

NATIONAL CONSTITUTION & BYLAWS
(Revised 81th National Convention – August 2016)

CONSTITUTION

PREAMBLE

We.....American Citizens.....members of the Catholic Church....under the spiritual authority of our Holy Father, the Pope, Bishop of Rome.....and who have served in the Armed Forces of the United States.....in order that we may be bound by a greater spirit of faith and patriotism.....and that we may be of greater service to God, Country, and to one another.....and in order to perpetuate our ideas and ideals.....establish a permanent organization.

ARTICLE I - NAME

The name of this organization is the **CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.**

ARTICLE II - OBJECTS

The objects of this organization are: a) for God: to promote service to God and to our fellow man without regard to race, creed, color, or national origin through understanding and application of Christian values, recognizing the wisdom and authority of the Catholic Church in matters of faith and morals; b) for Country: to preserve, protect, and defend the Constitution of the United States; to commemorate those who served in the armed services in order to reflect respect, honor and tribute to these veterans; to inculcate a deep and abiding sense of patriotism and a profound commitment to Americanism; and to combat aggressively those forces which seek to destroy or weaken our constitutionally guaranteed freedoms; c) for Home: to promote the family as the basic unit of our American society; to aid in the development of an enlightened patriotic American youth; and to assist veterans, widows and widowers and dependents of deceased veterans.

ARTICLE III - MEMBERSHIP

Section 1. A person who is both an American citizen and a veteran of the Armed Forces of the United States of America, as herein defined, is eligible for membership in the Catholic War Veterans of the United States of America, Inc. An applicant shall be a member of the Catholic Church, as defined in Section 2, enlisted, drafted, inducted, or commissioned into any branch of the U.S. Armed Forces, including its Reserve and National Guard components, and the U.S. Merchant Marines, provided, however, that such applicant who served in the U.S. Merchant Marines served at least 90 days on active duty between December 7, 1941, and December 31, 1946, including service in the U.S. Army Transport Service or the Naval Transport Service, and has a discharge under honorable conditions or is eligible therefor. An individual who served less than 90 days but was discharged because of a disability incurred in the line of duty is eligible. A person who is on active duty and assigned to any branch of the U.S. Armed Forces, including its Reserve or National Guard components, shall upon completion of 90 days of active service be eligible for membership.

Section 2. A member of the Catholic Church means one who is baptized; a member in good standing; and who recognizes the spiritual authority of the Pope, Bishop of Rome.

Section 3. There shall be admitted to membership a Catholic priest or permanent deacon, who is an American citizen, notwithstanding that such priest or permanent deacon is not a veteran as herein defined, provided that if such priest or permanent deacon is admitted, he shall not have suffrage on matters of veteran's policy. "Veteran's policy" is defined as any matter dealing with veterans, contained in any federal, state or local statute; judicial or administrative decision; or in any rule, regulation, ordinance or directive of any federal, state or local agency or department; or any proposal relating to any of the foregoing.

ARTICLE IV - ORGANIZATION

Section 1. This organization is a not-for-profit membership corporation organized on May 9, 1935, pursuant to the laws of the State of New York, as the "Catholic War Veterans, Inc." The name of the organization was officially changed to "Catholic War Veterans of the United States of America, Inc.," on July 10, 1949.

Section 2. This organization was chartered by an Act of the Congress of the United States of America on August 17, 1984, at Public Law 98-382.

Section 3. This organization shall not participate in partisan politics. No officer or member is authorized to endorse any political candidate or party on the organization's behalf.

Section 4. The National Convention assembled is the supreme authority of this organization in all matters.

Section 5. The National Department shall manage and conduct this organization's affairs from convention to convention.

Section 6. The established Membership Units of this organization are:

- a. National Department
- b. State Department
- c. Chapter
- d. Post
- e. Headquarters Post

Section 7. Each Membership Unit shall conform to the National Constitution and Bylaws. Each Membership Unit is subject to the jurisdiction of the next higher Membership Unit with respect to all policies, procedures, and regulations.

Section 8. Each Membership Unit shall be chartered by the National Department upon proper application therefor.

Section 9. A Membership Unit may incorporate as a membership corporation, pursuant to the laws of the state in which the unit is located, upon approval of the National Department.

Section 10. Each Membership Unit shall be solely responsible to comply with all federal, state and local laws and regulations pertaining to the ownership of real estate and/or the operation of a home association, club, social hall or similar enterprise. This responsibility shall include, but not be limited to, the obligation to obtain necessary permits and licenses; maintain hazard and liability insurance; acquire tax identification and/or exemption numbers; file tax reports and returns; pay taxes, levies and/or assessments; defend or compromise administrative agency actions and/or civil litigation, and pay all fines, fees, costs and/or damages related thereto.

Section 11. A Membership Unit owning real estate and/or operating a home association, club, social hall or similar enterprise, may separately incorporate its home association, club, social hall or similar enterprise, pursuant to the laws of the state wherein the Membership Unit is located. Each higher echelon Membership Unit, upon request, shall be promptly notified of the existence of all separate legal entities sponsored by a subordinate Membership Unit.

ARTICLE V - OFFICERS AND ELECTIONS

Section 1. The Officers of each Membership Unit shall consist of:

- a. Commander
- b. Chaplain
- c. First Vice Commander
- d. Second Vice Commander
- e. Third Vice Commander
- f. Adjutant
- g. Treasurer
- h. Judge Advocate
- i. Officer of the Day
- j. Historian
- k. Service Officer
- l. Welfare Officer
- m. Not less than three (3) Directors or Trustees

Section 2. The officers of each Membership Unit shall be elected, except for the Chaplain, Adjutant and Service Officer, each of whom shall be nominated by that Membership Unit's Commander and approved by the Membership Unit.

Section 3. Each appointed officer shall serve at the pleasure of the Commander, except as otherwise provided.

Section 4. Each election shall be a matter of record; and each officer shall assume his or her position upon election or appointment. In the event of a vacancy in an elected office, the Adjutant of that Membership Unit shall convene the Membership Unit's Board of Officers to elect a successor to that vacancy.

Section 5. A Membership Unit's Chaplain shall be a priest, or permanent Deacon where the services of a Priest are not available, so authorized by his Ordinary or his Canonical Superior.

Section 6. The Commander of a Membership Unit, at his or her option, may nominate a Liaison Officer to that Membership Unit's Auxiliary. That nomination shall be subject to approval by the Membership Unit.

ARTICLE VI - NATIONAL DEPARTMENT

Section 1. The National Department shall consist of:

- a. National Officers
- b. Past National Commanders
- c. State Department Commanders
- d. Past National Chaplains
- e. National Executive Director
- f. Bishop Protector

Section 2. Each National Officer shall be elected at the National Convention, except for the Chaplain, Adjutant, Executive Director, Service Officer and National Liaison Officer, each of whom shall be nominated by the National Commander and subject to approval by the National Department.

Section 3. The Bishop Protector shall be the Archbishop of the Archdiocese for the Military Services of the United States of America, or his designee.

Section 4. At the annual National Convention, two (2) Directors and/or Trustees shall be elected annually for a three (3) year term. A Director and/or Trustee may not succeed himself upon completion of his three (3) year term. This restriction shall apply only to the National

Department and NOT to other Membership Units. A Director and/or Trustee accepting a nomination to another office shall vacate the office of Director and/or Trustee.

Section 5. Any duly elected National Officer who accrues two (2) unexcused absences annually, from regularly scheduled meetings, shall relinquish his authority and the office shall be declared vacant. The National Commander may grant an excused absence when it is not possible for that officer to attend a regularly scheduled meeting.

Section 6. A State Department Commander, currently in office, shall not be eligible to hold an elective National Office nor shall a National Officer be permitted to seek the office of State Department Commander during his or her tenure as a National Officer.

ARTICLE VII - STATE DEPARTMENT

Section 1. A State Department may be organized by three (3) or more Posts provided that said Posts have a combined membership of 200 or more members in good standing; and provided further that its application is approved by the National Department. If a State Department does not maintain a minimum of three (3) Posts with a combined membership of 200 members in good standing, that State Department's Charter shall be forfeited. The former State Department may apply to be chartered as a Chapter.

Section 2. A State Department Convention shall be held annually between Easter Sunday and June 15th. State Officers shall be elected and installed at the Annual Convention. A Post in good standing shall be entitled to the same representation authorized at the National Convention as provided in the National Bylaws.

Section 3. A Post chartered at least thirty (30) days prior to the Annual State Convention or a Special State Convention shall be entitled to representation at said convention, provided that the Post is in good standing.

Section 4. One-third (1/3) of the delegates entitled to register at the Annual or Special State Convention shall constitute a quorum.

Section 5. A State Department Board of Officers shall be elected at the Annual Convention, and shall be charged to implement the programs and policies of this organization. It shall manage and conduct the affairs of the State Department in conformity with the convention assembled.

Section 6. A State Department's Bylaws may provide for suffrage for members of the Department Board of Officers at state meetings and conventions. The Department Bylaws may also provide for representation and suffrage for Post and Chapter Commanders, Past Department Commanders and Past Department Chaplains at both state meetings and conventions.

Section 7. A State Department shall be required to hold at least four (4) meetings of its Board of Officers, annually. At all Board meetings, the majority of officers shall constitute a quorum.

Section 8. A State Commander may nominate aides, which nomination shall be subject to the approval of the State Department. He or she may also appoint such committees as provided in the National Bylaws.

Section 9. Disciplinary powers of a State Department shall be as set forth in the National Constitution and Bylaws.

ARTICLE VIII - CHAPTERS

Section 1. A Chapter may be formed by three (3) or more Posts, based upon geographical areas designated in its application, as approved by the National Department. If a Chapter does not maintain a minimum of three (3) Posts in good standing, its Charter shall be suspended pursuant to the National Bylaws.

Section 2. The Chapter Board of Officers shall be elected, installed, and shall assume their office at an Annual Convention to be held between January 1st and March 31st of each year. A Post in good standing shall be entitled to the same representation authorized at the National Convention as provided in the National Bylaws. Each Officer shall implement the programs and policies of both the National and State Departments, and shall manage and conduct the affairs of the Chapter.

Section 3. A quorum at all Chapter conventions shall be constituted by at least one-fourth (1/4) of the delegates authorized or registered, and at least five (5) members of the Chapter's Board of Officers.

Section 4. The Chapter Bylaws may provide for suffrage for members of the Chapter's Board of Officers at Chapter meetings and conventions. The Chapter Bylaws may also provide for representation and suffrage for Post Commanders, Past Chapter Commanders and Past Chapter Chaplains.

Section 5. A delegate to a Chapter convention shall be elected by a respective Post in accord with the Chapter Bylaws. A Post within the Chapter shall also elect its representatives to the respective Chapter in accord with the Chapter Bylaws.

Section 6. A Chapter shall hold at least quarterly meetings. A quorum at such meetings shall be constituted if there are a majority of officers present.

Section 7. A Chapter Commander may nominate an aide or aides subject to the approval of the Chapter Board of Officers. He or she may appoint such committees as authorized in the National Bylaws.

Section 8. The disciplinary power of Chapter Board of Officers shall be as set forth in the National Bylaws.

ARTICLE IX - POSTS

Section 1.

- a. A Post may be formed upon application by at least fifteen (15) eligible veterans which application shall be made to the National Department. The application shall set forth the proposed Post name, provided that a Post not be named after any living person; the names and addresses of the eligible applicants; and of the officers-elect.
- b. A Post wishing to change its name shall notify each member, in writing, of the proposed name change and the time and place of the designated meeting to address the name change question. If approved by the membership of the Post, the National Department shall reissue a new charter upon being notified in writing of said change for a fee of \$25.00.

Section 2. A Post must retain a minimum of ten (10) members in good standing to retain its Charter.

Section 3. The Post Board of Officers shall implement the programs and policies of the National and State Departments, and the Chapter, as appropriate, and shall manage and conduct the Post's affairs.

Section 4. A Post's Officers shall consist of those officers as stated in Article V, Section 1, of this Constitution.

Section 5. A Post Commander may appoint such committees as provided in the National Bylaws.

Section 6. An Annual Post meeting shall be held between September 1st and November 30th of each year at which the new Post Officers shall be elected. Installation of Officers shall be scheduled as soon as possible.

Section 7. A Post's Bylaws shall provide for special meetings and also provide for procedures for succession to offices declared vacant.

ARTICLE X - NATIONAL CONVENTION

Section 1. A National Convention shall be held annually during the months of August or September. The delegates duly elected and assembled at such convention, upon the recommendation of the National Convention Corporation, shall select the area and determine the dates of the convention to be held three (3) years hence. Such recommendation is not binding upon the delegates duly elected and assembled at such Annual National Convention.

Section 2. If the delegates at a National Convention assembled do not select an area suitable for a National Convention, the National Department shall be authorized by a two-thirds (2/3) vote to select an alternate area. If the National Department determines by a two-thirds (2/3) vote that the area selected by the delegates for a National Convention is not suitable for such National Convention, the National Department is authorized by two-thirds (2/3) vote to select an alternate area.

Section 3. The National Officers shall be elected and installed at the Annual Convention.

Section 4. A Special Convention may be called by the National Department upon the written request of two-thirds (2/3) of the National Department. The request shall specify the purpose of the Special Convention called. A Post may authorize its delegates to vote as a unit in respect to any one or more matters specified in such call, or otherwise express its disposition of a particular matter by written instructions to vote its representation.

Section 5. A National Convention Corporation was created pursuant to the laws of the State of New York on April 11, 1974, for the management of the Annual National Convention and any Special National Convention of the Catholic War Veterans of the United States of America, Inc., The Members of the National Convention Corporation are those individuals elected or appointed to the National Department. The Board of Directors of the National Convention Corporation shall be as provided in the Articles of Incorporation of the National Convention Corporation.

ARTICLE XI – COPYRIGHT, TRADEMARK AND RITUAL

Section 1. The name and title “Catholic War Veterans of the United States of America, Inc.” and the, official insignia, logo, or any colorable or design imitation of that insignia or logo, or derivation thereof is the sole and exclusive intellectual property of the National Department.

Section 2. Authorization for the use of the name, “Catholic War Veterans of the United States of America, Inc.,” and the official insignia, logo, or any colorable or design imitation of that insignia or logo, or derivation thereof is granted to each Membership Unit in accordance with policies and procedures established by the National Department. Such permission may be revoked, at any time, by the National Department, upon notice to the (subordinate) Membership Unit.

Section 3. The National Department may adopt such rituals as it may determine. Proper application and use of appropriate rituals shall be obligatory to each member and Membership Unit of this organization. All written, audio or visual expressions or rubrics, as set forth in the rituals of this organization, are the sole and exclusive intellectual property of the National Department.

Section 4. The National Department shall establish the standard of design, color, material and each other item attendant to any ritual, uniform, medal, award, or citation of this organization.

ARTICLE XII - FINANCE

Section 1. The revenue of the Catholic War Veterans of the United States of America, Inc. shall be derived from an annual per capita fee as may be approved by a National Convention assembled, or such other source or sources approved by the National Department. In no event may the National Department commit more than twice the previous fiscal year's total per capita income for any expenditure unless approved by a convention.

Section 2. Each Membership Unit's per capita fee shall be established as provided in the National Bylaws. No other compulsory assessment shall be levied.

Section 3. The per capita fee for each Membership Unit shall be due and payable for each membership year, which is October 1st through September 30th, as provided by the National Bylaws.

ARTICLE XIII - DISCIPLINARY ACTION

Section 1. Each Membership Unit of the Catholic War Veterans of the United States of America, Inc., shall govern its membership subject to the provisions of this Constitution and Bylaws and, where applicable, each higher echelon Membership Unit's Bylaws.

Section 2. A member may be suspended or expelled from the Catholic War Veterans of the United States of America, Inc. only upon proper showing of cause, which shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the Catholic War Veterans of the United States of America, Inc.

Section 3. A member, before he or she may be suspended or expelled, shall be afforded a hearing as provided in the National Bylaws.

Section 4. In a disciplinary case involving an Auxiliary member or Auxiliary Unit, that Auxiliary member or Unit shall have right of direct appeal to the next higher Membership Unit of the Catholic War Veterans of the United States of America, Inc., provided notice of such appeal is filed with the Auxiliary's sponsoring Membership Unit and all other requirements of this Constitution and Bylaws are satisfied.

Section 5. A member who is dismissed or suspended shall divest himself or herself of all interest and property of this organization, and shall be prohibited from display or use of insignia, equipment, identification or intellectual property of the organization.

ARTICLE XIV - ORDER OF ST. SEBASTIAN

Section 1. The Honor Legion of the Order of St. Sebastian is established as an integral part of the Catholic War Veterans of the United States of America, Inc.

Section 2. The qualifications and procedures for nomination to the Order of St. Sebastian shall be as set forth in the National Bylaws.

ARTICLE XV - THE AUXILIARY

Section 1. A Membership Unit of the Catholic War Veterans of the United States of America, Inc., may form an Auxiliary. Each Auxiliary shall be governed by and be under the direct jurisdiction of its sponsoring Membership Unit.

Section 2. Membership in an Auxiliary shall be authorized to Catholic mothers and fathers, wives and husbands, widows and widowers, sisters and brothers, daughters and sons, nieces and nephews, grandmothers and grandfathers, stepmothers and stepfathers, granddaughters and grandsons, aunts and uncles, and in-laws such as granddaughters-in-law and grandsons-in-law, and aunts-in-law and uncles-in-law, not less than eighteen (18) years of age, of a living or deceased Catholic veteran, including the wife or husband of an individual who is a Prisoner of War or Missing in Action; provided however, that the dues for such member will be waived so long as that member's eligible veteran remains a Prisoner of War or Missing in Action. Membership in an Auxiliary is also authorized to any Catholic who is otherwise eligible to be a member of the Catholic War Veterans of the United States of America, Inc., but chooses instead to join the Auxiliary.

Section 3. Each member of an Auxiliary to the Catholic War Veterans of the United States of America, Inc., shall perform such duties and obey such directives of its sponsoring Membership Unit as may be required.

Section 4. An Auxiliary to any Membership Unit of the Catholic War Veterans of the United States of America, Inc., shall:

- a. Assist in the programs and functions of its sponsoring Membership Unit upon request.
- b. Obtain the authorization of its sponsoring Membership Unit prior to the implementation of any program or policy.

ARTICLE XVI - AMENDMENTS

Section 1. This Constitution is the supreme governing document of this organization. It may be amended only by a two-thirds (2/3) vote of the duly registered delegates at an annual or special convention, provided that:

- a. A proposed amendment shall be submitted to the National Department at least forty-five (45) days before the opening session of such convention.
- b. The National Department shall give notice of any proposed amendment duly submitted to all Posts at least thirty (30) days before the opening of such convention.
- c. Two-thirds (2/3) of the votes cast in favor of the amendment shall be at least equal to the number needed for a quorum.

Section 2. The Bylaws of this Constitution may be amended by a majority of delegates assembled at an annual or special convention, provided that said majority of affirmative votes cast in favor of the amendment shall be at least equal to the number needed for a quorum and provided further that the notification requirements as set forth in Section 1 be satisfied. A Membership Unit may amend its Bylaws pursuant to this Constitution and Bylaws.

Section 3. This Constitution and Bylaws shall be the supreme governing document of the Catholic War Veterans of the United States of America, Inc. A Membership Unit may adopt such Bylaws that are not in conflict with this Constitution and Bylaws. An appeal shall be to the next higher Membership Unit to determine whether or not a Membership Unit's Bylaws conflict with this Constitution and Bylaws.

BYLAWS

ARTICLE I - MEMBERSHIP

Section 1. There shall be two classes of membership: Regular and Life.

Section 2. The National Department shall prescribe the application for membership. Each application for regular membership shall be accompanied by a remittance of one year’s dues as established by the Post. Where applicable, an application shall be presented and approved by a majority of those members present and voting at a regularly scheduled Post meeting. If an applicant is rejected, that action shall be noted on the membership application; and the remittance shall be refunded to the applicant. An applicant may renew his application six months after initial action.

Section 3. A member in good standing is authorized to attend meetings, serve as a delegate, perform special and assigned duties, and serve in any authorized capacity, except that an individual who has been a member less than one year shall not be nominated for an office in any Membership Unit.

Section 4. Life membership shall require payment of a one-time fee as follows:

Attained age: 20-30	\$450.00	31-50	\$425.00
51-60	\$325.00	61-70	\$225.00
71-80	\$150.00	81 & Over	\$125.00

State Department to receive 25% of life membership dues collected, with the Chapters to receive 15% and Post to receive 10%. In the event no Chapter or Department is in place, then the Post gets the additional monies.

- a. An application for Life membership shall be approved by the National Department.
- b. Each Membership Unit shall waive the annual per capita fee for each life member.

Section 5. A member in good standing may transfer to another Post by making written application. Such transfer shall be granted promptly absent cause.

Section 6. No person shall belong to more than one Post. A member of the Catholic War Veterans of the United States of America, Inc. shall not also be a member of the #’s the Auxiliary.

Section 7. A membership year is defined as October 1st through September 30th. A member in arrears as of December 31st shall be suspended, which suspension shall be removed when that

member pays the prescribed remittance. A member in arrears who has been suspended for a period of two years will be required to apply as a new member.

Section 8. A new member who pays the prescribed remittance in July, August or September shall be deemed to have paid the prescribed remittance for the next membership year commencing October 1st and ending September 30th. The National Department shall print and deliver at its own expense, in a reasonable time before the fiscal year ends, a membership card for each new member.

ARTICLE II - DUTIES OF OFFICERS

Section 1. The duties of the respective officers of this organization are as follows:

- a. **COMMANDER** is Chief Executive. He or she presides at conventions and meetings; nominates committees and aides, and designates specific duties with approval of the Membership Unit.
- b. **CHAPLAIN** or **PERMANENT DEACON** is Spiritual Director and Guide in matters religious. He shall act as a liaison between a Membership Unit and the Catholic Church.
- c. **FIRST VICE COMMANDER** assists Commander as directed, and is responsible for Americanism, community relations and Catholic Action.
- d. **SECOND VICE COMMANDER** assists Commander as directed, and is responsible for membership and development programs.
- e. **THIRD VICE COMMANDER** assists Commander as directed, and directs youth and athletic activities.
- f. **ADJUTANT** is authorized, in the event of death or resignation of an officer, to summon the Membership Unit's Board of Officers for the election of a successor. He shall record minutes of each meeting and provide for that Membership Unit's correspondence.
- g. **TREASURER** is custodian and disbursing officer of all intangible property and all funds of the organization for each and every activity of each Membership Unit.
- h. **JUDGE ADVOCATE** shall advise Membership Unit of all legal matters, including the construction and interpretation of the National Constitution and Bylaws. The National Judge Advocate shall be a member of the Bar in at least one State of the Union. He shall act as the Appeal Officer from decisions of subordinate Membership Units.
- i. **WELFARE OFFICER** provides service and assistance to the veteran, his widow/widower and children.

- j. **OFFICER OF THE DAY** is responsible for military and semi-military functions. He shall act as the master of ceremonies at meetings and rituals, and shall prepare and acquaint the participants accordingly.
- k. **HISTORIAN** collects historical materials and compiles a complete history of the year's activities.
- l. **DIRECTORS AND/OR TRUSTEES** are responsible for supervision and oversight of the funds of this organization. They are responsible for the preparation and submission of the budget for approval by a Membership Unit. They are charged to audit the financial records of a Membership Unit and perform such other duties as may be prescribed by that Membership Unit.
- m. **BISHOP PROTECTOR** is the Episcopal advisor. He shall advise this organization on the position of the Church regarding social, religious and economic matters.
- n. **EXECUTIVE DIRECTOR** administers the policies and mandates of the National Department. He shall be responsible for the administrative functions of both the National Department and its Headquarters.
- o. **SERVICE OFFICER** should be well acquainted with the regulations governing pensions, compensation, re-employment rights, appeals, discharge and the review of discharges, claim adjudication, insurance, medical service, rehabilitation and education, non-service connected disabilities, service connected disabilities, domiciliary care, dependency, etc.
- p. **LIAISON OFFICER** is responsible for coordination between a Membership Unit and its Auxiliary.

Section 2. Any question affecting the election, eligibility, and conduct of a duly elected officer shall be determined by the Membership Unit.

Section 3. Each officer shall continue in his respective office until his successor has taken the Oath for that office.

ARTICLE III - MEETINGS AND CONVENTIONS

Section 1. The National Department shall hold at least semi-annual meetings. A quorum shall be constituted if at least fifteen (15) members of the National Department are present.

Section 2. The National Department shall meet within 24 hours before the Annual National Convention and again within 24 hours after the adjournment of the Annual National Convention. Such meetings shall not be considered semi-annual meetings.

Section 3. The National Commander may call special meetings of the National Department on 72 hours notice to resolve situations that cannot be resolved by the National Executive Committee. In the event that the National Commander, for any reason, refuses to call a special meeting of the National Department, and in only that event, three (3) members of the National Executive Committee together with two (2) other elected officers, including not more than two (2) Past National Commanders and not more than three (3) State Commanders, may call said special meeting with not less than five (5) days notice, which notice may either be oral or in writing.

Section 4. A majority of registered delegates present at conventions or election meetings of each Membership Unit, conducted according to this Constitution and Bylaws, shall determine all elections. All other business shall be conducted according to the National Constitution and Bylaws and the rules of the National Convention, as adopted. In the event a situation arises not covered by the National Constitution and Bylaws and the rules of the National Convention, as adopted, such matters shall be determined by Roberts Rules of Order as currently revised.

ARTICLE IV - NATIONAL CONVENTION CORPORATION

Section 1. The National Convention Corporation is charged with the responsibility to manage, organize, and administer the Annual National Convention and Special National Conventions.

- a. The Board of Directors of the National Convention Corporation shall consist of five (5) members, three (3) of whom shall be elected and shall serve for alternating three-year terms and two (2) of whom shall be the National Commander and the National Treasurer of the Catholic War Veterans of the United States of America, Inc.
- b. The Directors of the National Convention Corporation shall be elected from among the members of the National Convention Corporation as ~~are~~ provided in its Articles of Incorporation and By-Laws.
- c. One (1) Director of the National Convention Corporation, other than the National Commander and National Treasurer, shall be elected by the National Convention Corporation at its annual meeting. One (1) Director shall be elected for a three (3) year term, provided that no Director is authorized to serve a consecutive three (3) year term.
- d. The Convention Corporation shall make a detailed report, to the delegates at the annual National Convention, of the prior National Convention's income and expenses.

ARTICLE V - THE NATIONAL DEPARTMENT

Section 1. Each member of the National Department and each Chapter Commander shall be a delegate to the National Convention, provided that no delegate has more than single suffrage.

Section 2. Each Post in good standing shall be entitled to four (4) delegates. A Post shall be entitled to an additional delegate for each ten (10) members in excess of fifteen (15). Each delegate is entitled to one (1) vote provided that no delegate is entitled to more than single suffrage. An alternate may be elected for each delegate. The delegate representation for each Post in good standing shall be determined by that Post's per capita membership as of the first day of June prior to the Annual Convention and, provided further, that the National Department shall notify each Post of its delegate strength not later than the first day of July prior to the Annual National Convention.

Section 3. Each Post chartered prior to the first day of July before the Annual National Convention shall be entitled to representation and provided further, such Post must be in good standing, including payment of per capita fee, prior to July 1st immediately preceding such convention. Each delegate and alternate to the National Convention shall be elected prior to the convening of said convention, and each Post Commander shall certify the name of such delegate. The Credentials Committee shall only accept the official delegate form.

Section 4. The registration fee for each delegate to the National Convention shall be \$5.00 per delegate. The fee for an alternate delegate shall be \$5.00 per alternate delegate.

Section 5. One-third (1/3) of the delegates entitled to register shall constitute a quorum at an Annual National Convention or a Special National Convention. Proxy voting shall be authorized and a Post is authorized to vote its delegates as a unit.

ARTICLE VI - FINANCE

Section 1. The acquisition and disposition of all monies and properties of a Membership Unit, shall be subject to the authorization and approval of that Membership Unit's Board of Officers. If a Unit is being dissolved or suspended and approval has been given by the Unit Board of Officers, then higher echelon approval is required prior to disposal of any property or monies.

Section 2. All officers, members and employees of each Membership Unit of the Catholic War Veterans of the United States of America, Inc., who are charged with monetary responsibility, shall be properly bonded by a state accredited surety company in the amount equal to the annual amount budgeted by that Membership Unit. Such bond shall be approved by that Membership Unit's Judge Advocate and its Board of Officers.

Section 3. The National Department and its designees, shall be authorized to audit the membership rolls and financial statements of any Membership Unit; and, upon request, to assist in an audit of any Membership Unit.

Section 4. The National Directors, the National Executive Director and the National Treasurer shall prepare a budget for the National Department and National Headquarters provided that said budget be approved by the National Department and provided further that any expenditure in excess of \$2,500.00, not budgeted, shall be referred to the Executive Committee for approval in advance, and shall be reported at the next following National Board Meeting for approval by the National Department. The National Department shall approve a National Headquarters audit.

Section 5. The Treasurer of any Membership Unit, shall be charged to keep regular books of account which shall be subject to audit. The Treasurer of each membership Unit, or his designee, shall be charged to make the appropriate financial reports including any requirements imposed by the state, local, or national governmental authority.

Section 6. The National Department shall prescribe a uniform method to collect the per capita fees for each Membership Unit. The annual per capita fee due the National Department for each regular member is \$20.00.

Section 7. The maximum amount a Post may establish for a membership fee is \$50.00 per annum. If a Post deems it advisable to charge a greater amount than \$50.00 per annum, written permission must be obtained from the National Department.

Section 8. The National Department is authorized to visit and inspect Posts, Chapters, and State Departments. In like manner, a State Department may visit and inspect Chapters and Posts. Similarly, a Chapter may visit and inspect Posts.

Section 9. Regular members attaining the age of 85 shall no longer pay membership dues provided that they have been active and registered as a member for the five years prior to requesting a waiver of dues.

ARTICLE VII - COMMITTEES AND AIDES

Section 1. A National Committee shall consist of not less than three (3) nor more than ten (10) members as nominated by the National Commander with the advice and consent of the National Department. Each such Committee shall be composed of the members of the National Department and at least one nominee from the membership-at-large.

Section 2. A National Committee shall be tenured during a program year.

Section 3. The National Commander shall nominate the following Standing Committees: Finance Committee, National Security Committee, Veterans' Affairs Committee, Public Relations Committee, Insurance Committee, National Awards Committee, Standards Committee, and such other Standing Committees as the National Department shall so authorize.

Section 4. There shall be established a ten (10) member Executive Committee which shall be composed of the National Commander, National Executive Director, National First Vice Commander, National Second Vice Commander, National Adjutant, National Treasurer, National Judge Advocate, National Service Officer, Chairman of the National Board of Directors and one State Commander which position shall rotate amongst each state. The Executive Committee shall meet from time to time and shall govern the affairs of this organization between meetings of the National Department. The Executive Committee may meet in person, or by use of available electronic, computer, audio and/or video technology upon notice to committee members. A quorum shall consist of six (6) committee members. A record of all matters brought before the Executive Committee, and all decisions rendered by them, shall be made, retained and presented at the next subsequent National Board Meeting for approval by the National Department.

Section 5. A Special Committee may be nominated by the National Commander to serve for a particular purpose.

Section 6. The National Commander may nominate National Aides, not to exceed fifteen (15) in number, with the approval of the National Department. The specific duties of each Aide appointed shall be set forth in the Certificate of Appointment.

Section 7. The Bylaws of each Membership Unit shall provide for the establishment of committees as set forth in this Article; however, no committee shall consist of less than three (3) members.

ARTICLE VIII - POSTS

Section 1. A Post may merge or consolidate with another Post upon approval of the National Department and issuance of a charter. In the event of the consolidation of two (2) or more Posts, the records, monies or property shall be consolidated and maintained as the monies and property of the newly organized Post.

Section 2. In the event that a Post becomes dissolved, suspended, or otherwise defunct, the records, monies and property of such Post shall be disposed of in accordance with this Constitution and Bylaws.

Section 3. The National Department may either suspend or revoke a Membership Unit’s charter in accord with the Constitution and Bylaws.

Section 4. A Post business meeting shall be held monthly; the majority of its officers present shall constitute a quorum but no less than three members.

Section 5. The Post Board of Officers shall hold at least quarterly meetings and a quorum shall be constituted if the majority of the Board of Officers are present.

ARTICLE IX - HEADQUARTERS’ POSTS

Section 1. A National Headquarters Post is hereby established to be known as Alfred E. Smith, Post #4. Its affairs shall be administered by the National Department. Any eligible individual, as defined in this Constitution and Bylaws, shall be accepted for membership upon application to the National Department.

Section 2. A State Department may establish a Headquarters Post.

Section 3. Each Headquarters Post, including the National Headquarters Post, shall not be entitled to suffrage in any convention or election meeting, EXCEPT:

- a. Each Headquarters Post including the National Headquarters Post shall be entitled to suffrage in any convention or election meeting where it has delegates physically present.

- b. Each delegate of the National Headquarters Post, physically present, shall be entitled to one personal vote. There shall be no proxy votes nor will there be any Unit Rule Voting.
- c. Each Department Headquarters Post shall have suffrage in any Department Convention or election meeting. The Department shall be the judge of the vote allowed its Headquarters Post.

ARTICLE X - OFFICERS AND EMPLOYEES

The National Department may employ such officers, agents, and employees as it determines, and contracts with such officers, agents, or employees upon such terms and conditions as it may determine, subject to the provisions and restrictions set forth in these Bylaws.

ARTICLE XI - DISCIPLINARY ACTION

Part I – Individual Members

Section 1. The procedure for the suspension or expulsion for any member of the Catholic War Veterans of the United States of America, Inc., shall be as follows:

- a. Filing of formal charges in writing under oath with the Membership Unit.
- b. The Membership Unit will immediately appoint a committee of five (5) members to hear and determine the charges. The chairman of said committee will be the presiding officers. The hearing shall be recorded by a court reporter or two (2) independent recording devices.
- c. A copy of the formal charges and time of hearing must be served on the accused at least twenty (20) days before the trial.
- d. The Membership Unit’s Judge Advocate shall prosecute the charges.
- e. The accused shall be confronted by his accusers who shall testify under oath.
- f. The accused may be represented by counsel. The accused shall have the right to call witnesses to testify at such hearing.

Section 2. The Committee appointed under subdivision (b) of Section 3 of this Article shall render a decision of “Cause” or “No Cause,” which decision must be submitted to the Board of Officers. The Board of Officers, in the event of a decision of “Cause” shall suspend or expel the accused member as it deems appropriate.

Section 3. The action of the Board of Officers shall be forwarded to the National Department. The transmittal shall include a complete record of the charges and trial transcript for review by the National Judge Advocate. The National Department may affirm, modify or set aside such

actions as the National Department determines to be appropriate upon the recommendation of the National Judge Advocate.

Section 4. A member who is suspended pursuant to this Article shall not be suspended for a period longer than one (1) year from the date of final action by the National Department.

Section 5. An expelled member may be reinstated upon proper application, provided that the National Department approves such reinstatement.

Part II - Membership Units

Section 1. Each Membership Unit shall conduct its meeting in accord with proper decorum. Any individual member violating the rules of decorum shall be disciplined, admonished or censured as provided herein.

Section 2. The National Department, upon ten (10) days notice to that Membership Unit, may revoke that Membership Unit's charter if that Membership Unit violates this Constitution and Bylaws, or fails to observe the mandates of a National Convention assembled, or otherwise fails to function as authorized.

Section 3. If a Membership Unit violates this Constitution and Bylaws or fails to function as authorized, the next higher Membership Unit may take disciplinary action in accord with the following procedure:

- a. Filing of formal charges in writing under oath to the National Department, which charges shall be filed by the initiating Membership Unit.
- b. The National Department shall immediately appoint a committee of five (5) to hear and determine the charges. The chairman of said committee will be the presiding officer. The hearing shall be recorded by a court reporter or two (2) independent recording devices.
- c. A copy of the formal charges and the date, time and location of the hearing must be served on the Commander, Adjutant or Treasurer of the accused Membership Unit at least twenty (20) days before the trial date.
- d. The Membership Unit's Judge Advocate shall prosecute the charges.
- e. The accused Membership Unit shall be confronted by their accusers who shall testify under oath.
- f. The accused Membership Unit may be represented by counsel. The accused Membership Unit shall have the right to call witnesses to testify at such hearing.

Section 4. Each suspended Membership Unit shall have the right of appeal to the next higher Membership Unit. The appeal shall be in writing within thirty (30) days following receipt of the disciplinary action. A copy of the appeal shall be filed with the National Department.

Section 5. In the event that a Post shall be dissolved, suspended, or for any reason fail to function, all records, monies and properties belonging to such Post, shall revert to the next higher Membership Unit to be held in trust for a period of two (2) years. The trust period shall be deemed to have commenced on the actual date of the dissolution, suspension or failure to function as determined by the next higher Membership Unit. If at any time prior to the end of that two (2) year period, the dissolved, suspended or non-functioning Post shall have reactivated, said records, monies and properties shall be returned to it. If such dissolved, suspended or non-functioning Post, shall not have reactivated within the two (2) year period, its records, monies, and properties shall become the property of the Membership Unit holding them in trust, except that its Charter shall revert to the National Department. In a case where a State Department or Chapter Membership Unit is dissolved due to lack of membership, then the next lower Membership Unit shall receive all records, monies and properties belonging to such State Department or Chapter, except that its Charter shall revert to the National Department. Provided, where more than one co-equal (next lower) echelon unit exists, the records and monies of the dissolved unit shall be divided up in the manner prescribed by the National Department committee appointed to determine said distribution.

ARTICLE XII - AUXILIARY TO THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INC

Section 1. Each Membership Unit may form an Auxiliary to the Catholic War Veterans of the United States of America, Inc., as follows:

- a. A Post may form an Auxiliary upon application of fifteen (15) authorized members.
- b. A Chapter may form an Auxiliary upon the application of at least three (3) of its Posts' Auxiliaries.
- c. A State Department may form an Auxiliary upon application of at least three (3) Auxiliary Units sponsored by Posts within that State Department.
- d. There is established an Auxiliary to the National Department.

Section 2. Any Auxiliary once chartered may be dissolved, upon a finding of cause, after a hearing by the sponsoring Membership Unit, conducted by the Judge Advocate at a session for which not less than ten (10) days prior notice was given. In the event of such dissolution; or if an Auxiliary disbands, the Post Commander shall notify all individual members of such action. All members in good standing of such Auxiliary shall be authorized sixty (60) days from the date of the notice in which to transfer to another Auxiliary in good standing without loss of continuity of individual membership.

ARTICLE XIII - THE HONOR LEGION OF THE ORDER OF ST. SEBASTIAN

Section 1. A select St. Sebastian Committee will judge each nominee for the Honor Legion of the Order of St. Sebastian. The committee shall consist of seven (7) members, each of whom

shall be members in good standing of any echelon of the Catholic War Veterans. Such committee shall include one (1) Past National Chaplain; one (1) currently serving National Officer; four (4) past recipients of the Honor League of the Order of St. Sebastian Award; one (1) Past National Commander. The committee shall be limited to only one member from each state, and shall elect its Chairman. The National Commander shall nominate each member of the Committee, the nominations of which shall be approved by the National Department.

Section 2. The Committee shall recommend a maximum of three (3) nominees to receive the Medal of the Order of St. Sebastian with the approval of the National Department, provided further that the Committee may decline to submit any nominee which decision shall be final.

Section 3. The basis for the Order of St. Sebastian Medal shall be a member’s general overall exemplary service to the Catholic War Veterans of the United States of America, Inc. The award shall be limited to members of the Catholic War Veterans of the United States of America, Inc., in good standing, for a minimum period of five (5) consecutive years, provided that a National Commander and a National Chaplain shall not be eligible for nomination during their tenure and for at least three (3) years following their tenure in their respective positions. Any recommendation must originate with a Post; be approved by the nominee’s pastor; and be directed through channels to the National Department.

Section 4. The National Department shall determine the administrative requirements, including a Certificate of Eligibility.

ARTICLE XIV - RULES OF ORDER

Section 1. The following Rules of Order shall be followed by all Membership Units:

a) Order of Business:

1. Opening in due form with Prayer
2. Roll Call of Officers
3. Appointment of Committees
4. Reports and Minutes of Officers, Directors and Trustees
5. Reading of Communications
6. Reports of Committees
7. Special Orders
8. Action on Minutes of Preceding Meeting
9. Unfinished Business
10. New Business
11. Nominations
12. Election and Installation. The ceremony of installation may be deferred for a special occasion
13. Good and Welfare
14. Closing Ceremonies with Prayer

Section 2. The order of business may be changed at anytime by vote of a majority of those present without debate.

Section 3. When the presiding officer shall be in the chair, he shall first determine, and the Adjutant shall note in the minutes, the existence of a quorum. Thereafter no one shall continue standing or shall, afterwards, stand up, except to address the chair. Everyone shall refrain from private discourse.

Section 4. When an appeal is taken from the decision of the presiding officer, said officer shall surrender the chair to the officer next in rank who shall put the question thus: "Shall the decision of the chair stand?"

Section 5. When two (2) or more members rise to speak at the same time, the presiding officer will decide who is entitled to the floor.

Section 6. A motion must be seconded and stated by the presiding officer before any action thereon is in order, and if requested by any two (2) members, shall be reduced to writing.

Section 7. A motion may be withdrawn by the maker with the consent of the second before a vote is had thereon, and if withdrawn, no record shall be made upon the minutes.

Section 8. The name of the member making or seconding a motion, or offering any business, shall be entered on the minutes.

Section 9. A division of a question containing two (2) or more distinct propositions may be demanded by any member.

Section 10. During any session of conventions and meetings the following motions shall govern:

***Chart of Precedence of Motions and
Summary of Rules Governing Them***

- In. - May interrupt a speaker.
- Ns. - Does not require a second.
- Un. - Undebatable shall apply to amendments or substitutes.
- L - Limited as to debate.
- 2/3 - Requires a two-thirds vote for adoption.

Privileged Motions

- To fix time to which to Adjourn - L.
- To Adjourn (Unqualified) - Un.
- To Take a Recess - L.
- To Rise to a Question of Privilege - In., Ns., Un.
- To Call Order of the Day - In., Ns., Un.

Subsidiary Motions

- To Lay on, or Take from the Table - Un.
- To Call for the Previous Question - Un., 2/3.
- To Limit, or extend Limits, or Debate - L., 2/3.
- To Postpone Definitely - L.
- To Refer to a Committee - L.
- To Amend - to substitute.
- To Postpone Indefinitely.

Main Motions

- a) General Main Motion.
- b) Specific Main Motions:

- To Take from the Table - Un.
- To Reconsider - In.
- To Reconsider and Have Entered on the Minutes - In., Un.
- To Rescind - 2/3.
- To Expunge - 2/3.
- To Adopt a Resolution.
- To Adjourn (Qualified).
- To Create Orders of the Day (Special) - 2/3.
- To Amend (Constitution, etc.) - 2/3.

- c) Incidental Motions:

- To Suspend Rules - Un., 2/3.
- To Withdraw a Motion - Ns., Un.
- To Read Paper - Un.
- To Object to Consideration - In., Ns., Un., 2/3
- To Rise to a Point of Order - In., Ns., Un.
- To Rise to a Parliamentary Inquiry - In., Ns., Un.
- To Call for a Division of the House - In., Ns., Un.
- To Call for a Division of a Question - Un.

Section 11. When the previous question is moved and seconded, it shall preclude all other motions and debate. It shall be put in this form: “Shall the main question be not put?” If decided

in the affirmative, the vote shall be at once taken, without debate, and in the same order as if the previous question had not been ordered.

Section 12. A Motion to adjourn shall always be in order except:

- a) While a member is speaking.
- b) While a vote is being taken.
- c) When to adjourn was the last preceding motion. A motion to adjourn cannot be amended.

Section 13. The presiding officer shall state every question properly presented and before the vote is taken shall ask "Are you ready for the question?" Should no member offer to speak, he shall arise to put the question and after he has risen, no further discussion shall be in order.

Section 14. The presiding officer may speak on points of order in preference to other members; he shall announce all votes and decisions, and decide questions of order, subject to an appeal to those convened by any two (2) present, which appeal, if required, shall be in writing.

Section 15. When a matter is postponed indefinitely, it shall not be in order again at the same session.

Section 16. When a motion is pending, a motion to amend and a motion to amend the amendment shall be in order, also to offer a further amendment by way of substitute, to which may be offered one amendment. Withdrawals may be made with consent of the second. Any amendment or substitute must be germane. If an amendment or substitute is tabled the original shall be considered for action.

Section 17. A question once determined shall stand and shall not be debated again during the same session except with the consent of two-thirds (2/3).

ARTICLE XV - AMENDMENTS

These Bylaws may be amended as provided in the Constitution.

* * * * *

Reviewed and Verified this 23rd day of August, 2016.

**Brian F. Toohey
Judge Advocate**
