

# 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<sub>2</sub>**

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 expansion.

5 A National Region Commander is elected annually from each of the following  
6 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 than  
21 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 Military  
32 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 National  
36 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 former  
43 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 officers  
15          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 status  
27          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 chapters  
29          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 discretion.

36          The National Adjutant will provide the member(s) with a list of the locations of chapters  
37          in the area.

38 Section 9 - REVIVAL.

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

41           1) The department making application for reinstatement follows the National Bylaws  
42           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 for  
6           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 a  
16           copy of the applicant's DD-214, DD-215 (supported by a DD-214)<sup>3</sup>, AGO 53-55 or  
17           General Orders of the award of a Purple Heart. Certificates showing the award of the  
18           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 United  
22           States, or any foreign country who can show proof of the award of the Purple Heart  
23           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 Order  
2 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 much  
4 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 and  
6 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 members, except as hereinafter provided, shall be eligible for any office in the  
26 chapter. **(Article XVIII Associate Members)**

27 **Section 2 - OFFICERS**

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

31 **Section 3 - COMMITTEE(S)**

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

33 **Section 4- ELECTIONS**

- 34 A. Election of the chapter officers shall be held in ~~March or~~ April of each year.  
35 B. Elections must be held in face to face meetings. ~~Elections may be held by digital means~~  
36 ~~in instances when normal meetings cannot be held because of inclement climatic~~  
37 ~~conditions or inability of a quorum to make a face to face meeting.~~  
38 C. Installation of newly elected and appointed officers shall not be later than April 30.  
39 D. Due notice of such election must be mailed or e-mailed to all members at least two  
40 weeks before the meeting.  
41 E. Both elected and appointed officers may succeed themselves if properly elected or  
42 appointed.

1 Section 5 - TERM of OFFICE

- 2 A. Elected and appointed officers serve for a one-year term.
- 3 B. Appointed officers serve at the pleasure of the Commander.
- 4 1) Appointed chapter officers' positions terminate at the end of the commander's
- 5 term of office or upon the resignation/removal/vacancy of the Commander.
- 6 2) Appointed officers can be re-appointed by the new commander to consecutive
- 7 terms without limits.
- 8 C. Chapters can establish term limits of elected officers by a majority vote of all chapter
- 9 members and by notifying the National Adjutant through the Department
- 10 Commander and Region Commander of the term limits, i.e.; two, three or more years.
- 11 1) Term limits become effective upon submission of the next Election Report and
- 12 upon the approval of the National Adjutant.
- 13 2) A majority vote of all chapter members is required to change or remove the term
- 14 limits previously established and approved. Chapters with approved term limits
- 15 will notate the term limits on their annual Election Report.

16 Section 6 - VOTING

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

22 Section 7 - VACANCIES

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

30 Section 8 - ABSENT CHAPTER ELECTED OFFICER

- 31 A. A chapter may declare vacant the position of any elective officer who has absented
- 32 themselves from three meetings by a majority vote of the votes cast at a meeting.
- 33 B. A notice (US Postal Service mail [USPS] return receipt requested or e-mail) is required
- 34 to be given the delinquent officer.
- 35 C. The notice (USPS, e-mail, or telephone) of the intended action shall be communicated
- 36 to the chapter members at least fifteen (15) calendar days before such action is to be
- 37 voted upon.

38 Section 9 - BANK ACCOUNTS

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

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

### **Section 1 - COMMANDER**

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

### **Section 2 - SENIOR VICE COMMANDER**

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

### **Section 3 - JUNIOR VICE COMMANDER**

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

### **Section 5 - ADJUTANT**

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



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

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

#### Section 6 - FINANCE OFFICER

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

#### Section 7 - SERGEANT-AT-ARMS

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

#### Section 8 - TRUSTEE(S)

- Trustees shall semi-annually, in September and in March, audit the accounts of the chapter and make a status report to the chapter.
- A. The Chapter Trustees will report their findings at the next chapter meeting that is before April 30 and October 31.
- B. Provide a copy to the Chapter Commander by April 30 and October 31.
- C. Provide a copy to the Department Finance Officer by April 30 and October 31.
- D. Provide a copy to the National Adjutant by April 30 and October 31

#### Section 9 - CHAPLAIN

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

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 subordinate  
28      to the National Convention.  
29      B. MEETINGS - There shall be an annual department convention held between **April**  
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 Vice  
38      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.

c) In the absence of the Commanders, a chapter may submit a written statement designating that an officer of the chapter is to be its representative.

(1) Only the Chapter Commanders may carry the charter vote.

(2) The designated chapter officer may carry the votes of delegates votes not in attendance.

4) Patriots who have served as National Commanders and past Department Commanders of that department, both of whom are members of the department, with a voice and a vote.

5) No one will have more than one vote. Members who are holding or having held multiple offices still only have only one (1) vote. The prohibition does not include provisions for casting the votes of absent delegates.

6) Delegates to be elected by the chapters shall be one for each twelve (12) members or major fraction thereof in the chapter at the time of election with a voice and a vote.

7. ELIGIBILITY All members except as hereinafter provided shall be eligible for any office in the department (See Article XVIII Associate Members).

#### Section 2 - OFFICERS

A. The elected officers of each department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Judge Advocate, Inspector, and Sergeant-at-Arms.

B. The Commander shall appoint an Adjutant and Chaplain and may also appoint a Legislative Officer and/or Chief of Staff.

C. The Department Commander shall serve as the member of the National Executive Committee (NEC). In the Commander's absence, the Senior Vice Commander or Junior Vice Commander in the order of precedence of their office shall serve on the NEC.

#### Section 3 - ELECTION of OFFICERS

A. The Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Judge Advocate, Inspector, and Sergeant-at-Arms will be elected at the annual department convention.

B. In the event of a contested department election result based upon allegations of an unfair, tainted, or illegal election by the outgoing officers, the Region Commander shall appoint a temporary Department Commander and Department Finance Officer.

1) These temporary two officers will assume immediate control of all books, records and monies of the department pending a hearing panel appointed by the Region Commander into the tainted, invalid, or illegal election process.

2) To invoke this section, three (3) members must submit sworn affidavits setting forth the alleged claims of an illegal, tainted, or invalid election process with supporting proof.

a) The sworn affidavits must be notarized.

b) The affidavits must be sent to the Region Commander within ten (10) calendar days of certification of the election results by the Department Adjutant.

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

#### Section 4 - TERM of OFFICE

- A. Officers elected and installed shall enter upon their respective duties immediately after the adjournment of the meeting at which they were chosen and shall hold office until successors are duly installed.
- B. Both elected and appointed officers may succeed themselves, if properly elected or appointed. Chapter and/or Department Bylaws may impose term limits on officers (See Article VI Section 4 E).
- C. Appointed officers serve a one-year term at the pleasure of the Commander. Appointed officer positions terminate at the end of the Commander's term of office or upon the resignation/removal/vacancy of the Commander.
- D. Appointed officers may be re-appointed by the new commander.
- E. Departments may establish term limits of elected officers by a majority vote of the votes cast at a chapter meeting or department convention. The National Adjutant will

1 be notified through the Region Commander of the term limits, i.e. two, three or more  
2 years.

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

5 2) A two-thirds (2/3) vote of the votes cast by a subsequent department convention  
6 is required to change or remove the term limits previously established and  
7 approved.

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

#### 10 Section 5 - VACANCIES

11 A. In the event of a vacancy in the office of the Commander, the Senior Vice Commander  
12 shall at once succeed to the title and duties of the office, and the Junior Vice  
13 Commander shall succeed to the title and duties of the Senior Vice Commander.

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

16 C. Other vacancies in elective offices shall be filled by the Department Executive  
17 Committee.

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

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

#### 21 Section 6 - REMOVAL

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

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

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

#### 28 Section 7 - BANK ACCOUNTS

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

#### 30 Section 8 - DEPARTMENT EXECUTIVE COMMITTEE (DEC)

31 The Department Executive Committee shall consist of:

32 A. The Commander, Senior Vice Commander, and Junior Vice Commander with a voice  
33 and a vote.

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

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

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

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

#### 40 Section 9 - DUTIES & FUNCTIONS of DEPARTMENT EXECUTIVE COMMITTEE

41 A. The Department Executive Committee shall meet immediately preceding the  
42 Department Convention.

- 1 B. The DEC shall meet at least once during the interval between department conventions  
2 at:  
3 1) The call of the Department Commander.  
4 2) The written request of five of the Department Executive Committee members.  
5 3) Digital meetings are allowed between conventions. If done electronically, the  
6 department will be responsible for the costs.
- 7 C. In the interval between department conventions, the Department Executive  
8 Committee shall be vested with full administrative powers of the department. All  
9 actions of the Department Executive Committee shall be subject to approval by the  
10 subsequent department convention.
- 11 D. The Department Executive Committee shall authorize all expenditures, audit the  
12 accounts of the Finance Officer and Adjutant, and be responsible for verifying the  
13 authorization of income-producing ventures.
- 14 E. Contracts and ventures extending beyond the limitations of department conventions  
15 can only be approved by the department convention by a two-thirds vote of the votes  
16 cast. The department convention may previously approve and mandate to the  
17 Department Executive Committee authority for specific action beyond these limits.
- 18 F. The Department Adjutant shall be responsible for a complete report of the Minutes  
19 of all DEC meetings.
- 20 G. The Department Executive Committee may be polled by the Department Adjutant  
21 through USPS mail or e-mail to vote on any matter, which in the opinion of the  
22 Department Commander requires action.

23 Section 10 - VOTING

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

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

### **Section 1 - COMMANDER**

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

### **Section 2 - SENIOR VICE COMMANDER**

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

### **Section 3 - JUNIOR VICE COMMANDER**

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

### **Section - 4 ADJUTANT**

- A. Keep correct records of:
  - 1) Minutes of the Department Convention and Department Executive Committee meetings.
  - 2) Orders, reports, letters, memorandums, and correspondence received.
  - 3) May keep vouchers and warrants that are drawn on the Finance Officer.

- 4) Monies due and receivable from all sources.
- B. Conduct the correspondence and issue all orders under the direction of the Commander.
- C. Draw all warrants on the Finance Officer.
- D. Take a receipt from the Finance Officer for all monies turned over from whatever source.
- E. Prepare for each department convention a list showing the chapters, and the number of delegates to which each chapter is entitled.
- F. Deliver to a successor all books and property of the department.

#### Section 5 - FINANCE OFFICER

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

#### Section 6 - JUDGE ADVOCATE

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

#### Section 7 - INSPECTOR

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

#### Section 8 - SERGEANT-AT-ARMS

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



- B. Perform such other duties as the Commander may direct.
- C. Be responsible for the Department Colors.
- D. The Sergeant-at-Arms may request the Department Commander to appoint such Assistant Sergeants-at-Arms necessary to assist with his or her assigned duties.

#### Section 9 - CHAPLAIN

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

#### Section 10 - CHIEF of STAFF

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

#### Section 11 - RESIDENCE

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

### **ARTICLE VIII - DELEGATES TO CONVENTIONS**

#### Section 1 - DEPARTMENT

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

#### Section 2 - NATIONAL CONVENTION

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

#### Section 3 - VOTING

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

#### Section 4 - DELEGATE LISTS.

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

#### Section 5 - CONVENTION PREREQUISITE

- A. Chapters with fewer than the minimum requirement of twelve (12) members shall not be entitled to any delegates at either Department or National Conventions.
- B. Chapters must have submitted reports of the chapter's elected and appointed officers (election report) to be entitled to charter and delegates votes at both Department and National Conventions.

- 1 C. Departments must have submitted reports of the department's elected and appointed  
2 officers (election report) to be entitled to charter and delegates votes at National  
3 Conventions.
- 4 D. These prerequisites must be met:
- 5 1) By the start of a department convention for participation at the department  
6 convention.
- 7 2) By June 30 for participation at the National Convention.
- 8 (a) An exception may be made if the chapter or department has extenuating  
9 circumstances and requests their election report be accepted.
- 10 (b) The Credentials Committee will review the request and make a  
11 recommendation to the convention body whether to allow the exception.
- 12 (c) The convention body will vote by a division of the assembly.

## 13 **ARTICLE IX - NATIONAL CONVENTION**

### 14 Section 1 - SUPREME BODY

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

### 17 Section 2 - COMPOSITION of the National Convention

- 18 A. The National Commander, elective National Officers, and Past National Commanders  
19 with a voice and a vote.
- 20 B. All appointed National Officers with a voice, but no vote.
- 21 C. All Department Commanders with a voice and a vote. In the absence of the  
22 Commander, the Senior Vice Commander or Junior Vice Commander may represent  
23 the department.
- 24 D. All Chapter Commanders with a voice and a vote. In the absence of the Commander,  
25 the Senior Vice Commander or Junior Vice Commander may represent the chapter.
- 26 E. Delegates to be elected by the chapters:
- 27 1) One for each twelve (12) members, or major fraction thereof.
- 28 2) Based on the number of chapter members as recorded by the National Adjutant  
29 on June 30.

### 30 Section 3 - MEETINGS

- 31 A. The National Convention shall be held annually on such calendar days and at such  
32 places as shall have been determined at a previous National Convention, or by the  
33 NEC.
- 34 1) Any National Convention Committee may determine convention sites for two or  
35 more years in advance.
- 36 2) Priority will be given to sites which are easily accessible for severely disabled and  
37 handicapped individuals.
- 38 3) If two or more bidding departments have nearly equal bids, the recommendation  
39 will be given to the department which has never had a convention. Otherwise, it  
40 will go to the department whose convention was held furthest in the past.
- 41 B. Between Conventions the National Adjutant may poll the NEC for necessary  
42 approval, by digital vote, of a suitable Convention time and place.

1       **C. In the event a National Convention cannot be held because of a government**  
2       **edict (e.g., a time of a war or any other National emergency), or a natural or**  
3       **manmade disaster, or any emergency as determined by the NEC of the Order,**  
4       **a digital vote for the election of officers is to be held not later than July 31. No**  
5       **National Convention shall be cancelled without the consent of the National**  
6       **Executive Committee (NEC).<sup>12</sup>**

7       D. The National Adjutant shall notify the membership and allow a thirty (30) day period  
8       for candidates to declare candidacy for an office.

9       E. Fifteen (15) calendar days shall be allowed for the return of votes before the vote  
10      count.

11      F. The final date of returning the vote shall be designated in the letter explaining the  
12      reason for the vote.

13      G. The National Commander will appoint a parliamentarian for the national convention  
14      meetings. If he deems necessary, a professional parliamentarian may be used at the  
15      National Convention.

16          1) At all other meetings, the National Commander will appoint the parliamentarian.

17          2) At national committee meetings, the presiding officer will appoint the  
18          parliamentarian.

19          3) Appointed parliamentarians in any meeting, who are members, will not vote on  
20          any recommendation they make.

#### 21      Section 4 - Order of BUSINESS

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

- 24          ❖ Opening of the National Convention in due form.
- 25          ❖ Roll Call of Departments.
- 26          ❖ Roll call of Officers.
- 27          ❖ Reading of Minutes.
- 28          ❖ Introduction of Guests.
- 29          ❖ Appointment of Convention Committees.
- 30          ❖ Reading of Communications.
- 31          ❖ Report of Committee on Rules.
- 32          ❖ Report of Credentials Committee.
- 33          ❖ Reports of Officers, beginning with that of the National Commander.
- 34          ❖ Reports of Standing Committees.
- 35          ❖ Reports of Convention Committees.
- 36          ❖ Unfinished Business.
- 37          ❖ New Business.
- 38          ❖ Final Report of Credentials Committee.
- 39          ❖ Election of Officers.
- 40          ❖ Installation of Officers.
- 41          ❖ Good of the Order.
- 42          ❖ Adjourn

#### 43      Section 5 - RULES of the NATIONAL CONVENTION

44      A. Rules of the National Convention, unless otherwise voted by the Convention  
45      assembled, shall be as follows: Robert's Rules of Order, Newly Revised.

- 1 B. Only duly accredited and registered members of the National Convention (Article IX  
2 Section 2) shall participate directly or indirectly in discussions or voice vote (hand or  
3 standing vote may be permitted) on any subject before the Convention.
- 4 C. The Chair may grant the floor to any visitor:  
5 1) With the consent of a majority of the Convention.  
6 2) This privilege shall not be extended for business or point of order.
- 7 D. The national convention registration fee shall be determined by the National  
8 Convention Committee but shall not be less than \$25.00 for each attendee. No person  
9 otherwise eligible shall be entitled to vote unless registered and paid such fee.
- 10 E. A member desiring to make a motion or address the Convention will rise, address the  
11 Chair as "Patriot Commander," state his or her name, chapter number, and office  
12 before proceeding.
- 13 F. At the discretion of the Presiding Officer, discussions shall be limited to three minutes  
14 to each speaker. A Patriot may be permitted to speak only once on any subject, except  
15 by the consent of two-thirds vote of the votes cast by the Convention's delegates.
- 16 G. Committee Chairmen may speak as frequently as may be necessary about the report  
17 of their Committee.
- 18 H. Voting shall be by acclamation except when these Bylaws call for:  
19 1) Division of the Assembly.  
20 2) A roll call is called for and approved by a majority of votes cast by the Convention  
21 body.  
22 3) The election of National Officers shall be by roll call.
- 23 I. Chapters shall not be entitled to any delegate votes that have:  
24 1) Fewer than the minimum requirements of 12 members.  
25 2) Not submitted election reports by June 30th.
- 26 J. Departments that have not submitted election reports by June 30th shall not be  
27 entitled to any votes.
- 28 K. The vote of Chapter/Department Commanders or Vice Commanders shall be  
29 recorded as the chapter's/department's charter vote. A commander shall not have  
30 more than one charter vote.
- 31 L. On a roll call vote, the department reporting officer will announce the chapter charter  
32 and delegate(s) votes  
33 1) One of the Chapter's Commanders or acting chairman of a chapter delegation  
34 shall poll the chapter's delegates and will inform the Department Reporting  
35 Officer how the chapter's vote shall be cast.  
36 2) One or more delegates of a chapter only partially represented may vote the full  
37 accredited delegate strength of the chapter.
- 38 M. Chapters not having any commanders or delegates present may vote automatically  
39 through their Department Commander or Vice Commanders.  
40 1) In the absence of any of the Department Commanders, a department elected  
41 officer may cast the chapters' delegates votes provided the Department Adjutant  
42 has notified the National Adjutant in writing.

- 1 a) The notification must be sent to the National Adjutant at least ten (10) calendar  
2 days prior to the national convention. Extenuating circumstance may be  
3 considered by the credentials committee who make a recommendation to the  
4 convention body. The convention will vote on the recommendation without  
5 discussion.
- 6 b) The name and title of the department elected officer is required to be the  
7 accredited official representative of the chapters' delegate votes.
- 8 N. Recommendations for consideration and action of the Convention shall be in the form  
9 of resolutions as advanced by chapters, departments, or official committees.
- 10 1) The resolutions must be signed and dated.
- 11 2) The resolutions must be received by the National Adjutant at least thirty (30)  
12 calendar days prior to the Convention.
- 13 a) A majority of the votes cast by the delegates is required for the resolution(s)  
14 to be referred to the Resolutions, Bylaws, Legislative, or Rituals Committee  
15 for study, consideration, and/or recommendation.
- 16 b) The committee(s) may report with or without a recommendation for approval.
- 17 3) Mandates and resolutions adopted at each National Convention shall be effective  
18 only until the beginning of the next Convention.
- 19 • Legislative resolutions are excluded from this rule and may carry over from  
20 year to year.
- 21 O. Voting on committee reports may be on the report as a whole or considered in part  
22 upon a majority of the votes cast.
- 23 1) Any part or all the report of a Convention Committee may be referred back for  
24 reconsideration or amendment by a majority vote of the votes cast by the  
25 Convention.
- 26 2) A motion to recommit must state the reason for the action.
- 27 P. Nomination for National Officers shall be from the floor. Nominating speeches are  
28 limited to one for each candidate.
- 29 Q. If there is no election on the first vote, the name of the person receiving the lowest  
30 number of votes may be dropped, and so on in successive votes, until an election is  
31 made.

## 32 **ARTICLE X- NATIONAL OFFICERS**

### 33 Section 1 - ELIGIBILITY FOR OFFICE

- 34 A. All MOPH members shall be eligible for any national office except as otherwise  
35 restricted herein.
- 36 B. A member who wants to be nominated at a national convention and will not be present  
37 at the Convention shall submit a written statement to the National Adjutant of the  
38 candidate's willingness to accept such office. A two-thirds vote of the votes cast is  
39 needed to admit the name for a nomination.

### 40 Section 2 - OFFICERS

41 The National Officers of the Military Order of the Purple Heart of the USA, Inc., shall be  
42 a **National** Commander, **National** Senior Vice Commander, **National** Junior Vice

1 Commander, six **National** Region Commanders, **National** Adjutant, **National** Finance  
2 Officer, **National** Judge Advocate, National Inspector, **National** Sergeant-at-Arms,  
3 **National** Service Director, **National** Legislative Director, **National** Chaplain, **National**  
4 Americanism Officer, **National** Surgeon, **National** Historian, **National** Public Relations  
5 Director, **National** Women's Veterans Coordinator, and **National** VAVS Director, the  
6 **Department Commanders of each Department.**

7 Section 3 - ELECTION and APPOINTMENT of OFFICERS

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

28 Section 4 - TERM of OFFICE

- 29 A. The National Officers shall enter upon the duties of their respective offices  
30 immediately after the adjournment of the meeting or Convention at which they were  
31 elected or appointed. Said officers shall hold office until the next annual Convention  
32 or until a successor is duly elected or appointed and installed.
- 33 B. No National Commander, National Senior Vice Commander, or National Junior Vice  
34 Commander shall succeed him or herself by election to a second full term.
- 35 1) If the National Commander, is permanently unable to finish the term of office and  
36 the Senior-Vice Commander accedes to the office he or she may stand for election  
37 to be National Commander, provided the unfinished term of the predecessor is  
38 (183 calendar days) or less.
- 39 2) If the National Junior-Vice Commander, accedes to the office National Senior-  
40 Vice Commander he or she may stand for election to be National Senior Vice-  
41 Commander, provided the unfinished term of the predecessor is (183 calendar  
42 days) or less.

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

5       Section 5 - VACANCIES

- 6       A. In the event of a vacancy in the office of National Commander, the National Senior  
7       Vice Commander shall at once succeed to the title and duties of the position. In the  
8       event of a vacancy in the office of the National Senior Vice Commander, the National  
9       Junior Vice Commander shall at once succeed to the office of the National Senior Vice  
10      Commander.
- 11      B. The NEC shall elect an officer to fill the position of National Junior Vice Commander  
12      until the next Convention from one of the six (6) Region Commanders.
- 13      C. Vacancies occurring in the elective offices of the National Organization shall be filled  
14      by the NEC in the following manner:
- 15          1) The National Commander shall duly notify all the National Executive Committee  
16          members of the vacancy. Thirty (30) calendar days after the notification of the  
17          vacancy the National Adjutant shall notify the NEC members of the names of  
18          Patriots announcing for the position.
- 19          2) National Executive Committee members will vote to fill the vacancy by digital  
20          voting.
- 21          3) The votes shall be opened:
- 22              a) At a time specified by the National Commander.
- 23              b) By tellers appointed by the National Commander.
- 24              c) In the presence of such officers of the National organization as the  
25              Commander may designate.
- 26          4) The Patriot receiving the highest numbers of votes shall be declared duly elected  
27          to the office. The National Adjutant shall notify the NEC members of the results.  
28          (Article XII Section 2, I, 3), a), b), c).
- 29          5) The region shall elect an officer to fill the position of Region Commander until  
30          the next Convention from one of the region's department commanders.

31      Section 6 - VOTING

- 32      A. At regular meetings of the National Executive Committee, the rules shall be as follows:
- 33          1) Each elected member of the NEC present at a meeting shall have one vote
- 34          2) All appointed officers shall be without a vote.
- 35          3) One-third of the eligible membership of the NEC present at a meeting shall  
36          constitute a quorum.
- 37          4) No proxy votes may be counted.
- 38      B. At special meetings of the NEC, the rules shall be as follows:
- 39          1) Executive Committee members will vote by digital voting (Article XII Section 2,  
40          I).
- 41          2) These votes shall be opened:
- 42              a) At a time specified by the Commander.
- 43              b) By tellers appointed by the Commander.

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

## 29 **ARTICLE XI - DUTIES of NATIONAL OFFICERS**

### 30 Section 1 - NATIONAL COMMANDER

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



- 3) Contracts properly authorized and approved by the National Convention.
  - 4) Contracts properly authorized and approved by the NEC provided:
    - a) The contracts are within the authorization prescribed in these Articles.
    - b) The contracts are within the mandates specifically granted to it by the National Convention.
  - 5) Co-authorize all disbursements to be properly issued by the Finance Officer.
- E. Will appoint the following officers upon entering office:
- 1) A National Adjutant, National Service Director, and National Legislative Director.
    - a) Each appointment or reappointment will require a majority vote of the NEC votes cast for approval.
      - 1) Vote(s) will be taken separately for each office.
      - 2) Voting will be by a Division of the Assembly
    - b) If the Commander does not desire to reappoint either the National Adjutant, National Service Director or Legislative Director, the Commander will so state.
      - 1) It will require a two-thirds (2/3) vote of the NEC votes cast for the officer to not be reappointed.
      - 2) If the vote does not reach the two-thirds (2/3) vote threshold, the subject officer will be considered reappointed. Another vote is not required.
    - c) All three officers may be given a one-year contract with a second-year option.
      - 1) The option year will require a simple majority vote for approval unless the new Commander exercises the provisions of Article XI Section 1, E, 1)b).
      - 2) Each year's new contract may provide for an option year.
      - 3) Negotiators representing the Order on these contracts will be:
        - (a) The National Senior Vice Commander, National Junior Vice Commander.
        - (b) National Adjutant for Adjutant's position.
        - (c) National Service Director for the service director's position.
        - (d) If either the National Adjutant or National Service Director is unavailable or ineligible to participate in the negotiations, then the responsibility will go to the other i.e. National Adjutant replacing the National Service Director and vice versa.
        - (e) The current National Commander cannot overturn the recommendations of the three negotiators.
      - 4) The National Judge Advocate will review the negotiated terms of the contract and will ensure the contracts will be valid and legally binding.
      - 5) The National Commander will be the signatory on the contracts.
    - 2) Chaplain, Americanism Officer, Public Relations Director, and VAVS Director. Appointment(s) will require a majority vote of the NEC votes cast for approval.
    - 3) Chief of Staff in each State which has no department organization and Aides-de-Camp as may be necessary.
    - 4) Committees and officers not otherwise provided for.

- 5) A National Bylaws Committee of nine members will be appointed by the National Commander.
- a) The National Commander will appoint either the National Senior Vice Commander, National Junior Vice Commander, or one of the six Region Commanders to serve as the chairman. <sup>14</sup>
- b) It will consist of members who have demonstrated:
  - 1) Their knowledge of the bylaws.
  - 2) How to interpret the bylaws.
  - 3) An Institutional memory acquired through years of experience in the Order.
  - 4) They are of high ethical character.
- c) The National Judge Advocate will be available for consultation with the National Bylaws Committee. He or she will not be a part of the committee.
- 6) All such appointments shall be published by the National Adjutant not less than thirty (30) calendar days after appointment.
- F. May appoint any such officers who are salaried or receive an expense allowance exceeding \$100.00 per month.
  - 1) Appointment(s) will require a majority vote of the NEC votes cast for approval.
  - 2) Such Officers may only be removed by two thirds (2/3) vote of the NEC votes cast after the National Commander has recommended removal.
  - 3) In removing other officers, the National Commander may request an endorsement vote of the National Executive Committee, but this endorsement is not mandatory.
- G. May appoint a parliamentarian pro tem at meetings.
- H. Be responsible for:
  - 1) Having the Public Relations Director develop a nationwide program of publicity for the Order.
  - 2) Developing plans for a social media program and the Order's website.
  - 3) Cooperating with other veterans' organizations on mutually beneficial programs of legislation, Department of Veterans Affairs issues, and other veterans' activities.
  - 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.** 15
- G. Be an ex-officio member of the NEC with a voice and a vote.
- H. Be an ex-officio member of the National Finance Committee with a voice but no vote.

### Section 3 - NATIONAL JUNIOR VICE COMMANDER

- A. Assist the National Commander by counsel and otherwise.
- B. If the National Senior Vice Commander is absent or becomes disabled, he/she shall discharge the duties of the National Senior Vice Commander.
- C. In the event of a vacancy in the office of the National Senior Vice Commander, the National Junior Vice Commander shall at once succeed to the title and duties of that position.
- D. Be directly responsible to the National Senior Vice Commander for the membership recruitment and organization of new chapters, as well as the reorganization of inactive chapters.
- E. Supervise the activities of the six Regions Commanders and/or the National Chiefs of Staff.
- F. **May**<sup>16</sup> serve as the chairman of the National Bylaws Committee.
- G. Be an ex-officio member of the NEC with a voice and a vote.
- H. Be an ex-officio member of the National Finance Committee with a voice but no vote

### Section 4 - REGION COMMANDERS

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

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

- A. The National Adjutant's responsibility as the Executive Secretary of the Order is to work on the administrative responsibilities assigned under these bylaws and additional duties as assigned by the National Commander.
- B. Be responsible for the recording and transcription of the minutes of the National Convention, National Finance, and NECs meetings.
  - 1) Publish the minutes of the National Convention and make them a matter of record.
  - 2) Ensure the minutes of the National Finance and Executive Committees shall be distributed to the entire membership of the respective Committees.
- C. Prepare briefs for the meetings of the National Finance and Executive Committees held immediately before and after the national convention.
- D. Conduct the necessary correspondence for the National organization.
- E. Issue the orders as directed by the National Commander or those of other authorized officers or committees.
- F. Prepare all forms and publications required for the successful performance of duties as required by the Commander and the Constitutions and Bylaws of the MOPH.
- G. Keep proper files of all correspondence, applications for membership, general and special orders issued, and other papers and records of the office.
- H. Keep the Master of the Constitution, Bylaws, and Rituals.
  - 1) This includes the paper version as well as the digital version.
  - 2) The digital Master of the Bylaws shall be kept so that the National Adjutant is the only person to have access to the file.
  - 3) When changes are made by national conventions, the National Adjutant will make a copy that may be used by whoever has been delegated the responsibility of updating the Constitution, Bylaws, and/or Rituals.
    - a) The changes will be reviewed by the National Adjutant and National Judge Advocate for accuracy.
    - b) Then the amended version will be noted as to which version it is by sequential numbering in the footer.
    - c) An end note will be added to the changed wording denoting the year the amendment was passed. It will also contain a brief explanation as to why the change was made.
  - 4) The amended version will then become the official version of the Bylaws.
  - 5) The original Master version and all later amended versions will be kept protected by the National Adjutant.
    - a) When the National Adjutant has need of updating the Bylaws, a duplicate will be made to allow a trusted key employee to type the changes.
    - b) After the changes have been made, the National Adjutant will save the file as the new Master using a password known only to him or her.
    - c) The password(s) protecting the Masters will be kept in a sealed envelope in a secure place which is known only to a trusted key Headquarters staffer and the National Judge Advocate.

- I. Submit to the Convention a list showing the chapters and departments who have submitted election reports as of June 30 to determine the number of delegates for each chapter and department.
- J. Be responsible for the preparation and annual publishing of the names and addresses of every National Officer, Department Commander, Department Adjutant, Chapter Commander and Chapter Adjutant, and such other officers and committees as may be desirable. As subsequent names and addresses or corrections are received, the list shall be updated accordingly.
- K. Prepare, approve, and authorize by signature or digital signature all warrants drawn upon the National Finance Officer for payment of bills.
  - 1) The warrants shall be substantiated by bills or other proper authority.
  - 2) Determine that budgets have not been exceeded prior to signing such warrants.
  - 3) All requests for payments to be made by the Order including petty cash funds, whether covered by budgetary allowance or otherwise, must be submitted to the National Adjutant for approval and vouchering.
  - 4) Immediately advise the National Commander, Chairman of the Finance Committee, and all the National Finance and Executive Committees' members of any attempt to circumvent these procedures.
- L. Maintain a complete and accurate inventory of all present and newly acquired office equipment, furniture, files, desks, chairs, and other property owned by the National Corporation at the National Headquarter or by any officer or member at any location. Semiannually release the list to the National Finance Officer for inclusion in the semiannual and annual financial reports.
- M. Be directly responsible for the operation of the supply department of the organization, subject to such regulations as are hereinafter defined.
- N. Be directly responsible for ensuring the Order's website is updated monthly.
- O. Be bonded by a surety company for the faithful discharge of duties. The amount of the bond and the surety company shall be determined by the National Finance Committee and approved by the NEC.
- P. Receive as compensation for services such sum as the National Finance Committee shall recommend to the NEC for determination.
  - 1) The amount agreed upon shall be on an annual basis.
  - 2) A contract must be approved by the National Finance and Executive Committees.
- Q. Upon termination of office, transfer to a successor all books, papers, records, and property of the MOPH.
- R. Be an ex-officio member of the NEC with a voice and no vote.
- S. Attend National Finance Committee meetings.
  - 1) Will not be a member of the committee.
  - 2) Attendance is to provide information and answer questions concerning the National Headquarters' budget.

#### Section - 6 NATIONAL SERVICE DIRECTOR

- A. The National Service Director's duty station is in the National Headquarters. Occasionally, it may be necessary for the National Service Director to attend meetings and functions outside the Headquarters' building.
- B. Shall be accredited as a National Service Officer by the Department of Veterans Affairs (DVA).
- C. Direct, supervise, and coordinate the activities of all National Service Officers.
- D. Make qualified recommendations to the Department of Veterans Affairs for accreditation of MOPH National Service Officers.
- E. Supervise and direct Military Order of the Purple Heart Service Office personnel in:
  - 1) Claims and appeals involving the Regional and Central Office(s) of the DVA on Compensation, Pension, or Dependency and Indemnity Compensation (DIC).
  - 2) Other similar matters pertaining to the Military Order of the Purple Heart members, their widows, orphans, families, and dependents.
  - 3) National Adjutant's office personnel in the Adjutant's absence.
- F. Arrangement for the representation of such persons in the presentation of appeals before the Board Veterans Appeal of the DVA and United States Court of Appeals for Veterans Claims.
- G. Ensure that everyone represented by the Military Order of Purple Heart Service Program has been provided a Power of Attorney authorizing the Military Order of the Purple Heart to represent them.
- H. Review monthly and periodic reports of activities required of the National Service Officers.
- I. Provide an annual report on the Service Program to the National Convention
- J. Coordinate with the Legislative Director in the preparation and presentation of federal legislation pertaining to Compensation, Pension, DIC claims, and other service-related matters.
- K. Act as the Legislative Director in the absence of the appointed Legislative Director.
- L. Maintain good relations with other veteran service organizations and government agencies for the benefit of veterans and their families.
- M. Cooperate with Welfare Officers in handling service claims of hospitalized veterans. Cooperate in the VAVS Program as requested.
- N. Use the Purple Heart Magazine and other publications to provide information relating to matters of service, rehabilitation, welfare, and service-related legislative activities.
- O. Receive as compensation for services rendered such sum as the National Finance Committee shall recommend to the NEC for determination.
  - 1) The amount agreed upon shall be on an annual basis.
  - 2) A contract must be approved by the National Finance and Executive Committees.
- P. Be an ex-officio member of the Legislative Committee with a voice and a vote.
- Q. Be an ex-officio member of the NEC with a voice and no vote.
- R. Attend National Finance Committee meetings.
  - 1) Will not be a member of the committee.
  - 2) Attendance is to provide information and answer questions concerning the National Service Program's budget.

1 Section 7 - NATIONAL FINANCE OFFICER

- 2 A. The National Finance Officer is responsible to and under the direction of the National  
3 Finance Committee.
- 4 B. Take charge of all the funds of any nature or any source and deposit these promptly  
5 only in such separate or consolidated bank deposit accounts. Any banks used by the  
6 Order require the approval of the National Finance Committee.
- 7 C. Keep a correct account of all monies due and receivable.
- 8 D. Disburse monies payable by the MOPH.
- 9 1) The disbursement request shall be on a warrant (accompanied by substantiating  
10 bills or other proper authority properly) drawn and authorized by the National  
11 Adjutant's signature or electron signature.
- 12 2) No payment shall be issued for any expenditure that will exceed the budgeted  
13 amount approved by the National Finance and Executive Committees.
- 14 3) Notify the Chairman of the National Finance Committee of any request for  
15 expenditures beyond budgetary amounts. The National Finance Committee will  
16 take whatever action deemed necessary.
- 17 E. Will compile and maintain a complete and accurate list of all disbursement contacts to  
18 include the name of the financial institution with the account and routing numbers for  
19 processing and digital payments.
- 20 1) Payments may be made by direct deposit to the payee's bank account.
- 21 2) Direct deposit to the payee's bank account is the suggested method, but is not  
22 mandatory.
- 23 F. Take possession of and be responsible for all securities, other negotiable instruments,  
24 or other similar property of the MOPH.
- 25 1) They shall be deposited in a safe depository approved by the National Finance  
26 Committee.
- 27 2) All such securities and negotiable documents of monetary value shall be properly  
28 inscribed with an instruction that they cannot be sold, transferred, or posted for  
29 loan purposes without properly documented authorization issued, signed, and  
30 notarized by the National Finance Committee after approval by the NEC.
- 31 G. Keep a complete detailed record of all liabilities of the Corporation.
- 32 H. Keep warrants, vouchers, and records per the procedures authorized by the National  
33 Finance Committee.
- 34 I. Prepare and publish semiannually a complete financial report consisting of:
- 35 1) A detailed account of all cash receipts and disbursements by category, with every  
36 salary or expense account of an officer, employee, or member shall be shown  
37 separately.
- 38 2) Report other itemization as may be prescribed by the National Finance  
39 Committee.
- 40 3) A full detailed inventory of all equipment, furniture, and supplies of the National  
41 Corporation.
- 42 4) A complete list of all current liabilities.

- 1 5) All the above shall be in a form acceptable to the National Finance Committee.  
2 These reports shall reflect the six-month interim period account balances ending  
3 December 31, and for the June 30 end-of-the-year balances.
- 4 a) The six-month report for the period ending December 31 shall be prepared  
5 and published not later than the following March 1. The reports shall be  
6 distributed to the entire membership of the National Finance Committee  
7 b) The annual report for the period ending June 30 of each year shall be prepared,  
8 published, and issued not later than the National Convention. It shall be  
9 distributed to every:
- 10 (1) Member present at such National Convention.  
11 (2) Member of the National Executive and Finance Committees.
- 12 J. Be Audited annually by an independent Certified Public Accountant engaged by and  
13 responsible to the National Finance Committee.
- 14 K. Ensure reports of the National Finance Officer and of the Certified Public Accountant  
15 shall comply in every respect with the requirements as set forth in the Congressional  
16 Charter, Public Law 761, 85th Congress as amended by 36 USC Chapter 1405.
- 17 L. Be bonded for the faithful discharge of duties in an amount and by such surety  
18 company as may be determined by the National Finance Committee and approved by  
19 the NEC.
- 20 M. Receive such compensation for services and faithful discharge of duties as may be  
21 recommended by the National Finance Committee and approved by the NEC.
- 22 N. Upon termination of office deliver to the new National Finance Officer all monies,  
23 books, records, equipment, files, office furniture, and other property of any nature  
24 belonging to the National Corporation.
- 25 O. Be an ex-officio member of the:  
26 1) NEC with a voice and a vote.  
27 2) National Finance Committee with a voice and no vote.
- 28 Section 8 - NATIONAL JUDGE ADVOCATE
- 29 A. The National Judge Advocate shall be an active licensed attorney and in good standing  
30 with his/her state bar.
- 31 B. Be the legal advisor of the National Corporation:  
32 1) Provide the National Commander advisory opinions and recommendations. To  
33 avoid a conflict of interest or the appearance of a conflict of interest, the Judge  
34 Advocate will:  
35 a) Have no authority to make any decisions or issue orders.  
36 b) Have a vote during the National Convention  
37 c) Have a vote during the NEC meeting.
- 38 2) At other times when such legal advice on the interpretation of the Constitution  
39 and Bylaws by any National or Department officer may be requested.
- 40 3) Will be available for consultation with the National Bylaws Committee. He or she  
41 will not be a part of the committee.
- 42 4) Provide an opinion upon request for advice by chapter and/or department  
43 officers, which have been made through the Department Judge Advocate.



- 1 C. Make advisory opinions and usage of the Constitution and Bylaws of the organization.  
2 1) The National Commander shall render his or her decision(s).  
3 a) The decision(s) shall be subject to appeal to the NEC and/or National  
4 Convention.  
5 b) The NEC or the National Convention shall have the power to rescind or  
6 modify the decisions. In all such cases, the decision of the National  
7 Convention shall be final.  
8 D. Be the primary legal counsel on all legal matters of any nature which include:  
9 1) Contracts, lawsuits, or threatened suits involving the National Corporation.  
10 Making such advisory opinions as are necessary.  
11 2) Referring legal matters to outside legal firms as shall be employed by direction of  
12 the National Commander with the approval of the NEC.  
13 3) Without the approval of the National Commander and the approval of the NEC,  
14 an individual(s) who contracted for the outside legal firm would be financially  
15 liable for the fees of the legal firm(s).  
16 E. Provide advice and recommendation(s) to the National Commander when chapters,  
17 departments, or any subsidiaries of the MOPH desire to incorporate.  
18 1) Review all bylaws submitted by departments and non-department chapters for  
19 compliance with the National Constitution and Bylaws.  
20 2) After the review make a recommendation(s) to the National Commander.  
21 F. Be an ex-officio member of the:  
22 1) NEC with a voice and a vote  
23 2) National Finance Committee with a voice but no vote.

24 Section 9 - NATIONAL INSPECTOR

- 25 A. Will be the principle advisor to the National Commander on inspections and  
26 investigations.  
27 B. Reports directly to the National Commander.  
28 C. The National Inspector will give suggestions to the Department Inspectors.  
29 D. Make such inspections of departments or chapters as necessary or are requested or  
30 delegated by the National Commander.  
31 E. Inspections of chapters shall be made by the Department Inspector unless a request  
32 shall be made by the department or chapter to the National Inspector.  
33 F. The National Inspector, when directed by the National Commander after consultation  
34 with the Judge Advocate, shall also have the authority to make such inspections  
35 without notice to the department or chapter to be inspected. The inspections shall  
36 consist of by not limited to:  
37 1) Criticism and correction of the methods of bookkeeping and keeping of records.  
38 2) Checking on the use of the National Bylaws are the functions of the National  
39 Inspector.  
40 3) On matters as directed by the National Commander.  
41 G. Do an inspection at the request of the National Commander of any National Officer's  
42 office including the National Adjutant, Service Director, and Legislative Officer..

1 H. Consolidate all reports made to the Department Inspector by chapters to be included  
2 in the annual report to the National Convention.

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

5 Section 10 - NATIONAL SERGEANT-AT-ARMS

6 A. Take a post at the inside door of the meeting rooms at the National Convention and  
7 NEC.

8 B. Perform such other duties as the National Commander may direct.

9 C. Perform such other duties incident to the office, or as the National Convention may  
10 direct.

11 D. Be responsible for the National Colors.

12 E. The Sergeant-at-Arms may request the National Commander to appoint such  
13 Assistant Sergeants-at-Arms as deemed necessary to assist in carrying out assigned  
14 duties.

15 F. Be an ex-officio member of the NEC with a voice and a vote.

16 Section 11 - NATIONAL LEGISLATIVE DIRECTOR

17 A. Direct and supervise all federal legislative activities of the Military Order of the Purple  
18 Heart of the USA, Inc.

19 B. Assist the National Adjutant as needed.

20 C. Promote and carry out an aggressive federal legislative program on behalf of combat-  
21 wounded veterans of the Armed Forces of the United States.

22 D. Be the representative on behalf of the Order to Congressional Committees.

23 E. Be vigilant that no federal legislation shall be sponsored or endorsed by any Officer or  
24 member of the MOPH unless it has been approved by the National Commander or a  
25 designated representative of the National Commander.

26 F. Coordinate activities with the National Service Director who shall cooperate in the  
27 preparation and presentation of bills to Congress pertaining to Compensation,  
28 Pension, DIC claims, and other service matters.

29 G. Prepare a legislative program including resolutions and recommendations on  
30 legislation affecting combat-wounded veterans that may have been mandated by the  
31 National Convention or by the NEC in the interim.

32 H. With the assistance of the National Service Director present such program(s) to  
33 Congress as has been prepared by the National Legislative Committee.

34 I. Will get the approval of the National Commander concerning legislative issues that  
35 occur between conventions that require timely decisions.

36 J. Inspect all copies of bills or proposed bills for state legislatures sent by the Department  
37 Legislative Officers. Make recommendations for approval or disapproval all proposed  
38 legislation to be sponsored by this organization in any state

39 K. Ensure no legislation of conflicting purposes will be introduced in different states.

40 L. Serve as Chairman of the Legislative Committee and recommend members for the  
41 Committee to the National Commander's approval.

42 M. Be an ex-officio member of the NEC with a voice and no vote.

43 Section 12 - NATIONAL CHAPLAIN

- 1 A. The National Chaplain shall be an ordained clergyman or licensed minister.  
2 B. Perform such duties as may be required by the National Commander.  
3 C. Be an ex-officio member of the NEC with a voice and no vote.
- 4 Section 13 - NATIONAL AMERICANISM OFFICER
- 5 A. The National Americanism Officer shall direct and coordinate the activities of the  
6 chapters and departments in the development and promotion of a program of  
7 "positive Americanism." Such programs shall be in harmony with the principles and  
8 objects of this Corporation as set forth in the Order's Congressional Charter.  
9 B. Submit an annual budget request through the National Adjutant to the National  
10 Finance committee.  
11 C. Make periodic reports of activities as necessary and shall compile and consolidate  
12 reports from chapters and departments for an annual written report to the National  
13 Convention.  
14 D. Perform such other duties incident to the office and such other duties as the National  
15 Commander may direct.  
16 E. Be an ex-officio member of the NEC with a voice and no vote.
- 17 Section 14 - NATIONAL PUBLIC RELATIONS DIRECTOR
- 18 A. Be responsible for developing and promoting good publicity and public relations for  
19 the National Corporation and National Convention.  
20 B. Perform such other duties incident to the office and such other duties as the  
21 Commander may direct.  
22 C. Assist chapters and departments in developing local public relations initiatives  
23 D. Submit an annual budget request through the National Adjutant to the National  
24 Finance committee.  
25 E. Be an ex-officio member of the NEC with a voice and no vote.
- 26 Section 15 - VETERANS AFFAIRS VOLUNTEER SERVICE (VAVS) DIRECTOR
- 27 A. Be appointed by the National Commander and shall be responsible for all aspects,  
28 programs and protocols of the MOPH VAVS Program.  
29 B. May appoint up to three (3) National Deputy VAVS representatives. Additional  
30 National Deputy VAVS representative may be appointed with the National  
31 Commander's approval and after receiving prior approval from the Department of  
32 Veterans Affairs (DVA), Central Office, VAVS Office.  
33 1) One of these deputies will serve as the National Certifying Official.  
34 2) Be responsible for making appointments—based upon recommendations of the  
35 Department Commander—of local representatives and deputies to the Veterans  
36 Administration Medical Centers (VAMC) and State Veterans Homes.  
37 C. Shall annually update the MOPH National VAVS Handbook, and provide training of  
38 Department VAVS Officers.  
39 D. Submit an annual report to the National Convention.  
40 E. The National VAVS director or a deputy is required to attend the Department of  
41 Veterans Affairs National Advisory Committee (NAC) meeting and the Executive  
42 Committee meeting to that body. One National Deputy Representative may attend

- 1 the NAC meeting within budget limitations. The VAVS Director shall serve as the  
2 voting member representing the Military Order of the Purple Heart on the NAC.
- 3 F. Submit an annual budget request through the National Adjutant to the National  
4 Finance committee.
- 5 G. Review all quarterly local VAVS committee minutes. When the local MOPH  
6 representative(s) or Deputy Representative(s) fails to attend three consecutive  
7 quarterly meetings, as required by the DVA directive, the National VAVS director will  
8 remove these individuals. The notification may be in a written letter and/or digital  
9 communication.
- 10 1) The National Commander will be kept informed on a case-by-case basis.  
11 2) The notification of the removal will be sent to local VAMC VAVS Chief,  
12 department commander, and the individual.
- 13 H. Review all Annual Joint Review (AJRR) reports, endorse them with comments, and  
14 return to the MOPH local VAVS Representative.
- 15 I. Be an ex-officio member of the NEC with a voice and no vote.
- 16 Section 16 - DIRECTOR OF WOMEN VETERANS' ISSUES.
- 17 A. The Director of Women Veterans' Issues shall perform the duties incident to her or  
18 his office and such other duties as the Commander may direct.
- 19 B. The Director will reach out to female members to provide them with relevant  
20 information on a regular basis and to assess any needs that they may have at that time.
- 21 C. The Director will address specific requests for assistance from female veterans – both  
22 members and non-members – on a wide variety of issues as they arise.
- 23 D. The Director will actively update the Women Veterans issues webpage with current  
24 information to assist our female veterans.
- 25 E. The Director will search for other female MOPH members who will volunteer to assist  
26 in looking for speaking and writing opportunities to promote the Program and women  
27 veterans' issues.
- 28 Section 17 - NATIONAL SURGEON
- 29 The Surgeon shall be a licensed physician, or medical practitioner, and shall perform such  
30 duties incident to his office or as the Commander may direct. He or she shall give advice  
31 to the National Service Director as may be required and shall submit recommendations to  
32 the National Legislative Committee.
- 33 Section 18 - NATIONAL HISTORIAN
- 34 The Historian shall compile a history of the activities of the National organization during  
35 his term of office, to be kept as a permanent record of the National organization. He or  
36 she shall perform such other duties as may be required or as the Commander may direct.
- 37 Section 17 - NATIONAL CHIEFS of STAFF
- 38 In states without a department, the National Chiefs of Staff shall be:
- 39 A. Responsible for the coordination of the activities of existing chapters,  
40 B. Responsible for the organization of new chapters in the state for the purpose of  
41 organizing a department.  
42 C. Responsible to their respective National Region Commander.

- 1 D. Recommend to the National Commander through the National Adjutant the  
2 appointment of such other Deputy Chiefs of Staff as are deemed desirable.

3 Section 18 - REGION CHIEFS of STAFF

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

8 Section 19 - Director Medal Recovery

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

13 **ARTICLE XII - NATIONAL COMMITTEES**

14 Section 1 - NATIONAL EXECUTIVE COMMITTEE

- 15 A. The National Commander, Past National Commanders, National Senior Vice  
16 Commander, National Junior Vice Commander, six Region Commanders, National  
17 Finance Officer, National Judge Advocate, National Inspector, National Sergeant-at-  
18 Arms, Department Commanders, National Finance Committeemen, and National  
19 Publications Committeemen who shall all have a voice and a vote.

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

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

24 3) Past National Commanders (PNC) WILL retain their NEC vote. However, after  
25 5 years of PNC Status they will no longer be reimbursed for travel to or from any  
26 NEC meeting.<sup>19</sup>

- 27 B. The National Adjutant, National Service Director, National Legislative Director,  
28 National Chaplain, National Americanism Officer, National Public Relations Director,  
29 VAVS Director, Director of Women Veterans Issues and Director Medal Recovery  
30 program who shall have a voice no vote.

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

32 Section 2 - DUTIES of NATIONAL EXECUTIVE COMMITTEE

- 33 A. Meet in the convention city immediately preceding the National Convention

- 34 B. Meet in the convention city within 24 hours following the adjournment of the National  
35 Convention.

- 36 C. May meet during the interval between National Conventions:

37 1) At the discretion of the National Commander.

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

39 3) Digital meetings are allowed between conventions.

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

- 41 E. Be vested, in the interval between Conventions, with full administrative powers of the  
42 National Organization delegated to it by the National Convention within the

- 1 limitations prescribed in these Articles. All actions of the NEC, however, shall be  
2 subject to approval by the next National Convention.
- 3 F. The NEC shall:
- 4 1) Run meetings in accordance with Roberts Rules of Order, Newly Revised  
5 2) Be recorded and transcribed by the National Adjutant's office.  
6 3) Have the proceedings' minutes presented by the National Adjutant to the National  
7 Convention body for consideration and action.
- 8 G. Have exclusive power to approve the actions of the National Finance Committee,  
9 within 30 calendar days after the close of each National Convention, to:
- 10 1) Fix salaries of all officers and employees.  
11 2) Approve all budgets of the National Corporation.
- 12 H. Have the power to approve contracts involving salaries and income producing  
13 ventures of the National Corporation.
- 14 1) All contracts must first be reviewed by the Judge Advocate who will recommend  
15 what actions should be taken by the National Finance Committee.
- 16 2) Contracts and/or non-contractual ventures may not exceed one year's duration or  
17 extend beyond the next Convention.
- 18 a) Unless the National Convention previously approved and mandated to the  
19 NEC authority for specific action beyond these limitations.
- 20 b) Contracts and ventures extending beyond the one-year limit can only be  
21 approved at the National Convention by a two-thirds vote of the votes cast.
- 22 c) Contracts for the normal administrative operation of a business by the  
23 National Adjutant and National Service Director do not have to be reviewed  
24 by the Judge Advocate or the Finance Committee.
- 25 (1) Approvals of the line item expenditure in the National Budget by the  
26 National Finance Committee and ratified by the NEC will be de jour  
27 approval to sign contracts to continue the usual and customary operation  
28 of business covered by that budget item.
- 29 (2) Any question as to whether the contracts are usual and customary will be  
30 referred to the Judge Advocate for an opinion.
- 31 I. Be polled by the National Adjutant through a digital vote on any matter.
- 32 1) The requirements for polling the NEC are:
- 33 a) When an action is required. This will be determined by the National  
34 Commander.
- 35 b) Upon the request of a majority of the National Executive Committee  
36 members:
- 37 c) Upon the request of any chairman of a standing committee, which shall be  
38 made through the National Commander,
- 39 d) To have a vote on the NEC between in-person meetings, said member(s) shall  
40 have an e-mail address.
- 41 (1) The voting on issues other than at NEC or National Convention meetings  
42 will be done by the National Adjutant using digital votes. **Digital voting is**

- 1 an electronic voting method that precludes having to mail a physical  
2 document.<sup>20</sup>
- 3 (2) Patriots will provide the National Adjutant an e-mail address for NEC  
4 digital votes.
- 5 (3) The National Adjutant, other MOPH officers, or members shall not spam  
6 an NEC member's designated voting e-mail address.
- 7 (4) An NEC member who blocks receipt of digital votes from the National  
8 Adjutant will not have a vote.
- 9 2) Tellers will:
- 10 a) Be appointed by the National Commander.
- 11 b) Be members of the Order,
- 12 c) Not be Employees of the Military Order of the Purple Heart or the Military  
13 Order of the Purple Heart Service Foundation.
- 14 3) After the tellers have counted and certified the votes, the results will be sent out  
15 to every member of the NEC.
- 16 a) The names of the tellers and any position(s) held within the Order will be  
17 provided to the entire NEC.
- 18 b) The vote tallies showing how each NEC member's vote was recorded will be  
19 included in the results.
- 20 c) These procedures are to ensure the NEC members that their vote was received  
21 and counted properly.
- 22 4) If any of the provisions of ARTICLE XII, Section 2. I. 2) & 3) are not followed  
23 exactly, then the vote is invalid and must be redone. There are no exceptions to  
24 this rule.
- 25 J. Be estopped from delegating its authority to any other committee(s) set up either by  
26 the Commander or the NEC except as may be specifically provided in these Articles.
- 27 K. Make disposition of all properties of chapters and departments:
- 28 1) Returned to or taken over by the National Adjutant from chapters or departments  
29 which have:
- 30 a) Surrendered or forfeited their charters.
- 31 b) Been declared defunct.
- 32 2) These action(s) thereon shall be final.
- 33 Section 3 - THE NATIONAL FINANCE COMMITTEE
- 34 A. The National Finance Committee shall be composed of nine (9) members.
- 35 B. The National Commander shall be an ex-officio member with a voice and a vote.
- 36 C. Another four members, each with a voice and a vote, shall be elected by the NEC.  
37 One member shall be elected each year to serve four years. If a vacancy occurs in one  
38 of the "additional four members" positions, such vacancy will be filled by a vote of  
39 the NEC. The vote shall not be earlier than thirty (30) calendar days after the National  
40 Adjutant sends out an announcement of the vacancy.
- 41 D. The National Senior Vice Commander, National Junior Vice Commander, National  
42 Finance Officer and the National Judge Advocate shall have a voice but no vote.
- 43 E. The National Adjutant will:
- 44 1) Be the ex-officio Secretary.

- 2) Not be a member of the committee.
- 3) Attend to provide information and answer questions concerning the Headquarters' budget, and budgets submitted by other officers.
- F. The National Service Director will:
  - 1) Not be a member of the committee.
  - 2) Attend to provide information and answer questions concerning the National Service Program's budget,
- G. The Finance Committee shall meet at least twice each year—once before and once after each national convention.
- H. Digital meetings are allowed between conventions.
- I. Additional meetings may be called:
  - 1) At the discretion of the Chairman of the National Finance Committee.
  - 2) Upon request of the National Commander
  - 3) Upon request of the National Finance Committee members.

#### Section - 4 - DUTIES of NATIONAL FINANCE COMMITTEE

- A. Be responsible for the preparation and review of the annual budgets of the National Corporation after receipt of budgetary requests from officers and committees.
- B. It shall supervise and control all expenditures and the handling of regular funds and those of all income-producing programs of the National Corporation.
- C. Present all budgets within 30 calendar days after the close of each national convention, or adjustments thereto, to the NEC for its final action.
  - 1) The National Finance Committee shall have the power—subject to the approval of the NEC—to allocate for budgetary purposes all funds received from any source within the limitation prescribed in these Articles.
  - 2) It shall have authority to approve expenditures beyond budgetary limits by the ten (10%) percent of the individual item. Requests for the expenditures in excess of this allowance must be submitted to the NEC for approval.
- D. Exercise unquestioned fiscal responsibility.
- E. Any person or persons approving warrants, vouchers and/or checks in an amount exceeding the approved or amended budget line items shall be personally liable for this overdraft.
  - 1) Such person(s) shall reimburse the Corporation the amount of the overdraft.
  - 2) The National Adjutant, National Commander, and National Finance Officer shall each be jointly and severally liable for such repayment to this Corporation.
- F. Contracts for employment of employees, rental or purchase of new office space, or other high priced capital expenditures will be reviewed by the Judge Advocate for correctness prior to submission to the National Finance Committee.
- G. The National Finance Committee meeting held after the Nation Convention will set "high priced capital expenditure" criteria.
- H. Be charged with the investigating and the reporting to the NEC on all contracts submitted to MOPH.
- I. It shall render advice to the NEC on all financial questions.



- 1 J. Not allow any Chapter, Department, Auxiliary, or other unit of the Military Order of  
2 the Purple Heart of the USA, Inc., to raise or acquire any monies, funds, or other  
3 things of value with the help or assistance of a paid or otherwise compensated person,  
4 employee, individual, or company without approval.
- 5 1) Such entity must submit written notification to the National Commander, National  
6 Adjutant, National Judge Advocate, and the Chairman of the National Finance  
7 Committee as to all the details of the fund-raising project.
- 8 a) The Chapter, Unit, Department, or any subsidiary of the Corporation  
9 requesting permission for such fund-raising activities shall comply with all local  
10 ordinances, codes, or laws; and federal ordinances, codes, laws, or regulations  
11 covering the various fund-raising activities. Event insurance is recommended.
- 12 b) Determine that funds raised by such fund-raising activities or programs shall  
13 be used only for such purpose or purposes as are advertised in the solicitation  
14 for which approval has been granted by the National Finance Committee.
- 15 c) Institute such additional regulations for the licensing, fees, and overall  
16 supervision of all fund-raising activities by all subsidiaries of this Corporation,  
17 as may be determined and promulgated by the National Finance Committee.  
18 It shall determine that the regulations are fully complied with by all concerned.
- 19 2) It shall be the duty of the National Commander, the National Adjutant, and the  
20 National Judge Advocate, within 30 calendar days of receipt of such request, to  
21 make a recommendation to all the National Finance Committee members  
22 regarding such a fund-raising project.
- 23 3) The National Commander or the Chairman of the National Finance Committee  
24 shall forthwith call for a vote of the National Finance Committee.
- 25 4) A majority of the National Finance Committee must approve such a fund-raising  
26 project.
- 27 K. The National Commander will have the National Adjutant certify approval or rejection  
28 for the fund-raising project by the National Finance Committee. Define for the  
29 National Finance Officer in detail:
- 30 1) The accounting system to be used by the Corporation.
- 31 2) The form and frequency of regular and special reports that it may require of him  
32 or her covering all funds, offices, officer's expenditures, and similar items.
- 33 L. Be responsible for the annual audit of all funds of the National Corporation by an  
34 independent Certified Public Accountant and shall audit on specifically designated  
35 dates.
- 36 M. Determine that the reports of the National Finance Officer and the independent  
37 Certified Public Accountant shall comply in every respect with the requirements as set  
38 forth in the Congressional Charter, Public Law 761, 85th Congress as amended by 36  
39 USC Subtitle II Chapter 1405.
- 40 N. Will act as custodian of the Life Membership Fund and as such will review any  
41 consideration for withdrawal of any part of the principal from this account and submit  
42 its recommendation to the National Executive Committee for approval. Approval to  
43 withdraw funds will require two thirds of the votes received from the National

Executive Committee by ballot or at a National Convention. Recommendation to withdraw funds must include a plan for repayment over a specific period of time.<sup>21</sup>

Section 5 - INVESTMENT COMMITTEE

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

Section 6 - NATIONAL PUBLICATIONS COMMITTEE

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

1 approval. The National Publications Committee will submit a budget to the National  
2 Finance Committee prior to the National Convention.

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

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

#### 8 Section 7 - NATIONAL LEGISLATIVE COMMITTEE

9 A. Determine that the policy of the National Legislative Committee shall be such as will  
10 ensure fair and just treatment to the combat-wounded veterans of the Armed Forces  
11 of the United States.

12 B. Prosecute an aggressive federal legislative program affecting combat-wounded  
13 veterans and their dependents by and through the National Legislative Director.

14 C. The overall program of service, legislation, welfare, and rehabilitation shall primarily  
15 emphasize the service-connected disabled veterans. This does not imply opposition  
16 to the non-service connected disabled veterans but rather to establish the Order’s  
17 priorities.

18 D. Be responsible for preparing a legislative program for presentation to the National  
19 Convention, or the NEC in the interim.

20 E. Coordinate all resolutions and material of a federal nature from any source  
21 whatsoever—including chapters and departments—in preparation for submission to,  
22 and action by the NEC.

23 F. Ensure that no proposal for federal legislation shall be sponsored or endorsed by any  
24 Officer or member of the Military Order of the Purple Heart unless it has been  
25 approved by the National Commander.

26 G. The National Legislative Director shall serve as Chairman of the Committee.

27 1) The National Commander, National Service Director, and the National Adjutant  
28 shall serve as ex officio members.

29 2) The National Legislative Director shall select the other members of the Legislative  
30 Committee with the approval of the National Commander.

31 3) Digital meetings are allowed between conventions.

#### 32 Section 8 - NATIONAL BYLAWS COMMITTEE

33 A. This will be a standing committee of nine (9) members.

34 1) The National Senior Vice Commander, Junior Vice Commander, or Region  
35 Commander will serve as the chairman.

36 2) The members who have demonstrated:

37 a) Their knowledge of the bylaws.

38 b) How to interpret the bylaws.

39 c) An Institutional memory acquired through years of experience, working  
40 knowledge, and voluntary participation in the Order.

41 d) They are of high ethical character.

42 3) There will be a diverse geographic and conflict demographics make-up of the  
43 committee.

- 1 4) If a member is absent from the bylaws committee meeting during the National  
2 Convention, the National Commander may replace him or her with another  
3 member who meets the qualifications listed in Article XII, Section 8, A, 2, 3

- 4 B. The National Judge Advocate will be available for consultation with the National  
5 Bylaws Committee. He or she will not be a part of the committee.

6 Section 9 - DUTIES of BYLAWS COMMITTEE

- 7 A. Review the bylaw amendments submitted for consideration to the National  
8 Convention.

- 9 1) Make recommendations to the convention body as to the validity, practicality, and  
10 need for the amendment. If the committee's recommendation is to reject the  
11 amendment, a full explanation will be made as to the reason for the  
12 recommendation.

- 13 2) No modifications or changes to the original wording of the submitted  
14 amendment(s) will be allowed to be made in the Bylaws Committee meeting.  
15 Correcting spelling errors and minor grammar usage is allowed.

- 16 3) Assist the departments in writing and submitting a proposed bylaw amendment.

- 17 B. Committee shall review bylaws annually between annual conventions with at least one  
18 physical or digital meeting to make any necessary recommendations for amendments.

19 **ARTICLE XIII - DUES**

20 Section 1 - NATIONAL DUES

- 21 A. Life Membership dues will be established by the National Convention.

- 22 B. Associate Member dues will be the same as the Life Membership dues.

- 23 C. Withdrawal from the Life Membership Fund principal is prohibited **except as**  
24 **provided in Article XII, Section 4, N22.**

25 Section 2 - LIFE MEMBER REBATES

- 26 A. The departments and chapters will be rebated annually for all eligible Life members  
27 on record as of June 30, and who have been verified by October 1. **A chapter's Life**  
28 **Membership Verification Report may be made by either the Chapter or Department**  
29 **Adjutant.**<sup>23</sup>

- 30 B. The per capita payment—based on a previous national convention vote—**50% to the**  
31 **departments**<sup>24</sup> **and 50% to the Chapters.**<sup>25</sup>

- 32 C. Rebates will not be made to a chapter or department that fails to submit a timely  
33 election report (to National by June 30).

34 Section - 3 EXCEPTIONS.

- 35 A. Residents of a Soldiers Home or Department of Veterans Affairs (DVA) or Military  
36 Hospital, of six months' duration, who have been awarded the Purple Heart may  
37 become members at one-half the life membership dues. An affidavit by an official of  
38 such Soldiers Home or DVA or Military Hospital certifying to the applicant's period  
39 of residency shall also accompany each such application.

- 40 B. Holders of the Medal of Honor, who also have been awarded the Purple Heart, will  
41 be given Life Membership at no cost.

- 1 C. No rebates to chapters or departments will be made for the categories of membership  
2 listed in above paragraphs A, B and Associate Life members.

3 **ARTICLE XIV- UNIFORMS & SUPPLIES**

4 Section 1 - SUPPLY DEPARTMENT.

- 5 A. The Supply Department shall be the direct responsibility of the National Adjutant.  
6 B. The National Adjutant shall determine the nature and selling price of such materials.  
7 C. The funds of the Supply Department shall be included in the General Fund.  
8 D. The National Adjutant shall maintain a complete and accurate inventory of all items  
9 and materials handled through this Supply Department.  
10 E. The National Adjutant shall semiannually release the list to the National Finance  
11 Officer for inclusion in semiannual financial reports.  
12 F. The National Adjutant shall report on the operation of the Supply Department to the  
13 National Convention.

14 Section 2 - CAPS.

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

24 Section 3 - FLAGS

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

31 Section 4- UNIFORMS

- 32 A. Standard Dress  
33 1) Navy or black blazer with a Purple Heart symbol on the left breast pocket area or  
34 lapel.  
35 2) Dress white shirt with long or short sleeves.  
36 3) Medium gray trousers or skirt  
37 4) Black shoes  
38 5) Purple necktie with white edged George Washington emblem is sewn thereon, or  
39 regimental stripe necktie with Purple Heart colors.  
40 6) Cap as described in Article XIV Section 2.  
41 B. Honor Guard is the same as the standard dress uniform.

- 1 C. Variations from the above-described uniforms may be made only with the prior  
2 written approval of the National Commander through the National Adjutant

3 Section 5 - VIOLA

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

13 Section 6 - CERTIFICATES AND CITATIONS.

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

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

32 Section 1 - INCORPORATION.

- 33 A. No subordinate unit of the Military Order of the Purple Heart of the USA, Inc., shall  
34 incorporate under the laws of their state for any purpose whatsoever without first  
35 having the Incorporation papers sent to the National Judge Advocate.  
36 B. The National Judge Advocate shall review:  
37 1) The proposed certificate of incorporation.  
38 2) A copy of the laws of the state under which the unit is to be incorporated.  
39 3) All applications and certificates of incorporation shall state the entity shall be  
40 governed by the Constitution and Bylaws of the Military Order of the Purple Heart  
41 of the USA, Inc.

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

3 Section 2 - ELECTED OFFICERS

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

- 5 1) The National organization.  
6 2) A Department.  
7 3) A Chapter.

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

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

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

13 Section 3 - WELFARE FUNDS

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

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

19 Section 4 - BOND

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

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

27 Section 5 - INSPECTION

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

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

34 C. The National Commander may require the inspection by the National Inspector of  
35 any Officer of the Order or Office, whenever the best interests of the Order require  
36 it.

37 Section 6 - POLITICS

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

41 B. No discussion of partisan questions shall be allowed at any meeting of the  
42 Corporation.

- 1 C. No nominations, recommendations, or endorsements for political office shall be made  
2 by a member as a representative of the Military Order of the Purple Heart. No  
3 lobbying as a representative of the Military Order of Purple Heart will be done before  
4 the US Congress without the recommendation of the National Legislative Officer and  
5 concurrence of the National Commander.

6 Section 7 - INELIGIBILITY.

7 In the event the eligibility of a Patriot is questioned; a statement of the facts should be  
8 forwarded through the Department Commander or Department Adjutant to the National  
9 Adjutant.

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

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

- 17 A. The chapter's charter may be suspended or revoked for failure to follow lawful order(s)  
18 and directive(s) as authorized by the Constitution and/or Bylaws.  
19 B. The steps to request suspension are:  
20 1) The Department Commander may request the Department Inspector to  
21 investigate and report on the facts.  
22 2) The Department Commander must make a request for chapter suspension.  
23 3) The Region Commander must concur with the Department Commander's request  
24 for suspension or revocation of the charter.  
25 4) The National Commander may request the National Inspector to investigate the  
26 situation.  
27 a) The National Inspector will report the findings of the investigation to the  
28 National Commander and the respective Department and Region  
29 Commanders.  
30 b) The date(s) and location(s) of the investigation will be in the report.  
31 c) The names of everyone interviewed during the investigation will be in the  
32 report.  
33 d) Any evidence gleaned will be included but not limited to:  
34 (1) Oral  
35 (2) Written  
36 (3) Financial records  
37 (4) E-mails and all digital evidence  
38 (5) Pictures or digital imaging  
39 (6) A summary report will give the facts and findings based on the evidence.  
40 5) The Region Commander and/or the National Commander may appoint a  
41 responsible, unbiased, and uninvolved member or a professional mediator for  
42 mediation of the dispute. The Mediator will give a full and complete report to the  
43 appointing Commander.



- 6) After the inspection with or without mediation, the National Commander will decide whether to approve or disapprove the Department Commander's request for suspension.
- 7) The National Commander will have the National Adjutant (within seven [7] calendar days) submit a request for approval of the Commanders decision to suspend a chapter for sixty (60) calendar days for an approval vote of the NEC. The vote will be done by a digital vote.
- 8) The NEC will have fifteen (15) calendar days to read the facts, the entirety of the evidence, and its recommendation(s) and vote. The request to the NEC must allow the committee to download the whole package of the Commander's request.
- 9) After the National Commander's review of the election results, the tally of votes will be sent out by the National Adjutant to NEC following the procedures in Article XII Section 2 I.
- 10) If any of the provisions of ARTICLE XV, Section 8 & 9) are not followed exactly, then the vote is invalid and must be redone. There are no exceptions to this rule.
- 11) If a suspension is approved by the NEC, the National Adjutant will send the notice of the suspension to:
  - a) The Chapter Commander and Adjutant via USPS Certified Mail Return Receipt Requested.
  - b) To all the chapter members with a copy of the Department Commander's letter requesting the suspension with the signatures of the Region Commander and National Commander. It will include all evidence submitted to the NEC.
- 12) The chapter has sixty (60) calendar days to submit a formal appeal to the suspension, via USPS Certified Mail Return Receipt Requested to the National Commander and National Adjutant with copies to the Department and Region Commanders.
  - a) The Department Commander, as the requesting officer, has the authority to lift the suspension, if the chapter has resolved the problems by acting to correct the issue(s) that caused the suspension.
  - b) Notification of the removal of the suspension will be delivered to the chapter Commander, the Chapter Adjutant, and the National Adjutant (within (7) calendar days) via USPS Certified Mail Return Receipt Requested.
  - c) The National Commander may lift the suspension if the chapter has resolved the problems by acting to correct the issue(s) that caused the suspension or if the chapter's appeal is granted.
  - d) Notification of the removal of the suspension will be delivered to the Chapter Commander and Chapter Adjutant and the National Adjutant (within seven (7) calendar days) via USPS Certified Mail Return Receipt Requested.
- 14) The chapter's charter may be revoked after the sixty calendar days' suspension if the chapter fails to comply with the lawful directives and orders and their appeal is not granted.

- (a) The Department Commander with the concurrence of the Region Commander must request the National Commander to proceed with the revocation of the chapter's charter.
- (b) The National Commander will have the National Adjutant notify the Chapter Commander and Chapter Adjutant via USPS Certified Mail Return Receipt Requested of the intention to revoke the chapter's charter.
- (c) The chapter has sixty (60) calendar days to appeal the revocation of the charter through the chain of command to the National Commander.
  - (1) Any member(s) of the chapter may file an amicus brief with the Department Commander, thru the Region Commander to the National Commander stating any objections and reasons to halt the proposed revocation of the charter. The National Commander shall then consider all evidence and briefs submitted.
  - (2) If no brief(s) is filed, and the National Commander denies the chapter's appeal, the revocation process will continue.
- 15) The National Adjutant will send a vote to the NEC asking for a vote "for" or "against" the revocation of the charter (within fifteen (15) calendar days) after the end of the sixty-day appeal period.
- 16) A copy of the Department Commander's letter requesting the revocation of the charter with the concurrence of the Region Commander and approval by the National Commander will be sent to the chapter. All evidence submitted will be included in the notice package sent to the NEC.
- 17) Fifteen (15) calendar days will be allowed for the return of votes. The count of calendar days begins the day after the mail and digital votes are sent out.
- 18) After the National Commander's review, the tally results will be sent out by the National Adjutant to the NEC to show how each counted vote was cast. (This is to ensure each NEC member's vote was recorded properly by the tellers.)
- 19) The NEC vote will not be held over to the next Executive Committee unless the meeting is within forty-five (45) calendar days of the beginning of the National Convention.

#### Section 9 - SURRENDER of PROPERTY

- A. When a chapter is declared defunct or its charter is revoked the charter, rituals, paraphernalia, and property must be sent to the department. Any monies will be sent to the National Corporation to be held in trust for a period of twelve (12) months.
- B. When a department is declared defunct or its charter is revoked the charter, rituals, paraphernalia, and property may be sent to the chapters within the state. Any monies will be sent to the National Corporation to be held in trust for a period of twelve (12).
- C. In the event, such chapter charter is not reinstated within a period of twelve (12), the monies from any chapter that was in a duly chartered department shall automatically become the absolute property of the department.
- D. If a department charter is revoked or declared defunct and is not reinstated within a period of twelve (12), the monies from that department shall be distributed to all remaining chapter(s) in the state.

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

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

5       Section 10 - USE of PURPLE HEART.

6           A. Replicas or facsimiles of the Purple Heart, as awarded by the Government of the  
7           United States, shall not be made, caused to be made, or used in any manner that would  
8           tend to degrade the award, or permit any commercial use thereof.

9           B. Replicas or facsimiles may be used only for the official papers of the Corporation or  
10          subordinate units thereof.

11       Section 11 - AUTHORITY.

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

14       Section 12 - GRIEVANCE.

15           A. A grievance is a complaint from a member for some action which causes disruption  
16           within the Order.

17           1) Grievances can only be filed against individual Patriot(s).

18           2) Grievances consist of quantified unfairness, affront(s), insult(s), or indignity.

19           a) Grievances do NOT involve misfeasance, malfeasance, malicious or  
20           intentional violation(s) of the Constitution and/or Bylaws of the Military  
21           Order of the Purple Heart of the USA, Inc.

22           b) Misfeasance, malfeasance, malicious or intentional actions are covered in  
23           Article XV Section 13.

24           B. A grievance may be submitted by a member(s) to the appropriate next level  
25           commander with a copy to the National Adjutant.

26           1) Grievance(s) among the same chapter's member(s) will be heard at the department  
27           level before three current or past Department Commanders. The commanders  
28           do not have to be from the same department where the grievance is filed.

29           2) Grievance(s) among department member(s) from different chapters will be heard  
30           at the Region level before any combination of three past or current Department  
31           Commander(s) or past or current Region Commanders. The commanders do not  
32           have to be from the same department or region where the grievance is filed.

33           3) A grievance against a current elected or appointed National officers will be heard  
34           at the National level.

35           4) Department grievance committee will consist of any combination of three Past  
36           Department Commanders or Past/Current Region Commanders.

37           5) National grievance committees will consist of any combination of three Past  
38           National Commanders and/or current or Past Region Commanders.

39           C. The grievance complaint must be in writing and in sufficient detail to establish the  
40           facts.

41           1) The following procedures shall be followed without exception:

42           a) Be signed

43           b) Notarized.

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

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

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

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

##### A. Charges

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

- 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 chain  
7 of command should be made to solve problems without the necessity of filing formal  
8 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 department  
13 if the Department Judge Advocate provided a written opinion that the department  
14 commander has complied with all the requirement in (Article XV Section 13).
- 15 3) Any region commander may bring charges on any member of the region if the  
16 Nation Judge Advocate provided a written opinion that the commander has  
17 complied with all the requirement in (Article XV Section 13).
- 18 4) The National Commander may always bring charges on any member of the Order  
19 if the Nation Judge Advocate provided a written opinion that the commander has  
20 complied with all the requirement in (Article XV Section 13).
- 21 a) If the National Commander brings charges, he/she will not be allowed to  
22 make any decisions during the appeal process.
- 23 b) The next subordinate commander, who is not involved in the adjudication of  
24 charges, will be the officer deciding on the appeal.
- 25 5) Any three members of the Order may join in the submission of charges.
- 26 a) The Nation Judge Advocate must provide a written opinion that the charges  
27 brought by the three members comply with all the requirement in (Article XV  
28 Section 13).
- 29 b) The National Commander, National Senior Vice Commander, or Junior Vice  
30 Commander may not join with other members to bring charges. (This ban on  
31 bringing charges is to ensure that an accused member is guaranteed a non-  
32 prejudiced appeal).
- 33 6) Formal charges must be written in sufficient detail to establish the fact(s) of a  
34 violation of one or more of the circumstances listed in Article XV Section 1 a) thru  
35 f). Charges must be signed and notarized.
- 36 7) The charges will be sent via USPS Certified Mail Return Receipt Requested to the  
37 Adjutant at the level where the charges are brought and a copy to the National  
38 Adjutant
- 39 8) A prior confidential investigation by an elected Inspector is encouraged to  
40 ascertain all relevant facts.
- 41 9) Adjudication shall be imposed at the next higher level.

- a) Charges brought against a chapter member will be heard at the department level. The panel will consist of three current or past chapter or department commanders. The commanders do not have to be from the same state.
  - b) Charges brought against a department elected, appointed officers, or department or national members-at-large (DML & NML) will be heard at the region or national level. The panel will consist of three disinterested members of the national executive committee, who have demonstrated a clear understanding of the constitution and bylaws.
  - c) Charges against national elected or appointed officers will be heard by a disciplinary hearing panel. The panel will consist of three disinterested members of the national executive committee, who have demonstrated a clear understanding of the constitution and bylaws.
- C. Procedures for the Handling of Received Charges:
- 1) The convening authority which is the commander at the next highest level will provide the accused with a copy of the notarized charges, all related documents, evidence, and a clear statement of the alleged violations.
    - a) The accused member or the associate member will be notified of the hearing time, date, and place. The date of the hearing will not be set without consulting with the accused for available dates.
    - b) All hearings will be fixed for a date not less than 20 calendar days or more than 60 calendar days from the date (to be determined by the USPS return receipt) the accused received the charges.
    - c) Should the accused require additional time to prepare his or her case, the convening authority may allow only one postponement of the hearing date for a period of not more than thirty (30) calendar days. The convening authority should be notified a minimum of ten (10) calendar days prior to the scheduled hearing date.
    - d) All correspondence with the accused will be sent via USPS Certified Mail Return Receipt Requested.
  - 2) The convening authority will appoint:
    - a) A disciplinary hearing panel
    - b) The chairman.
  - 3) The convening authority will arrange for an impartial recorder for the proceedings to keep an accurate record of the proceedings. Due to the problems in getting an accurate transcription of hearings, a certified professional recorder is required.
- D. Procedures for a Disciplinary Hearing Panel:
- 1) This is an administrative hearing and rules of evidence as in a court of law do not apply.
  - 2) If the accused does not appear as directed, the hearing will proceed without them. In cases of extenuating circumstances, the hearing may be postponed, provided proof is submitted to the National Adjutant. The chairman of the hearing panel will be notified of the postponement.

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



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

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

- 2) The rules for voting at Department and NECs apply at those levels.
- 3) A super majority of three-fourths (3/4) of all members eligible to vote is required to remove an elected officer.

#### Section 15 - LAWSUITS

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

#### Section - 16 NON-PROFIT STATUS

- A. The Order will follow and conform to the federal law for exemptions by non-profit organizations. The following are the regulations for non-profits under Internal Revenue System United States Code.<sup>26</sup>

##### 26 U.S. Code § 501

Exemption from tax on corporations, certain trusts, etc.

##### (c) List of exempt organizations

(19) A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization—

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

(B) at least 75 percent of the members of which are past or present members of the Armed Forces of the United States and all of the other members of which are individuals who are cadets or are spouses, widows, widowers, ancestors, or lineal descendants of past or present members of the Armed Forces of the United States or of cadets, and...

- B. For the Order to maintain its IRS § 501 (c) (19) non-profit status, we must follow the law by:
  - 1) Conforming to the eligibility requirement for Purple Heart recipients, Associate members, MOPHA members, and MOPHA Social Members.
  - 2) Ensuring that the percentage of members in each category are met.
- C. No additional categories of membership for the Order or the Auxiliary are allowed.

### ARTICLE XVI - AUXILIARY <sup>27</sup>

#### Section 1 - RECOGNITION

- A. The Military Order of the Purple Heart of the USA, Inc., recognizes a " Auxiliary, Military Order of the Purple Heart of the USA, Inc. (MOPHA)"
- B. Subordinate organizations to be known as Auxiliaries to chapters and departments shall be approved by the Military Order of the Purple Heart of the USA.

- 1 C. The associations shall be subject to the authority of the National Convention of the  
2 Military Order of the Purple Heart of the USA, under the jurisdiction and supervision  
3 of the National Commander and the NEC,

4 Section 2 - MEMBERSHIP

- 5 A. In the MOPHA is hereby granted, subject to:

- 6 1) The terms and conditions as set forth in the Congressional Charter of the Military  
7 Order of the Purple Heart of the USA, Inc., (36 USC Chapter 1405).  
8 2) The various restrictions and limitations as set forth in the Ladies Auxiliary  
9 Constitution, Bylaws, Rules, and Regulations as adopted at their 1959 National  
10 Convention and amended.  
11 3) Conforming to the requirements of Title 26 United States Code § 501 (c) (19).  
12 4) Such limitations as might from time to time be imposed by the MOPH National  
13 organization.

- 14 B. The Constitution, Bylaws, Rules, and Regulations of the MOPHA as adopted at their  
15 1959 National Convention shall:

- 16 1) Act as limitations to the various powers and authorities of the Auxiliary.  
17 2) In no case, shall be interpreted as broadening or increasing the authority or power  
18 of such Auxiliary beyond the specific limitations as set forth in 36 USC Chapter  
19 1405 of the Congress of the United States of America, or our own Resolutions,  
20 Constitution, Bylaws, Rules, and Regulations.

21 Section 3 - PURPOSE

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

26 Section - 4 REPORTS

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

- 30 A. A detailed list of departments and units, showing the number added, reinstated,  
31 reorganized, and charters forfeited.  
32 B. The total membership, showing increase or decrease.  
33 C. The National Secretary shall submit to the National Adjutant and Editor of the Purple  
34 Heart magazine a complete list of elected and appointed officers. The list is due  
35 immediately after the close of the NEC meeting following the National Convention,  
36 D. The MOPHA is responsible for submitting the necessary 990 reports directly to the  
37 Internal Revenue Service as prescribed by law.  
38 E. The MOPHA shall also submit a complete financial report, as of June 30 of each year,  
39 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  
4 Constitution and Bylaws of the National Corporation of the Military Order of the Purple  
5 Heart 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 Foundation  
9 to be known as the "Military Order of the Purple Heart Service Foundation, Inc. (Service  
10 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 by  
15 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 national  
19 meeting of the Military Order of the Purple Heart of the USA, Inc., held in accordance  
20 with Public Law 85-761, August 26, 1958, of the Congress of the United States of  
21 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  
32 Foundation will have the opportunity to periodically review the financial and  
33 operational 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 Junior  
39 Vice Commander, as ex-officio members will be full Board members with a vote.
- 40 a) Will remain on the Board for as long as they remain in the positions as  
41 Commanders.

- b) If any of the Commanders is subsequently elected to the Board, the ten (10) year term will begin on the date of being approved to join the Board as a PNC.
- 3) One of the Order's three commanders on the Board will serve on the Finance, Programs, Investment, and Fundraising Committees.
- 4) The National Adjutant will be invited to attend all meetings of the Board of the Service Foundation. The National Adjutant will not be a member of the Board and will not have a vote or voice at Board Meetings.

E. New Entity:

- 1) The Service Foundation will have a new [501(c)(3) Corporation of the US Internal Revenue Code] to act as the holder of and will enter any necessary agreements concerning current trademarks, trade names, and trade dress that the parties now or may hold in the future.
- 2) The new entity's Board of Directors will consist solely of three (3) members appointed on an annual basis, who will be appointed by the Chairman of the Board of the Service Foundation.

F. Expiration of the Agreement:

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

G. Purpose:

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

- 1) The service, welfare, and rehabilitation work in connection with Military Order of the Purple Heart of the USA, Inc. members, those who are eligible for membership in the MOPH, or any wounded, disabled, and/or handicapped veteran, their widow, orphan, or survivors, either by contribution to the Military Order of the Purple Heart of the USA, Inc., or to independently assist in such work.
- 2) The support and maintenance of liaison service in any or all the offices of the United States Veterans Administration, soldiers' homes, or other administration offices of veterans' affairs wherever and whenever deemed necessary.
- 3) The support and maintenance of its legislative service, which service is to advise and confer with the executive offices of the several bureaus and departments of the United States Government on all matters of interest and importance to the veteran and to appear before Members of Committee of Congress on any such matters as may properly be the subject of legislation.
- 4) Any other purpose consistent with the programs of the Military Order of the Purple Heart of the USA, Inc.

H. Annual Report:

- 1) The Service Foundation through its Executive Secretary shall render a complete financial report to the Military Order of the Purple Heart of the USA, Inc., at its annual national convention each year.
- 2) It shall, in addition, render a mid-year financial statement to the National Commander and National Adjutant of said National Corporation,

- 3) Will provide such other reports and information as may be requested by the National Finance Committee.

## **ARTICLE XVIII- ASSOCIATE MEMBERS**

### **SECTION 1 - RECOGNITION**

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

### **SECTION 2 - MEMBERSHIP**

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

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

C Gold Star mothers, fathers, children, and spouses will be **encouraged to join the Order as Associate Members under the requirements for other eligible classes of Associate Members.**<sup>28</sup>

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

### **SECTION 3 - PURPOSE**

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

### **SECTION - 4 - PARTICIPATION**

An Associate member shall:

A. Be without a vote.

B. May not hold an elective office.

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

### **SECTION 5 - EMBLEM OR INSIGNIA**

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

### **SECTION 6 - DUES**

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

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

### **SECTION 1 - AMENDMENTS**

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

- 1) The proposed amendment shall have been first proposed by a Department Convention, Department Executive Committee, the National Bylaws Committee, or the NEC.

- 2) The proposed amendment shall have been submitted through the National Adjutant to the NEC members by digital communications to them at least fifteen (15) calendar days prior to the deadline for voting.
  - 3) The vote will be by a digital vote.
    - (a) The NEC members will be allowed to download the material and have fifteen (15) calendar days to review and cast a digital vote.
    - (b) The fifteen (15) calendar days period will commence the day after the votes are e-mailed
  - 4) If adopted, such amendment shall have full force and effect until the next national convention, which shall accept or reject such amendment.
- B. These Bylaws may be amended at any national convention subject to the following provisions:
- 1) The proposed amendment shall have been first submitted by a Department Convention, Department Executive Committee, the National Bylaws Committee, or the NEC.
  - 2) A copy of the proposed amendment shall be mailed by digital communications to the NEC fifteen (15) calendar days prior to the convening of the national convention.
  - 3) The proposed amendment shall be referred to the Bylaws Committee. The Bylaws Committee will then report its findings to the Convention Body.
  - 4) Passage of the amendment shall require a two-thirds (2/3) vote of the votes cast by the delegates and officers present and voting.
  - 5) The vote shall be taken by a Division of Assembly.
- C. These Bylaws may be amended at the National Convention by the regularly elected and qualified delegates thereat without notice to the NEC provided:
- 1) The proposed amendment shall be presented to the delegates. The presentation may be accompanied by a projection of the proposed amendment on a screen visible to all.
  - 2) A majority vote of the votes cast shall be required for the amendment to be referred to the Bylaws Committee for consideration.
  - 3) The Bylaws Committee report to the Convention Body will be no earlier than the next calendar day.
  - 4) After the Bylaws Committee finding(s) and/or recommendation(s) are reported, a three-fourths (3/4) vote of the votes cast by the delegates and officers shall be required for approval.
  - 5) The vote shall be taken by means of a Division of Assembly.
- D. These Bylaws may be set aside or suspended for the period of the National Convention only if deemed expedient by a unanimous vote of the delegates and officers thereat.
- SECTION 2 - CONDUCT of MEETINGS.**
- A. All Chapter, Department, National, and Committee meetings of the MOPH shall be conducted in accordance with Robert's Rules of Order, Newly Revised, except as otherwise provided for in these Articles.



- 1) Department and National Convention meetings will follow the procedures in Article IX Section - 4.
  - 2) Digital meetings are allowed except for elections.
  - 3) Chapter meeting agenda is recommended as follows:
    - ❖ Opening of the meeting in due form.
    - ❖ Roll call of Officers.
    - ❖ Reading of Minutes.
    - ❖ Finance 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 2019 National Convention amended to return to LMF rebates go to chapters & departments
- 25 2018 National Convention amended to give the national headquarters an additional funding source.
- 26 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.
- 27 2017 National Convention amended to remove the word "Ladies" is all but one historical reference.
- 28 2017 National Convention amended to remove free membership, because of the potential costs.

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

(Pub. L. 105–225, Aug. 12, 1998, with amendment

Pub. L. 110–207, §2, Apr. 30, 2008)

36 USC Subtitle II: Patriotic and National Organizations

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

## **Part A—General**

### **CHAPTER 101—GENERAL**

§10102. Reservation of right to amend or repeal

- (a) General. —Congress reserves the right to amend or repeal the provisions of part B of this subtitle.
- (b) Nonapplication. —Subsection (a) of this section does not apply to chapters 213, 407, 801, 1403, 1503 (except section 150302(b)), 1513, 1517, 1531, and 1539 of this title.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1283.)

36 USC Ch. 1405: MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA,  
INCORPORATED

From Title 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND  
ORGANIZATIONS

### **Subtitle II—Patriotic and National Organizations**

#### **Part B—Organizations**

#### **CHAPTER 1405—MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED**

##### **Section**

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

§140501. Organization

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

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

#### §140502. Principles and purposes

- (a) Principles. —The principles underlying the corporation are patriotic allegiance to the United States, fidelity to the Constitution and laws of the United States, the security of civil liberty, and the permanence of free institutions.
  - (b) Purposes. —The purposes of the corporation are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States, by—
    - (1) commemorating all national patriotic holidays;
    - (2) maintaining true allegiance to the Government of the United States and fidelity to its Constitution and laws;
    - (3) preserving and strengthening comradeship and patriotism among its members;
    - (4) assisting, comforting, and aiding all needy and distressed members and their dependents;
    - (5) giving needed hospital and service work through its Department of Veterans Affairs certified service officers;
    - (6) cooperating with other civic and patriotic organizations having worthy objectives;
    - (7) keeping alive the achievements and memory of our country's founders;
    - (8) ever cherishing the memory of General George Washington, who founded the Purple Heart at his headquarters at Newburgh-on-the-Hudson on August 7, 1782;
    - (9) influencing and teaching our citizenry, in a loyal appreciation of the heritages of American citizenship, with its responsibilities and privileges; and
    - (10) preserving and defending the United States from all enemies.
- (Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1381.)

#### §140503. Membership

- (a) Active Members. —An individual is **eligible** for active membership in the corporation if the individual—
    - (1) is of **good moral character**; and
    - (2) has **received the Purple Heart for wounds** received as a member, of any rank, of the Armed Forces of the United States or any foreign country during military or naval combat against an armed enemy of the United States.
  - (b) Associate Members. —The corporation may extend eligibility for membership as associate members to the parents, spouse, siblings, and lineal descendants of an individual described in subsection (a) of this section on terms provided in its constitution and bylaws.
  - (c) Voting. —Each member described in subsection (a) of this section has one vote on each matter submitted to a vote at a meeting of the members.
- (Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1382; Pub. L. 110–207, §2, Apr. 30, 2008, 122 Stat. 719.)

#### §140504. Governing body

- (a) Board of Directors. —
  - (1) The board of directors is the **governing body of the corporation**. Between meetings of the corporation, the board is **responsible for the general policies** and program of the corporation. The board is responsible for all funds of the corporation.
  - (2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 18 directors.
- (b) Officers. —

(1) The officers of the corporation are a commander, a senior vice commander, a chaplain, an adjutant, a finance officer, a judge advocate, an inspector, a surgeon, a historian, and other elected officers as provided in the constitution and bylaws.

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

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

#### §140505. Powers

The corporation may—

(1) **adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;**

(2) adopt and alter a corporate seal;

(3) make contracts;

(4) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(6) charge and collect membership dues; and

(7) sue and be sued.

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

#### §140506. Restrictions

(a) Stock and Dividends. —The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities. —The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) Distribution of Income or Assets. —The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the executive committee of the corporation.

(d) Loans. —The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

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

#### §140507. Principal office

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

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

#### §140508. Records and inspection

(a) Records. —The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection. —A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

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

§140509. Liability for acts of officers and agents

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

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

§140510. Service of process

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

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

§140511. Distribution of assets on dissolution or final liquidation

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

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

In addition:

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.