

CONSTITUTION AND BY-LAWS

The Military Order of the Purple Heart

Department of California



Dated June 27, 1998

The Military Order of the Purple Heart of the U.S.A., Inc., does not discriminate in membership on the basis of age, race, gender, creed, religion, or national origin. The Constitution and By-Laws are presented in a gender neutral position. All reference to all masculine pronouns are intended to be for convenience and are not gender specific.

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CONSTITUTION AND BY-LAWS

Department of California Military Order of the Purple Heart of the U.S.A., Inc

CONSTITUTION

PREAMBLE

We, combat veterans of the wars of the United States and recipients of the Purple Heart medal, awarded by the United States government and founded by General George Washington on August 7, 1782, at a critical time in our history, drawn together by bonds of respect and mutual suffering, have established the Military Order of the Purple Heart, chartered by the Congress of the United States, in order to perpetuate the principles of patriotic allegiance to the United States of America, fidelity to its constitution and laws, the security of civil liberty, and the permanence of free institutions.

Through this organization and our memberships in it, we hope to be able to preserve and perpetuate those ideals of liberty, justice, and the general welfare which are the very foundation of our way of life. We further pledge to foster and enhance those principles which, from the beginning of our national history, have served as a beacon of hope and salvation to the peoples of all nations.

ARTICLE I

NAME

This organization shall be known as the **Department of California, Military Order of the Purple Heart of the U. S. A., Inc.** (hereinafter referred to as: **Department of Ca, MOPH of the U. S. A., Inc**)

ARTICLE II

PRINCIPLES

The principles underlying the Corporation are patriotic allegiance to the United States of America, fidelity to its Constitution and laws, the security of civil liberty, and the permanence of free institutions.

ARTICLE III

OBJECTS

The objects of the Department of California, Military Order of The Purple Heart of The U.S.A., Inc., are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States of America, by: (1) commemorating all national patriotic holidays; (2) maintaining true allegiance to the Government of the United States of America and fidelity to its constitution and laws; (3) preserving and strengthening comradeship and patriotism amongst its members; (4) assisting, comforting, and aiding all needy and distressed members and their dependents; (5) cooperating with other civic and patriotic organizations having worthy objectives; (6) keeping alive the achievements and memory of our country's founders; (7) every cherishing the memory of General George Washington, who founded the Purple Heart at this headquarters at Newburgh-on-the-Hudson, on August 7, 1782; (8) influencing and teaching our citizenry, in a loyal appreciation of the heritage of American citizenship, with its responsibilities and privileges; and (9) preserving and defending the United States of America from all enemies whomsoever.

ARTICLE IV

ORGANIZATION

The Department of California, Military Order of the Purple Heart of the U. S. A., Inc; is constituent part and subordinate to the National Organization of the Military Order of the Purple Heart of the U. S. A.; Inc., and shall consist of: (1) Subordinate organizations to be known as {Chapter name and number}, Department of California of the Military Order of the Purple Heart of the U. S. A., Inc. However, no Chapter organized, shall adopt the name already adopted by any Chapter in good standing, nor the name of any living person. (2) Auxiliary bodies (Units) which may be formed, will be subject to the Bylaws which may be hereinafter adopted.

ARTICLE V

MEMBERSHIP

Section 1 – All persons of good moral character who are, have been, or may become members of the Armed Forces of the United States or any foreign country of whatever rank, who have received or who may hereafter receive the Purple Heart for wounds received during military or naval combat against an armed enemy of the United States, and who have received a discharge under conditions other than dishonorable, and who can show proof of having received the Purple Heart medal other than just having the medal in their presence, shall be eligible for active membership in the Department of California, MOPH.

Section 2 – Each member of the Department, other than associate members, shall have the right to vote on each matter submitted to a vote at all meetings of his assigned Chapter of the Department. Delegates may be assigned voting rights as provided for in the By-Laws of the Department, for the purpose of conducting business at Department meetings and Conventions. (Adopted June 2007)

Section 3 – Each Chapter of the Department of Ca, MOPH of the U. S. A. shall be the judge of the admission of its own membership, subject to the restrictions of the Department Constitution and Bylaws.

ARTICLE VI

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES

Section 1 – The office of the Department of California shall be located in the city where the Department Adjutant resides or in a place as determined by the Department Executive Committee (DEC) and/or by the Department Convention.

Section 2 – The activities and fundraising of the Department shall be confined to the territorial limits of the State of California.

ARTICLE VII

AMENDMENTS

Section 1 – This Constitution may be amended at a Department Convention by a roll call of two-thirds vote of the regularly elected and qualified delegates thereat, provided the proposed amendment, in written form, shall have been submitted to the Department, through the Department Adjutant, at least thirty (30)days prior to the convening of the next Department Convention. And, provided further, that the Adjutant distributes such Proposed amendment to the members of the DEC by mail or fax at least twenty (20) days Prior to the Convention date.

ARTICLE VIII

NATIONAL INCORPORATION

This Constitution is adopted to conform to the National Organization constitution and to the Act of Congress of the United States of America, Public Law 85-761, of August 26, 1958. This Department shall be governed by the Constitution and bylaws of the Military Order of the Purple Heart of the United States of America, Inc., which are hereby incorporated herein by reference.

ARTICLE IX

NON-INURNMENT PROVISIONS

No part of the income of the Department of California shall inure to the benefit of any member, trustee, director, office of the organization, or any private individual except that reasonable compensation may be paid for services rendered to, of, or for the organization affecting one or more of its purposes. Furthermore, no member, trustee, officer of the Department of California, or any private individual shall be entitled to share in the distribution of the Department. If dissolved, all funds withstanding are to be turned over to the National Organization.

BY-LAWS

ARTICLE 1

ORGANIZATION

Section 1 – FORMATION

This Department shall continue to operate as a Department as long as there are three Chapters, in good standing, in the State of California with a minimum combined membership of 100 members who are in good standing. This Department shall consist of all Chapters in the State of California who are duly organized and chartered by the National Organization. No Chapter may exist in this state which is not part of the Department.

Section 2 – GOVERNING BODY

This Department shall be governed by the Constitution and bylaws of the Military Order of the Purple Heart of the United States of America, Inc., which are hereby incorporated herein by reference. Furthermore, this Department shall be governed by a Department Convention, subordinate to the National Convention.

Section 3 – MEETINGS

- A. There shall be an Annual Convention of this Department between May 1st and June 30th.
- B. There shall be an Executive Committee meeting at least one time between January 1st and February 22nd.
- C. The Department Executive Committee (DEC) shall meet immediately before and after the Department Convention.
- D. Additional DEC meetings may be called by the Department Commander or by any five elected Department Officers or at the written request of a majority of the DEC.

Section 4 – QUORUM

- A. Five (5) active members in good standing, qualified to transact business, shall constitute a quorum at any meeting of the chapter.
- B. One third of the eligible membership for a DEC meeting.
- C. There is no set quorum for a Department Convention

Section 5 – DEPARTMENT CONVENTION

- A. Patriots who have served as National Commanders or Department Commanders of the Department of California, and who are residents of the State of California, and who are in good standing.
- B. The Department Commander and his officers (appointed officers are members with a voice, but no vote.)
- C. All Chapter Commanders. In the absence of the Commander, the Senior Vice-Commander or Junior Vice-Commander or Executive Committeeman or Alternate Executive Committeeman, in that order, may represent the Chapter. However, no vote shall be authorized or recognized unless the Chapter has submitted a current Chapter election report prior to the convening of the Convention and unless the Chapter has submitted to the Department, no later than April 30TH, two dollars (\$2.00) for each Life Member assigned to the Chapter, during the current fiscal year. Should any Chapter show, to the satisfaction of the Department Inspector, a hardship in paying the two dollar (\$2.00) per Life Member assessment, the Inspector, through the Department Adjutant, may request that the Department Commander, forgive any part or all of the assessment for that fiscal year. The final determination for allowing such hardship waiver shall rest with the Department Commander. (Adopted June 2007)
- D. Delegates elected by the Chapter, one for each twelve members or major fraction thereof, who are in good standing at the time of the election,

Section 7 – OFFICERS

- A. The Elected officers of the Department shall be Commanders, Senior-Vice Commander, Junior-Vice Commander, Finance Officer, Inspector, Judge Advocate, and Sergeant-at-Arms, and such other officers as may be fixed by the Department Convention and incorporated in the Bylaws of the Department.
- B. A National Executive Committeeman and an Alternate National Executive Committeeman may be elected as long as the membership strength, in good standing, is 500 members or above.
- C. The officers Appointed by the Commander shall be an Adjutant, Historian, Chaplain, Americanism Officer, Welfare Officer, Legislative Officer, Chief of Staff, VAVS Director, and such other officers as he deems necessary.
- D. Elections will be held at the annual Department Convention. Appointments, to the maximum extent possible, should be announced following the election and before the installation.

Section 8 – TERM OF OFFICE

- A. The officers, after being duly installed shall enter upon their respective duties immediately after adjournment of the meeting or convention at which they were elected or appointed and hold office for one year until successors are duly installed.
- B. Both elected and appointed officers may succeed themselves if properly elected or appointed.
- C. Appointed officers are appointed for a one year term and are appointed at the pleasure of the standing Commander. Appointed chapter officers positions terminate at the end of the standing commander's term of office or upon the resignation/removal/vacancy of the standing Commander. Appointed chapter officers can be re-appointed by the new commander to consecutive terms without limits.
- D. The Department Commander shall, if desirous of servicing an additional term, make known his availability and reason thereof, by March 15th of that current year, by correspondence to all members of the DEC for further dissemination to all Patriots at the next Chapter meeting.
- E. Departments can establish term limits of elected officers by a majority vote of the Department Executive Committee and by notifying the National Adjutant through the Region Commander of the term limits, i.e.; two, three or more years. Term limits become effective upon submission of the next Election Report and upon the approval of the National Adjutant. A majority vote of the Department Executive Committee is required to change or remove the term limits previously established and approved. Departments with approved term limits will notate the term limits on their annual Election Report. (Adopted National 2006)

Section 9 – VACANCIES

All vacancies in elective Department offices between conventions shall be filled by the DEC through open election, providing however, in the event of a vacancy in the office of the Commander, the Senior Vice-Commander or the Junior Vice-Commander, the office immediately junior to the vacancy shall at once succeed the title and the duties of said officer. A new Junior Vice-Commander will be selected through open election by the DEC. The Department Commander shall convene the DEC (in accordance with Article I, Section 9, of the By-Laws) for any such election. (Adopted June 2007)

Section 10 – REMOVAL:

Any Department officer who misses three meetings of the constituent body of which he is an officer may have his office declared vacant by order of the Department Executive Committee unless a legitimate excuse can be made for the absence. When so removed he shall have the privilege of an appeal to the National Executive Committee to be taken within 60 days of the date of the order declaring such office vacant.

ARTICLE II

COMMITTEES

Section 1 – DEPARTMENT EXECUTIVE COMMITTEE (DEC): The DEC shall consist of.

- A. Past National Commanders and Past Department Commanders of the Department of California, who are in good standing and are residents of the State of California.
- B. All elected officers of the Department.
- C. All appointed officers of the Department (with voice by no vote).
- D. The Chapter Commander, or Senior-Vice Commander, or Junior-Vice Commander. In their absence, the Department Executive Committeeman or Alternate Executive Committeeman may represent the Chapter in that order.

Section 2 – DUTIES OF THE DEPARTMENT EXECUTIVE COMMITTEE: The DEC shall:

- A. Meet in accordance with Article 1, Section 3, Subsection B and C.
- B. In the interval between Department Conventions, be vested with full administrative powers of the Department. All actions of the DEC must be ratified by the Department Convention.
- C. Approve the annual budget, audit the accounts of the Finance Officer and the Adjutant, or have a C.P.A. audit these accounts, and be responsible for reviewing and approving all income producing ventures (See also National Bylaws, Article XII, Section 4, Subsection E).
- D. Approve contracts and ventures extending to the closing date of the next Department Convention. Contracts beyond this limit can only be approved by the Convention by a two-thirds majority vote.
- E. Authorize through the Department Finance Committee all expenditures and be responsible for income producing ventures.

F. The Department Adjutant shall be responsible for a complete report of the Minutes of all Department meetings. The Department Executive Committee may be polled by the Department Adjutant through a mail vote on any matter which, in the opinion of the Department Commander, requires emergency action.

G. Elect the members of the Finance Committee.

Section 3 – DEPARTMENT FINANCE COMMITTEE (DEC): The DEC shall:

A. Consist of seven members as follows: Department Commander, Finance Officer, Adjutant, and four elected members, (Trustee's) one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year. At each Annual Convention, one member is elected, by the DEC, for four (4) years to replace the outgoing member. The elected members are ~~not to be~~ considered as holding a Department elected office. (See Article I, Section 6). The Trustee's shall have a voice and vote within the DEC as DFC members.

B. Allow the Finance Officer and Adjutant a voice but no vote.

C. Have a chairman of the committee being one of the four elected members and will be elected by the voting members at the first meeting following the election of the four (4) year member.

Section 4 – DUTIES OF THE DEPARTMENT FINANCE COMMITTEE: The DFC shall:

A. Prepare the annual budget no later than May 1st and present to the DEC for review and approval before being submitted to the Convention for final approval. If adjustments are made between conventions, the DEC must approve the changes and submit to the next Convention for ratification.

B. Be authorized to exceed by no more than ten percent (10%) of the total expenditure figure approved by the previous Convention. All deviations within these limits must be submitted to the DEC for approval at the meeting which precedes the Convention.

C. Be responsible for the annual audit of the books of the Finance Officer.

D. Insure that all funds derived from Viola sales (except for the cost of the Violas) are used for welfare work.

E. Insure that all funds received from whatever source for VAVS work are used only for VAVS.

F. Show by line items in the budget the Subsection E and F above being complied with.

Section 5 – FUNCTIONAL COMMITTEES:

- A. General Committees: The Department Commander may appoint such standing, ad-hoc and/or special committees.
- B. Nominating committee: The Department may elect three members, of good standing, at the Annual convention for the purpose of recommending a slate of nominees for all the elected officers. This does not preclude nominations from the floor at the time of the election.
- C. Awards Committee: This committee will consist of the Junior-Vice Commander (Chairman), Judge Advocate, Inspector, and Adjutant. This committee shall recommend to the Department Commander those persons to receive Department or National Certificates of Merit. The actions of this committee will be reported to the Department Convention.
- D. Time and Place committee: The newly elected Department Commander shall appoint a chairman and two members to this committee. The committee's function will be to select three possible sites for presentation to the DEC for final selection of the convention site.
- E. Convention Committee: Will be appointed by the new Department Commander to plan the next Convention.
- F. Publications Committee: This Department Editor and whoever assists him will constitute this committee and will be charged with distribution of four (4) issues of the Department newsletter (between Conventions) to all members of the Department and unattached Auxiliary members. The editor will be entrusted with the Department equipment needed to function in this capacity.
- G. Grievance Committee: This committee will be made up of at least three (3) Past Department Commanders, in good standing, and will be appointed by the Department Commander to act as a hearing board for grievances that arise within the Department. The Department Commander will take care in selecting members to serve on this committee who have no personal involvement with the grievance to be heard. Members of the committee will select their chairman. Only if this committee cannot resolve the problem, will it then be submitted to the National Grievance Committee.
- H. Resolution committee: A chairman and two members will be appointed to this committee by the Department Commander to process resolutions at the Convention and in turn to submit those approved to National at least (30) days before the National Convention.
- I. Credentials Committee: A chairman and two members will be appointed by the Department Commander to certify eligibility for voting at the Department Convention.

ARTICLE III

BUDGET PREPARATION

Section 1: The Finance Committee has overall responsibility for the budget process.

Section 2: The budget cycle is as follows:

- A. The Finance Committee will meet between April 15 and May 1st to prepare the operating budget for the next year. i.e., one part for Operations and the other part for Service.
- B. The Finance Committee will provide copies of the two-part budget by mail to the DEC at least 15 days before the convention date for review. Further, the Finance Committee will present the budget to the DEC at the meeting just prior to the Convention for approval and then to the convention body for final approval.
- C. Should adjustments be made to the budget at the Mid-Term Conference or at any subsequent meeting of the Finance Committee, the adjusted budget must be sent to the DEC by mail for approval.
- D. The Finance Committee will report to the DEC at the Mid-Term Conference and the meeting immediately before the Department Convention, the financial status of the Department to include the full report on the current budget.

ARTICLE IV

VOTING

Voting at Department Conventions or DEC meetings shall be as follows:

- A. Each member of the Department Convention, as outlined in Article I, Section 5, must be present at a meeting to vote, except that the vote of any Chapter Delegate absent and not represented by an alternate may be cast automatically by the Chapter Commander, or Senior-Vice Commander, or Junior-Vice Commander, or Department Executive Committeeman, or his Alternate, or a Chapter Delegate present and in the order named, provided that Election Reports are on record. No individual, other than as provided for in the above sentence, shall have more than one vote.
- B. Each member of the DEC as outlined in Article II, Section 1, shall have one vote, except, all appointed officers shall be without a vote.
- C. See Article I, Section 4, for quorum.
- D. Voting by proxy is not allowed.
- E. No individual may have more than one vote.

- F. Chapters with fewer than twelve members in good standing or who have not submitted Election Reports to the Department Adjutant or who have outstanding obligations to Department or National, will not be allowed to vote at a Convention.

ARTICLE V

DUTIES OF DEPARTMENT OFFICERS

Section 1 – DEPARTMENT COMMANDER:

- A. Preside at all meetings of the Department and Executive Committee, enforce a strict observance of its rules and usages, and see that all orders from National Headquarters are properly published and complied with. He shall also approve all warrants before they may be paid by the Finance Officer, be a signer on all checks, and perform such other duties as his office may require of him.
- B. Immediately after entering his office, appoint an Adjutant, Legislative Officer, Service Officer, Welfare Officer, Americanism Officer, Historian, Chaplain, Surgeon, and all other Department officers and committees not otherwise provided for, and may remove these officers and committees at his pleasure.
- C. Have authority to appoint a Chief of Staff to cooperate with, and supplement the membership activity and the organization of new Chapters under the supervision of the Vice-Commander. He shall also have the authority to appoint Deputy Chiefs of Staff -- in cities, or areas -- whose authority will be limited to the promotion of new Chapters.
- D. Serve as the member to the National Executive Committee, as provided in the National Bylaws, Article VII, Section 5.

Section 2 – SENIOR-VICE COMMANDER:

The Senior-Vice Commander shall assist the Commander with advice or otherwise, and in his absence or disability, he shall discharge the duties of the office according to seniority. His specific responsibilities shall be membership activities, and he shall be the Department's Membership Chairman and with the Chief of Staff organize new Chapters where feasible, and such other duties the Commander may direct. He shall make a monthly report to the Department Commander of his activities and travel.

Section 3 – JUNIOR-VICE COMMANDER:

The Junior-Vice Commander shall assist the Commander by advice or otherwise, and in his absence or disability he shall discharge the duties of the office according to seniority. His specific responsibilities shall be to promote the sale of Violas throughout the state and such other duties as the Commander may direct. He shall make a monthly report to the Department Commander, with a copy to the Senior-Vice Commander, of his activities and travel.

Section 4 – ADJUTANT: The adjutant shall:

- A. Keep correct records of the proceedings of the Department Convention and DEC and shall conduct the correspondence and issue all orders under the direction of the Commander; draw all warrants on the Finance Officer, make all returns required of him by the National Organization; maintain files of all orders, reports, and correspondence received and remaining in his office; and set up other files and books as may be required of him by the Department Commander.
- B. Prepare before each Department Convention a list showing the Chapters in good standing, and the number of delegates to which each Chapter is entitled.
- C. Keep a correct record account of monies due and receivable from all sources, and of the vouchers and warrants drawn of the Finance Officer. He shall take a receipt from the Finance Officer for all monies turned over to him from whatever source.
- D. Deliver to his successor in office all monies, books, or property of the Department in his possession.
- E. Give good and sufficient security in the form of a bond.

Section 5 – FINANCE OFFICER: The Finance Officer shall:

- A. Hold and be responsible for the funds, securities, vouchers, and property of the Department; pay all warrants drawn by the Adjutant and approved by the Commander; and make an annual report of the finances to the Department. He signs all checks and insures that the Commander co-signs each check before being distributed.
- B. Allow his books at all times, together with those of the Adjutant, and after reasonable notice has been given, allow those books to be opened for inspection by the DEC or C.P.A. should one be employed by Department.
- C. Prepare a statement of receipts and disbursements in detail as of November 30 and May 31 of each year. The original shall be sent to the Department Commander and copies shall be sent to each Chapter in the Department no later than thirty (30) days after closing dates.

- D. Deliver to his successor in office all monies, books, or property of the Department in his possession.
- E. Give good and sufficient security in the form of a bond to be secured through the National Adjutant.

Section 6 – JUDGE ADVOCATE:

The Judge Advocate shall preferably be a licensed attorney. He shall give the Commander such legal and parliamentary assistance as the Commander may require, and perform the duties incident to the office. He shall review and approve all bylaws of subordinate bodies under the direction of the Department Executive Committee.

Section 7 – INSPECTOR: The Inspector shall:

- A. Have charge of the work of inspection within his Department and of the subordinate Chapters in this Department.
- B. Make an inspection of the books of each chapter in his Department sector at least once during the term of Office and make such reports as may be required by the Department Commander. He shall prepare an annual inspection report to be forwarded to the National Inspector no later than July 1 of each year.

Section 8 – SERGEANT-At-Arms:

The Sergeant-at-Arms shall take his post at the inside of the door to the meeting room at meetings of the Department Convention and DEC, and shall admit only those who are entitled to attend. He shall perform such other duties incident to his office or as the Department Commander or Convention or DEC may direct. He shall be responsible for the Department Colors.

Section 9 – LEGISLATIVE OFFICER: The Legislative Officer shall:

- A. Gather and refer such pertinent matters of interest to the members in the state, as submitted by various chapters of this Department.
- B. Submit to the National Legislative Director such resolutions or material as may be of interest or importance nationally.
- C. Prepare all suggested bills or amendments or other legislative matters for the use of his state legislature, under the direction and approval of the DEC. Copies of all such legislative bills shall be sent to the National Legislative director, who shall inspect and recommend for approval or disapproval all proposed veterans legislation to be sponsored by the corporation in any state so that no legislation of conflicting purposes will be introduced in different states.

Section 10 – WELFARE OFFICER: The Welfare Officer shall:

- A. Keep informed as to the public and private agencies and organizations which can offer temporary or permanent assistance to needy members, other veterans, and families of members, and to help such persons in securing proper assistance.
- B. Cooperate with the Chapter Welfare Officers in his Department in the development of a suitable program to comfort, entertain, and help hospitalized veterans and their families. He shall cooperate with, or may serve as, the VAVS Representative or Deputy who shall be certified to the Department of Veterans Affairs. He shall assist the Chapters and this Department wherever possible in the sale of Violas as a source of Welfare Funds.
- C. Make periodic reports of his activities to the Department Commander and shall provide the National Welfare Officer with an annual report not later than July of each year.

Section 11 – HISTORIAN: The Historian shall:

- A. Compile, in triplicate, a brief history of the activities of the Department during the term of office. The original will be presented to the Department Commander for the year which is involved, with one copy sent to the National Historian and one copy kept in the Department files as a permanent record of the Department.
- B. Whenever possible, pertinent photographs will be included in the history of activities, along with names of Members, localities, events, etc.
- C. Perform such other duties as his office may require or the Commander may direct.

Section 12 – CHAPLAIN:

The Chaplain shall be responsible for the opening and closing prayers of the Department meetings, assist in or take charge of certain burial ceremonies for departed Patriots, participate in patriotic ceremonies, and perform such other duties as directed by the Commander.

Section 13 – AMERICANISM OFFICER: The Americanism Officer shall:

Coordinate the activities of the Chapter Americanism Officers in the promotion of a program of “positive Americanism” within the Department. He shall also assist in the commemoration of all national patriotic holidays by preserving and strengthening comradeship and patriotism among the Order’s Members.

Section 14 – SURGEON:

The Surgeon should make periodic reports to the Chapters and Department regarding the Department of Veterans Affairs and other health agencies and rehabilitation matters, and perform such other tasks the Commander may direct.

Section 15 – CHIEF OF STAFF:

The Chief of Staff shall assist in membership activities and new Chapter organizations in cooperation with the Vice-Commanders. He shall perform such other duties as the Commander directs and may nominate for appointment, Deputy Chiefs of Staff to assist him throughout the state.

Section 16 – NATIONAL EXECUTIVE COMMITTEEMAN:

Represents the Department on the National Executive Committee, as provided in Article I, Section 7, subsection B of these Bylaws, shall make periodic reports to the Department Commander concerning the National Organization. He shall make detailed reports of meetings attended in conjunction with the National Convention, or otherwise. As provided in Article I, Section 7, subsection B of these Bylaws, the ALTERNATE NATIONAL EXECUTIVE COMMITTEEMAN, if the Department qualifies, and in the absence of the National Executive Committeeman, shall perform the duties of the National Executive Committeeman.

Section 17 – VETERANS ADMINISTRATION VOLUNTEER SERVICES (VAVS) DIRECTOR: The VAVS Director shall:

- A. Obtain annual reports from each VAVS Director which shall be used to monitor the program and to compile the annual report to the Department Convention and the National VAVS Director.
- B. Make VAVS budget recommendations to be included in the budget submitted to the Finance Committee.
- C. Provide an annual report to the National VAVS Director no later than July 1 of each year.

ARTICLE VI

MEMBERSHIP

Section 1 – DUES:

- A. Annual and Life Memberships Dues are set by the National Convention.
- B. Chapters may fix an annual assessment over and above annual dues. Should this be done, the assessment must not exceed two dollars (\$2.00).

Section 2 – PROCEDURES:

- A. Every application for admission to active membership must be in writing and upon application provided by National Headquarters.
- B. Applications originating at the local level will be submitted to the Department (members at large) or to the Chapter for review by a committee of three (3) who will certify eligibility and acceptance. All applications for membership are to be submitted to the National Headquarters with a copy of the DD-214 or its equivalent as a minimum requirement to be eligible for membership. A check for dues is to be also submitted with the application.
- C. Individuals who apply directly to National will be processed and assigned to the nearest Chapter. No such applications will be accepted by National without accompanying documentary proof of eligibility. Chapter acceptance of the new member is assumed if National is not informed to the contrary within thirty (30) days after the member appears on the roster. If the member is not acceptable to the Chapter, National must be notified for proper action.
- D. The names of candidates to be sent to National (a. above) or which have been received from National (b. above) should be reported at a Chapter meeting to give each Patriot an opportunity to state objections. A majority of the active members present and voting shall determine the candidate's acceptance.
- E. If an applicant, who has not been processed, is rejected, his monies will be returned, and he shall not again be proposed for membership until one year after his rejection unless a motion to reconsider the application is passed by a vote of two-thirds majority at a regular meeting of the Chapter.
- F. Each new member shall be notified by the Adjutant when he should present himself for obligation.

Section 3 – MEMBERS-AT-LARGE:

This Department will accept qualified members-at-large. Every effort, however, should be made to encourage members-at-large to join Chapters and/or to become part of new Chapters being formed from members-at-large who reside in a common geographic area.

Section 4 – ASSOCIATE MEMBERS:

- A. Associate membership may be granted to “parents, lineal descendants, and legal/sibling brothers” of a living person who is, or is eligible to be, a member of our Order.

B. An Associate Member has all the privileges of an active member except they cannot vote or hold an elected or appointed office, nor can they wear the Purple Heart emblem on their cap. Associate Members should wear the George Washington oval (our old logo) on their cap.

C. Associate Members are not counted for voting strength purposes.

Section 5 – DELINQUENT MEMBERS:

Annual members become delinquent if their dues are not paid by April 1st of each year. Those who have not yet paid by May 1st are dropped from the rolls.

Delinquent members should not be allowed to vote or hold office.

Section 6 – LADIES AUXILIARY:

The Department shall recognize a Ladies Auxiliary, Department of California, subject to the Constitution and Bylaws of the National Organization. The Ladies Auxiliary's Bylaws may not be in conflict with the Bylaws of National or those of the Department.

Section 7 – CHAPTER OFFICERS:

Each Chapter within this Department shall elect and appoint such officers as stated in the National Bylaws. Elections will be held during the month of April and installations of officers shall be no later than May 31. An Election Report must be forwarded to National and the Department Adjutant immediately after the election. Chapters who have not submitted election Reports may not vote at Department or National Conventions and will not receive rebates.

Section 8 – INACTIVE OFFICERS:

Any Department officer who misses three (3) consecutive meetings of the constituent body of which he is an officer may have his office declared vacant by order of the DEC unless a legitimate excuse can be made for each absence. When so removed, he shall have the right to appeal to the National Executive Committee within sixty (60) days of the date of the order declaring his office vacant.

ARTICLE VII

TO PRESERVE THE INTEGRITY OF THE ORGANIZATION

Section 1 – GENERAL:

The Bylaws of the National Organization as amended shall govern all matters affecting the preservation of the integrity of the Organization.

Section 2 – GENDER:

Whereas the gender “he” is stated in these documents, shall mean a male or female.

Section 12 – GRIEVANCE:

- A. A grievance is a complaint from a member for some action which causes suffering, distress, or disruption within the Order. Grievances consist of minor disagreements, arguments, or misunderstanding that does not involve misfeasance, malfeasance, or intentional violation of the Constitution and/or Bylaws of the Military Order of the Purple Heart of the U.S.A., Inc.
- B. A grievance may be submitted by a member (the Petitioner) to the appropriate Commander or Judge Advocate. The grievance complaint, in order to be heard, must be in writing and in sufficient detail to establish facts. It must be signed and notarized. The Judge Advocate shall review the grievance and act to try and mediate the dispute. If his efforts fail, he shall so report to the Commander.
- C. Grievances will be heard by a grievance committee comprised of three Past Commanders at the appropriate level and a member who will act as a recorder of the proceedings but has no vote. Chapter grievances will be heard at the Department level. Department grievances will be heard at the Region or National level. National grievance committees will consist of three Past National Commanders. The Commander who appoints committee members will take care in selecting members who have no personal involvement or prejudice with the grievance to be heard. Members of the grievance committee will select their chairman.
- D. A salaried employee, who is also a member, in regards to matters of employment, may only use such grievance procedures as provided for in the MOPH Policy for Salaried Employees.
- E. There will be an accurate record kept of the proceedings, which, along with a summary of the findings and recommended decision, will be forwarded to the appropriate Commander, Petitioner, and all participating parties within fifteen (15) days from the date of the close of the hearing.
- F. Although a recommendation for charges under Section 13 may result from the grievance proceedings, the usual cases should result in arbitration and/or actions to eliminate the grievance. The usual recommendations to the appropriate commander from the grievance committee for penalty would include one of the following: (1) A Commander’s Meeting (2) A Verbal Reprimand (3) A Letter of Reprimand.

Section 13 – DISCIPLINE, TRANSFER, AND EXPULSION OF MEMBERS:

- A. No active or associate member of the Military Order of the Purple Heart of the U.S.A., Inc., may be punished or have their membership rights abridged except for the following reasons:

- i. Intentional violation of the Constitution and/or Bylaws of the Military Order of the Purple Heart of the U.S.A., Inc.
- ii. Misfeasance or Malfeasance.
- iii. Refusal to comply with the lawful orders of the Department or National Convention.
- iv. Action which brings discredit to the Order.
- v. Conviction of a crime involving theft or moral turpitude.

B. Punishment which may be imposed under this section is defined as follows:

- i. Censure – shall consist of a written reprimand of admonition to the member by the appropriate Commander.
- ii. Transfer – shall be the permanent transfer of membership to another Chapter or to either a Department or National Member-at-Large status.
- iii. Suspension – shall remove the member from membership and/or from any office held by them for not more than one year.
- iv. Restriction – shall be allowed to remain a chapter member, but shall have a permanent restriction from being allowed to hold any elected or appointed office for life. (Change adopted 2007 National Convention)
- v. Expulsion – shall permanently remove the individual from membership.

C. The preferring of charges should be an action of last resort. Every effort should be made, in the chain of command, to solve problems without the necessity for filing formal charges. Should all efforts fail, including the use of procedures outlined in Article XV, Section 12, charges may be filed as follows:

- i. Any Commander may bring charges on any member with the assent of the Judge Advocate who is elected but not in the chain of command. The National Commander may always bring charges with the approval of the National Judge Advocate. Also, any three members of the Order, who are in good standing, may join in the submitting of charges. The charges must be written with sufficient detail to establish fact. Charges must be signed, notarized, and sent via certified mail to the appropriate Adjutant and copied to the National Adjutant.

- ii. Adjudication shall be imposed at the next higher level. Charges brought against a Chapter Member will be heard at the Department level. Charges brought against a Department Officer or members-at-large for Departments or National (DML & NML) will be heard at the Region or National level. Charges against members of the National Executive Committee will be heard by a disciplinary hearing panel consisting of three Past National Commanders.

D. Procedure for the Handling of Received Charges:

- i. The convening authority which is the Commander at the next highest level will, in turn, provide the accused with a copy of the charges, related documents, and a clear statement of the alleged violations along with notification of the hearing time, date, and place. All correspondence with the accused will be by certified mail (return receipt requested). All hearings will be fixed for a date not less than 20 days or more than 60 days from the date the accused is served their charges.
- ii. The convening authority will appoint a disciplinary hearing panel of three impartial Past Commanders who will select their Chairman and an impartial member without a vote who will act as a pro-tem secretary and keep an accurate record of the proceedings.

E. Procedure for a Disciplinary Hearing Panel:

- i. This is an administrative hearing and rules of evidence as in a court of law do not apply. A prior confidential investigation by an elected Inspector in an effort to learn all relevant facts is encouraged. Due to the problems in accurate transcription of the hearing, a court recorder is required.
- ii. The accused may represent them self or may retain counsel. Counsel can advise the accused but may not address the hearing panel. The accused has the right to speak and produce witnesses in his own defense. If the accused fails to appear as directed, the hearing will proceed without him. Should the accused require additional time to prepare his case, the convening authority may allow one adjournment of the hearing date for a period of not more than 30 days if the convening authority is notified a minimum of 10 days prior to the scheduled hearing date.
- iii. The Chairman will read the notifications, introduce the parties on both sides and the panel, and will read the charges. The Chairman will then ask the accused how he pleads guilty or not guilty to each charge.

- iv. Opening statements are made by both sides with the hearing panel starting first. Following is testimony of any witnesses produced by the panel followed by testimony of any defense witnesses. Rebuttal witnesses are allowed with the panel going first followed by the defense. After closing arguments are completed by both sides; the accused must leave the room. The chairman then polls each member of the panel in executive session on their finding of guilt on each charge.
- F. Determination of Penalty – A member of the hearing panel in executive session makes a motion for an appropriate penalty as listed in “b.” above. After debate, a decision by the panel for recommended punishment is rendered and the hearing can be adjourned.
- G. Post Hearing Procedures – Within 15 days after the close of the hearing, a written decision for recommended punishment shall be rendered. One copy will be sent via certified mail to the accused. Additional copies along with an accurate record of the proceedings will be sent to the Commander that is the convening authority, the Chairman of the hearing panel, and the appropriate Adjutant with a copy to the National Adjutant. In all cases of recommended expulsion, the National Adjutant must be notified immediately.

H. Review and Appeal

- i. A member may appeal the decision of the hearing panel to the next higher level within 15 days of receipt of the decision. Such appeals shall not be limited to the issue of arbitrariness of the decision, but must be based on specific violations of established procedures or the rights of the accused or on new evidence. The reviewing Commander will decide on the merits of the appeal and may take any action other than increasing the recommended punishment. The National Commander is the final appeal on all actions taken below his level.
- ii. All appeals by members concerning any decision rendered by a National disciplinary panel will be presented to the National Executive Committee with the facts and actions taken. The accused will be allowed to provide documentation setting forth his case to be included with documents provided by the National Commander. The National Executive Committee must be allowed 15 days to review the case before voting on the matter.
- iii. All hearing decisions, with the exception of expulsions, will be final after allowing a 15-day period for an appeal after the decision has been received by the accused. All recommendations for expulsion will be reviewed by the National Commander. With the approval of the National Executive Committee, he shall render the final decision by mail ballot or at their next scheduled meeting. After all appeals have been exhausted, the National Adjutant will advise the accused of the decision.

- iv. The National Commander, with the approval of the National Executive Committee will take the action that he deems appropriate on all punishment recommended. The National Convention is the Supreme Body of the Order and will accept or refuse the actions on expulsions from the Order voted on by the National Executive Committee during the year. (Adopted National 2008)

ARTICLE VIII

AMENDMENTS TO DEPARTMENT BY-LAWS

Section 1 – AMENDMENTS: These By-Laws may be amended:

- A. By a roll call of two-thirds vote of the members present at a regular or special meeting of the DEC, provided the proposed amendment shall have been submitted through the Department Adjutant to the members of the DEC, by mailing same to them at least fifteen (15) days prior to the convening of the meeting. If adopted, such amendment shall have full force and effect until the next Department Convention which shall accept or reject such amendment.
- B. At the Department Convention by a roll call vote of two-thirds vote of the regularly elected and qualified delegates thereat, provided the proposed amendment shall have been submitted through the Adjutant to the members of the DEC, by mailing same to them at least fifteen (15) days prior to the convening of the convention, and provided that such amendment came through the DEC.
- C. By a unanimous vote of the regularly elected and qualified delegates at a Department Convention, provided the proposed amendment shall have been read to the Department Convention at least one (1) calendar day before the vote is taken.

Section 2 – SET ASIDE:

These Bylaws may be set aside or suspended for the period of the Department Convention only if deemed expedient by a unanimous vote of the regularly elected and qualified delegates thereat.

ARTICLE IX

CONDUCT OF MEETINGS

All Chapter and Department meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised, except as otherwise provided in these Articles. Furthermore, all meetings, observances, and official activities shall be conducted in accordance with the official Ritual and Manual of Ceremonies of the Order. No closed meetings are allowed.

ARTICLE X

RATIFICATION

This Constitution and Bylaws was accepted by a majority of the members present at the Department of California Convention held on Saturday, June 27, 1998 in Las Vegas, NV.

Vice-Chairman C & B Committee
Tom Poulter

Chairman C & B Committee
Odas L. Flake

Revised June 2007 Convention by Majority Vote of Members Present.

Additional National Revisions of National Bylaws added to Department Bylaws that effect or are mandated by National in the years passed by National.

Revised June 2009 Convention by Majority vote of Members Present.

Footnote:

This Constitution and Bylaw is Subordinate to the National Constitution and Bylaws. Any Article within this Constitution and Bylaw cannot and will not override the National Constitution and Bylaws. Any item that is not covered within this Constitution and Bylaw than the National Constitution and Bylaw will prevail.