

MILITARY ORDER  
**PURPLE HEART**



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

## Bylaws

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**The Bylaws are formatted in .pdf so a printer can copy both sides of the pages. Spiral binding is recommended.**

1 **ARTICLE I - NATIONAL ORGANIZATION<sup>2</sup>**

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

3 Section 1 - REGIONS.

4 A. Region is a geographical grouping of states and territories for membership  
5 expansion. A National Region Commander is elected annually from each of the  
6 following Regions.

7 1) Region I Connecticut, Delaware, District of Columbia, Maryland,  
8 Massachusetts, New Jersey, New York, Northern New England  
9 (Maine, New Hampshire, Vermont), Pennsylvania, Rhode Island, and  
10 Virginia.

11 2) Region II Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri,  
12 Nebraska, Ohio, West Virginia, and Wisconsin.

13 3) Region III Alaska, Idaho, Montana, North Dakota, Oregon, South Dakota,  
14 Washington, and Wyoming.

15 4) Region IV Alabama, Florida, Georgia, Mississippi, North Carolina, Puerto Rico,  
16 South Carolina, and Tennessee.

17 5) Region V Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and  
18 Texas.

19 6) Region VI Arizona, California, Guam/Asia Pacific, Hawaii, Nevada, and Utah.

20 B. Region Commanders shall conduct a Region meeting each year to be held no later  
21 than the end of October. The meeting may be held digitally.

22 Section 2 - DEPARTMENTS.

23 A. Departments may be organized where there are two or more active chapters, with a  
24 minimum combined membership of 100 members and associate members, in any  
25 state, territory, or foreign country.

26 B. All chapters within such state, territory, or country shall be subordinate to the  
27 department.

28 C. "Active" is defined as a department that has submitted a current election report.

29 Section 3 - CHAPTERS.

30 A. A chapter may be formed by the authority of the National Commander on the  
31 application of not less than 12 Purple Heart recipients who are members in the  
32 Military Order of the Purple Heart of the USA, Inc.

33 B. No chapter shall be recognized by the Order unless operating under a valid charter.

34 C. Charter requirements:

35 1) Applications for a chapter or department charter shall be submitted to the  
36 National Headquarters on a form to be furnished by the National Adjutant.

37 2) The charter members listed on the charter application and on the charter  
38 document shall be Purple Heart recipients.

39 3) Chapter charter applications must be endorsed by the Commander of the  
40 Department or in the absence of a Department Commander, the Region  
41 Commander may endorse the charter.

42 4) No new chapter shall be given the same name or number as an existing or  
43 former chapter.

- 1           5) No chapter shall bear the name of a living person.  
2           6) Chapters may request a specific number; otherwise, National will assign the next  
3           available number on the sequential list.

4           D. "Active" is defined as a chapter that has submitted a current election report.

5 Section - 4 - INSTITUTION

6           A. Upon the issuance of a chapter charter, the Commander of the Department having  
7           jurisdiction handles the institution of the chapter.

8           B. In those cases, where there is no such department or in the case of the forming of a  
9           new department, the Region Commander shall have the responsibility to appoint the  
10          Instituting Officer.

11 Section 5 - INSTALLING OFFICER

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

13          The Installing Officer will:

14          A. Install, in accordance with the Bylaws and Ritual of the Order, and instruct the  
15          officers in their duties.

16          B. Deliver to the Chapter/Department Commander who was installed, copies of the  
17          Constitution, Bylaws, and Rituals of the Order.

18          C. Make a report in writing to National Headquarters.

19           1) Giving the name and the number of the chapter that was installed, as well as the  
20           number of members obligated at the time of the institution.

21           2) The names and addresses of the installed officers elected to serve until the next  
22           election.

23 Section 6 - SURRENDER of CHARTER

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

25 Section 7 - TRANSFERS.

26          A. Any member may request to be transferred to another chapter or to an At-Large  
27          status by submitting an MOPH Transfer Request form to the National Adjutant.

28          B. The National Adjutant will make the transfer and notify the gaining and losing  
29          chapters of such action.

30          C. The receiving chapter may vote not to accept the transferred member, within 90  
31          calendar days of the notification of the transfer.

32          D. A member shall not belong to more than one chapter.

33 Section 8 - DISPOSITION of MEMBERS

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

38 Section 9 - REVIVAL.

39          A. Subject to the approval of the National Commander a chapter/department which  
40          was previously disbanded may be reinstated provided:

41           1) The department making application for reinstatement follows the National  
42           Bylaws as to the number of members and chapters.

43           2) The chapter charter may be reinstated with its original name and number.

1 B A new charter will be issued, bearing the names of the petitioning members.

2 Section 10 - BYLAWS

3 A. Departments and chapters may adopt Bylaws that do not conflict with the  
4 Constitution and Bylaws of the Military Order of Purple Heart, of the USA, Inc.

5 B. Chapters and departments must send their bylaws to the National Judge Advocate  
6 for review to ensure compliance with the National Bylaws.

7 1) The Judge Advocate will make a recommendation to the National Commander  
8 about their compliance with the Order's Bylaws.

9 2) The National Adjutant will notify the chapter/department of the National  
10 Commander's decision.

11 **ARTICLE II - MEMBERSHIP**

12 Section 1 - APPLICATION

13 A. Every application for admission to membership in the Order must be on a form  
14 provided by the National Headquarters.

15 B. Applications for membership must be submitted to the National Headquarters with  
16 a copy of the applicant's DD-214, DD-215 (supported by a DD-214)<sup>3</sup>, AGO 53-55  
17 or General Orders of the award of a Purple Heart. Certificates showing the award of  
18 the Purple Heart Medal are not accepted.

19 C. The Fees submitted with an Application for Membership are NONREFUNDABLE.

20 Section 2 - ELIGIBILITY

21 A. Any person who is serving in or has served in one of the Armed Forces of the  
22 United States, or any foreign country who can show proof of the award of the  
23 Purple Heart for wounds (ARTICLE II Section 1, B)

24 B. Chapters or departments may reject members accepted by National, who are not of  
25 good moral character.

26 C. The determination to be accepted into a chapter is made by the assigned chapter.

27 Section 3 - MEMBERSHIP at LARGE

28 An applicant residing in a State where no department or chapter exists will be a National  
29 Member-at-Large.

30 Section 4 - DUES.

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

32 B. Life Membership dues shall be invested to perpetuate the Order.

33 1) Any interest, dividends, or capital gains earned shall be used exclusively for the  
34 Life Membership<sup>4</sup> rebated to chapters and departments.<sup>5</sup>

35 2) Withdrawal of the Life Membership principal is prohibited **except as provided in**  
36 **Article XII, Section 4 N<sup>6</sup>.**

37 C. To determine the disposition any money left in the Life Membership fund upon  
38 dissolution of the Military Order of Purple Heart see 36 USC Chapter 1405.

39 Section 5 - MEMBERSHIP CODE of CONDUCT

40 A. Patriots will follow all the bylaws, rules, and regulations of the Military Order of the  
41 Purple Heart.

- 1 B. Patriots will never commit or allow any injustice or wrong to any Patriot of this  
2 Order or his family, if it is in his or her power to prevent it.  
3 C. Patriots will try to aid any member of the Military Order of the Purple Heart, as  
4 much as is in his or her power to do so.  
5 D. Patriots will uphold and support the Constitution of the United States of America  
6 and honor the Flag of our Country.

7 Section 6 - RESIGNATION

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

23 **ARTICLE III - CHAPTERS**

24 Section 1 - ELIGIBILITY

25 All chapter<sup>7</sup> members, except as hereinafter provided, shall be eligible for any office in  
26 the chapter. **(Article XVIII Associate Members)**

27 Section 2 - OFFICERS

- 28 A. The elective officers of each chapter shall be a Commander, Senior Vice  
29 Commander, Junior Vice Commander, Finance Officer, Sergeant-at-Arms, and two  
30 (2) Trustees.  
31 B. The Commander shall appoint an Adjutant and a Chaplain.

32 Section 3 - COMMITTEE(S)

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

34 Section 4- ELECTIONS

- 35 A. Election of the chapter officers shall be held in **March or<sup>8</sup> April <sup>9</sup>**of each year.  
36 B. Elections must be held in face to face meetings. **Elections maybe held by digital means**  
37 **in instances when normal meetings cannot be held because of inclement climatic**  
38 **conditions or inability of a quorum to make a face to face meeting.<sup>10</sup>**  
39 C. Installation of newly elected and appointed officers shall not be later than April 30.  
40 D. Due notice of such election must be mailed or e-mailed to all members at least two  
41 weeks before the meeting.

1 E. Both elected and appointed officers may succeed themselves if properly elected or  
2 appointed.

3 Section 5 - TERM of OFFICE

4 A. Elected and appointed officers serve for a one-year term.

5 B. Appointed officers serve at the pleasure of the Commander.

6 1) Appointed chapter officers' positions terminate at the end of the commander's  
7 term of office or upon the resignation/removal/vacancy of the Commander.

8 2) Appointed officers can be re-appointed by the new commander to consecutive  
9 terms without limits.

10 C. Chapters can establish term limits of elected officers by a majority vote of all chapter  
11 members and by notifying the National Adjutant through the Department  
12 Commander and Region Commander of the term limits, i.e.; two, three or more  
13 years.

14 1) Term limits become effective upon submission of the next Election Report and  
15 upon the approval of the National Adjutant.

16 2) A majority vote of all chapter members is required to change or remove the term  
17 limits previously established and approved. Chapters with approved term limits  
18 will notate the term limits on their annual Election Report.

19 Section 6 - VOTING

20 A. In the cases of a vote for officers, a majority of all votes cast shall be necessary for a  
21 decision.

22 B. If there is no majority vote for one candidate on the first vote, the name of the  
23 Patriot receiving the lowest number of votes will be dropped, and so on in successive  
24 votes, until an election is made.

25 Section 7 - VACANCIES

26 A. All vacancies in an elective office shall be filled by the chapter at the next regular  
27 meeting following such vacancy.

28 B. In the event of a vacancy in the office of Commander, the Senior Vice Commander  
29 shall become the Commander, and the Junior Vice Commander shall become the  
30 Senior Vice Commander.

31 C. The chapter shall then elect a Junior Vice Commander to fill the vacancy, and shall  
32 likewise elect other officers to fill any elective office(s) that become vacant.

33 Section 8 - ABSENT CHAPTER ELECTED OFFICER

34 A. A chapter may declare vacant the position of any elective officer who has absented  
35 themselves from three meetings by a majority vote of the votes cast at a meeting.

36 B. A notice (US Postal Service mail [USPS] return receipt requested or e-mail) is  
37 required to be given the delinquent officer.

38 C. The notice (USPS, e-mail, or telephone) of the intended action shall be  
39 communicated to the chapter members at least fifteen (15) calendar days before such  
40 action is to be voted upon.

41 Section 9 - BANK ACCOUNTS

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

1 **ARTICLE IV - DUTIES of CHAPTER OFFICERS**

2 Section 1 - COMMANDER

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

15 Section 2 - SENIOR VICE COMMANDER

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

21 Section 3 - JUNIOR VICE COMMANDER

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

25 Section 5 - ADJUTANT

- 26 A. Keep the chapter's files properly prepared.
- 27 B. Maintain the Constitution, an updated version of Bylaws of the Order, and the  
28 Bylaws of the Chapter and Department if they exist.
- 29 C. Take the minutes and record of all the proceedings of each meeting of the chapter.  
30 At the next meeting, the minutes shall be read and any needed correction(s) made  
31 and approved at the chapter meeting.
- 32 D. Maintain an Orders File in which shall be kept all orders or circulars issued by the  
33 National Commander, Region Commander, Department Commander, or Chapter  
34 Commander.
- 35 E. Keep a Letters File.
- 36 F. Keep such other documents as required by the Order or any legal jurisdiction.
- 37 G. Attest by signature all actions of the chapter.
- 38 H. Draw up all warrants on the Finance Officer for approval by the Commander for  
39 appropriation of monies by motions made and passed at a regular meeting of the  
40 chapter or for items that have been approved in the budget.
- 41 I. Prepare all reports required by the Commander.
- 42 J. Complete Chapter Officer Election Report Form, as furnished by the National  
43 Adjutant, within twenty-four hours after the election. The Chapter Adjutant will

1 promptly forward a copy directly to the National Adjutant and the Department  
2 Adjutant.

3 K. Transfer without delay to a successor all books, papers, and other property of the  
4 chapter.

5 Section 6 - FINANCE OFFICER

6 A. Pay out monies only upon a proper warrant drawn by the Chapter Adjutant and  
7 approved by the Commander. Maintain a file of all warrants that have been drawn.

8 B. Hold and be responsible for the funds, securities, vouchers, and other financial  
9 instruments of the chapter.

10 C. Prepare and sign each check issued by the chapter. The Chapter Commander is the  
11 other co-signer of the check when possible.

12 D. File IRS 990 Form annually with Internal Revenue Service and maintain a copy for  
13 files.

14 E. Perform such other duties as the Bylaws may require.

15 F. Prepare a complete annual financial report on a form provided by the National  
16 Adjutant covering the period May 1 to April 30.

17 1) Allow the chapter's financial records to be open for inspection by the Chapter's  
18 Trustees.

19 2) The Finance Report to the National Adjutant requires the signatures of one  
20 Trustee and the Commander.

21 G. Deliver to the new Finance Officer, or to anyone designated by the chapter, all  
22 monies, books, financial statements, and other property of the chapter.

23 H. When the Commander and both Vice Commanders are absent the Finance Officer  
24 will chair the meeting. If none of the officers above are present, the chapter  
25 members present shall elect a Commander "pro tempore."

26 Section 7 - SERGEANT-AT-ARMS

27 A. Take a post at the inside door of the meeting room.

28 B. Perform such other duties as the Commander may direct.

29 C. Be responsible for the Chapter's Colors and Bible.

30 Section 8 - TRUSTEE(S)

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

33 A. The Chapter Trustees will report their findings at the next chapter meeting that is  
34 before April 30 and October 31.

35 B. Provide a copy to the Chapter Commander by April 30 and October 31.

36 C. Provide a copy to the Department Finance Officer by April 30 and October 31.

37 D. Provide a copy to the National Adjutant by April 30 and October 31

38 Section 9 - CHAPLAIN

39 A. Be responsible for the opening and closing invocations of the chapter meeting.

40 B. Assist in or take charge of burial ceremonies for departed Patriots.

41 C. Perform such other duties requested of him or her by the Commander.

1 Section 10 - RESIDENCE

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

5 **ARTICLE V- MEETINGS of CHAPTERS**

6 Section 1 - REGULAR MEETINGS

7 Chapters meetings shall be held monthly, if possible. Digital meetings are allowed.  
8 Elections must be held in face to face meetings.

9 Section 2 - SPECIAL MEETINGS

- 10 A. Special meetings may be convened by the Commander or the written request of five  
11 (5) members. Associate members may be included in the count. (See Article XVIII).  
12 B. Digital meetings are allowed.  
13 C. The Chapter Adjutant shall notify all the chapter's members of the business to be  
14 transacted at such meeting.  
15 D. QUORUM - Five members and/or Associate members at a meeting constitutes a  
16 quorum for chapter meetings.

17 Section 3 - CHAPTERS

- 18 A. Chapters formed and affiliated with military (active or guard/reserve units) that are  
19 deployed shall continue to enjoy all the voting rights at both the Department  
20 Convention, and/or the National Convention, notwithstanding their inability or  
21 failure to submit proper Election and Financial Reports.  
22 B. The deployed members must constitute more than 50% of the chapter's members.  
23 C. Upon the return from deployment, Election and Financial reports are required to be  
24 filed with the National Adjutant prior to the next national convention.

25 **ARTICLE VI -DEPARTMENTS**

26 Section 1 - GOVERNING BODY

- 27 A. Each department shall be governed by a department convention, which is  
28 subordinate to the National Convention.  
29 B. MEETINGS - There shall be an annual department convention held between April<sup>11</sup>  
30 1 and May 30 of each year. Elections must be held in face to face meetings.  
31 C. DEPARTMENT CONVENTION shall consist of:  
32 1) The Department Commander and all other elective officers of the department  
33 with a voice and a vote.  
34 2) Appointed department officers are members of the Convention with a voice but  
35 no vote.  
36 3) Chapter Commanders throughout its jurisdiction with a voice and a vote.  
37 a) In the absence of the Commander, the Senior Vice Commander or Junior  
38 Vice Commander may represent the chapter  
39 b) Chapter Commanders may cast the votes of any absent delegates in addition  
40 to his or her charter vote.

- 1 c) In the absence of the Commanders, a chapter may submit a written  
2 statement designating that an officer of the chapter is to be its representative.  
3 (1) Only the Chapter Commanders may carry the charter vote.  
4 (2) The designated chapter officer may carry the votes of delegates votes not  
5 in attendance.
- 6 4) Patriots who have served as National Commanders and past Department  
7 Commanders of that department, both of whom are members of the  
8 department, with a voice and a vote.
- 9 5) No one will have more than one vote. Members who are holding or having held  
10 multiple offices still only have only one (1) vote. The prohibition does not  
11 include provisions for casting the votes of absent delegates.
- 12 6) Delegates to be elected by the chapters shall be one for each twelve (12)  
13 members or major fraction thereof in the chapter at the time of election with a  
14 voice and a vote.
- 15 7. ELIGIBILITY All members except as hereinafter provided shall be eligible for  
16 any office in the department (See Article XVIII Associate Members).

17 Section 2 - OFFICERS

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

27 Section 3 - ELECTION of OFFICERS

- 28 A. The Commander, Senior Vice Commander, Junior Vice Commander, Finance  
29 Officer, Judge Advocate, Inspector, and Sergeant-at-Arms will be elected at the  
30 annual department convention.
- 31 B. In the event of a contested department election result based upon allegations of an  
32 unfair, tainted, or illegal election by the outgoing officers, the Region Commander  
33 shall appoint a temporary Department Commander and Department Finance  
34 Officer.
- 35 1) These temporary two officers will assume immediate control of all books,  
36 records and monies of the department pending a hearing panel appointed by the  
37 Region Commander into the tainted, invalid, or illegal election process.
- 38 2) To invoke this section, three (3) members must submit sworn affidavits setting  
39 forth the alleged claims of an illegal, tainted, or invalid election process with  
40 supporting proof.
- 41 a) The sworn affidavits must be notarized.

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

35 Section 4 - TERM of OFFICE

- 36           A. Officers elected and installed shall enter upon their respective duties immediately  
37           after the adjournment of the meeting at which they were chosen and shall hold office  
38           until successors are duly installed.
- 39           B. Both elected and appointed officers may succeed themselves, if properly elected or  
40           appointed. Chapter and/or Department Bylaws may impose term limits on officers  
41           (See Article VI Section 4 E).

1 C. Appointed officers serve a one-year term at the pleasure of the Commander.  
2 Appointed officer positions terminate at the end of the Commander's term of office  
3 or upon the resignation/removal/vacancy of the Commander.

4 D. Appointed officers may be re-appointed by the new commander.

5 E. Departments may establish term limits of elected officers by a majority vote of the  
6 votes cast at a chapter meeting or department convention. The National Adjutant  
7 will be notified through the Region Commander of the term limits, i.e. two, three or  
8 more years.

9 1) Term limits become effective upon submission of the next Election Report  
10 submitted to the National Adjutant.

11 2) A two-thirds (2/3) vote of the votes cast by a subsequent department convention is required to c

12 3) Departments with approved term limits will notate the term limits on their  
13 annual Election Report to the National Headquarters.

14 Section 5 - VACANCIES

15 A. In the event of a vacancy in the office of the Commander, the Senior Vice  
16 Commander shall at once succeed to the title and duties of the office, and the Junior  
17 Vice Commander shall succeed to the title and duties of the Senior Vice  
18 Commander.

19 B. The Department Executive Committee shall vote for the election of a Junior Vice  
20 Commander.

21 C. Other vacancies in elective offices shall be filled by the Department Executive  
22 Committee.

23 D. Elections may be at a meeting, through USPS mail vote, or digital vote.

24 E. All candidates may provide information about themselves to be included with the  
25 USPS and digital votes.

26 Section 6 - REMOVAL

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

29 A. The officer may be retained if a legitimate excuse is provided for each absence.

30 B. When so removed, the officer shall have the privilege of an appeal to the Region  
31 Commander. The appeal must be taken within sixty (60) calendar days of the date of  
32 the order declaring such office vacant.

33 Section 7 - BANK ACCOUNTS

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

35 Section 8 - DEPARTMENT EXECUTIVE COMMITTEE (DEC)

36 The Department Executive Committee shall consist of:

37 A. The Commander, Senior Vice Commander, and Junior Vice Commander with a  
38 voice and a vote.

39 B. All elected officers of the department with a voice and a vote.

40 C. Past National Commander(s) or Past Department Commander(s) who are members  
41 of the department with a voice and a vote.

42 D. Appointed officers of the department with a voice but no vote.

1 E. Chapter Commanders and in their absence one of the vice commander in order of  
2 precedence of their office with a voice and a vote.

3 Section 9 - DUTIES & FUNCTIONS of DEPARTMENT EXECUTIVE COMMITTEE

4 A. The Department Executive Committee shall meet immediately preceding the  
5 Department Convention.

6 B. The DEC shall meet at least once during the interval between department  
7 conventions at:

8 1) The call of the Department Commander.

9 2) The written request of five of the Department Executive Committee members.

10 3) Digital meetings are allowed between conventions. If done electronically, the  
11 department will be responsible for the costs.

12 C. In the interval between department conventions, the Department Executive  
13 Committee shall be vested with full administrative powers of the department. All  
14 actions of the Department Executive Committee shall be subject to approval by the  
15 subsequent department convention.

16 D. The Department Executive Committee shall authorize all expenditures, audit the  
17 accounts of the Finance Officer and Adjutant, and be responsible for verifying the  
18 authorization of income-producing ventures.

19 E. Contracts and ventures extending beyond the limitations of department conventions  
20 can only be approved by the department convention by a two-thirds vote of the  
21 votes cast. The department convention may previously approve and mandate to the  
22 Department Executive Committee authority for specific action beyond these limits.

23 F. The Department Adjutant shall be responsible for a complete report of the Minutes  
24 of all DEC meetings.

25 G. The Department Executive Committee may be polled by the Department Adjutant  
26 through USPS mail or e-mail to vote on any matter, which in the opinion of the  
27 Department Commander requires action.

28 Section 10 - VOTING

29 A. At Department Conventions and Department Executive Committee meetings voting  
30 shall be as follows:

31 1) Each member of the department convention present at a meeting of the  
32 Convention shall be entitled to one vote. Members who are holding or having  
33 held multiple offices still only have only one (1) vote. All appointed officers shall  
34 be without a vote.

35 2) The vote of Chapter Commanders or Vice Commanders shall be recorded as the  
36 chapter's charter vote.

37 3) At department conventions, the vote of any chapter delegate absent and not  
38 represented by an alternate may be cast automatically by the Chapter  
39 Commander, Senior Vice Commander, Junior Vice Commander, or a chapter  
40 delegate present provided that the Chapter's Election Report is on record.

41 4) Voting at the meeting(s) of the Department Executive Committee shall be done  
42 per (Article VI Section 8).

- 1           5) Members holding both chapter and department offices with an entitlement to a  
2           vote shall have only one vote. This does not pertain to situations where an  
3           officer carries the delegate votes of a chapter.  
4           6) One-third of the voting membership of the DEC shall constitute a quorum.  
5           B. Voting by proxy will not be allowed.

## 6           **ARTICLE VII - DUTIES of DEPARTMENT OFFICERS**

### 7           Section 1 - COMMANDER

- 8           A. Preside at the Department Convention and Department Executive Committee  
9           meetings.  
10          B. Enforce a strict observance of the Order's bylaws.  
11          C. Ensure compliance with orders from National Headquarters.  
12          D. Responsible for public awareness of department activities and purpose.  
13          E. Perform such other duties as the Bylaws may require.  
14          F. Approve all warrants before they may be paid by the Finance Officer.  
15          G. Be a co-signer on all checks drawn by Finance Officer when feasible.  
16          E. Appointed an Audit Committee for the Department Finance Officer's records.  
17             1) This shall be done before the Department Executive Committee meeting  
18             preceding the Department convention.  
19             2) The Audit Committee will report their findings to the Department Executive  
20             Committee and the Department Convention.  
21          F. Appoint:  
22             1) Adjutant  
23             2) Chaplain  
24             3) Necessary Committees  
25             4) If needed a Chief of Staff to assist the commander.  
26          G. Serve as the member of the NEC with a voice and a vote.

### 27          Section 2 - SENIOR VICE COMMANDER

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

### 37          Section 3 - JUNIOR VICE COMMANDER

- 38          A. Preside in the absence of the Commander and Senior Vice Commander.  
39          B. Perform such other duties as the Bylaws may require.  
40          C. Coordinate the department's membership activities with the Senior Vice  
41          Commander,

1 D. May also serve in the absence of the Department Commander and Senior Vice  
2 Commander as a member of the NEC.

3 Section - 4 ADJUTANT

4 A. Keep correct records of:

- 5 1) Minutes of the Department Convention and Department Executive Committee
- 6 meetings.
- 7 2) Orders, reports, letters, memorandums, and correspondence received.
- 8 3) May keep vouchers and warrants that are drawn on the Finance Officer.
- 9 4) Monies due and receivable from all sources.

10 B. Conduct the correspondence and issue all orders under the direction of the  
11 Commander.

12 C. Draw all warrants on the Finance Officer.

13 D. Take a receipt from the Finance Officer for all monies turned over from whatever  
14 source.

15 E. Prepare for each department convention a list showing the chapters, and the number  
16 of delegates to which each chapter is entitled.

17 F. Deliver to a successor all books and property of the department.

18 Section 5 - FINANCE OFFICER

19 A. Pay out monies only upon a proper warrant drawn by the Department Adjutant and  
20 approved by the Department Commander.

21 B. Hold and be responsible for the funds, securities, vouchers, warrants, and other  
22 financial instruments of the department.

23 C. Prepare and sign each check issued by the department. The Department  
24 Commander may be the co-signer of the check.

25 D. Prepare a complete annual financial report on a form provided by the National  
26 Adjutant covering the period May 1 to April 30.

27 1) Allow the department's financial records to be open for inspection by the  
28 Department Finance Committee if applicable or a Department Audit committee  
29 appointed by the Department Commander before the Department Executive  
30 Committee meeting preceding the department convention. The Department  
31 Finance Committee/Audit Committee will report their findings to the  
32 Department Executive Committee and the Department Convention.

33 2) Provide a copy to the Department Commander and the department members in  
34 attendance a meeting by May 31.

35 3) Provide a copy to the National Finance Officer by May 31.

36 4) Provide a copy to the National Adjutant by May 31.

37 E. Deliver to the new Finance Officer, or to anyone designated by the department, all  
38 monies, books, financial statements, and other property of the department.

39 Section 6 - JUDGE ADVOCATE

40 A. Preferably be a licensed attorney and in good standing with their state bar.

41 B. Give the Commander legal and parliamentary assistance as required.

42 C. Provide counsel to the commander and legal advice if he or she is an attorney.

43 Section 7 - INSPECTOR

- 1 D. Make inspections within the department and the subordinate chapters.
- 2 E. Inspect the books of each chapter in the department upon request of either a chapter
- 3 or the department commander.
- 4 F. Make inspections at the direction of the department commander.
- 5 G. Reports directly and only to the Department Commander.
- 6 H. Send an annual inspection report to the National Inspector no later than May 31.

7 Section 8 - SERGEANT-AT-ARMS

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

13 Section 9 - CHAPLAIN

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

19 Section 10 - CHIEF of STAFF

- 20 I. Perform such duties as may be required by the Commander.

21 Section 11 - RESIDENCE

22 All department elected and appointed officers shall reside within the geographic

23 boundaries of the Region, or within reasonable commuting distance of the department.

24 **ARTICLE VIII - DELEGATES TO CONVENTIONS**

25 Section 1 - DEPARTMENT

- 26 A. Delegates to the department convention shall be elected at a chapter meeting at least
- 27 30 calendar days prior to the department convention.
- 28 B. Delegates may be elected for each twelve (12) members, or major fraction thereof, as
- 29 recorded by the National Adjutant.

30 Section 2 - NATIONAL CONVENTION

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

35 Section 3 - VOTING

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

40 Section 4 - DELEGATE LISTS.

- 41 A. Immediately after the election of delegates, the Chapter Adjutant shall forward the
- 42 list of names to the Department Adjutant or National Adjutant as the case may be.

1 B. Such lists shall be used by the Credentials Committee in determining duly accredited  
2 delegates to Department and National Conventions.

3 **Section 5 - CONVENTION PREREQUISITE**

4 A. Chapters with fewer than the minimum requirement of twelve (12) members shall  
5 not be entitled to any delegates at either Department or National Conventions.

6 B. Chapters must have submitted reports of the chapter's elected and appointed officers  
7 (election report) to be entitled to charter and delegates votes at both Department and  
8 National Conventions.

9 C. Departments must have submitted reports of the department's elected and appointed  
10 officers (election report) to be entitled to charter and delegates votes at National  
11 Conventions.

12 D. These prerequisites must be met:

13 1) By the start of a department convention for participation at the department  
14 convention.

15 2) By June 30 for participation at the National Convention.

16 (a) An exception may be made if the chapter or department has extenuating  
17 circumstances and requests their election report be accepted.

18 (b) The Credentials Committee will review the request and make a  
19 recommendation to the convention body whether to allow the exception.

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

21 **ARTICLE IX - NATIONAL CONVENTION**

22 **Section 1 - SUPREME BODY**

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

25 **Section 2 - COMPOSITION of the National Convention**

26 A. The National Commander, elective National Officers, and Past National  
27 Commanders with a voice and a vote.

28 B. All appointed National Officers with a voice, but no vote.

29 C. All Department Commanders with a voice and a vote. In the absence of the  
30 Commander, the Senior Vice Commander or Junior Vice Commander may represent  
31 the department.

32 D. All Chapter Commanders with a voice and a vote. In the absence of the  
33 Commander, the Senior Vice Commander or Junior Vice Commander may represent  
34 the chapter.

35 E. Delegates to be elected by the chapters:

36 1) One for each twelve (12) members, or major fraction thereof.

37 2) Based on the number of chapter members as recorded by the National Adjutant  
38 on June 30.

39 **Section 3 - MEETINGS**

40 A. The National Convention shall be held annually on such calendar days and at such  
41 places as shall have been determined at a previous National Convention, or by the  
42 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 digital vote, of a suitable Convention time and place.
- 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 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).<sup>12</sup>**
- D. The National Adjutant shall notify the membership and allow a thirty (30) 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 minutes to each speaker. A Patriot may be permitted to speak only once on any subject, except by the consent of two-thirds 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 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

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- 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.
- 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 must 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.
    - 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 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.

1 **ARTICLE X- NATIONAL OFFICERS**

2 Section 1 - ELIGIBILITY FOR OFFICE

- 3 A. All MOPH members shall be eligible for any national office except as otherwise  
4 restricted herein.
- 5 B. A member who wants to be nominated at a national convention and will not be  
6 present at the Convention shall submit a written statement to the National Adjutant  
7 of the <sup>13</sup>candidate's willingness to accept such office. A two-thirds vote of the votes  
8 cast is needed to admit the name for a nomination.

9 Section 2 - OFFICERS

10 The National Officers of the Military Order of the Purple Heart of the USA, Inc., shall be  
11 a **National** Commander, **National** Senior Vice Commander, **National** Junior Vice  
12 Commander, six **National** Region Commanders, **National** Adjutant, **National** Finance  
13 Officer, **National** Judge Advocate, National Inspector, **National** Sergeant-at-Arms,  
14 **National** Service Director, **National** Legislative Director, **National** Chaplain, **National**  
15 Americanism Officer, **National** Surgeon, **National** Historian, **National** Public Relations  
16 Director, **National** Women’s Veterans Coordinator, and **National** VAVS Director, **the**  
17 **Department Commanders of each Department.**

18 Section 3 - ELECTION and APPOINTMENT of OFFICERS

- 19 A. The Commander, Senior Vice Commander, Junior Vice Commander, Finance  
20 Officer, Judge Advocate, National Inspector, and Sergeant-at-Arms shall be elected  
21 annually at the National Convention.
- 22 B. Six Region Commanders shall be elected annually at the National Convention.
- 23 1) Each Region’s Commander Candidate(s) is nominated and elected by the  
24 region’s departments.
- 25 2) The region commander must be a resident of the region that elects him or her.
- 26 3) The ranking commander from each department in the Region will vote the  
27 Department Caucus’ selection.
- 28 4) The membership strength will not be used in the election; the vote shall be one  
29 department, one vote.
- 30 5) In the event of a tie within the Region, after three tie votes, the vote will go to  
31 the convention body with each department having one vote. Appointed  
32 National Officers will not have a vote.
- 33 C. The newly elected National Commander:
- 34 1) Shall appoint the National Adjutant, Service Director, Legislative Director,  
35 Chaplain, Americanism Officer, Surgeon, Historian, Public Relations Director,  
36 Women’s Veterans Coordinator, VAVS Director, and Director of Medal  
37 Recovery.
- 38 2) May appoint one Chief of Staff in states which have no department  
39 organization.

40 Section 4 - TERM of OFFICE

- 41 A. The National Officers shall enter upon the duties of their respective offices  
42 immediately after the adjournment of the meeting or Convention at which they were

1 elected or appointed. Said officers shall hold office until the next annual Convention  
2 or until a successor is duly elected or appointed and installed.

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

5 1) If the National Commander, is permanently unable to finish the term of office  
6 and the Senior-Vice Commander accedes to the office he or she may stand for  
7 election to be National Commandeer, provided the unfinished term of the  
8 predecessor is (183 calendar days) or less.

9 2) If the National Junior-Vice Commander, accedes to the office National Senior-  
10 Vice Commander he or she may stand for election to be National Senior Vice-  
11 Commandeer, provided the unfinished term of the predecessor is (183 calendar  
12 days) or less.

13 3) If a Region Commander is elected to the office National Junior-Vice  
14 Commander other than at National Convention, he or she may stand for election  
15 to be National Junior-Vice-Commandeer, provided the unfinished term of the  
16 predecessor is (183 calendar days) or less.

17 Section 5 - VACANCIES

18 A. In the event of a vacancy in the office of National Commander, the National Senior  
19 Vice Commander shall at once succeed to the title and duties of the position. In the  
20 event of a vacancy in the office of the National Senior Vice Commander, the  
21 National Junior Vice Commander shall at once succeed to the office of the National  
22 Senior Vice Commander.

23 B. The NEC shall elect an officer to fill the position of National Junior Vice  
24 Commander until the next Convention from one of the six (6) Region Commanders.

25 C. Vacancies occurring in the elective offices of the National Organization shall be  
26 filled by the NEC in the following manner:

27 1) The National Commander shall duly notify all the National Executive  
28 Committee members of the vacancy. Thirty (30) calendar days after the  
29 notification of the vacancy the National Adjutant shall notify the NEC members  
30 of the names of Patriots announcing for the position.

31 2) National Executive Committee members will vote to fill the vacancy by digital  
32 voting.

33 3) The votes shall be opened:

34 a) At a time specified by the National Commander.

35 b) By tellers appointed by the National Commander.

36 c) In the presence of such officers of the National organization as the  
37 Commander may designate.

38 4) The Patriot receiving the highest numbers of votes shall be declared duly elected  
39 to the office. The National Adjutant shall notify the NEC members of the  
40 results. (Article XII Section 2, I, 3), a), b), c).

41 5) The region shall elect an officer to fill the position of Region Commander until  
42 the next Convention from one of the region's department commanders.

43 Section 6 - VOTING

- 1 A. At regular meetings of the National Executive Committee, the rules shall be as  
2 follows:  
3 1) Each elected member of the NEC present at a meeting shall have one vote  
4 2) All appointed officers shall be without a vote.  
5 3) One-third of the eligible membership of the NEC present at a meeting shall  
6 constitute a quorum.  
7 4) No proxy votes may be counted.
- 8 B. At special meetings of the NEC, the rules shall be as follows:  
9 1) Executive Committee members will vote by digital voting (Article XII Section 2,  
10 I).  
11 2) These votes shall be opened:  
12 a) At a time specified by the Commander.  
13 b) By tellers appointed by the Commander.  
14 c) In the presence of the National Adjutant, or in his or her absence the  
15 National Service Director, or Legislative Officer. (Article XII Section 2, I, 2).
- 16 C. At National Conventions, the rules shall be as follows:  
17 a) Each member of the National Convention (Article IX Section 2, A thru E)  
18 present at a meeting of the Convention shall be entitled to one vote.  
19 b) All appointed officers shall be without vote.  
20 c) The vote of Chapter/Department Commanders or Vice Commanders shall  
21 be recorded as the charter vote.  
22 d) One or more delegates of a chapter only partially represented may vote the  
23 full accredited delegate strength of the chapter.  
24 e) The department roll calls reporting officer will be bound to vote as the  
25 Chapter Commander and delegate(s) instructed.  
26 f) No proxy votes may be counted.
- 27 D. At National Conventions, the rules shall be as follows for any chapter delegates  
28 absent and not represented by the Chapter Commander, Senior Vice Commander, or  
29 Junior Vice Commander may be cast automatically in the order named by the:  
30 1) Department Commander  
31 2) Department Senior Vice Commander  
32 3) Department Junior Vice Commander
- 33 E. If none of the department commanders are present, then the vote of any chapter  
34 delegates absent and not represented may be cast by any other department elective  
35 officer present provided:  
36 1) The Department Adjutant has notified the National Adjutant in writing or e-mail  
37 of whom will carry the vote.  
38 2) The letter or e-mail was sent at least ten (10) calendar days prior to the National  
39 Convention. The beginning of the ten (10) calendar days is determined by the  
40 postmark on the letter's envelope or the date the e-mail was sent (Article IX  
41 Section 5, M, 1) a).

42 **ARTICLE XI - DUTIES of NATIONAL OFFICERS**

1 Section 1 - NATIONAL COMMANDER

- 2 A. As the executive head of the MOPH shall have full power to enforce the  
3 Constitution and Bylaws of the Order within the limitations of these Articles.
- 4 B. Shall carry out the orders and directives of the National Convention and the  
5 Executive Committee by issuing such orders as may be necessary.
- 6 C. Preside at the National Convention and National Executive Committee (NEC)  
7 meetings.
- 8 1) Decide all questions of law and usage.
- 9 2) Decisions may be appealed to the National Convention or the NEC bodies  
10 respectively.
- 11 D. Authorize by signature or digital signature:
- 12 1) Warrants that are properly drawn on the Finance Officer by the National  
13 Adjutant.
- 14 2) Official papers.
- 15 3) Contracts properly authorized and approved by the National Convention.
- 16 4) Contracts properly authorized and approved by the NEC provided:
- 17 a) The contracts are within the authorization prescribed in these Articles.
- 18 b) The contracts are within the mandates specifically granted to it by the  
19 National Convention.
- 20 5) Co-authorize all disbursements to be properly issued by the Finance Officer.
- 21 E. Will appoint the following officers upon entering office:
- 22 1) A National Adjutant, National Service Director, and National Legislative  
23 Director.
- 24 a) Each appointment or reappointment will require a majority vote of the NEC  
25 votes cast for approval.
- 26 1) Vote(s) will be taken separately for each office.
- 27 2) Voting will be by a Division of the Assembly
- 28 b) If the Commander does not desire to reappoint either the National Adjutant,  
29 National Service Director or Legislative Director, the Commander will so  
30 state.
- 31 1) It will require a two-thirds (2/3) vote of the NEC votes cast for the  
32 officer to not be reappointed.
- 33 2) If the vote does not reach the two-thirds (2/3) vote threshold, the  
34 subject officer will be considered reappointed. Another vote is not  
35 required.
- 36 c) All three officers may be given a one-year contract with a second-year  
37 option.
- 38 1) The option year will require a simple majority vote for approval unless  
39 the new Commander exercises the provisions of Article XI Section 1, E,  
40 1)b).
- 41 2) Each year's new contract may provide for an option year.
- 42 3) Negotiators representing the Order on these contracts will be:

- 1 (a) The National Senior Vice Commander, National Junior Vice  
2 Commander.
- 3 (b) National Adjutant for Adjutant's position.
- 4 (c) National Service Director for the service director's position.
- 5 (d) If either the National Adjutant or National Service Director is  
6 unavailable or ineligible to participate in the negotiations, then the  
7 responsibility will go to the other i.e. National Adjutant replacing the  
8 National Service Director and vice versa.
- 9 (e) The current National Commander cannot overturn the  
10 recommendations of the three negotiators.
- 11 4) The National Judge Advocate will review the negotiated terms of the  
12 contract and will ensure the contracts will be valid and legally binding.
- 13 5) The National Commander will be the signatory on the contracts.
- 14 2) Chaplain, Americanism Officer, Public Relations Director, and VAVS Director.  
15 Appointment(s) will require a majority vote of the NEC votes cast for approval.
- 16 3) Chief of Staff in each State which has no department organization and Aides-de-  
17 Camp as may be necessary.
- 18 4) Committees and officers not otherwise provided for.
- 19 5) A National Bylaws Committee of nine members will be appointed by the  
20 National Commander.
- 21 a) The National **Commander will appoint either the National Senior Vice**  
22 **Commander, National Junior Vice Commander, or one of the six Region**  
23 **Commanders to serve as the chairman.**<sup>14</sup>
- 24 b) It will consist of members who have demonstrated:
- 25 1) Their knowledge of the bylaws.
- 26 2) How to interpret the bylaws.
- 27 3) An Institutional memory acquired through years of experience in the  
28 Order.
- 29 4) They are of high ethical character.
- 30 c) The National Judge Advocate will be available for consultation with the  
31 National Bylaws Committee. He or she will not be a part of the committee.
- 32 6) All such appointments shall be published by the National Adjutant not less than  
33 thirty (30) calendar days after appointment.
- 34 F. May appoint any such officers who are salaried or receive an expense allowance  
35 exceeding \$100.00 per month.
- 36 1) Appointment(s) will require a majority vote of the NEC votes cast for approval.
- 37 2) Such Officers may only be removed by two thirds (2/3) vote of the NEC votes  
38 cast after the National Commander has recommended removal.
- 39 3) In removing other officers, the National Commander may request an  
40 endorsement vote of the National Executive Committee, but this endorsement is  
41 not mandatory.
- 42 G. May appoint a parliamentarian pro tem at meetings.
- 43 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.
- 2) 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.** <sup>15</sup>
- 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 Regions Commanders and/or the National Chiefs of Staff.
- F. **May**<sup>16</sup> serve as the chairman of the National Bylaws Committee.

- 1 G. Be an ex-officio member of the NEC with a voice and a vote.
- 2 H. Be an ex-officio member of the National Finance Committee with a voice but no
- 3 vote

4 Section 4 - REGION COMMANDERS

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

22 Section - 5 NATIONAL ADJUTANT<sup>17</sup>

- 23 A. The National Adjutant's responsibility as the Executive Secretary of the Order is to
- 24 work on the administrative responsibilities assigned under these bylaws and
- 25 additional duties as assigned by the National Commander.
- 26 B. Be responsible for the recording and transcription of the minutes of the National
- 27 Convention, National Finance, and NECs meetings.
- 28 1) Publish the minutes of the National Convention and make them a matter of
- 29 record.
- 30 2) Ensure the minutes of the National Finance and Executive Committees shall be
- 31 distributed to the entire membership of the respective Committees.
- 32 C. Prepare briefs for the meetings of the National Finance and Executive Committees
- 33 held immediately before and after the national convention.
- 34 D. Conduct the necessary correspondence for the National organization.
- 35 E. Issue the orders as directed by the National Commander or those of other
- 36 authorized officers or committees.
- 37 F. Prepare all forms and publications required for the successful performance of duties
- 38 as required by the Commander and the Constitutions and Bylaws of the MOPH.
- 39 G. Keep proper files of all correspondence, applications for membership, general and
- 40 special orders issued, and other papers and records of the office.
- 41 H. Keep the Master of the Constitution, Bylaws, and Rituals.
- 42 1) This includes the paper version as well as the digital version.

- 1 2) The digital Master of the Bylaws shall be kept so that the National Adjutant is  
2 the only person to have access to the file.
- 3 3) When changes are made by national conventions, the National Adjutant will  
4 make a copy that may be used by whoever has been delegated the responsibility  
5 of updating the Constitution, Bylaws, and/or Rituals.
  - 6 a) The changes will be reviewed by the National Adjutant and National Judge  
7 Advocate for accuracy.
  - 8 b) Then the amended version will be noted as to which version it is by  
9 sequential numbering in the footer.
  - 10 c) An end note will be added to the changed wording denoting the year the  
11 amendment was passed. It will also contain a brief explanation as to why the  
12 change was made.
- 13 4) The amended version will then become the official version of the Bylaws.
- 14 5) The original Master version and all later amended versions will be kept protected  
15 by the National Adjutant.
  - 16 a) When the National Adjutant has need of updating the Bylaws, a duplicate  
17 will be made to allow a trusted key employee to type the changes.
  - 18 b) After the changes have been made, the National Adjutant will save the file as  
19 the new Master using a password known only to him or her.
  - 20 c) The password(s) protecting the Masters will be kept in a sealed envelope in a  
21 secure place which is known only to a trusted key Headquarters staffer and  
22 the National Judge Advocate.
- 23 I. Submit to the Convention a list showing the chapters and departments who have  
24 submitted election reports as of June 30 to determine the number of delegates for  
25 each chapter and department.
- 26 J. Be responsible for the preparation and annual publishing of the names and addresses  
27 of every National Officer, Department Commander, Department Adjutant, Chapter  
28 Commander and Chapter Adjutant, and such other officers and committees as may  
29 be desirable. As subsequent names and addresses or corrections are received, the list  
30 shall be updated accordingly.
- 31 K. Prepare, approve, and authorize by signature or digital signature all warrants drawn  
32 upon the National Finance Officer for payment of bills.
  - 33 1) The warrants shall be substantiated by bills or other proper authority.
  - 34 2) Determine that budgets have not been exceeded prior to signing such warrants.
  - 35 3) All requests for payments to be made by the Order including petty cash funds,  
36 whether covered by budgetary allowance or otherwise, must be submitted to the  
37 National Adjutant for approval and vouchering.
  - 38 4) Immediately advise the National Commander, Chairman of the Finance  
39 Committee, and all the National Finance and Executive Committees' members  
40 of any attempt to circumvent these procedures.
- 41 L. Maintain a complete and accurate inventory of all present and newly acquired office  
42 equipment, furniture, files, desks, chairs, and other property owned by the National  
43 Corporation at the National Headquarter or by any officer or member at any

- 1 location. Semiannually release the list to the National Finance Officer for inclusion  
2 in the semiannual and annual financial reports.
- 3 M. Be directly responsible for the operation of the supply department of the  
4 organization, subject to such regulations as are hereinafter defined.
- 5 N. Be directly responsible for ensuring the Order's website is updated monthly.
- 6 O. Be bonded by a surety company for the faithful discharge of duties. The amount of  
7 the bond and the surety company shall be determined by the National Finance  
8 Committee and approved by the NEC.
- 9 P. Receive as compensation for services such sum as the National Finance Committee  
10 shall recommend to the NEC for determination.
- 11 1) The amount agreed upon shall be on an annual basis.
- 12 2) A contract must be approved by the National Finance and Executive  
13 Committees.
- 14 Q. Upon termination of office, transfer to a successor all books, papers, records, and  
15 property of the MOPH.
- 16 R. Be an ex-officio member of the NEC with a voice and no vote.
- 17 S. Attend National Finance Committee meetings.
- 18 1) Will not be a member of the committee.
- 19 2) Attendance is to provide information and answer questions concerning the  
20 National Headquarters' budget.

21 Section - 6 NATIONAL SERVICE DIRECTOR

- 22 A. The National Service Director's duty station is in the National Headquarters.  
23 Occasionally, it may be necessary for the National Service Director to attend  
24 meetings and functions outside the Headquarters' building.
- 25 B. Shall be accredited as a National Service Officer by the Department of Veterans  
26 Affairs (DVA).
- 27 C. Direct, supervise, and coordinate the activities of all National Service Officers.
- 28 D. Make qualified recommendations to the Department of Veterans Affairs for  
29 accreditation of MOPH National Service Officers.
- 30 E. Supervise and direct Military Order of the Purple Heart Service Office personnel in:
- 31 1) Claims and appeals involving the Regional and Central Office(s) of the DVA on  
32 Compensation, Pension, or Dependency and Indemnity Compensation (DIC).
- 33 2) Other similar matters pertaining to the Military Order of the Purple Heart  
34 members, their widows, orphans, families, and dependents.
- 35 3) National Adjutant's office personnel in the Adjutant's absence.
- 36 F. Arrangement for the representation of such persons in the presentation of appeals  
37 before the Board Veterans Appeal of the DVA and United States Court of Appeals  
38 for Veterans Claims.
- 39 G. Ensure that everyone represented by the Military Order of Purple Heart Service  
40 Program has been provided a Power of Attorney authorizing the Military Order of  
41 the Purple Heart to represent them.
- 42 H. Review monthly and periodic reports of activities required of the National Service  
43 Officers.

- 1 I. Provide an annual report on the Service Program to the National Convention
- 2 J. Coordinate with the Legislative Director in the preparation and presentation of
- 3 federal legislation pertaining to Compensation, Pension, DIC claims, and other
- 4 service-related matters.
- 5 K. Act as the Legislative Director in the absence of the appointed Legislative Director.
- 6 L. Maintain good relations with other veteran service organizations and government
- 7 agencies for the benefit of veterans and their families.
- 8 M. Cooperate with Welfare Officers in handling service claims of hospitalized veterans.
- 9 Cooperate in the VAVS Program as requested.
- 10 N. Use the Purple Heart Magazine and other publications to provide information
- 11 relating to matters of service, rehabilitation, welfare, and service-related legislative
- 12 activities.
- 13 O. Receive as compensation for services rendered such sum as the National Finance
- 14 Committee shall recommend to the NEC for determination.
- 15 1) The amount agreed upon shall be on an annual basis.
- 16 2) A contract must be approved by the National Finance and Executive
- 17 Committees.
- 18 P. Be an ex-officio member of the Legislative Committee with a voice and a vote.
- 19 Q. Be an ex-officio member of the NEC with a voice and no vote.
- 20 R. Attend National Finance Committee meetings.
- 21 1) Will not be a member of the committee.
- 22 2) Attendance is to provide information and answer questions concerning the
- 23 National Service Program's budget.

24 Section 7 - NATIONAL FINANCE OFFICER

- 25 A. The National Finance Officer is responsible to and under the direction of the
- 26 National Finance Committee.
- 27 B. Take charge of all the funds of any nature or any source and deposit these promptly
- 28 only in such separate or consolidated bank deposit accounts. Any banks used by the
- 29 Order require the approval of the National Finance Committee.
- 30 C. Keep a correct account of all monies due and receivable.
- 31 D. Disburse monies payable by the MOPH.
- 32 1) The disbursement request shall be on a warrant (accompanied by substantiating
- 33 bills or other proper authority properly) drawn and authorized by the National
- 34 Adjutant's signature or electron signature.
- 35 2) No payment shall be issued for any expenditure that will exceed the budgeted
- 36 amount approved by the National Finance and Executive Committees.
- 37 3) Notify the Chairman of the National Finance Committee of any request for
- 38 expenditures beyond budgetary amounts. The National Finance Committee will
- 39 take whatever action deemed necessary.
- 40 E. Will compile and maintain a complete and accurate list of all disbursement contacts
- 41 to include the name of the financial institution with the account and routing
- 42 numbers for processing and digital payments.
- 43 1) Payments may be made by direct deposit to the payee's bank account.

- 1                   2) Direct deposit to the payee's bank account is the suggested method, but is not  
2                   mandatory.
- 3                   F. Take possession of and be responsible for all securities, other negotiable instruments,  
4                   or other similar property of the MOPH.
- 5                   1) They shall be deposited in a safe depository approved by the National Finance  
6                   Committee.
- 7                   2) All such securities and negotiable documents of monetary value shall be properly  
8                   inscribed with an instruction that they cannot be sold, transferred, or posted for  
9                   loan purposes without properly documented authorization issued, signed, and  
10                  notarized by the National Finance Committee after approval by the NEC.
- 11                 G. Keep a complete detailed record of all liabilities of the Corporation.
- 12                 H. Keep warrants, vouchers, and records per the procedures authorized by the National  
13                 Finance Committee.
- 14                 I. Prepare and publish semiannually a complete financial report consisting of:
- 15                 1) A detailed account of all cash receipts and disbursements by category, with every  
16                 salary or expense account of an officer, employee, or member shall be shown  
17                 separately.
- 18                 2) Report other itemization as may be prescribed by the National Finance  
19                 Committee.
- 20                 3) A full detailed inventory of all equipment, furniture, and supplies of the National  
21                 Corporation.
- 22                 4) A complete list of all current liabilities.
- 23                 5) All the above shall be in a form acceptable to the National Finance Committee.  
24                 These reports shall reflect the six-month interim period account balances ending  
25                 December 31, and for the June 30 end-of-the-year balances.
- 26                 a) The six-month report for the period ending December 31 shall be prepared  
27                 and published not later than the following March 1. The reports shall be  
28                 distributed to the entire membership of the National Finance Committee
- 29                 b) The annual report for the period ending June 30 of each year shall be  
30                 prepared, published, and issued not later than the National Convention. It  
31                 shall be distributed to every:
- 32                     (1) Member present at such National Convention.
- 33                     (2) Member of the National Executive and Finance Committees.
- 34                 J. Be Audited annually by an independent Certified Public Accountant engaged by and  
35                 responsible to the National Finance Committee.
- 36                 K. Ensure reports of the National Finance Officer and of the Certified Public  
37                 Accountant shall comply in every respect with the requirements as set forth in the  
38                 Congressional Charter, Public Law 761, 85th Congress as amended by 36 USC  
39                 Chapter 1405.
- 40                 L. Be bonded for the faithful discharge of duties in an amount and by such surety  
41                 company as may be determined by the National Finance Committee and approved  
42                 by the NEC.

- 1 M. Receive such compensation for services and faithful discharge of duties as may be  
2 recommended by the National Finance Committee and approved by the NEC.  
3 N. Upon termination of office deliver to the new National Finance Officer all monies,  
4 books, records, equipment, files, office furniture, and other property of any nature  
5 belonging to the National Corporation.  
6 O. Be an ex-officio member of the:  
7 1) NEC with a voice and a vote.  
8 2) National Finance Committee with a voice and no vote.

9 Section 8 - NATIONAL JUDGE ADVOCATE

- 10 A. The National Judge Advocate shall be an active licensed attorney and in good  
11 standing with his/her state bar.  
12 B. Be the legal advisor of the National Corporation:  
13 1) Provide the National Commander advisory opinions and recommendations. To  
14 avoid a conflict of interest or the appearance of a conflict of interest, the Judge  
15 Advocate will:  
16 a) Have no authority to make any decisions or issue orders.  
17 b) Have a vote during the National Convention  
18 c) Have a vote during the NEC meeting.  
19 2) At other times when such legal advice on the interpretation of the Constitution  
20 and Bylaws by any National or Department officer may be requested.  
21 3) Will be available for consultation with the National Bylaws Committee. He or  
22 she will not be a part of the committee.  
23 4) Provide an opinion upon request for advice by chapter and/or department  
24 officers, which have been made through the Department Judge Advocate.  
25 C. Make advisory opinions and usage of the Constitution and Bylaws of the  
26 organization.  
27 1) The National Commander shall render his or her decision(s).  
28 a) The decision(s) shall be subject to appeal to the NEC and/or National  
29 Convention.  
30 b) The NEC or the National Convention shall have the power to rescind or  
31 modify the decisions. In all such cases, the decision of the National  
32 Convention shall be final.  
33 D. Be the primary legal counsel on all legal matters of any nature which include:  
34 1) Contracts, lawsuits, or threatened suits involving the National Corporation.  
35 Making such advisory opinions as are necessary.  
36 2) Referring legal matters to outside legal firms as shall be employed by direction of  
37 the National Commander with the approval of the NEC.  
38 3) Without the approval of the National Commander and the approval of the NEC,  
39 an individual(s) who contracted for the outside legal firm would be financially  
40 liable for the fees of the legal firm(s).  
41 E. Provide advice and recommendation(s) to the National Commander when chapters,  
42 departments, or any subsidiaries of the MOPH desire to incorporate.

- 1           1) Review all bylaws submitted by departments and non-department chapters for
- 2           compliance with the National Constitution and Bylaws.
- 3           2) After the review make a recommendation(s) to the National Commander.
- 4        F. Be an ex-officio member of the:
- 5           1) NEC with a voice and a vote
- 6           2) National Finance Committee with a voice but no vote.

7 Section 9 - NATIONAL INSPECTOR

- 8        A. Will be the principle advisor to the National Commander on inspections and
- 9        investigations.
- 10       B. Reports directly to the National Commander.
- 11       C. The National Inspector will give suggestions to the Department Inspectors.
- 12       D. Make such inspections of departments or chapters as necessary or are requested or
- 13       delegated by the National Commander.
- 14       E. Inspections of chapters shall be made by the Department Inspector unless a request
- 15       shall be made by the department or chapter to the National Inspector.
- 16       F. The National Inspector, when directed by the National Commander after
- 17       consultation with the Judge Advocate, shall also have the authority to make such
- 18       inspections without notice to the department or chapter to be inspected. The
- 19       inspections shall consist of by not limited to:
- 20           1) Criticism and correction of the methods of bookkeeping and keeping of records.
- 21           2) Checking on the use of the National Bylaws are the functions of the National
- 22           Inspector.
- 23           3) On matters as directed by the National Commander.
- 24       G. Do an inspection at the request of the National Commander of any National
- 25       Officer's office including the National Adjutant, Service Director, and Legislative
- 26       Officer..
- 27       H. Consolidate all reports made to the Department Inspector by chapters to be
- 28       included in the annual report to the National Convention.
- 29       I. Be an ex-officio member of the NEC with a voice and a vote. The National
- 30       Inspector will not vote on any actions where he or she was involved.

31 Section 10 - NATIONAL SERGEANT-AT-ARMS

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

42 Section 11 - NATIONAL LEGISLATIVE DIRECTOR

- 1 A. Direct and supervise all federal legislative activities of the Military Order of the
- 2 Purple Heart of the USA, Inc.
- 3 B. Assist the National Adjutant as needed.
- 4 C. Promote and carry out an aggressive federal legislative program on behalf of combat-
- 5 wounded veterans of the Armed Forces of the United States.
- 6 D. Be the representative on behalf of the Order to Congressional Committees.
- 7 E. Be vigilant that no federal legislation shall be sponsored or endorsed by any Officer
- 8 or member of the MOPH unless it has been approved by the National Commander
- 9 or a designated representative of the National Commander.
- 10 F. Coordinate activities with the National Service Director who shall cooperate in the
- 11 preparation and presentation of bills to Congress pertaining to Compensation,
- 12 Pension, DIC claims, and other service matters.
- 13 G. Prepare a legislative program including resolutions and recommendations on
- 14 legislation affecting combat-wounded veterans that may have been mandated by the
- 15 National Convention or by the NEC in the interim.
- 16 H. With the assistance of the National Service Director present such program(s) to
- 17 Congress as has been prepared by the National Legislative Committee.
- 18 I. Will get the approval of the National Commander concerning legislative issues that
- 19 occur between conventions that require timely decisions.
- 20 J. Inspect all copies of bills or proposed bills for state legislatures sent by the
- 21 Department Legislative Officers. Make recommendations for approval or
- 22 disapproval all proposed legislation to be sponsored by this organization in any state
- 23 K. Ensure no legislation of conflicting purposes will be introduced in different states.
- 24 L. Serve as Chairman of the Legislative Committee and recommend members for the
- 25 Committee to the National Commander's approval.
- 26 M. Be an ex-officio member of the NEC with a voice and no vote.

27 Section 12 - NATIONAL CHAPLAIN

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

31 Section 13 - NATIONAL AMERICANISM OFFICER

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

1 Section 14 - NATIONAL PUBLIC RELATIONS DIRECTOR

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

10 Section 15 - VETERANS AFFAIRS VOLUNTEER SERVICE (VAVS) DIRECTOR

- 11 A. Be appointed by the National Commander and shall be responsible for all aspects,  
12 programs and protocols of the MOPH VAVS Program.  
13 B. May appoint up to three (3) National Deputy VAVS representatives. Additional  
14 National Deputy VAVS representative may be appointed with the National  
15 Commander's approval and after receiving prior approval from the Department of  
16 Veterans Affairs (DVA), Central Office, VAVS Office.  
17 1) One of these deputies will serve as the National Certifying Official.  
18 2) Be responsible for making appointments—based upon recommendations of the  
19 Department Commander—of local representatives and deputies to the Veterans  
20 Administration Medical Centers (VAMC) and State Veterans Homes.  
21 C. Shall annually update the MOPH National VAVS Handbook, and provide training  
22 of Department VAVS Officers.  
23 D. Submit an annual report to the National Convention.  
24 E. The National VAVS director or a deputy is required to attend the Department of  
25 Veterans Affairs National Advisory Committee (NAC) meeting and the Executive  
26 Committee meeting to that body. One National Deputy Representative may attend  
27 the NAC meeting within budget limitations. The VAVS Director shall serve as the  
28 voting member representing the Military Order of the Purple Heart on the NAC.  
29 F. Submit an annual budget request through the National Adjutant to the National  
30 Finance committee.  
31 G. Review all quarterly local VAVS committee minutes. When the local MOPH  
32 representative(s) or Deputy Representative(s) fails to attend three consecutive  
33 quarterly meetings, as required by the DVA directive, the National VAVS director  
34 will remove these individuals. The notification may be in a written letter and/or  
35 digital communication.  
36 1) The National Commander will be kept informed on a case-by-case basis.  
37 2) The notification of the removal will be sent to local VAMC VAVS Chief,  
38 department commander, and the individual.  
39 H. Review all Annual Joint Review (AJRR) reports, endorse them with comments, and  
40 return to the MOPH local VAVS Representative.  
41 I. Be an ex-officio member of the NEC with a voice and no vote.

42 Section 16 - DIRECTOR OF WOMEN VETERANS' ISSUES.

- 1 A. The Director of Women Veterans' Issues shall perform the duties incident to her or  
2 his office and such other duties as the Commander may direct.
- 3 B. The Director will reach out to female members to provide them with relevant  
4 information on a regular basis and to assess any needs that they may have at that  
5 time.
- 6 C. The Director will address specific requests for assistance from female veterans –  
7 both members and non-members – on a wide variety of issues as they arise.
- 8 D. The Director will actively update the Women Veterans issues webpage with current  
9 information to assist our female veterans.
- 10 E. The Director will search for other female MOPH members who will volunteer to  
11 assist in looking for speaking and writing opportunities to promote the Program and  
12 women veterans' issues.

13 Section 17 - NATIONAL SURGEON

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

18 Section 18 - NATIONAL HISTORIAN

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

23 Section 17 - NATIONAL CHIEFS of STAFF

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

- 25 A. Responsible for the coordination of the activities of existing chapters,  
26 B. Responsible for the organization of new chapters in the state for the purpose of  
27 organizing a department.  
28 C. Responsible to their respective National Region Commander.  
29 D. Recommend to the National Commander through the National Adjutant the  
30 appointment of such other Deputy Chiefs of Staff as are deemed desirable.

31 Section 18 - REGION CHIEFS of STAFF

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

36 Section 19 - Director Medal Recovery

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

41 **ARTICLE XII - NATIONAL COMMITTEES**

42 Section 1 - NATIONAL EXECUTIVE COMMITTEE

1 A. The National Commander, Past National Commanders, National Senior Vice  
2 Commander, National Junior Vice Commander, six Region Commanders, National  
3 Finance Officer, National Judge Advocate, National Inspector, National Sergeant-at-  
4 Arms, Department Commanders, National Finance Committeemen, and National  
5 Publications Committeemen who shall all have a voice and a vote.

6 1) In the absence of the Commander, the Senior Vice Commander or Junior Vice  
7 Commander may represent the department at the NEC meetings in the  
8 convention city at the pre-convention and post national convention NEC  
9 meeting.

10 2) Only the Department Commander has a vote during all other NEC votes.<sup>18</sup>

11 3) Past National Commanders (PNC) WILL retain their NEC vote. However, after  
12 5 years of PNC Status they will no longer be reimbursed for travel to or from  
13 any NEC meeting.<sup>19</sup>

14 B. The National Adjutant, National Service Director, National Legislative Director,  
15 National Chaplain, National Americanism Officer, National Public Relations  
16 Director, VAVS Director, Director of Women Veterans Issues and Director Medal  
17 Recovery program who shall have a voice no vote.

18 C. Hold office for one year or until a successor is chosen and duly installed.

19 Section 2 - DUTIES of NATIONAL EXECUTIVE COMMITTEE

20 A. Meet in the convention city immediately preceding the National Convention

21 B. Meet in the convention city within 24 hours following the adjournment of the  
22 National Convention.

23 C. May meet during the interval between National Conventions:

24 1) At the discretion of the National Commander.

25 2) At the written request of a majority of the NEC.

26 3) Digital meetings are allowed between conventions.

27 D. One-third of the eligible membership of the whole NEC shall constitute a quorum.

28 E. Be vested, in the interval between Conventions, with full administrative powers of  
29 the National Organization delegated to it by the National Convention within the  
30 limitations prescribed in these Articles. All actions of the NEC, however, shall be  
31 subject to approval by the next National Convention.

32 F. The NEC shall:

33 1) Run meetings in accordance with Roberts Rules of Order, Newly Revised

34 2) Be recorded and transcribed by the National Adjutant's office.

35 3) Have the proceedings' minutes presented by the National Adjutant to the  
36 National Convention body for consideration and action.

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

39 1) Fix salaries of all officers and employees.

40 2) Approve all budgets of the National Corporation.

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

- 1) All contracts must first be reviewed by the Judge Advocate who will recommend what actions should be taken by the National Finance Committee.
- 2) Contracts and/or non-contractual ventures may not exceed one year's duration or extend beyond the next Convention.
  - a) Unless the National Convention previously approved and mandated to the NEC authority for specific action beyond these limitations.
  - b) Contracts and ventures extending beyond the one-year limit can only be approved at the National Convention by a two-thirds vote of the votes cast.
  - c) 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.
    - (1) 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.
    - (2) 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 digital vote on any matter.
  - 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 digital votes. **Digital voting is an electronic voting method that precludes having to mail a physical document.**<sup>20</sup>
      - (2) Patriots will provide the National Adjutant an e-mail address for NEC digital votes.
      - (3) The National Adjutant, other MOPH officers, or members shall not spam an NEC member's designated voting e-mail address.
      - (4) An NEC member who blocks receipt of digital votes from the National Adjutant will not have a vote.
  - 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.

- 1                   3) After the tellers have counted and certified the votes, the results will be sent out
- 2                   to every member of the NEC.
- 3                   a) The names of the tellers and any position(s) held within the Order will be
- 4                   provided to the entire NEC.
- 5                   b) The vote tallies showing how each NEC member’s vote was recorded will be
- 6                   included in the results.
- 7                   c) These procedures are to ensure the NEC members that their vote was
- 8                   received and counted properly.
- 9                   4) If any of the provisions of ARTICLE XII, Section 2. I. 2) & 3) are not followed
- 10                  exactly, then the vote is invalid and must be redone. There are no exceptions to
- 11                  this rule.
- 12                  J. Be estopped from delegating its authority to any other committee(s) set up either by
- 13                  the Commander or the NEC except as may be specifically provided in these Articles.
- 14                  K. Make disposition of all properties of chapters and departments:
- 15                  1) Returned to or taken over by the National Adjutant from chapters or
- 16                  departments which have:
- 17                  a) Surrendered or forfeited their charters.
- 18                  b) Been declared defunct.
- 19                  2) These action(s) thereon shall be final.
- 20                  Section 3 - THE NATIONAL FINANCE COMMITTEE
- 21                  A. The National Finance Committee shall be composed of nine (9) members.
- 22                  B. The National Commander shall be an ex-officio member with a voice and a vote.
- 23                  C. Another four members, each with a voice and a vote, shall be elected by the NEC.
- 24                  One member shall be elected each year to serve four years. If a vacancy occurs in
- 25                  one of the “additional four members” positions, such vacancy will be filled by a vote
- 26                  of the NEC. The vote shall not be earlier than thirty (30) calendar days after the Na-
- 27                  tional Adjutant sends out an announcement of the vacancy.
- 28                  D. The National Senior Vice Commander, National Junior Vice Commander, National
- 29                  Finance Officer and the National Judge Advocate shall have a voice but no vote.
- 30                  E. The National Adjutant will:
- 31                  1) Be the ex-officio Secretary.
- 32                  2) Not be a member of the committee.
- 33                  3) Attend to provide information and answer questions concerning the
- 34                  Headquarters’ budget, and budgets submitted by other officers.
- 35                  F. The National Service Director will:
- 36                  1) Not be a member of the committee.
- 37                  2) Attend to provide information and answer questions concerning the National
- 38                  Service Program’s budget,
- 39                  G. The Finance Committee shall meet at least twice each year—once before and once
- 40                  after each national convention.
- 41                  H. Digital meetings are allowed between conventions.
- 42                  I. Additional meetings may be called:
- 43                  1) At the discretion of the Chairman of the National Finance Committee.
- 44                  2) Upon request of the National Commander

1           3) Upon request of the National Finance Committee members.

2 Section - 4 - DUTIES of NATIONAL FINANCE COMMITTEE

- 3       A. Be responsible for the preparation and review of the annual budgets of the National  
4       Corporation after receipt of budgetary requests from officers and committees.
- 5       B. It shall supervise and control all expenditures and the handling of regular funds and  
6       those of all income-producing programs of the National Corporation.
- 7       C. Present all budgets within 30 calendar days after the close of each national  
8       convention, or adjustments thereto, to the NEC for its final action.
- 9           1) The National Finance Committee shall have the power—subject to the approval  
10          of the NEC—to allocate for budgetary purposes all funds received from any  
11          source within the limitation prescribed in these Articles.
- 12          2) It shall have authority to approve expenditures beyond budgetary limits by the  
13          ten (10%) percent of the individual item. Requests for the expenditures in excess  
14          of this allowance must be submitted to the NEC for approval.
- 15       D. Exercise unquestioned fiscal responsibility.
- 16       E. Any person or persons approving warrants, vouchers and/or checks in an amount  
17       exceeding the approved or amended budget line items shall be personally liable for  
18       this overdraft.
- 19           1) Such person(s) shall reimburse the Corporation the amount of the overdraft.
- 20           2) The National Adjutant, National Commander, and National Finance Officer  
21          shall each be jointly and severally liable for such repayment to this Corporation.
- 22       F. Contracts for employment of employees, rental or purchase of new office space, or  
23       other high priced capital expenditures will be reviewed by the Judge Advocate for  
24       correctness prior to submission to the National Finance Committee.
- 25       G. The National Finance Committee meeting held after the Nation Convention will set  
26       “high priced capital expenditure” criteria.
- 27       H. Be charged with the investigating and the reporting to the NEC on all contracts  
28       submitted to MOPH.
- 29       I. It shall render advice to the NEC on all financial questions.
- 30       J. Not allow any Chapter, Department, Auxiliary, or other unit of the Military Order of  
31       the Purple Heart of the USA, Inc., to raise or acquire any monies, funds, or other  
32       things of value with the help or assistance of a paid or otherwise compensated  
33       person, employee, individual, or company without approval.
- 34           1) Such entity must submit written notification to the National Commander,  
35          National Adjutant, National Judge Advocate, and the Chairman of the National  
36          Finance Committee as to all the details of the fund-raising project.
- 37           a) The Chapter, Unit, Department, or any subsidiary of the Corporation  
38          requesting permission for such fund-raising activities shall comply with all  
39          local ordinances, codes, or laws; and federal ordinances, codes, laws, or  
40          regulations covering the various fund-raising activities. Event insurance is  
41          recommended.
- 42           b) Determine that funds raised by such fund-raising activities or programs shall  
43          be used only for such purpose or purposes as are advertised in the

1 solicitation for which approval has been granted by the National Finance  
2 Committee.

3 c) Institute such additional regulations for the licensing, fees, and overall  
4 supervision of all fund-raising activities by all subsidiaries of this  
5 Corporation, as may be determined and promulgated by the National  
6 Finance Committee. It shall determine that the regulations are fully complied  
7 with by all concerned.

8 2) It shall be the duty of the National Commander, the National Adjutant, and the  
9 National Judge Advocate, within 30 calendar days of receipt of such request, to  
10 make a recommendation to all the National Finance Committee members  
11 regarding such a fund-raising project.

12 3) The National Commander or the Chairman of the National Finance Committee  
13 shall forthwith call for a vote of the National Finance Committee.

14 4) A majority of the National Finance Committee must approve such a fund-raising  
15 project.

16 K. The National Commander will have the National Adjutant certify approval or  
17 rejection for the fund-raising project by the National Finance Committee. Define  
18 for the National Finance Officer in detail:

19 1) The accounting system to be used by the Corporation.

20 2) The form and frequency of regular and special reports that it may require of him  
21 or her covering all funds, offices, officer's expenditures, and similar items.

22 L. Be responsible for the annual audit of all funds of the National Corporation by an  
23 independent Certified Public Accountant and shall audit on specifically designated  
24 dates.

25 M. Determine that the reports of the National Finance Officer and the independent  
26 Certified Public Accountant shall comply in every respect with the requirements as  
27 set forth in the Congressional Charter, Public Law 761, 85th Congress as amended  
28 by 36 USC Subtitle II Chapter 1405.

29 N. Will act as custodian of the Life Membership Fund and as such will review any  
30 consideration for withdrawal of any part of the principal from this account and  
31 submit its recommendation to the National Executive Committee for approval.  
32 Approval to withdraw funds will require two thirds of the votes received from the  
33 National Executive Committee by ballot or at a National Convention.  
34 Recommendation to withdraw funds must include a plan for repayment over a  
35 specific period of time.<sup>21</sup>

36 Section 5 - INVESTMENT COMMITTEE

37 A. Includes the Chair of the National Finance Committee, the National Finance  
38 Officer, the National Adjutant, and the voting members of the National Finance  
39 Committee.

40 B. Conduct periodic reviews of investment policies. These reviews will be done at least  
41 annually, but preferably more often.

1 C. Based on these reviews, the Investment Committee will advise the Finance  
2 Committee—every time that committee meets—regarding the investment of funds  
3 controlled by the Military Order of the Purple Heart.

4 Section 6 - NATIONAL PUBLICATIONS COMMITTEE

5 A. Be composed of the following members:

- 6 1) The National Commander who shall be an ex-officio member with a vote.  
7 2) An additional four members, each with a vote, shall be elected by the NEC. One  
8 member shall be elected each year to serve four years. If a vacancy occurs in one  
9 of the “additional four members” positions, such vacancy will be filled by a vote  
10 of the NEC. The vote shall not be earlier than thirty (30) calendar days after the  
11 National Adjutant sends out an announcement of the vacancy.

12 B. Meet during the national convention each year and such other times at the call of the  
13 Chairman. Digital meetings are allowed between conventions.

14 C. The Committee shall elect its own Chairman each year at the meeting held after the  
15 NEC Meeting.

16 D. Hold the Editor responsible (through the Chairman) for the editing and publishing  
17 to ensure the successful administration of the Purple Heart Magazine.

18 E. Shall charge the Chairman with forming a search committee from among the  
19 National Publications Committee members, when there is an opening for the  
20 position of Editor of the Purple Heart Magazine. The National Adjutant will use the  
21 services of the Headquarters Office to assist in advertising for the opening.

22 F. Select the Editor subject to approval by the NEC. The Editor may be removed by a  
23 majority vote of the votes cast by the National Publications Committee, but such  
24 removal must be ratified by two thirds (2/3) vote of the votes cast by the NEC.

25 G. Determine the publishing, advertising, and editorial policies of the Purple Heart  
26 Magazine

27 H. Promote the Order’s social media program and national website in the magazine.

28 I. The Purple Heart Magazine shall be the official publication of the Military Order of  
29 the Purple Heart of the USA, Inc. Official notices and orders published in the  
30 Purple Heart Magazine shall be deemed sufficient and lawful notice to all members  
31 for all purposes whatsoever.

32 J. Ensure that the Purple Heart Magazine be sent to every member. The correct  
33 address(s) for every member shall be provided by the National Adjutant.

34 K. Hold the Chairman responsible for the preparation of a budget for the operation of  
35 the publication, which shall be submitted to the National Publications Committee  
36 for approval. The National Publications Committee will submit a budget to the  
37 National Finance Committee prior to the National Convention.

38 L. The National Publications Committee may provide the Editor support staff to assist  
39 in the production of the Purple Heart Magazine.

40 M. See that the Editor and production support staff receive as compensation for  
41 services such sum as may be recommended by the National Publications Committee  
42 and approved by the National Finance and Executive Committees.”

43 Section 7 - NATIONAL LEGISLATIVE COMMITTEE

- 1 A. Determine that the policy of the National Legislative Committee shall be such as will  
2 ensure fair and just treatment to the combat-wounded veterans of the Armed Forces  
3 of the United States.
- 4 B. Prosecute an aggressive federal legislative program affecting combat-wounded  
5 veterans and their dependents by and through the National Legislative Director.
- 6 C. The overall program of service, legislation, welfare, and rehabilitation shall primarily  
7 emphasize the service-connected disabled veterans. This does not imply opposition  
8 to the non-service connected disabled veterans but rather to establish the Order's  
9 priorities.
- 10 D. Be responsible for preparing a legislative program for presentation to the National  
11 Convention, or the NEC in the interim.
- 12 E. Coordinate all resolutions and material of a federal nature from any source  
13 whatsoever—including chapters and departments—in preparation for submission to,  
14 and action by the NEC.
- 15 F. Ensure that no proposal for federal legislation shall be sponsored or endorsed by any  
16 Officer or member of the Military Order of the Purple Heart unless it has been  
17 approved by the National Commander.
- 18 G. The National Legislative Director shall serve as Chairman of the Committee.
- 19 1) The National Commander, National Service Director, and the National Adjutant  
20 shall serve as ex officio members.
- 21 2) The National Legislative Director shall select the other members of the  
22 Legislative Committee with the approval of the National Commander.
- 23 3) Digital meetings are allowed between conventions.

24 Section 8 - NATIONAL BYLAWS COMMITTEE

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

41 Section 9 - DUTIES of BYLAWS COMMITTEE

- 42 A. Review the bylaw amendments submitted for consideration to the National  
43 Convention.

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

## 12    **ARTICLE XIII - DUES**

### 13    Section 1 - NATIONAL DUES

- 14           A. Life Membership dues will be established by the National Convention.  
15           B. Associate Member dues will be the same as the Life Membership dues.  
16           C. Withdrawal from the Life Membership Fund principal is prohibited **except as**  
17           **provided in Article XII, Section 4, N<sup>22</sup>.**

### 18    Section 2 - LIFE MEMBER REBATES

- 19           A. The departments and chapters will be rebated annually for all eligible Life members  
20           on record as of June 30, and who have been verified by October 1. **A chapter’s Life**  
21           **Membership Verification Report may be made by either the Chapter or Department**  
22           **Adjutant.<sup>23</sup>**  
23           B. The per capita payment—based on a previous national convention vote—**50% to the**  
24           **National Organization and 50% equally split between Departments and Chapters.<sup>24</sup>**  
25           C. Rebates will not be made to a chapter or department that fails to submit a timely  
26           election report (to National by June 30).

### 27    Section - 3 EXCEPTIONS.

- 28           A. Residents of a Soldiers Home or Department of Veterans Affairs (DVA) or Military  
29           Hospital, of six months’ duration, who have been awarded the Purple Heart may  
30           become members at one-half the life membership dues. An affidavit by an official of  
31           such Soldiers Home or DVA or Military Hospital certifying to the applicant's period  
32           of residency shall also accompany each such application.  
33           B. Holders of the Medal of Honor, who also have been awarded the Purple Heart, will  
34           be given Life Membership at no cost.  
35           C. No rebates to chapters or departments will be made for the categories of  
36           membership listed in above paragraphs A, B and Associate Life members.

## 37    **ARTICLE XIV- UNIFORMS & SUPPLIES**

### 38    Section 1 - SUPPLY DEPARTMENT.

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

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

7 Section 2 - CAPS.

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

17 Section 3 - FLAGS

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

24 Section 4- UNIFORMS

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

37 Section 5 - VIOLA

- 38 A. The Viola, the official flower of the Corporation, must be purchased through the
- 39 Viola Program.
- 40 B. The use of the Viola for fund raising purposes shall be in accordance with (Article
- 41 XII, Section - 4 J).
- 42 C. The use of any other flower by any subordinate unit is prohibited.

1 D. In some local areas where the use of such flowers for fundraising may be forbidden  
2 by law, the subordinate unit may be granted special permission for the use of a  
3 similar flower or item. The request should be through the National Adjutant for  
4 approval of the National Finance Committee.

5 Section 6 - CERTIFICATES AND CITATIONS.

6 A. A Past Commander's Certificate—signed by the National Commander and National  
7 Adjutant—for Past National, Department, and Chapter Commanders shall be  
8 available through the Supply Department. It will be presented at an appropriate  
9 ceremony at the expiration of said officer's term of office.

10 B. Past National Commanders shall be awarded the Past National Commander's gold  
11 pin with diamonds at the expense of the National Corporation. It will be presented  
12 at an appropriate ceremony at the expiration of their term of office.

13 C. Citations for "Conspicuous and Meritorious Service to the Military Order of the  
14 Purple Heart of the United States of America, Inc." and for "Conspicuous and  
15 Meritorious Service to Your Community, Fellow Citizens, and Veterans" shall be  
16 available through the Supply Department.

17 1) Recommendations may be made by any member and are subject to approval by  
18 the Department or Chapter Commander. The Citations shall be written and  
19 describe the outstanding services of the proposed recipient.

20 2) Citations shall be signed by the National Commander and National Adjutant

21 3) Citations may be produced locally and signed by a department or region  
22 commander.

23 **ARTICLE XV- TO PRESERVE the INTEGRITY of the CORPORATION**

24 Section 1 - INCORPORATION.

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

28 B. The National Judge Advocate shall review:

29 1) The proposed certificate of incorporation.

30 2) A copy of the laws of the state under which the unit is to be incorporated.

31 3) All applications and certificates of incorporation shall state the entity shall be  
32 governed by the Constitution and Bylaws of the Military Order of the Purple  
33 Heart of the USA, Inc.

34 C. The National Commander will decide whether to allow the Incorporation after  
35 receiving the Judge Advocate's recommendation(s).

36 Section 2 - ELECTED OFFICERS

37 A. No person shall hold more than one elective office in:

38 1) The National organization.

39 2) A Department.

40 3) A Chapter.

41 B. No National Elective officer shall hold a department elective office.

1 C. A member who is a salaried employee or the spouse of a salaried employee of the  
2 National or a Department organization shall not:

- 3 1) Hold a National or Department Elective office.
- 4 2) Be an elected or appointed member of a National Committee.

5 Section 3 - WELFARE FUNDS

6 A. A welfare fund for the assistance of needy members or veterans and their  
7 dependents may be established by chapters and departments. Such donations to  
8 funds shall be used exclusively for the needy listed above.

9 B. Donations to a needy member(s) or veteran(s) from the fund shall be regarded as  
10 strictly confidential. Names of recipients will be left off the warrants.

11 Section 4 - BOND

12 A. Each accountable officer of the Military Order of the Purple Heart of the USA, Inc.  
13 must be bonded in a sum at least equal to the amount of the funds and value of the  
14 property for which he/she is accountable.

15 B. The bonding shall have a cap of \$30,000 and the fees for the bond shall be paid from  
16 the funds of the National Headquarters in the month of September of each year.  
17 This bond is to cover all accountable officers at the Chapter, Department, and  
18 National levels.

19 Section 5 - INSPECTION

20 A. The Department Commander may require the inspection of any department or  
21 chapter in his or her respective jurisdiction, whenever the best interests of the Order  
22 require it.

23 B. The Region Commander may require an inspection by a Department Inspector of  
24 any department or chapter in his or her respective jurisdiction, whenever the best  
25 interests of the Order require it.

26 C. The National Commander may require the inspection by the National Inspector of  
27 any Officer of the Order or Office, whenever the best interests of the Order require  
28 it.

29 Section 6 - POLITICS

30 A. The Corporation's National, Region, Department, or Chapter officers shall not  
31 contribute to, otherwise support, or assist any political party or candidate for public  
32 office as a representative of the Military Order of the Purple Heart.

33 B. No discussion of partisan questions shall be allowed at any meeting of the  
34 Corporation.

35 C. No nominations, recommendations, or endorsements for political office shall be  
36 made by a member as a representative of the Military Order of the Purple Heart. No  
37 lobbying as a representative of the Military Order of Purple Heart will be done  
38 before the US Congress without the recommendation of the National Legislative  
39 Officer and concurrence of the National Commander.

40 Section 7 - INELIGIBILITY.

41 In the event the eligibility of a Patriot is questioned; a statement of the facts should be  
42 forwarded through the Department Commander or Department Adjutant to the  
43 National Adjutant.

- 1 A. The National Adjutant shall attempt to determine such eligibility through official  
2 sources and advise those concerned accordingly.  
3 B. The National Adjutant, with the approval of the National Commander, may request  
4 from a Patriot proper documentary evidence of the award of the Purple Heart.  
5 C. Failure to provide evidence of the award of the Purple Heart within 120 calendar  
6 days shall result in forthwith expulsion from the Corporation.

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

- 8 A. The chapter's charter may be suspended or revoked for failure to follow lawful  
9 order(s) and directive(s) as authorized by the Constitution and/or Bylaws.  
10 B. The steps to request suspension are:  
11 1) The Department Commander may request the Department Inspector to  
12 investigate and report on the facts.  
13 2) The Department Commander must make a request for chapter suspension.  
14 3) The Region Commander must concur with the Department Commander's  
15 request for suspension or revocation of the charter.  
16 4) The National Commander may request the National Inspector to investigate the  
17 situation.  
18 a) The National Inspector will report the findings of the investigation to the  
19 National Commander and the respective Department and Region  
20 Commanders.  
21 b) The date(s) and location(s) of the investigation will be in the report.  
22 c) The names of everyone interviewed during the investigation will be in the  
23 report.  
24 d) Any evidence gleaned will be included but not limited to:  
25 (1) Oral  
26 (2) Written  
27 (3) Financial records  
28 (4) E-mails and all digital evidence  
29 (5) Pictures or digital imaging  
30 (6) A summary report will give the facts and findings based on the evidence.  
31 5) The Region Commander and/or the National Commander may appoint a  
32 responsible, unbiased, and uninvolved member or a professional mediator for  
33 mediation of the dispute. The Mediator will give a full and complete report to  
34 the appointing Commander.  
35 6) After the inspection with or without mediation, the National Commander will  
36 decide whether to approve or disapprove the Department Commander's request  
37 for suspension.  
38 7) The National Commander will have the National Adjutant (within seven [7]  
39 calendar days) submit a request for approval of the Commanders decision to  
40 suspend a chapter for sixty (60) calendar days for an approval vote of the NEC.  
41 The vote will be done by a digital vote.  
42 8) The NEC will have fifteen (15) calendar days to read the facts, the entirety of the  
43 evidence, and its recommendation(s) and vote. The request to the NEC must

1 allow the committee to download the whole package of the Commander's  
2 request.

3 9) After the National Commander's review of the election results, the tally of votes  
4 will be sent out by the National Adjutant to NEC following the procedures in  
5 Article XII Section 2 I.

6 10) If any of the provisions of ARTICLE XV, Section 8 & 9) are not followed  
7 exactly, then the vote is invalid and must be redone. There are no exceptions to  
8 this rule.

9 11) If a suspension is approved by the NEC, the National Adjutant will send the  
10 notice of the suspension to:

11 a) The Chapter Commander and Adjutant via USPS Certified Mail Return  
12 Receipt Requested.

13 b) To all the chapter members with a copy of the Department Commander's  
14 letter requesting the suspension with the signatures of the Region  
15 Commander and National Commander. It will include all evidence  
16 submitted to the NEC.

17 12) The chapter has sixty (60) calendar days to submit a formal appeal to the  
18 suspension, via USPS Certified Mail Return Receipt Requested to the National  
19 Commander and National Adjutant with copies to the Department and Region  
20 Commanders.

21 a) The Department Commander, as the requesting officer, has the authority to  
22 lift the suspension, if the chapter has resolved the problems by acting to  
23 correct the issue(s) that caused the suspension.

24 b) Notification of the removal of the suspension will be delivered to the chapter  
25 Commander, the Chapter Adjutant, and the National Adjutant (within (7)  
26 calendar days) via USPS Certified Mail Return Receipt Requested.

27 c) The National Commander may lift the suspension if the chapter has resolved  
28 the problems by acting to correct the issue(s) that caused the suspension or if  
29 the chapter's appeal is granted.

30 d) Notification of the removal of the suspension will be delivered to the  
31 Chapter Commander and Chapter Adjutant and the National Adjutant  
32 (within seven (7) calendar days) via USPS Certified Mail Return Receipt  
33 Requested.

34 14) The chapter's charter may be revoked after the sixty calendar days' suspension if  
35 the chapter fails to comply with the lawful directives and orders and their appeal  
36 is not granted.

37 (a) The Department Commander with the concurrence of the Region  
38 Commander must request the National Commander to proceed with the  
39 revocation of the chapter's charter.

40 (b) The National Commander will have the National Adjutant notify the Chapter  
41 Commander and Chapter Adjutant via USPS Certified Mail Return Receipt  
42 Requested of the intention to revoke the chapter's charter.

1 (c) The chapter has sixty (60) calendar days to appeal the revocation of the  
2 charter through the chain of command to the National Commander.

3 (1) Any member(s) of the chapter may file an amicus brief with the  
4 Department Commander, thru the Region Commander to the National  
5 Commander stating any objections and reasons to halt the proposed  
6 revocation of the charter. The National Commander shall then consider  
7 all evidence and briefs submitted.

8 (2) If no brief(s) is filed, and the National Commander denies the chapter's  
9 appeal, the revocation process will continue.

10 15) The National Adjutant will send a vote to the NEC asking for a vote "for" or  
11 "against" the revocation of the charter (within fifteen (15) calendar days) after  
12 the end of the sixty-day appeal period.

13 16) A copy of the Department Commander's letter requesting the revocation of the  
14 charter with the concurrence of the Region Commander and approval by the  
15 National Commander will be sent to the chapter. All evidence submitted will be  
16 included in the notice package sent to the NEC.

17 17) Fifteen (15) calendar days will be allowed for the return of votes. The count of  
18 calendar days begins the day after the mail and digital votes are sent out.

19 18) After the National Commander's review, the tally results will be sent out by the  
20 National Adjutant to the NEC to show how each counted vote was cast. (This is  
21 to ensure each NEC member's vote was recorded properly by the tellers.)

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

25 Section 9 - SURRENDER of PROPERTY

26 A. When a chapter is declared defunct or its charter is revoked the charter, rituals, par-  
27 aphernalia, and property must be sent to the department. Any monies will be sent to  
28 the National Corporation to be held in trust for a period of twelve (12) months.

29 B. When a department is declared defunct or its charter is revoked the charter, rituals,  
30 paraphernalia, and property may be sent to the chapters within the state. Any mon-  
31 ies will be sent to the National Corporation to be held in trust for a period of twelve  
32 (12).

33 C. In the event, such chapter charter is not reinstated within a period of twelve (12), the  
34 monies from any chapter that was in a duly chartered department shall automatically  
35 become the absolute property of the department.

36 D. If a department charter is revoked or declared defunct and is not reinstated within a  
37 period of twelve (12), the monies from that department shall be distributed to all  
38 remaining chapter(s) in the state.

39 1) The distribution of funds will be distributed evenly among the chapters within  
40 the state.

41 2) The chapters must have a current election report on file with the National  
42 Adjutant.

43 Section 10 - USE of PURPLE HEART.

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

6 Section 11 - AUTHORITY.

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

9 Section 12 - GRIEVANCE.

- 10 A. A grievance is a complaint from a member for some action which causes disruption  
11 within the Order.  
12 1) Grievances can only be filed against individual Patriot(s).  
13 2) Grievances consist of quantified unfairness, affront(s), insult(s), or indignity.  
14 a) Grievances do NOT involve misfeasance, malfeasance, malicious or  
15 intentional violation(s) of the Constitution and/or Bylaws of the Military  
16 Order of the Purple Heart of the USA, Inc.  
17 b) Misfeasance, malfeasance, malicious or intentional actions are covered in  
18 Article XV Section 13.  
19 B. A grievance may be submitted by a member(s) to the appropriate next level  
20 commander with a copy to the National Adjutant.  
21 1) Grievance(s) among the same chapter's member(s) will be heard at the  
22 department level before three current or past Department Commanders. The  
23 commanders do not have to be from the same department where the grievance  
24 is filed.  
25 2) Grievance(s) among department member(s) from different chapters will be  
26 heard at the Region level before any combination of three past or current  
27 Department Commander(s) or past or current Region Commanders. The  
28 commanders do not have to be from the same department or region where the  
29 grievance is filed.  
30 3) A grievance against a current elected or appointed National officers will be heard  
31 at the National level.  
32 4) Department grievance committee will consist of any combination of three Past  
33 Department Commanders or Past/Current Region Commanders.  
34 5) National grievance committees will consist of any combination of three Past  
35 National Commanders and/or current or Past Region Commanders.  
36 C. The grievance complaint must be in writing and in sufficient detail to establish the  
37 facts.  
38 1) The following procedures shall be followed without exception:  
39 a) Be signed  
40 b) Notarized.  
41 c) The formal signed and notarized grievance(s) will be sent to the commander  
42 at the next higher level.

- 1 d) The formal signed and notarized grievance(s) will be sent via USPS Certified  
2 Mail Return Receipt Requested to the individual(s) against whom the  
3 grievance(s) is filed.
- 4 2) The Judge Advocate at the appropriate level shall review the grievance to ensure  
5 that it meets the requirements of a formal grievance.
- 6 a) A failure to comply with all the requirements of Article XV Section 12, C, 1),  
7 a) thru d) will render the grievance(s) invalid.
- 8 b) All concerned parties will be notified that the Judge Advocate has provided a  
9 written opinion that the grievance meets the requirements of a formal  
10 grievance. The notification will be via USPS Certified Mail Return Receipt  
11 Requested.
- 12 D. The commander may appoint a disinterested and unbiased member from any  
13 department for mediation of the dispute. A professional mediator may be used.
- 14 1) The Judge Advocate at any level must remain neutral and will not be the  
15 mediator.
- 16 2) If the mediation efforts fail:
- 17 a) A written report to the commander and all parties involved will be sent via  
18 USPS Certified Mail Return Receipt Requested by the Mediator.
- 19 b) A thirty (30) calendar days' period shall elapse before further action is taken.  
20 Said thirty (30) calendar days' period starts the day after the letter to the  
21 commander is postmarked.
- 22 E. Grievance(s) will be heard by a grievance committee composed of three impartial  
23 commanders at the appropriate level (Article XV Section 12 B, 1) thru 5).
- 24 1) A recorder (who has no vote) will be obtained to provide a written transcript of  
25 the proceedings.
- 26 2) The commander who appoints the grievance committee will take care in selecting  
27 members who have no personal involvement, prejudice, or who have not been  
28 consulted about the issues of the grievance to be heard.
- 29 3) The convening commander will select the grievance committee chairman.
- 30 F. The Grievance Panel shall:
- 31 1) Provide for an accurate record of the proceedings which include a summary of  
32 the Grievance Committee's finding(s).
- 33 2) Announce the findings after the committee has discussed and voted. Every issue  
34 noted in the grievance must be addressed separately.
- 35 3) Recommend action(s) based on the announced finding of the Grievance Panel.
- 36 4) Forward the finding(s) and recommendation(s) via USPS Certified Mail Return  
37 Receipt Requested to the appropriate Commander, Petitioner, and all  
38 participating parties within fifteen (15) calendar days from the date of the close  
39 of the hearing.
- 40 G. The usual finding(s) should result in appropriate actions to eliminate the grievance.
- 41 H. The recommendations of the grievance committee for a penalty can only be one of  
42 the following four actions:
- 43 1) A Commander's Meeting

- 1 2) A Verbal Reprimand
- 2 3) A Formal Letter of Reprimand.
- 3 4) A recommendation for new and separate action e.g. to bring charges under
- 4 Section 13 will require initiation of formal charges to comply with the
- 5 requirements of Article XV Section 13.

6 I. A member who is salaried employee regarding matters of employment may only use  
7 such grievance procedures as provided for in the MOPH Policy for Salaried  
8 Employees.

9 Section 13 - DISCIPLINE, TRANSFER, and EXPULSION of MEMBERS

10 A. Charges

- 11 1) No member or associate member of the Military Order of the Purple Heart of  
12 the USA, Inc., may be punished or have any membership rights abridged except  
13 for the following reasons:
  - 14 a) Intentional, willful, and/or malicious violation of the Constitution and/or
  - 15 Bylaws of the MOPH.
  - 16 b) Misfeasance or malfeasance.
  - 17 c) Refusal to comply with the lawful orders—as defined in the Constitution
  - 18 and/or Bylaws—of a Commander or the National Convention body.
  - 19 d) Willful misconduct and/or malicious violation of the oath of office.
    - 20 (1) Repeated violations of the oath of office are considered “willful
    - 21 misconduct” which is chargeable under this sub-section.
    - 22 (2) The repeated violations do not have to be from the same part of the oath
    - 23 but can be used to establish a pattern of “willful misconduct.”
    - 24 (3) A claim of ignorance of the bylaws is not a defense against “willfully”
    - 25 violating the “oath of office.”
  - 26 e) Action which brings discredit to the Order.
  - 27 f) Conviction of a crime involving theft or moral turpitude
- 28 2) No charges may be adjudicated against a member or associate member who has  
29 submitted a resignation from the Order.
  - 30 a) The effective date of a resignation is the date on the postmark on the
  - 31 envelope of the resignation letter or other written correspondence. The
  - 32 National Adjutant shall date stamp the receipt of the resignation notification.
  - 33 b) The effective date of a resignation for an e-mail is the date it was sent out. A
  - 34 printout copy will be made as evidence of the date. It will be part of Charges
  - 35 Evidence Package.
  - 36 c) The charges, evidence, statements, testimony, and all other documents will
  - 37 be put in a sealed file and be retained by the National Adjutant.
  - 38 d) If the former member reapplies for membership, the charges will be
  - 39 reviewed by the National Judge Advocate, who will then:
    - 40 (1) Confer with the commander now at the level in the chain of command
    - 41 where the adjudication was halted because of the resignation.

1 (2) Make a recommendation to the jurisdictional commander as to whether  
2 the adjudication should proceed from the point where the procedures  
3 stopped.

4 (3) The jurisdictional commander will make the decision about proceeding  
5 with or dropping the charges.

6 B. The preferring of charges should be an action of last resort. Every effort in the  
7 chain of command should be made to solve problems without the necessity of filing  
8 formal charges. Should all efforts fail, charges may be filed as follows:

9 1) Any chapter commander may bring charges on any chapter member if the  
10 Department Judge Advocate provided a written opinion that the chapter  
11 commander has complied with all the requirement in (Article XV Section 13).

12 2) Any department commander may bring charges on any member of the  
13 department if the Department Judge Advocate provided a written opinion that  
14 the department commander has complied with all the requirement in (Article XV  
15 Section 13).

16 3) Any region commander may bring charges on any member of the region if the  
17 Nation Judge Advocate provided a written opinion that the commander has  
18 complied with all the requirement in (Article XV Section 13).

19 4) The National Commander may always bring charges on any member of the  
20 Order if the Nation Judge Advocate provided a written opinion that the  
21 commander has complied with all the requirement in (Article XV Section 13).

22 a) If the National Commander brings charges, he/she will not be allowed to  
23 make any decisions during the appeal process.

24 b) The next subordinate commander, who is not involved in the adjudication of  
25 charges, will be the officer deciding on the appeal.

26 5) Any three members of the Order may join in the submission of charges.

27 a) The Nation Judge Advocate must provide a written opinion that the charges  
28 brought by the three members comply with all the requirement in (Article  
29 XV Section 13).

30 b) The National Commander, National Senior Vice Commander, or Junior Vice  
31 Commander may not join with other members to bring charges. (This ban  
32 on bringing charges is to ensure that an accused member is guaranteed a  
33 non-prejudiced appeal).

34 6) Formal charges must be written in sufficient detail to establish the fact(s) of a  
35 violation of one or more of the circumstances listed in Article XV Section 1 a)  
36 thru f). Charges must be signed and notarized.

37 7) The charges will be sent via USPS Certified Mail Return Receipt Requested to  
38 the Adjutant at the level where the charges are brought and a copy to the  
39 National Adjutant

40 8) A prior confidential investigation by an elected Inspector is encouraged to  
41 ascertain all relevant facts.

42 9) Adjudication shall be imposed at the next higher level.

- 1 a) Charges brought against a chapter member will be heard at the department  
2 level. The panel will consist of three current or past chapter or department  
3 commanders. The commanders do not have to be from the same state.  
4 b) Charges brought against a department elected, appointed officers, or  
5 department or national members-at-large (DML & NML) will be heard at  
6 the region or national level. The panel will consist of three disinterested  
7 members of the national executive committee, who have demonstrated a  
8 clear understanding of the constitution and bylaws.  
9 c) Charges against national elected or appointed officers will be heard by a  
10 disciplinary hearing panel. The panel will consist of three disinterested  
11 members of the national executive committee, who have demonstrated a  
12 clear understanding of the constitution and bylaws.

13 C. Procedures for the Handling of Received Charges:

- 14 1) The convening authority which is the commander at the next highest level will  
15 provide the accused with a copy of the notarized charges, all related documents,  
16 evidence, and a clear statement of the alleged violations.  
17 a) The accused member or the associate member will be notified of the hearing  
18 time, date, and place. The date of the hearing will not be set without  
19 consulting with the accused for available dates.  
20 b) All hearings will be fixed for a date not less than 20 calendar days or more  
21 than 60 calendar days from the date (to be determined by the USPS return  
22 receipt) the accused received the charges.  
23 c) Should the accused require additional time to prepare his or her case, the  
24 convening authority may allow only one postponement of the hearing date  
25 for a period of not more than thirty (30) calendar days. The convening  
26 authority should be notified a minimum of ten (10) calendar days prior to the  
27 scheduled hearing date.  
28 d) All correspondence with the accused will be sent via USPS Certified Mail  
29 Return Receipt Requested.  
30 2) The convening authority will appoint:  
31 a) A disciplinary hearing panel  
32 b) The chairman.  
33 3) The convening authority will arrange for an impartial recorder for the  
34 proceedings to keep an accurate record of the proceedings. Due to the problems  
35 in getting an accurate transcription of hearings, a certified professional recorder  
36 is required.

37 D. Procedures for a Disciplinary Hearing Panel:

- 38 1) This is an administrative hearing and rules of evidence as in a court of law do not  
39 apply.  
40 2) If the accused does not appear as directed, the hearing will proceed without  
41 them. In cases of extenuating circumstances, the hearing may be postponed,  
42 provided proof is submitted to the National Adjutant. The chairman of the  
43 hearing panel will be notified of the postponement.

- 1 3) The accused member or associate member may represent themselves or may  
2 retain counsel. Counsel can advise the accused but may not address the hearing  
3 panel.
  - 4 4) The accused has the right to speak and produce witnesses in his or her own  
5 defense.
  - 6 5) The chairman will introduce the parties on both sides and the panel.
  - 7 6) The chairman will read the notification of charges as written in the notarized  
8 charges letter. No new charges may be added at the hearing.
  - 9 7) The chairman will then ask the accused how he or she pleads to each charge—  
10 guilty or not guilty.
  - 11 8) Opening statements are made by both sides with the hearing panel starting first.
  - 12 9) The testimony of any witness(s) produced by the panel will be followed by the  
13 testimony of any defense witness(s). Cross-examination of the witness(s) is  
14 allowed
  - 15 10) Rebuttal witnesses are allowed with the panel going first followed by the defense.
  - 16 11) After closing arguments are completed by both sides; the hearing panel will go  
17 into "executive session" (in accordance with Roberts Rules) with only the panel  
18 members being present.
    - 19 a) The chairman will poll each member of the panel on each charge for a  
20 finding of guilt or innocence.
    - 21 b) If the member is found guilty, a member of the hearing panel other than the  
22 chairman will make a motion for an appropriate penalty.
    - 23 c) The hearing panel will vote on the motion for the penalty.
  - 24 12) The hearing will be reconvened and the panel chairman will report to the accused  
25 for the record, the finding of guilt or innocence on each charge.
  - 26 13) After resuming the hearing, the panel chairman will report the recommendations  
27 for punishment on charges when the member is found guilty.
  - 28 14) The hearing will be adjourned.
- 29 E. If found guilty, the penalty that may be imposed under this section are:
- 30 1) Censure - shall consist of a written reprimand of admonition to the member by  
31 the appropriate commander.
  - 32 2) Transfer - shall be the permanent transfer of membership to another chapter or  
33 to either a department or national member-at-large status.
  - 34 3) Suspension - shall remove the member from membership and/or from any  
35 office held by them for not more than one year from the date of receipt by the  
36 member as determined by the USPS Certified Mail Return Receipt Requested.
  - 37 4) Restriction - shall be allowed to remain a chapter member with a vote, but shall  
38 have a restriction from being allowed to hold any elected or appointed office at  
39 any level for a specific length of time or permanently for life.
  - 40 5) Expulsion - shall remove the individual from membership.
- 41 F. Post-Hearing Procedures
- 42 1) Within fifteen (15) calendar days after the close of the hearing the following shall  
43 be done:

- 1 a) The accused will be sent:  
2 (1) The written decision(s) of guilt or innocence on each charge via USPS  
3 Certified Mail Return Receipt Requested.  
4 (2) The recommended action(s) of the Hearing Panel.  
5 (3) A transcript of the proceeding when it becomes available will be sent via  
6 digital means.
- 7 b) The commander who was the convening authority will be sent via digital  
8 means transcript of the proceeding when it becomes available.
- 9 c) Additional copies along with a transcript of the proceedings will be sent via  
10 digital means to the chairman of the hearing panel and the appropriate  
11 adjutant with a copy to the National Adjutant.
- 12 2) In all cases of recommended expulsion, the National Adjutant must be notified  
13 immediately.
- 14 3) All hearing decisions, except for expulsions, will be final after allowing a fifteen  
15 (15) calendar days' period after the decision unless the accused submits an  
16 appeal. The starting date for the appeal period is to be determined by the date  
17 as recorded on the USPS Certified Mail Return Receipt Requested.
- 18 G. Review and Appeal:
- 19 1) A member may appeal the decision of the hearing panel to the next higher level  
20 within fifteen (15) calendar days of receipt of both the decision and a transcript  
21 of the hearing.
- 22 2) An appeal shall be limited to the specific violations of established procedures, the  
23 rights of the accused, or on new evidence.
- 24 3) The reviewing commander will decide on the merits of the appeal and may take  
25 any action other than increasing the recommended punishment.
- 26 4) The National Commander is the final appeal on all actions taken.
- 27 a) The National Commander will not hear or rule on the appeal if he or she  
28 brought the charges.
- 29 b) The National Commander will recuse himself or herself on appeals where  
30 there was personal involvement.
- 31 H. All appeals by members concerning any decision rendered by a national disciplinary  
32 panel will be presented to the NEC along with the facts and the recommended  
33 actions.
- 34 1) The accused will be allowed to provide documentation setting forth evidence and  
35 facts to be included with documents provided by the National Commander.
- 36 2) The NEC members must be allowed up to fifteen (15) calendar days to review  
37 the case before voting on the matter.
- 38 3) Digital voting is to be used. The NEC members will be allowed to download the  
39 material for review before voting.
- 40 I. All recommendations for expulsion will be reviewed by the National Commander  
41 unless he/she is the originator of the charges. Then it will pass to the Senior Vice  
42 Commander, who will not consult with the National Commander before making the  
43 decision.

- 1           1) If the Commander affirms the decision for expulsion, the National Adjutant will  
2           be notified.
- 3           2) The National Adjutant will seek the approval of the NEC by sending the final  
4           decision by digital voting within fifteen (15) calendar days of the date of the  
5           Commander's approval of the expulsion.
- 6           3) If the NEC meeting before the national convention is thirty (30) calendar days or  
7           less in the future, the approval of the NEC will be docketed for this scheduled  
8           meeting.
- 9           J. After all appeals have been exhausted, the National Adjutant will advise the accused  
10          of the decision. The National Commander—after getting the approval of the  
11          NEC—will take the action(s) that is deemed appropriate on all recommended  
12          punishment(s).
- 13          K. If any steps in this section are skipped, the process will be stopped immediately.
- 14           1) The Judge Advocate and the National Adjutant at the behest of the National  
15           Commander will review the steps taken in the process to ascertain the last point  
16           at which everything was done correctly.
- 17           2) The Judge Advocate will submit an advisory opinion to the National  
18           Commander and a copy to the National Adjutant as to what the next step should  
19           be.
- 20          L. If the ALL the procedures in Article XV Section 13 are not followed exactly, then  
21          the charges will start at the beginning or be dropped.
- 22          M. The National Convention is the Supreme Body of the Order and will accept or reject  
23          the actions on expulsions from the Order voted on by the NEC during the year.
- 24          Section 14 - RECALL of an ELECTED OFFICER
- 25          A. This section is reserved for those elected officers at all levels who are not accused of  
26          any wrong doing and not subject to the provisions or charges of (Article XV, Section  
27          13). A. This section provides the procedures for removal of elected officers who:
- 28           1) Do not fulfill the responsibilities of his or her elected office.
- 29           2) Are incompetent, non-active in his or her office, have poor attendance, or have  
30           demonstrated egregious performance in the duties of the office.
- 31           3) Elected officers who hold position by title alone and do nothing.
- 32          B. The initiation of a recall of an elected officer for removal from office for reasons  
33          listed in (Section 14, A) must be by a Commander from the Chapter, Department,  
34          Region, or National.
- 35          C. A transmittal letter requesting the recall of an elected officer at any level must be:
- 36           1) Prepared with specific detail for the reasons.
- 37           2) Signed by three commanders.
- 38           (a) If the commander is the member subject to recall, the initiation may be made  
39           by three members.
- 40           (b) The request shall be sent to the commander at the next higher level.
- 41           3) Notarized and forwarded to the National Adjutant.
- 42           4) The National Commander must approve and have oversight.

1 D. Jurisdiction exists at the level where the officer subject to recall holds office. The re-  
2 call will be supervised by the National Commander through the National Adjutant.

3 1) If the officer subject to the recall is a chapter officer, the vote will be at a chap-  
4 ter meeting. Those voting on the recall will be the chapter's elect officers and  
5 Past Chapter Commanders.

6 2) The rules for voting at Department and NECs apply at those levels.

7 3) A super majority of three-fourths (3/4) of all members eligible to vote is required  
8 to remove an elected officer.

9 Section 15 - LAWSUITS

10 A. A member may be suspended and tried should he resort to or join in a civil court  
11 action against a Chapter, Department, or the National Organization, or officers  
12 thereof, before exhausting all remedies available within the Organization

13 B. The Order shall pay legal fees, to defend an officer sued for actions taken while  
14 performing the duties of his or her office.

15 C. The Order shall pay legal fees to defend the Good of the Order.

16 Section - 16 NON-PROFIT STATUS

17 A. The Order will follow and conform to the federal law for exemptions by non-profit  
18 organizations. The following are the regulations for non-profits under Internal  
19 Revenue System United States Code.<sup>25</sup>

20 26 U.S. Code § 501

21 Exemption from tax on corporations, certain trusts, etc.

22 (c) List of exempt organizations

23 (19) A post or organization of past or present members of the

24 Armed Forces of the United States, or an auxiliary unit or society  
25 of, or a trust or foundation for, any such post or organization—

26 (A) organized in the United States or any of its possessions,

27 (B) at least 75 percent of the members of which are past or  
28 present members of the Armed Forces of the United States

29 and all of the other members of which are individuals who are  
30 cadets or are spouses, widows, widowers, ancestors, or lineal  
31 descendants of past or present members of the Armed Forces  
32 of the United States or of cadets, and...

33 B. For the Order to maintain its IRS § 501 (c) (19) non-profit status, we must follow  
34 the law by:

35 1) Conforming to the eligibility requirement for Purple Heart recipients, Associate  
36 members, MOPHA members, and MOPHA Social Members.

37 2) Ensuring that the percentage of members in each category are met.

38 C. No additional categories of membership for the Order or the Auxiliary are allowed.

39 ARTICLE XVI - AUXILIARY <sup>26</sup>

1 Section 1 - RECOGNITION

- 2 A. The Military Order of the Purple Heart of the USA, Inc., recognizes a " Auxiliary,  
3 Military Order of the Purple Heart of the USA, Inc. (MOPHA)"  
4 B. Subordinate organizations to be known as Auxiliaries to chapters and departments  
5 shall be approved by the Military Order of the Purple Heart of the USA.  
6 C. The associations shall be subject to the authority of the National Convention of the  
7 Military Order of the Purple Heart of the USA, under the jurisdiction and supervi-  
8 sion of the National Commander and the NEC,

9 Section 2 - MEMBERSHIP

- 10 A. In the MOPHA is hereby granted, subject to:  
11 1) The terms and conditions as set forth in the Congressional Charter of the Mili-  
12 tary Order of the Purple Heart of the USA, Inc., (36 USC Chapter 1405).  
13 2) The various restrictions and limitations as set forth in the Ladies Auxiliary Con-  
14 stitution, Bylaws, Rules, and Regulations as adopted at their 1959 National Con-  
15 vention and amended.  
16 3) Conforming to the requirements of Title 26 United States Code § 501 (c) (19).  
17 4) Such limitations as might from time to time be imposed by the MOPH National  
18 organization.  
19 B. The Constitution, Bylaws, Rules, and Regulations of the MOPHA as adopted at their  
20 1959 National Convention shall:  
21 1) Act as limitations to the various powers and authorities of the Auxiliary.  
22 2) In no case, shall be interpreted as broadening or increasing the authority or pow-  
23 er of such Auxiliary beyond the specific limitations as set forth in 36 USC Chap-  
24 ter 1405 of the Congress of the United States of America, or our own Resolu-  
25 tions, Constitution, Bylaws, Rules, and Regulations.

26 Section 3 - PURPOSE

27 The purpose of the MOPHA is to assist in furthering and perpetuating the objects of the  
28 MOPH as set forth in Article III of the Constitution of the National Corporation,  
29 particularly that part that pertains to "assisting, comforting, and aiding all distressed  
30 members and their dependents.

31 Section - 4 REPORTS

32 The MOPHA National Secretary, at its annual National Convention, shall give a com-  
33 plete report, as of June 30, to the MOPH. This report shall include by way of enumera-  
34 tion and not limited to:

- 35 A. A detailed list of departments and units, showing the number added, reinstated, reor-  
36 ganized, and charters forfeited.  
37 B. The total membership, showing increase or decrease.  
38 C. The National Secretary shall submit to the National Adjutant and Editor of the Pur-  
39 ple Heart magazine a complete list of elected and appointed officers. The list is due  
40 immediately after the close of the NEC meeting following the National Convention,  
41 D. The MOPHA is responsible for submitting the necessary 990 reports directly to the  
42 Internal Revenue Service as prescribed by law.

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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.

1 Section 5 - BYLAWS

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

6 **ARTICLE XVII- SERVICE FOUNDATION**

7 Section 1 - RECOGNITION

8 The Military Order of the Purple Heart of the USA, Inc., recognizes a Service Founda-  
9 tion to be known as the "Military Order of the Purple Heart Service Foundation, Inc.  
10 (Service Foundation)"

11 Section 2 - MEMBERSHIP

- 12 A. Membership in the Service Foundation is hereby granted, subject to the terms and  
13 conditions as set forth in the Articles of Incorporation and the Bylaws of said Service  
14 Foundation, a Wisconsin Corporation without stock and not for profit, as adopted  
15 by said Service Foundation at its 1957 Annual Meeting.
- 16 B. It was fully approved by the 1957 National Convention of the Military Order of the  
17 Purple Heart, of the USA, Inc., a New Jersey Corporation at that time.
- 18 C. It was fully approved at the November 10, 1958, Incorporators' organization nation-  
19 al meeting of the Military Order of the Purple Heart of the USA, Inc., held in ac-  
20 cordance with Public Law 85-761, August 26, 1958, of the Congress of the United  
21 States of America.
- 22 D. It was approved again at the 1959 National Convention of the Military Order of the  
23 Purple Heart of the USA, Inc.

24 Section 3 - AGREEMENT

25 An agreement regarding the operations of the Military Order of the Purple Heart Service  
26 Foundation with the Military Order of the Purple Heart of the USA, Inc. was reached at  
27 the 2016 National Convention. The salient points of the agreement are:

- 28 A. Effective date of the agreement is September 1, 2016.
- 29 B. Financial Records:
- 30 The Parties agree that the Order will have the opportunity to periodically review the  
31 financial and operational records of the Service Foundation and the Service Founda-  
32 tion will have the opportunity to periodically review the financial and operational  
33 records of the Order.
- 34 C. Funding:
- 35 The Service Foundation will prioritize its funding each year, highest to lowest.
- 36 D. Board Membership:
- 37 1) Service Foundation members will be Board members for a term of ten (10) years.
- 38 2) The National Commander, National Senior Vice Commander, and National Jun-  
39 ior Vice Commander, as ex-officio members will be full Board members with a  
40 vote.
- 41 a) Will remain on the Board for as long as they remain in the positions as  
42 Commanders.

1           b) If any of the Commanders is subsequently elected to the Board, the ten (10)  
2           year term will begin on the date of being approved to join the Board as a  
3           PNC.

4           3) One of the Order's three commanders on the Board will serve on the Finance,  
5           Programs, Investment, and Fundraising Committees.

6           4) The National Adjutant will be invited to attend all meetings of the Board of the  
7           Service Foundation. The National Adjutant will not be a member of the Board  
8           and will not have a vote or voice at Board Meetings.

9           E. New Entity:

10          1) The Service Foundation will have a new [501(c)(3) Corporation of the US Inter-  
11          nal Revenue Code] to act as the holder of and will enter any necessary agreements  
12          concerning current trademarks, trade names, and trade dress that the parties now or  
13          may hold in the future.

14          2) The new entity's Board of Directors will consist solely of three (3) members ap-  
15          pointed on an annual basis, who will be appointed by the Chairman of the Board of  
16          the Service Foundation.

17          F. Expiration of the Agreement:

18          Notwithstanding anything contained herein to the contrary, this Agreement shall ex-  
19          pire and no longer be of force and effect forty (40) years from the effective date of  
20          the agreement (September 1, 2056).

21          G. Purpose:

22          The purpose of the Service Foundation shall be the raising of funds for:

23          1) The service, welfare, and rehabilitation work in connection with Military Order  
24          of the Purple Heart of the USA, Inc. members, those who are eligible for mem-  
25          bership in the MOPH, or any wounded, disabled, and/or handicapped veteran,  
26          their widow, orphan, or survivors, either by contribution to the Military Order of  
27          the Purple Heart of the USA, Inc., or to independently assist in such work.

28          2) The support and maintenance of liaison service in any or all the offices of the  
29          United States Veterans Administration, soldiers' homes, or other administration  
30          offices of veterans' affairs wherever and whenever deemed necessary.

31          3) The support and maintenance of its legislative service, which service is to advise  
32          and confer with the executive offices of the several bureaus and departments of  
33          the United States Government on all matters of interest and importance to the  
34          veteran and to appear before Members of Committee of Congress on any such  
35          matters as may properly be the subject of legislation.

36          4) Any other purpose consistent with the programs of the Military Order of the  
37          Purple Heart of the USA, Inc.

38          H. Annual Report:

39          1) The Service Foundation through its Executive Secretary shall render a complete  
40          financial report to the Military Order of the Purple Heart of the USA, Inc., at its  
41          annual national convention each year.

42          2) It shall, in addition, render a mid-year financial statement to the National Com-  
43          mander and National Adjutant of said National Corporation,

- 1 3) Will provide such other reports and information as may be requested by the Na-  
2 tional Finance Committee.

3 **ARTICLE XVIII- ASSOCIATE MEMBERS**

4 SECTION 1 - RECOGNITION

5 The Military Order of the Purple Heart of the USA, Inc., recognizes the eligibility of As-  
6 sociate members.

7 SECTION 2 - MEMBERSHIP

8 A. Associate Membership is hereby granted pursuant and subject to the terms and  
9 conditions set forth in the MOPH Congressional Charter, 36 USC Chapter 1405 of  
10 the Congress of the United States of America, and Title 26 U.S. Code § 501 (c)(19)

11 **B.**

12 B Associate Membership will be granted to spouses, widows, widowers, ancestors, or  
13 lineal descendants of past or present members of the Armed Forces of the United  
14 States or of cadets....

15 C Gold Star mothers, fathers, children, and spouses will be encouraged to join the Or-  
16 der as Associate Members under the requirements for other eligible classes of As-  
17 sociate Members.<sup>27</sup>

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

20 SECTION 3 - PURPOSE

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

24 SECTION - 4 - PARTICIPATION

25 An Associate member shall:

26 A. Be without a vote.

27 B. May not hold an elective office.

28 C. Be eligible to hold any appointed position except that of Adjutant.

29 SECTION 5 - EMBLEM OR INSIGNIA

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

33 SECTION 6 - DUES

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

35 **ARTICLE XIX- AMENDMENTS & CONDUCT of MEETINGS**

36 SECTION 1 - AMENDMENTS

37 A. These Bylaws may be amended by a roll call of two-thirds (2/3) vote of the votes  
38 cast by the National Executive Committee members.

- 39 1) The proposed amendment shall have been first proposed by a Department Con-  
40 vention, Department Executive Committee, the National Bylaws Committee, or  
41 the NEC.

- 1           2) The proposed amendment shall have been submitted through the National Adju-  
2           tant to the NEC members by digital communications to them at least fifteen (15)  
3           calendar days prior to the deadline for voting.  
4           3) The vote will be by a digital vote.  
5           (a) The NEC members will be allowed to download the material and have fif-  
6           teen (15) calendar days to review and cast a digital vote.  
7           (b) The fifteen (15) calendar days period will commence the day after the votes  
8           are e-mailed  
9           4) If adopted, such amendment shall have full force and effect until the next na-  
10          tional convention, which shall accept or reject such amendment.  
11         B. These Bylaws may be amended at any national convention subject to the following  
12          provisions:  
13           1) The proposed amendment shall have been first submitted by a Department  
14           Convention, Department Executive Committee, the National Bylaws Committee,  
15           or the NEC.  
16           2) A copy of the proposed amendment shall be mailed by digital communications  
17           to the NEC fifteen (15) calendar days prior to the convening of the national  
18           convention.  
19           3) The proposed amendment shall be referred to the Bylaws Committee. The By-  
20           laws Committee will then report its findings to the Convention Body.  
21           4) Passage of the amendment shall require a two-thirds (2/3) vote of the votes cast  
22           by the delegates and officers present and voting.  
23           5) The vote shall be taken by a Division of Assembly.  
24         C. These Bylaws may be amended at the National Convention by the regularly elected  
25          and qualified delegates thereat without notice to the NEC provided:  
26           1) The proposed amendment shall be presented to the delegates. The presentation  
27           may be accompanied by a projection of the proposed amendment on a screen  
28           visible to all.  
29           2) A majority vote of the votes cast shall be required for the amendment to be re-  
30           ferred to the Bylaws Committee for consideration.  
31           3) The Bylaws Committee report to the Convention Body will be no earlier than the  
32           next calendar day.  
33           4) After the Bylaws Committee finding(s) and/or recommendation(s) are reported,  
34           a three-fourths (3/4) vote of the votes cast by the delegates and officers shall be  
35           required for approval.  
36           5) The vote shall be taken by means of a Division of Assembly.  
37         D. These Bylaws may be set aside or suspended for the period of the National Conven-  
38          tion only if deemed expedient by a unanimous vote of the delegates and officers  
39          thereat.

40         SECTION 2 - CONDUCT of MEETINGS.

- 41         A. All Chapter, Department, National, and Committee meetings of the MOPH shall be  
42          conducted in accordance with Robert's Rules of Order, Newly Revised, except as  
43          otherwise provided for in these Articles.

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- 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 officer's 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. 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 Convention's 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 Panel's deliberation session on guilt or innocence is exempt from this restriction.
- D. No secret votes are allowed.
- E. No proxy votes are allowed during any meetings.

- 
- 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 step-children. 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.

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**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.)

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§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

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- (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:

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

Public Law 110–207 110th Congress

An Act

To 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.