granted pursuant and subject to the terms and conditions set forth in the MOPH Congressional Charter, 36 USC Chapter 1405 of the Congress of the United States of America, and Title 26 U.S. Code§ 501 (c)(19) B.
- B. Associate Membership will be granted to spouses, widows, widowers, ancestors, or lineal descendants of past or present members of the Armed Forces of the United States or of cadets.
- C. Gold Star mothers, fathers, children, and spouses will be encouraged to join the Order

as Associate Members under the requirements for other eligible classes of Associate Members.²⁷

- D. Associate members are subject to the various rules, restrictions, regulations, and limitations set forth in the Constitution and Bylaws of the parent organization.

SECTION 3 - PURPOSE

The purpose of Associate Membership is to assist in furthering and perpetuating the objects of the Military Order of the Purple Heart of the USA, Inc., as set forth in Article III of the Constitution of the National Corporation.

SECTION 4 - PARTICIPATION

An Associate member shall:

- A. Be without a vote.
- B. May not hold an elective office.
- C. **Be eligible to hold any appointed position including that of the Chapter Adjutant if not related to or the significant other of the Chapter Commander or Chapter Finance Officer.**⁷⁰

SECTION 5 - EMBLEM OR INSIGNIA

Associate members shall be entitled to wear an appropriate emblem or insignia as approved by the National Commander. In no event, shall such emblem or insignia bear a replica or facsimile of the Purple Heart as awarded by the United States Government.

SECTION 6 - DUES

Associate Life Membership dues shall be the same as MOPH Life Membership dues.

ARTICLE XVIII - AMENDMENTS^{44, 47}

SECTION 1 - AMENDMENTS

- A. These Bylaws may be amended by a roll call of two-thirds (2/3) vote of the votes cast by the National Executive Committee members.
 - 1) The proposed amendment shall have been first proposed by a Department Convention, Department Executive Committee, the National Bylaws Committee, or the NEC.
 - 2) The proposed amendment shall be signed, dated, and have been³⁹ submitted through the National Adjutant to the NEC members by digital communications to them at least fifteen (15) calendar days prior to the deadline for voting.
 - 3) The vote will be by a secure and auditable³⁵ digital vote. **(Also refer to Article XXI, Conduct of Meetings)**³⁶
 - a) The NEC members will be allowed to download the material and have fifteen

(15) calendar days to review and cast a secure and auditable³⁵ digital vote.

(Also refer to Article XXI, Conduct of Meetings)³⁶

- b) The fifteen (15) calendar days period will commence the day after the votes are emailed.
 - 4) If adopted, such amendment shall have full force and effect until the next National Convention, which shall accept or reject such amendment.
- B. These Bylaws may be amended at any National Convention subject to the following provisions:
- 1) The proposed amendment shall be signed, dated, and³⁹ have been first submitted by a Department Convention, Department Executive Committee, the National Bylaws Committee, or the NEC.
 - 2) A copy of the proposed amendment shall be mailed by digital communications to the NEC fifteen (15) calendar days prior to the convening of the National Convention.
 - 3) The proposed amendment shall be referred to the Bylaws Committee. The Bylaws Committee will then report its findings to the Convention Body.
 - 4) Passage of the amendment shall require a two-thirds (2/3) vote of the votes cast by the delegates and officers present and voting.
 - 5) The vote shall be taken by a Division of Assembly.
- C. These Bylaws may be amended at the National Convention by the regularly elected and qualified delegates thereat without notice to the NEC provided:
- 1) The proposed amendment shall be presented to the delegates. The presentation may be accompanied by a projection of the proposed amendment on a screen visible to all.
 - 2) A majority vote of the votes cast shall be required for the amendment to be referred to the Bylaws Committee for consideration.
 - 3) The Bylaws Committee report to the Convention Body will be no earlier than the next calendar day.
 - 4) After the Bylaws Committee finding(s) and/or recommendation(s) are reported, a three-fourths (3/4) vote of the votes cast by the delegates and officers shall be required for approval.
 - 5) The vote shall be taken by means of a Division of Assembly.
- D. These Bylaws may be set aside or suspended for the period of the National Convention only if deemed expedient by a unanimous vote of the delegates and officers thereat.

ARTICLE XIX – CONDUCT OF MEETINGS^{34, 48}

SECTION 1 - PROCEDURES

- A. All Chapter, Department, National, and Committee meetings of the MOPH shall be conducted in accordance with Robert's Rules of Order, Newly Revised, except as otherwise provided for in these Articles.
- 1) Department and National Convention meetings will follow the procedures in Article IX, Section 4.
 - 2) Digital meetings are allowed except for elections.
 - 3) Chapter meeting agenda is recommended as follows:
 - Opening of the meeting in due form.
 - Roll call of Officers.
 - Reading of Minutes.
 - Finance officers report
 - Reading and Action on Bills Payable
 - Introduction of Guests.
 - Reading of Communications.
 - Reports of Officers, beginning with that of Commander.
 - Reports of Standing Committees.
 - Unfinished Business.
 - New Business.
 - Election of Officers.
 - Installation of Officers.
 - Good of the Order.
 - Adjourn.
- B. It is recommended that all meetings, observances, and official activities of the MOPH shall be conducted in accordance with the official Ritual and Manual of Ceremonies of the Order.
- C. No closed meetings are allowed at Department or National Conventions.
- 1) Failure to notify members of the time and place for a meeting shall be a violation of this restriction.
 - 2) Notifications may be in the form of announcements from the floor of a meeting, a posted notice outside a Conventions main meeting room, or digital means.
 - 3) Any findings, recommendations, mandates, or other decisions reached in a closed meeting are invalid and will not be propagated.
 - 4) Convention caucuses to decide votes of Chapters, Departments, or Regions are exempt from this restriction.
 - 5) A Hearing Panels deliberation session on guilt or innocence is exempt from this.

SECTION 2 - VOTING

- A. No secret votes are allowed.

- B. No proxy votes are allowed during any meetings.
- C. Votes held at an Executive Committee meeting or Convention may be taken in person, internet meeting service, telephone, or a combination thereof.
- D. When voting digitally or in a hybrid (live & online) meeting a roll call vote must be executed for each vote.
- E. Each delegate must vote in person, via video, or via audio. Texting will not be allowed.
- F. Votes held in between Executive Committee meetings may be held via election software, election website, email, or a combination of all.
- G. If a vote is held by election software or an election website, then tellers must be assigned to oversee the creation and execution of the vote.
 - 1) The tellers are to ensure that voting integrity is upheld and that no one can access the vote results until the vote is completed.
 - 2) If tellers cannot view the creation of the digital vote in person, the screen of the National Adjutant must be shared using an internet meeting service to show the creation of the vote.
 - 3) If voting results are accessed before a vote is completed, the vote is rendered invalid.

ARTICLE XX – CONFLICT-of-INTEREST⁴⁹

Section 1 – CONFLICT-OF-INTEREST POLICY

- A. The Military Order of the Purple Heart shall have a specific policy to prevent duality of interest and conflicts of interest adversely affecting the Order approved and revised as needed by the National Convention.
- B. The Conflict-of-Interest Policy shall pertain to all members, associate members, affiliates, and employees with a vote (Concerned Parties).
- C. A conflict of interest is any duality of interest or direct personal or pecuniary interest not common to other members of the Order on matters being considered by any voting entity of the Corporation.

Section 2 - IMPLEMENTATION OF CONFLICT-OF-INTEREST POLICY

- A. Concerned parties shall disclose to the voting body any duality of interest or possible financial interest whenever the possibility exists.
- B. In the event a member's right to vote based on a potential conflict of interest is questioned, the meeting body will suspend further action on the question on the floor until the member's right to vote is resolved or the questioned member abstains from the vote.
 - 1) The member being challenged has a right to explain their situation and speak on their own behalf.
 - 2) The meeting body will decide, by a majority vote of those present, whether or not a conflict of interest exists.
 - 3) The party if found to have a conflict of interest will not be allowed to vote on the issue in question.
- C. Members found in violation of the Conflict-of-Interest policy may be subject to the provisions of Article XV, Section 13 Discipline, Transfer, and Expulsion of Members, Paragraph A, 1).
- D. Members of the National Executive Committee (NEC) will certify they understand the Conflict-of-Interest Policy by signing and returning Section 3 Acknowledgement of the Conflict-of-Interest Policy via any shipping service entity⁵⁷ or email.

AMENDMENTS

- 1 The NEC approved the amendments to the 1984 Bylaws on June 2, 2017.
- 2 August 2016 - The revision of the 1984 Bylaws as amended through the 2015 convention was ordered by National Commander Hershel Gober. There were major flaws and conflicts in the wording of Sections that needed to be addressed. It had been thirty-three years since the last complete review of the Bylaws. During that time, the use of digital communication had been improved exponentially. The goal was to make the Bylaws easy to read, understandable, and improve the timeliness of communication.
Bylaws committee members who recommended the revisions:
Neil Van Ess (Chairman)
Nick McIntosh (Secretary)
Dave Bowman
Dave Price
Chris Smrt
Jim Anderson
Wendy Buckingham
Zac Fike
Char Gatlin
Doug Middleton
- 3 2018 National Convention amended to clarify the need for proof of good moral character.
- 4 2018 National Convention amended to remove the words: "to Chapters and Departments".
- 5 2019 National Convention amended to use life membership funds for Chapters & Departments only.
- 6 2018 National Convention amended to use life membership funds for other purposes than rebates.
- 7 2018 National Convention amended to clarify that only chapter members could hold a chapter office.
- 8 2018 National Convention amended to allow chapters to adapt to climatic conditions that might prevent Chapters members from being able to attend an election meeting.
- 9 2017 National Convention corrected a typo in the June 2, 2017, version by removing "March."
- 10 2017 National Convention amended to provide for digital elections because of inclement weather.
- 11 2018 National Convention amended to allow department to adapt to climatic conditions that might prevent chapters members from being able to attend an election meeting.
- 12 2019 National Convention amended to provide for cancelation of National convention by NEC.
- 13 2019 National Convention amended to identify the National Officers of the MOPH.
- 14 2017 National Convention amended allowing for more potential chairmen of allowing the National Commander to select who he/she thinks is best qualified to do the job.
- 15 2017 National Convention amended allowing more potential chairmen of the bylaws committee.
- 16 2017 National Convention amended allowing more potential chairmen of the bylaws committee.
- 17 2019 National Convention amended to remove the National Adjutant's duty station.
- 18 2017 National Convention amended to allow for Department Senior or Junior Vice Commander to represent the Department at pre-convention and post-convention NEC Meetings.
- 19 2018 National Convention amended to be more fiscally responsible in the future NEC meetings.
- 20 2018 National Convention amended to ensure that all votes are cast by the same method. The use of digital votes is quicker and provides a reliable digital record of how an individual's vote was cast.
- 21 2018 National Convention amended to use life membership funds for other purposes than rebates.
- 22 2018 National Convention amended to use life membership funds for other purposes than rebates.
- 23 2018 National Convention amended to ensure a department does not lose Life Membership rebate.
- 24 2018 National Convention amended to give the national headquarters an additional funding source.
- 25 The wording of the United States Code for non-profit veterans' organizations was included because there have been many discussions about opening the eligibility of associate membership to adopted and stepchildren. The law strictly defines who may be associate members.
- 26 2017 National Convention amended to remove the word "Ladies" is all but one historical reference.
- 27 2017 National Convention amended to remove free membership, because of the potential costs.
- 28 2021 National Convention amended to be subordinate Chapters to a Region if no Department exists.
- 29 2021 National Convention amended to allow Chapters with no Department to designate Region commander to cast delegate votes.
- 30 2021 National Convention amended to add duties to Region Chiefs of Staff.
- 31 2021 National Convention amended to allow Chapters to hold digital elections.
- 32 2021 National Convention amended to allow Chapters to hold digital meetings and elections.
- 33 2021 National Convention amended to allow Departments to hold digital elections. **Amended 2023 see #69**
- 34 2021 National Convention amended to digital elections.
- 35 2021 National Convention amended to clarify digital voting to be secure and auditable voting methods.
- 36 2021 National Convention amended to refer to Article XX for additional information on conduct of meetings. **Amended 2023 see #68**

- 37 2021 National Convention amended to clarify requirement for Chapter officers.
- 38 2021 National Convention amended to require resolutions to be signed (“will” to “shall”).
- 39 2021 National Convention amended to require resolutions to be signed (“will” to “shall”).
- 40 2021 National Convention amended to clarify when delegate lists are required.
- 41 2021 National Convention amended to correct section numbering sequence.
- 42 2021 National Convention amended to require Judge Advocate to render written opinion whether or not a grievance meets bylaws requirements.
- 43 2021 National Convention amended to require Judge Advocate to render written opinion whether or not charges meet bylaws requirements.
- 44 2021 National Convention amended to require Judge Advocate to render written opinion whether or not charges meet bylaws requirements.
- 45 2021 National Convention amended to require Judge Advocate to render written opinion whether or not charges meet bylaws requirements.
- 46 2021 National Convention amended to require Judge Advocate to render written opinion whether or not charges meet bylaws requirements.
- 47 2021 National Convention deleted Article XVII – Service Foundation and renumber subsequent articles.
- 48 2021 National Convention remove Article XIX, Section 2 – Conduct of Meetings and create Article XXI – Conduct of Meetings.
- 49 2021 National Convention created Article XX – Conflict of Interest.
- 50 2021 National Convention amended to move sections 7 and 8 from Article I to Article II.
- 51 2021 National Convention amended to renumber Article I Sections 9 and 10.
- 52 2021 National Convention amended to allow Life Membership rebates to be split with National Headquarters as well as Departments and Chapters.
- 53 2021 National Convention amended to define Life Membership rebates 60-20-20 through 2026.
- 54 meaning of “Member” in the bylaws.
- 55 2021 National Convention amended to clarify Chapter Terms of Office.
- 56 2021 National Convention amended to clarify Department Terms of Office.
- 57 2021 National Convention amended to allow any shipping entity that can provide signed receipt verification.
- 58 2021 National Convention amended to clarify dues required for members living in all types of Veteran homes.
- 59 2021 National Convention amended to change “Holders” to “Recipients”.
- 60 2021 National Convention amended to clarify to change requirement for recorders (“will” to “shall”) during grievance hearings.
- 61 2021 National Convention amended to clarify Chapter officer requirements.
- 62 2021 National Convention amended to clarify to add an additional method for declaring a Chapter defunct and renumbering subsequent paragraphs.
- 63 2021 National Convention amended to clarify procedures for surrendering property when Chapters or Departments are declared defunct.
- 64 2023 National Convention amended to clarify compensation to the National Adjutant.
- 65 2023 National Convention amended to clarify compensation to the National Finance Officer.
- 66 2023 National Convention amended to clarify compensation to the National Service Director.
- 67 2023 National Convention amended to clarify Quorum of a Chapter meeting.
- 68 2023 National Convention amended prior #36 above to clarify who and when digital meetings can be held in a Chapter.
- 69 2023 National Convention amended prior #33 above to clarify who and when digital meetings can be held in a Department.
- 70 2023 National Convention amended to add that Associate Members may serve as Adjutant of a Chapter.
- 71 2023 National convention amended adding National Chiefs of Staff to list of National Officers.
- 72 2023 National Convention amended to clarify sections in Article XV, Section 13.
- 73 2023 National Convention amended to clarify sections in Article XV, Section 13.
- 74 2023 National Convention amended to clarify sections in Article XV, Section 13.
- 75 2023 National Convention amended to clarify sections in Article XV, Section 13.
- 76 2023 National Convention amended to change Article XV, Section 7, Ineligibility.
- 77 2023 National Convention amended to clarify sections in Article XV, Section 13.
- 78 2023 National Convention amend Duties of the National finance Officer.

**THE FEDERAL CHARTER
OF THE
MILITARY ORDER OF THE PURPLE HEART**

(Pub. L. 105-225, Aug. 12, 1998, with amendment
Pub. L. 110-207, §2, Apr. 30, 2008)

36 USC Subtitle II: Patriotic and National Organizations From

Title 36---PATRIOTIC AND NATIONAL
OBSERVANCES, CEREMONIES, AND ORGANIZATIONS
Subtitle II-Patriotic and National Organizations

Part A-General

CHAPTER 101-GENERAL

§10102. Reservation of right to amend or repeal

- (a) General. -Congress reserves the right to amend or repeal the provisions of part B of this subtitle.
- (b) Nonapplication. -Subsection (a) of this section does not apply to chapters 213,407,801,1403,1503 (except section 150302(b)), 1513, 1517, 1531, and 1539 of this title.
(Pub. L.105-225, Aug. 12, 1998, 112 Stat. 1283.)
36 USC Ch. 1405: MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED

**From 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

Section

- 140501 Organization.
- .
- 140502 Principles and purposes.
- .
- 140503 Membership.
- .
- 140504 Governing body.
- .
- 140505 Powers.
- .
- 140506 Restrictions.
- .
- 140507 Principal office.
- .
- 140508 Records and inspection.
- .
- 140509 Liability for acts of officers and agents.
- .
- 140510 Service of process.
- .
- 140511 Distribution of assets on dissolution or final liquidation.
- .

§140501. Organization

- (a) Federal Charter. -Military Order of the Purple Heart of the United States of America, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.
- (b) Place of Incorporation and Domicile. -The corporation is declared to be incorporated and domiciled in the District of Columbia.
- (c) Perpetual Existence. -Except as otherwise provided, the corporation has perpetual existence.
(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1381.)

§140502. Principles and purposes

- (a) Principles. -The principles underlying the corporation are patriotic allegiance to the United States, fidelity to the Constitution and laws of the United States, the security of civil liberty, and the

permanence of free institutions.

- (b) Purposes. -The purposes of the corporation are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States, by-
- (1) commemorating all national patriotic holidays;
 - (2) maintaining true allegiance to the Government of the United States and fidelity to its Constitution and laws;
 - (3) preserving and strengthening comradeship and patriotism among its members;
 - (4) assisting, comforting, and aiding all needy and distressed members and their dependents;
 - (5) giving needed hospital and service work through its Department of Veterans Affairs certified service officers;
 - (6) cooperating with other civic and patriotic organizations having worthy objectives;
 - (7) keeping alive the achievements and memory of our country's founders;
 - (8) ever cherishing the memory of General George Washington, who founded the Purple Heart at his headquarters at Newburgh-on-the-Hudson on August 7, 1782;
 - (9) influencing and teaching our citizenry, in a loyal appreciation of the heritages of American citizenship, with its responsibilities and privileges; and
 - (10) preserving and defending the United States from all enemies.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1381.)

§140503. Membership

- (a) Active Members. -An individual is **eligible** for active membership in the corporation if the individual-
- (1) is of **good moral character**; and
 - (2) has **received the Purple Heart for wounds** received as a member, of any rank, of the Armed Forces of the United States or any foreign country during military or naval combat against an armed enemy of the United States.
- (b) Associate Members. -The corporation may extend eligibility for membership as associate members to the parents, spouse, siblings, and lineal descendants of an individual described in subsection (a) of this section on terms provided in its constitution and bylaws.
- (c) Voting. -Each member described in subsection (a) of this section has one vote on each matter submitted to a vote at a meeting of the members.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1382; Pub. L. 110-207, §2, Apr. 30, 2008, 122 Stat. 719.)

§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.
- (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.
 - (2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1382.)

§140505. Powers

The corporation may-

- (1) **adopt and amend a constitution and bylaws** for the management of its property and the **regulation of its affairs**;
- (2) adopt and alter a corporate seal;
- (3) make contracts;
- (4) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;
- (5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;
- (6) charge and collect membership dues; and

(7) sue and be sued.
(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1382.)

§140506. Restrictions

- (a) Stock and Dividends. -The corporation may not issue stock or declare or pay a dividend.
- (b) Political Activities. -The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.
- (c) Distribution of Income or Assets. -The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the executive committee of the corporation.
- (d) Loans. -The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1383.)

§140507. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the national executive board. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1383.)

§140508. Records and inspection

- (a) Records. -The corporation shall keep-
 - (1) correct and complete records of account;
 - (2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and
 - (3) at its principal office, a record of the names and addresses of its members entitled to vote.
- (b) Inspection. -A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1383.)

§140509. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1383.)

§140510. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1384.)

§140511. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1384.)

In addition:

An Act

PUBLIC LAW 110-207-APR. 30, 2008 122 STAT. 719

Public Law 110-207 110th Congress

amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America Incorporated to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Apr. 30, 2008 [H.R. 1119]

Purple Heart Family Equity Act of 2007.

36 USC 101 note.

This Act may be cited as the "Purple Heart Family Equity Act of 2007".

SEC. 2. ASSOCIATE MEMBERSHIP IN THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED.

Section 140503(b) of title 36, United States Code, is amended by striking "parents and lineal descendants" and inserting "the parents, spouse, siblings, and lineal descendants".

Approved April 30, 2008.