



Department Executive Committee
Meeting Minutes
March 2, 2019



The Department Executive Committee met on March 2, 2019 at American Legion Department Hdqtrs, 103 Legion Plaza Rd, Columbia, SC 29210.

Executive Committee Members Present:

Dept Commander John Britt
Dept Adjutant Nick Diener
Dept Judge Advocate Stephen Lewis
Department Historian Russ Cantrell
NEC Michael Strauss
Alt NEC Bob Scherer
Dept 1st Vice Cmdr Walt Richardson
Dept 2nd Vice Cmdr Roberta Poulos
Dept 3rd Vice Cmdr Ron Price
Dept 4th Vice Cmdr Robin Rucker
D-1 Cmdr Jim Jarvis
D-2 Cmdr Chuck Blankin
D-3 Cmdr Bridget Lewis
D-4 Cmdr Wayne Southworth
D-5 Cmdr Jack Wright
D-6 Cmdr Jim Kvam
D-7 Cmdr Charles Bethea
D-8 Cmdr Chuck Shaffer
D-10 Cmdr Tommy Sinclair
D-11 Cmdr Jack Lonergan
D-12 Cmdr Charlie Davis
D-14 Cmdr Michael Brandt
D-17 Cmdr Jim Thraikill
D-18 Cmdr Larry Pouncy
D-19 Cmdr Bob Gibbons
D-20 Cmdr Dave Mills
Dept Chaplain Bill Quarles
Dept Sgt-at-Arms George Oxner
PNEC Bud Hennis
PDC Joe Lysaght
PDC/PDA Jim Hawk
PDC Phillips

Absent:

Asst J/A Anthony Livoti
D-9 Cmdr Doc Sweet
D-13 Cmdr Carlton Patterson
D-15 Cmdr Leroy Williams

Also Present:

Exe Dir. M. May

Cmdr John Britt welcomed everyone to the special called DEC meeting and asked everyone to uncover and called on Chaplain Quarles for the invocation. The Commander read Resolution 288, led the Pledge of Allegiance and then asked everyone to join him to recite the Preamble. He called on Dept Adjutant Diener for the roll call. Adjutant Diener called the roll and told the Cmdr he had a quorum.

Dept Cmdr Britt: As I stated, today's meeting is a special called meeting of the DEC. At the January 26, 2019 DEC, a motion was made and seconded to approve the submission of the Const & Bylaws subcommittee's recommendation amendments to the const & bylaws. An additional motion was made and approved to postpone the DEC vote until this meeting today. As a special called meeting, the only thing that we can discuss today is this motion. No other reports or actions may be brought up. We have a lot to cover today and I will be enforcing strict rules for this meeting. We will handle each proposed amendment separately and vote on each one separately. **At this time I would entertain a motion that during the discussion period each member will be allowed to speak for three minutes. All speakers will stand, identify themselves and address their comments to the chair. In the debate, each member will have the right to speak twice on the same question so long as any other member has not spoken on the question desires the floor. A member who has spoken twice on a particular question has exhausted his right to convey that question.**

D-5 Cmdr Wright: I so move.

D-19 Cmdr Gibbons: I second that motion.

Vice Cmdr Rucker: We had a motion on the floor that was postponed, we got to make a decision on that first motion, sir.

Dept Cmdr Britt: That's what we're going to do, we already have a motion on the floor, we have a second, now's the discussion time. We're going to discuss each one line....

Vice Cmdr Rucker: No.

Dept Cmdr Britt: by line.

Vice Cmdr Rucker: Not by...that's not what I'm talking about. We made a motion back in the last meeting and it was seconded, and it was postponed until now. That motion's still on the table, correct?

JA Lewis: Yes. We're entering discussion phase of that motion.

Dept Cmdr Britt: Ok, all in favor of this motion say aye, opposed? Motion carries. Since the motion has already been made and seconded, no further motions are necessary for each amendment, please remember, approval will only allow the recommended amendments to be submitted to the Constitution and

Bylaws sub-committee and then presented to the delegates at the Department Convention for their approval or disapproval. Also, please remember that the amendments have been given a temporary "P" number for identification. If approved, each amendment will be logged and given a formal number by the Department Adjutant. Are there any questions? Ok, let's get started.

D-3 Cmdr Lewis: Commander Britt, a couple of questions, is this a two-thirds vote that carries it or....?

Dept Adj Diener: Simple majority on each one of them.

D-3 Cmdr Lewis: Simple majority, ok.

Alt NEC Scherer: Inaudible.

Vice Cmdr Richardson: Where is that written please?

Dept JA Lewis: What?

Vice Cmdr Richardson: The majority vote.

Vice Cmdr Price: Because it's the rules

Dept Adj Diener: It's a motion on the floor.

Dept JA Lewis: It's a motion on the floor to determine whether or not these go to the General Assembly so nothing's special that would require a two-thirds vote.

Vice Cmdr Richardson : We're voting to amend the constitution.

Vice Cmdr Poulos: No.

Dept Adj Diener: No. we're not. All you're voting to do is to send this forward to the Convention. The Convention it has to be a two-thirds vote but here all you're doing is voting for it to go forward.

Vice Cmdr Richardson: I understand that. But every other place in the Constitution where it's been mentioned as an amendment requires a two-thirds vote.

Alt NEC Scherer: So it's not a simple majority.

Vice Cmdr Richardson: What we're planning on doing is we're going to send an amendment to the body on a majority vote and we expect to get a two-thirds vote there.

Dept JA Lewis: Right.

Vice Cmdr Richardson: And we agree to that? Do you not see a problem with that? If we cannot receive, if we cannot get a two-thirds vote in this body, how can we legitimately expect that two-thirds vote out of the Convention? Because if we approve them, that means we support them.

Dept JA Lewis: No, not unless you want a constitutional interpretation.

Vice Cmdr Poulos: Yeh, yes.

Vice Cmdr Richardson: You know, I'm just curious. I don't understand how we can expect to get a two-thirds vote out of the Convention if we cannot get a two-thirds vote...

Dept JA Lewis: Well, because I think you're talking about apples and oranges. You're simply voting, as I see it, voting to submit it to the Convention, an amendment to the Convention, just like you do with any other amendments that come in every other year. And then they're the ones that have to approve it by a two-thirds vote. I don't see this as a condemnation of the amend...in other words, I don't see this, as Walt

Richardson is saying, I agree with this amendment. I see it as saying I agree that this amendment should be voted on by the whole body, is the way that I see it, don't you?

Vice Cmdr Richardson: No, I don't, but that's...you know.

Dept JA Lewis: Well, but the motion on the floor is to, if you vote yes, you agree that the amendment should be sent to the whole body for them to vote on, which the constitution requires.

Vice Cmdr Richardson: Right.

Dept JA Lewis: I looked but I don't see anything that requires if it's, if you're just talking about amendments in this body and you're not approving it as amending the Constitution, a two-thirds vote, I think it's just a simple majority. I'll look and see. Because we're not at the voting stage yet, so I'll look.

Dept Cmdr Britt: We need to go ahead, we've got a long day.

D-14 Cmdr Brandt: I brought this to my constituent Posts, and they were questioning why are we letting March 2nd be our date when theirs was March 1st?

Vice Cmdr Price: It's true. We're past that date.

Dept Adj Diener: Because that's an administratively set date and when this body voted to postpone the vote until today, that's what allows these to go forward. Because this DEC voted to postpone the vote on these until today.

Vice Cmdr Richardson: No.

Dept Adj Diener: The March 1st, Commander Richardson, excuse me, I have the floor.

Vice Cmdr Richardson: Oh, I'm sorry, I apologize.

Dept Adj Diener: The motion and these amendments were submitted in to this body before the March 1st date. This body voted to postpone and that ends up overriding that. This body, can, even though everyone else had submitted their amendments, this body could vote to allow another amendment to come in after March 1st. This body has that power.

Dept Cmdr Britt: Ok, let's move forward.

Dept JA Lewis: Commander, an I address...I found it Walt. It's on page 102 of Roberts Rules of Order, talking about a main motion that's being conducted. It says it requires a majority vote except and there are four exceptions and none of the exceptions apply to this.

Dept Cmdr Britt: Ok, Amendment P-1, amends Article I of the Constitution to add the location of the Department. Anybody have any comments about that one?

D-5 Cmdr Wright: Do you have to have a motion on these Commander?

Dept Cmdr Britt: No. No, we do not have to have a motion.

D-5 Cmdr Wright: We're just saying we accept it right? I make a motion we accept it.

Dept Adj Diener: We don't need a motion.

Dept Cmdr Britt: All in favor of this change say aye, opposed? Amendment P-1 passes.

P-2, amends Article II of the Constitution to correct the wording to match the National Constitution. Specifically, it changes the word "or" to "nor". Any discussion on this one? All in favor say aye, opposed? P-2 passes.

P-3, amends Article III, Section 1 of the Constitution to correct a typographical error. The word "as" should be the word "at". Any discussion on that one?

D-5 Cmdr Wright : No.

Dept Cmdr Britt: All in favor say aye, opposed? P-3 passes.

P-4, amends Article V, Section 5 of the Constitution. It adds a set date to determine the membership totals for delegate strength to 30 days prior to the opening of the Department Convention. Any discussion on this one?

D-5 Cmdr Wright : No.

Dept Cmdr Britt: All in favor say aye, opposed? Amendment P-4 passes.

P-5, moves Article I, Section I to the By-Laws to Article VII of the Constitution to place it in the correct Section. Any discussion on this one?

D-5 Cmdr Wright : No.

Dept Cmdr Britt: All in favor say aye, opposed? P- 5 passes.

P-6, amends Article VIII of the Constitution. The current Article covers the election of both Department Officers and District Commanders and the mandatory training for each. This amendment splits the current Article into three separate Articles. In addition, the proposal provides additional guidelines, per the direction of the DEC, for District Commander elections. Any discussion?

Vice Cmdr Richardson: Yes, on that one, what it looks like, is you're doing three separate Articles. What if somebody wants to pass I but doesn't want to pass II, you can't do that.

Vice Cmdr Price: You've got them lumped together.

Vice Cmdr Richardson: So they're lumped together in here.

Dept Cmdr Britt: Ok, I'm going to call on Jim Hawk to answer that for the Constitution sub-committee.

Const & Bylaws Chairman Hawk: It covers three different entities, we put it into one, training was one, if I recall, we created a separate Article for training. Intertwined within both areas plus the elections of District Commanders, that was mandated by the Department Commander at one of the first DEC meetings, to come up with guidelines for election of the District Commanders and these are the guidelines that we propose.

Dept Adj Diener: I was partially involved in this one. The current Constitution just titles that of election of Officers. There's different rules in there for the election of Department Officers, District Officers and in the current one, there was the training that applied to both of them. One of the things off doing that was to break it into separate Articles for Department Officers, it didn't change the wording on it, it just broke it into a separate Article. And the District Commanders, because the mandatory training part that was in there before, because it was all under one Article, it applied. Well now that you broke the first two into a separate Article, you needed to break the mandatory training into its own Article or else you would have had to include it in each one of the Articles, ok. The other difference now in there is that as part of the District Commander change, they put the additional rules for the election for District Commanders was added to that wording in that Section.

Vice Cmdr Poulos: What we're voting for right now is to take this part out so we can vote on that other two as a separate portion? Right? That's what it sounds like, we're taking this out of there just to make it into two different Sections, right? So we have to have people vote to take this portion that's clumped together first out, and then vote to include the other two? That's what I just wanted clarification on? Because how can you, I mean, you know...

Dept Adj Diener: They're not separate actions. You're taking what's currently in there now and changing it to this proposal.

NEC Strauss: Just the three Articles.

Dept Adj Diener: Which is breaking those three Articles out.

D-1 Cmdr Jarvis: I don't think there's any addition or deletion, it's just basically a reorganization.

Vice Cmdr Poulos: Ok, thank you.

Vice Cmdr Richardson: So, I'm still, what they're doing is taking the three Articles and combining it all into one

Vice Cmdr Poulos: No, they are combined already.....

D-3 Cmdr Lewis: And separating them.

Vice Cmdr Poulos: And separating them.

Vice Cmdr Richardson: They're taking one and splitting them up? Ok.

D-6 Cmdr Kvam: Basically, the way I read it, the only thing they're doing is in the current one, they calling them Section I, 2 and 3, all we're doing is making them Article 1, 2 & 3, all we're doing is changing the name from of the Section to Article and breaking it out, that's all we're doing.

Vice Cmdr Poulos: Because when we have the caucuses, we're going to have to know the answers to these and you won't be there, so I needed to get this clarified, thanks.

Dept Cmdr Britt: Ok, that ended your comment time. I just wanted to let you know. Any other comments?

Alt NEC Scherer: On that one Section where it says if a ballot ends in a tie, a single coin will be flipped? Is that going to be the norm because it says in Robert's Rules of Order it says you keep on voting on it until it's done. Isn't that true?

Dept JA Lewis: Yes, that's what Robert's Rules says.

Alt NEC Scherer: So we're going to say that we're going to put that in there, so we don't follow Robert's Rules of Order, right?

Dept JA Lewis: Yes.

Alt NEC Scherer: Ok. That's what I want to make sure. And on the next part about the Judge Advocate, Adjutant and Chaplain making sure everything is procedurally followed, how'd you come up with those three? Because you all know the procedures. I want to know how you came up with the three?

Dept Adj Diener: We tried to look at coming up with three impartial people that if there was a question on an election to have three impartial people to look at it.

Alt NEC Scherer: I just wanted to make sure that was clarified.

Vice Cmdr Rucker: Question about that. About the Judge Advocate, Department Adjutant and the Department Chaplain, My only concern is the Department Adjutant is actually an employee.

Vice Cmdr Price: It's true.

Vice Cmdr Rucker: With the Department and he's going to make a decision about someone about an election, that's my concern.

Vice Cmdr Price: Are they, he said they wanted to make sure they were not biased? Are they trying to say the Commander would be biased to this scenario? Why wouldn't it be Department Commander versus the Adjutant. Again, the Adjutant is an employee, this should be Department Commander, not Department Adjutant.

Const & Bylaws Chairman Hawk: The Department Commander is ex-officio; Department Adjutant is the Administrative Officer and he's there's for guidance to be sure it's been done correctly and follow the Constitution and Bylaws. Even though he is a paid person, that is immaterial following the rules and regulations we are all bound by.

D-1 Cmdr Jarvis: If there's one person in this room that needs to be involved with everything that's our CEO, CFO and that's our Adjutant, our Administrator. He needs to be involved. He's a Legionnaire as well.

Dept Cmdr Britt: Any other comments? This is your second.

Vice Cmdr Richardson: I understand, I understand. Just two, two. I'll keep it short. Alright, on one of the pages on there, I was reading this, and I don't understand, Section II, c, a quorum shall be one-fifth of the Post present. Explain that. How can you have one-fifth of the Post present? If they're all present, then you have a hundred percent.

Dept Cmdr Britt: What's it's saying here Walt, it's just a minimum you've got to have.

Vice Cmdr Richardson: Well, that's not what it says.

Const & Bylaws Chairman Hawk: One-fifth, Commander, clarification on that, one-fifth is what we got to have, in the Constitution, at the Department Convention. We got to have one-fifth of the Posts. That keeps it line with the Districts, one-fifth of the Posts in the District present.

Vice Cmdr Richardson: And I understand. I understand that. I'm simply telling you what it says right here. It says a quorum for the District meeting election shall be one-fifth of the posts present. That means they're there. That means you only have to have one fifth of the Post there when you already have 100%?

Several in the meeting said no.

Vice Cmdr Richardson: Well, somebody explain it.

D-2 Cmdr Blankin: That's the minimum you've got to have.

Vice Cmdr Richardson: I understand minimums.

Dept Cmdr Britt: Ok, everything has got to be addressed to me, not back and forth.

Vice Cmdr Richardson: I understand.

D-5 Cmdr Wright: That's not singular, that says Posts.

Vice Cmdr Richardson: I just need an explanation on how you can have one-fifth of the Post present? If they're present, they're there, that makes it 100% of the Posts present. But now you're trying to make it one-fifth of the Post, this is not a very well written thing. And I understand that that is my second time and I yield the floor. But the last thing I'm saying is that this right here ain't right. I mean read it.

D-18 Cmdr Pouncy: It didn't say Post, it says Posts. There's S's on the end of that, it says Posts. There's S's on the end of that.

D-1 Cmdr Jarvis: I think the issue here is the word present. I have ten Posts in my district, I need to have one-fifth of them there to do a vote, bottom line. So I think the word present needs to be changed to be one-fifth of the Posts in the district. That would make it clear cut.

Vice Cmdr Price: Also, Section 2-A, it says a regularly scheduled District election must be held at least (30) days prior to the annual Convention in those Legion Districts in which a District Commander will be elected for the ensuing two (2) years. Who sends that in? Who schedules that? It doesn't say it. I mean, obviously if you don't have a District Commander there, who's going to schedule that? Who's going to send that in?

Dept Cmdr Britt: That's the Vice Cmdr.

Vice Cmdr Price: It doesn't say that. So that's why this is poorly written, it doesn't say that.

NEC Strauss: It in another Article.

Vice Cmdr Price: It may say it in another Article, but it doesn't address it here.

Dept Cmdr Britt: Jim Hawk, would you amend what came from the Const & Bylaws committee to strike that word that Walt's concerned with?

Dept Adj Diener: The word present.

Dept Cmdr Britt: Present?

Constitution & Bylaws Chairman Hawk: It was submitted with present, you want to take out the word present?

Dept Cmdr Britt: Yes. Isn't what you asked for, Walt?

D-5 Cmdr Wright: In the District.

Const & Bylaws Chairman Hawk: One fifth of the present in the District, is that what you're saying, or asking?

Dept Cmdr Britt: Is that what you're asking, Walt?

Vice Cmdr Richardson: I done had my time.

Dept Cmdr Britt: No, I'm asking you a direct question, this is not meant for comments now.

Vice Cmdr Richardson: Right, I'm, what I want, I'm concerned, I want somebody to explain it one fifth of the Post present.

Dept Cmdr Britt: Can we strike the word present?

Const & Bylaws Chairman Hawk: I'd have to go before the committee. Mike?

NEC Strauss: Alright, we can amend it right here, I'm for it.

J/A Lewis: What are we trying to say? How many people have to be there for a quorum, isn't that really what we're trying to figure out?

D-1 Cmdr Jarvis: That's why I said in the District.

NEC Strauss: The preceding language says District on there.

J/A Lewis: But they have to be present to have a quorum.

Dept Cmdr Britt: Jim, are you willing to strike that word present?

Const & Bylaws Chairman Hawk: If the committee is ok with striking the word present and putting after the word Posts, "in the district". That identifies it as one-fifth in the District.

Dept Adj Diener: You have to ask the person that seconded the motion. The original motion

D-7 Bethea: Add the word are present, you don't have to strike all that stuff out.

Dept Cmdr Britt: We got to get to the person that seconded it.

Exec Dir May: Russ, it was Russ.

Dept Adj Diener: **One fifth of the Posts in the District.**

Dept Historian Cantrell: I agree.

Dept Cmdr Britt: Ok, you're next.

Vice Cmdr Rucker: I have a question on 'b' it says, in a vacancy election, the Vice Commander with oversight shall provide a District meeting/election date notification to the Department at least four (4) weeks prior to the election. My problem with that is that we had a situation with another District Commander is out for some reason, right before the Convention, you're not going to give that District an opportunity to have a representative for at least four weeks? I think the date, timeline, is not, should be shorter. I mean, you can notify people by a phone call if you had to. But four weeks? And you're not giving those people, then it's going to be so many days before they actually have the election? It's not giving, I think you ought to give those Districts the opportunity to have representation there and I think that this, this Section should be voted down.

Dept Cmdr Britt: Bob, did you have a question?

Alt NEC Scherer: I just wanted to clarify the one-fifth. We had that problem because of District 9. We kept trying to get a vote for a District Commander and we never could get enough people there, so we decided that one fifth of the Posts that were there is what we voted on. That was voted on that way because sometimes you can't get all your Posts there so that's why we had that there.

Dept Cmdr Britt: Any other questions or comments? This is your second time.

Vice Cmdr Rucker: Yeh. I ask for a roll call vote on this one.

Alt NEC Scherer: The whole thing?

Vice Cmdr Rucker: This whole Section, yes.

Dept Adj Diener: We need to clarify that, it's voting on this with the change that was agreed to.

Dept Cmdr Britt: Yes, this is a vote on this amendment with the change.

D-5 Cmdr Wright: Would you restate the change?

D-3 Cmdr Lewis: What did we end up changing it to?

Dept Cmdr Britt: Maggie, have you got what we changed it to?

Exec Dir May: There was a lot said. But what I got was **"One fifth of the Posts in the District"** Is that what you got?

Dept Adj Diener: Yeh.

Vice Cmdr Price: But you got a whole lot there, you got Section, a, b, c & d.

Exec Dir May: That was the only change though.

Dept Cmdr Britt: That was the only change. Ok. Let's go, roll call vote. Yes means you approve this amendment. Ok, go.

Dept Adj Diener Called the roll:

NEC Strauss: Yes

Dept Historian Cantrell: Yes

Dept 3rd Vice Cmdr Poulos: Yes

Dept 4th Vice Cmdr Rucker: No

D-2 Cmdr Blankin: Yes

D-4 Cmdr Southworth: Yes

D-6 Cmdr Kvam: Yes

D-8 Cmdr Schaffer: Yes

D-11 Cmdr Lonergan: Yes

D-14 Cmdr Brandt: Yes

D-18 Cmdr Pouncy Yes

D-20 Cmdr Mills: No

Alt NEC Scherer: No

Dept 1st Vice Cmdr Richardson: No

Dept 4th Vice Cmdr Price: No

D-1 Cmdr Jarvis: Yes

D-3 Cmdr Lewis: Yes

D-5 Cmdr Wright: Yes

D-7 Cmdr Bethea: Yes

D-Cmdr Sinclair: No

D-12 Cmdr Davis: Yes

D-17 Cmdr Thraikill: Yes

D-19 Cmdr Gibbons: Yes

17 yes's, six no's. Motion carries.

Dept Cmdr Britt: P-6 passes. Ok.

P-7-Amends Article X, Section 5 to correct a typographical error. Specifically, the words "as my" should read "as may". Discussion?

D-5 Cmdr Wright: No.

Dept Cmdr Britt: All in favor say aye? Opposed No? P-6 passes.

P-8-Amends Article XI to better clarify who can file charges and who can have charges filed against them. Any discussion?

NEC Strauss: I would like to make a motion, there's a # 13 that got in there erroneously, it's a typographical error, and I would like to make a motion to remove that # 13 in the middle, it's ten lines down from the top, that 13 somehow got in there, it's a typographical error, so I'd like to make a motion that we amend it to remove that # 13 typographical error.

Alt NEC Scherer: Second.

Dept Adj Diener: Jim has to concur to change his motion.

Const & Bylaws Chairman Hawk: Yeh, that's ok.

Dept Cmdr Britt: Russ, is that ok with you?

Historian Cantrell: Yes.

Vice Cmdr Price: In the current, up top, you see that there is a Section 3, “if said officer fails to follow such request within the specified time” There’s also a Section 4, “a two-thirds (2/3’s) vote of the Department Executive Committee”. And what I’m getting at is both Section 3 and Section 4 was left off in the bottom as far as the proposed goes. Why were they left off?

Dept Adj Diener: There’s no change to Section 3 and 4.

Vice Cmdr Price: But they’re not in the proposed. Which means they wouldn’t be there.

NEC Strauss: It doesn’t change them, so it doesn’t...

Vice Cmdr Price: If it doesn’t change, it should have been in the proposed. You take it out of the proposed, it won’t be there.

JA Lewis: I’m not following you.

Dept Adj Diener: If you go through on all of these things, on every one of these, the majority of these amendments, if we’re only changing on Section in an amendment, they’ve got other Sections in there and we don’t always relist all of them. All this is doing is those are the only two that they’re making any changes to.

Vice Cmdr Price: The proposed doesn’t address that.

Dept Adj Diener: Then if you do that, then after that Article, you have to include the entire rest of the Constitution on here.

Vice Cmdr Richardson: No you don’t.

Vice Cmdr Price: No you don’t.

Dept Adj Diener: I’m talking. I have the floor, sir. We’re not arguing back and forth in here. The Article, you don’t have to list everything else in the Article, you only listing the ones that you’re recommending that are being changed.

NEC Strauss: To remove something from the Constitution, we would have to do a constitutional amendment. And we’d have to say, remove it out of there.

Vice Cmdr Richardson: If I may? What Nick said is exactly right. But what happened is when they included 3 and 4 in the current, that indicated that they were going to amend it. Now, if they, an amendment, if you take it out, that is an amendment. What’s happened down here at the bottom is, they have gone from, from, 1,2,3 & 4 at the top to 1 & 2 at the bottom. What they should have done is strike that, they should have struck out and not even printed Section 3 & 4 at the top. And that means it wouldn’t have been amended. Sections 1 & 2 were the only Sections that were going to be amended, I think I’m correct on that, based on what’s down at the bottom. But because they put 3 and 4 at the top, that clumped it all together. And Ron’s exactly right. What they’ve done is they’ve amended 3 and 4 by taking it out.

JA Lewis: I understand what Nick’s saying, I don’t think we want to include the whole Constitution, but I do think Ron’s right, I think if you’re the Post that submitted this, and it may have just been in-artfully

done. But if you're the Post that's submitted this, they have in the current, sited 3 & 4, and the proposed taken 3 & 4 out. So I think that's an easy fix, add 3 or 4 as they in the current.

NEC Strauss: Or add, no changes to 3 & 4.

JA Lewis: Or yeh, no changes to 3 & 4, that's the easy...but I think you're technically correct, if you look at it, someone at the Post may say, we want take 3 & 4 out.

Dept Cmdr Britt: Jim, this is from your committee, you are in agreement with striking 3 & 4 out?

Const & Bylaws Chairman Hawk: I'm ok with it.

PDC Lysaght: The current Article is in its entirety so that anyone that reads it knows that's what's in the constitution right now. The amendment that was considered by the Const & Bylaws Cmte, is only affecting two portions of that, there's nothing in this document that says anything is being changed, if it was, you'd be reading it. Its just a matter of those changes for those two Sections. As a matter of fact if you go back to the draft, it appeared in color, to show where these were changed. If you read that draft, you would see that those are still in Constitution.

JA Lewis: It may be splitting hairs, my point is the language is, current Article XI and then proposed Article XI and that proposed leaves out 3 & 4. So it could be confusing to the body when we go and vote on it.

PDC Lysaght: I concur with what our Adjutant was talking about, we didn't want to end up with a quarter of an inch worth of paperwork.

JA Lewis: No, I get that, it could be confusing at the Convention.

Const & Bylaws Chairman Hawk: The committee will add “ no changes to 3 & 4”, under the proposed.

Dept Cmdr Britt: Russ?

Historian Cantrell: Ok.

D-19 Cmdr Gibbons: Cmdr, after looking over this again, we have another 13 in Section 2, at the bottom. Well, it doesn't make any difference, I guess I spoke too soon.

Dept Cmdr Britt: Any other comments? All in favor say aye? Opposed? Carried. P-9 – Amends Article II, Section 1 of the Bylaws. The Bylaws were not updated to reflect the January 2016 increase in dues from National. Also, adds flexibility for the savings account to allow funds to be placed into other interest driven accounts. It also gives the Department Adjutant authority to update this Section to reflect National per capita changes. Any questions or comments on this one?

Vice Cmdr Richardson: Two. Number one, it says “upon a recommendation of the Department Adjutant and 2/3rds of the Department Finance Committee, the Department Executive Committee can suspend the \$2.00 into the savings account or and/or interest driven account with a majority vote for a period of up to one year. No, they can't do that because our constitution says it will go in there. And the only people that can suspend the Constitution is the Convention so they cannot do that. That cannot be done.

Dept Adj Diener: Right now it can't be done unless it gives you the authority to do it in the Constitution. By putting it in the authority.

Vice Cmdr Richardson: But do we want to do that? Next thing. And this is still my time.

Dept Cmdr Britt: Ok, I agree.

Vice Cmdr Richardson: Ok, alright. It says right here "If the National Headquarters of The American Legion...

JA Lewis: Where are you?

Vice Cmdr Rucker: At the bottom, underlined.

Vice Cmdr Richardson: "If the National Headquarters of The American Legion raises its per capita before the Department of South Carolina bylaws can be changed, the Department Adjutant is authorized to update Section 1 of Article II of the Department Bylaws to reflect the national organization's per capita change." Once again, we're giving somebody the authority to change the Constitution. So, that's...I think we're treading on very, very thin ice.

Dept Cmdr Britt: Jim Hawk, do you want to respond from the committee?

Const & Bylaws Chairman Hawk: You're missing the boat here. National raised its dues to every Department and per member in 2015 and it came into effect in 2016. In 2017, 2018, 2019, that per capita was never changed. And changing of the Constitution of that nature is an administrative function by the Department Adjutant. That's a National mandate, not a Department mandate. If the Department raises its per capita, as outlined in that Article, so be it, but it did not. So, you've got to comply with the National Constitution and if National Convention has voted to comply then our Constitution is current with theirs. But the question you really should be asking is why it wasn't changed to begin with? But that's not the issue here, the issue is the Adjutant has the authority to do that because he's got to keep the Department in compliance with the National Organizational mandates of the Convention, just like the Department Convention. And like Nick said, (inaudible) and 2/3rds vote of the finance committee, can suspend the \$2.00 into the savings account, that gives him the authority in emergency situations, to do that. Then it's in the constitution so it can be changed and voted on and passed by 2/3rds delegates of the Convention. So there's no misunderstanding there, it should have been done in 2016, we found it, we corrected it, this is the correction because it should have been done. Thank you, Commander.

Vice Cmdr Richardson: Commander, what it is, and I understand he said but I don't think I'm missing the boat. Simply because if this is approved, what we're doing is twice, we're giving the Department Adjutant authority to change the Constitution. Now, he says in an emergency. In an emergency, the money is there, it's in the savings account, we can take it out. But listen, we just started putting money in the savings account, what, three years ago. For all those years it was in there, no money at all was put in there and we didn't have a pot to piss in or window to throw it out of.

Const & Bylaws Chairman Hawk: I have to differ with Walt.

Vice Cmdr Richardson: Hold on one second please. I was speaking.

Dept Cmdr Britt: Go ahead.

Vice Cmdr Richardson: Ok, now, what we're doing here, once again, thin ice. If we need the money, it's in the savings account, we can take it out. We can take it out. But if we go back and we start not putting it in, we're doing something that we fought real hard to get so we could put it in. We're giving the Adjutant an awful lot of power to be able to change the Constitution, two times.

Const & Bylaws Chairman Hawk: Back again, you're not giving it to the Adjutant you're giving the Finance Committee and the Adjutant the opportunity, get it straight.

NEC Strauss: And the Executive Committee.

Dept Adj Diener: And the Executive Committee.

Const & Bylaws Chairman Hawk: So it's not one person, Walt. It's a conglomerate of people that are in charge of the funds of this Department. I don't know what the issue is with the Adjutant's position but let me tell you, he doesn't arbitrarily do that. It's got to be the finance committee's concurrence and the DEC. What it does in the Constitution is stipulate that they have the authority to do that if needed. If needed. Yes, he's the Administrative Officer. Yes, he will make that change, because he is the Administrative Officer.

NEC Strauss: I will also make the point. If the National Organization would raise its dues at this coming National Convention, that would be just a few months after our Department Convention, if they raised the dues, they would make that effective on the 1st of January, ok? If we had to wait until the 1st of January until June, for our Department Convention to change that, that means we would lose out on hundreds and hundreds of dollars from the Posts because they're not having to pay the per capita dues.

PDC Phillips: That's right.

NEC Strauss: This gives the authority to our Adjutant to not have to wait until the Convention to raise the dues to change that element. Because the National already did it, we don't have any dog in the hunt, sort of speak. We have to change our money or the Department's going to lose a lot of money for that. What he said on the Adjutant having the authority to suspend that, if we ever have a great emergency for the Department, it gives three elements there. The Adjutant has to agree to it, the Department Finance has to agree to it and the Executive Committee has to agree to suspend that. But they only get one year to do it. They would have to give a reasoning to give it another year, it would have to be a great emergency, but we need to have some sort of policy in place to suspend that. We didn't have a policy to do it before and that's why we put the group of people in there to make sure, if we're going to suspend it, that there were elements involved with that and not just one person deciding that.

D-1 Cmdr Jarvis: I don't want this to count, if it's not, I want to move on, I think that one was clear cut. The part that bothers me is right after that. "Also that if the National Organization raises its per member per capita to the Department, that the Department will automatically raise its per capita accordingly". That is still unclear, I expect National to increase dues in 2024, so we're going to go through this all over again unless we clarify that. If National increases the dues, the Department doesn't have to, we have the option to not to do that. We don't need to increase our dues, all we're doing is passing on to the Posts what National wants to increase. Right now \$15.50, \$18.50. If they increase to \$23.50, we don't have to increase to \$20.50. And it's still not clear in this.

PDC Lysaght: Jim's right. But there's a comma. If we don't increase, then the Posts then have no obligation to increase dues to support National and it should be clarified a little bit better. However, if the Department of SC adheres to the Department of SC dues increase that was brought up and passed in 2015,

they simply then pass that to the Posts. They can't make the Posts increase because a lot of Posts did not increase, they had enough money with their dues and that's where the rubber hits the road on that discussion. But I think Jim's right, a little bit more clarity on that to make sure we understand how it's got to be done, I think would be worthwhile.

Dept Cmdr Britt: We can always go back and look at it again. Any other questions or comments?

NEC Strauss: I have one more comment there. On the current portion of it, you'll see there's a line in there that's struck out, "also that". And then we get down to the proposed, it's still there. I'd like to make a motion to strike through the "also that" because that really has no bearing to be there so just, I would just like, for clarification on a clerical error, it looks like that we did not strike out the **"also that"**.

Dept Cmdr Britt: Jim Hawk?

Const & Bylaws Chairman Hawk: Ok.

Dept Cmdr Britt: Russ, you want to amend your second. Say that loud we can get it on the record.

Historian Cantrell: I amend my second.

Dept Cmdr Britt: All in favor say aye, opposed? We need a roll call.

Dept Adj Diener: Do we need to do a roll call or get them to stand up and count them?

Dept Cmdr Britt: Ok, we can do that. All in favor, please stand. All opposed, please stand. **12 for and 10 against, motion passes. (P-9)**

P-10-Current Sections 2-14 of the Bylaws will be replaced in their entirety with new Sections 2-5 which contain new job descriptions for the Department Vice Commanders. Job description will now mirror the job description given to Vice Commanders upon their election. Discussion?

Vice Cmdr Rucker: Commander, first of all, in my opinion, the Constitution is not a place to have a full job description. Second of all, yes, we were given job descriptions, but where did the job description originate? And by what they have stated in this document, you just added this information about what that's got personal, to me, has got personal comments in it, about the job description. And, you know, as a Vice Cmdr, this body may vote on something, but if the Vice Cmdr doesn't agree with it, it talks about it being, it's part over on page...let's see what part that is, about looking, respect deserved and not demanded. Why would you put anything in the Constitution like that? "As a leader, the incumbent must keep the Department Adjutant abreast of pending issues at the sub-committee, Post, District or Department level so that if appropriate, he/she will keep the Department Commander and the Department abreast of said issues. Team playing is always and will always be paramount." That's another one. Team playing, we know you're supposed to be playing as a team. Again, we're going back from job descriptions to the Constitution. What's the Constitutional duties of the Vice Commander, not job descriptions in there of what you think we should do and not do.

Dept Cmdr Britt: Any other comments?

Vice Cmdr Richardson: Yes. as Robin said, this is our Constitution? We have a job description, we were issued them, we know what they are. Remember, if you'll look in here at one of these, and I've lost mine and had to borrow it from Bob, it's got where he takes and he tells that the, that the Vice Cmdr's has to remember, and he mentions it twice, twice. Read this document, this is not a Constitutional document, this

is a job description, just like it says up in the explanation, “contains new job descriptions”. Gentlemen, and ladies, we’re not voting on job descriptions, we are voting on amendments to the Constitution. Now, if we’re going to go with that, where are the new job descriptions for the Cmdr? Where’s the new job descriptions for the Adjutant? Where’s the new job descriptions for the Chaplain, what about the Judge Advocate? No! Why were these all put for the Vice Cmdrs? 40 changes, 40 changes for the Vice Cmdrs. 40! There were two for the District Cmdr’s and I think one for the Adjutant. 40 for the Vice Cmdr’s and three for everybody else.

Vice Cmdr Price: Under Section 2, under proposed changes, it says that we must be non-committal. Non-committal, I’m elected by the blue-hatters, and you’re elected by the blue-hatters. If I see that the State is doing something wrong that I think is wrong, it’s my job to inform the blue-hatters and you that the State’s doing something wrong. So I will be non-committal on that aspect so to ask me to be otherwise as a Vice Cmdr is wrong. To ask you to be otherwise as a District Cmdr is wrong. Thank you.

D-19 Cmdr Gibbons: I think whenever we get sworn in at our positions, we are saying that we will support the current Dept Cmdr and the Constitution. Our Constitution should follow the guidelines of the National Constitution, so we have to have some type of loyalty for our organization for the betterment of The American Legion, and that’s my comment on it. If we are allowed, the 20 District Cmdr’s to have 20 options that they want to take to the blue-cappers, we would have a confused group of people out there with The American Legion. We should stand for what The American Legion is for and that is support the veterans, thank you.

Vice Cmdr Richardson: It says in there that our attitudes (inaudible) and we must communicate, and we must coincide with the thoughts of the Commander, the Adjutant, the Department staff and everything, that’s not what we do people. That’s not what we do. A lot of you are sitting here right now, and this is what makes us better, right there. Is our ability to get in here and to hash this out, but according to these changes, they’re taking that away from us. They’re telling this that we have, that we have to agree with everything that comes down from the top. That’s not right. That’s absolutely not right, and our ideas, you think about where we were five, six years ago and where are right now. Look at how did we get here. We got here because we come in here and we argue, we fuss and we fight and then when we go out the door, and what do we do? We go by the plan, but that’s not what they want. They want us to take and want us to always funnel right down in there. We have to remember one bad thing, when you follow somebody, there’s one bad problem when you follow somebody that is you end up where they want you to be instead of where you want to be.

D-1 Cmdr Jarvis: This violates, these changes violate everything moral in this country. We all, every one, except one person in this room, took an oath, many times over to defend the Constitution of the United States against all enemies foreign and domestic. One of those constitutionals is that first amendment. This is taking away everything in that first amendment. This is a job description. Nobody dictates to me how I’m going to react, if I think it’s wrong, for The American Legion, I’m going to vote against it, I’m going to try to change it, if it’s wrong. But nobody’s going to tell me how to vote or how to act. We’ll hash it out and then when we leave, we’re one. This is wrong.

Vice Cmdr Poulos: The one thing that we all have to remember, every single person sitting in this room, save one or two or three or whatever, was elected to the position by that blue-cap right there. Who we really have to address and who we really have to let them know what’s happening with the National, that’s the person that we have to actually address, not each other and not anyone in this row or this row. We can’t tell you you’re going to do it this way, blah, blah, blah. No.

Dept Cmdr Britt: Roberta, address the chair.

Vice Cmdr Poulos: I'm sorry, yes sir. We have to bring what the blue caps bring to us to tell the Officers in this room. So we have our guidelines from National and we have our Constitution, that's what we have to go by.

D-20 Cmdr Mills: I don't know how many of you shared a lot of this stuff and I used the book example to show my Post Cmdr's but their general consensus when we got to that part was, wow. And it looks like initial counseling statement in the military when you, what you're supposed to be coming up with there and everything. All of us in here have a different view on a lot of things that are in here, but I know what it's like to go into these caucus's and try to get them to understand a lot of this stuff. I think it's a lot of stuff to throw at them and we're going to be in there for quite some time to get it across to them. Because I've been in there, you know, beating and battling just some of the small issues but there are a lot of things in there that shouldn't be in there and "the incumbent must excise and present a solid supporting mechanism for all Legionnaires to see". That should be in there, that's one of those things that we should be doing anyway. But I agree with everybody else, this is a job description. Thank you, Cmdr.

Vice Cmdr Rucker: I ask for a roll call vote, sir.

Dept Cmdr Britt: Ok, I'm going to make one comment. Go ahead.

Alt NEC Scherer: Yeh, I was just going to say. Also, if you look at the one Section in there says, "As a leader, the incumbents must never forget from which we came from----the Blue Cap Legionnaires", I don't think we need that. "Remember, the incumbent's actions either verbally or emotionally are seen as either for against the good of the order." I agree, this is more of a job description and to (inaudible) everybody down than it is a constitutional change.

Dept Cmdr Britt: You questioned the duties of the Department Commander, it's in the Constitution, the duties of the Vice Cmdr's are in the Constitution the duties of the Adjutant are in the Constitution, the duties of the Chaplain are in the Constitution.

Vice Cmdr Richardson: Where are the changes?

Alt NEC Scherer. They're in the Bylaws.

Dept Cmdr Britt: I mean, there were no changes to all of them.

Vice Cmdr Richardson: That's the point I'm trying to make. You made all the changes to the Vice Cmdr's and no changes to the other ones.

Dept Cmdr Britt: Service Officer, Judge Advocate.

Vice Cmdr Richardson: And no changes to the other ones.

Dept Cmdr Britt: Ok, I understand, we have the Department Sgt-at-Arms, we have the Department Historian, the District Cmdrs.

Vice Cmdr Richardson: And I understand that. And I have no problem with those being in there. The problem I've got is the number of changes that were directed at the four Vice Cmdr's, because I counted them. And there's between 40 and 45 changes that were directed at the Vice Cmdrs. And there were

three, three changes, two were directed at the Adjutant and one was directed at the Department, the District Cmdrs. I want to know why.

Dept Cmdr Britt: Jim Hawk?

D-1 Cmdr Jarvis: We have a call for a roll call vote on the floor.

Dept Cmdr Britt: Have you got any response to that, Jim, your committee?

Const & Bylaws Chairman Hawk: You ought to. You know what I'm talking about. Do you want me to say it?

Dept Cmdr Britt: Go ahead.

Const & Bylaws Chairman Hawk: Ladies & gentlemen, in the first meeting when we were going through this, and we got to this Section, the Dept Cmdr asked us to look at it and put the changes in there. Because, and Bobby said, when you get sworn in, rules and regulations of this Department are covered in the Dept Const & Bylaws, National and Department Convention, DEC, National etc. The thing that we did was, we followed the Commander's lead and asked that if we get a chance to look at it, which we did, and this is the document that we were mandated to do. Now, it is a job description, but it is also a guideline, it's a guideline. Now, having said that, the only changes came out of the Vice Cmdr's, and that's what you'll see. So, I mean, you vote whatever you want to do but let's just clarify where it came from and what we did in support of that document, that you're seeing now. What we had years ago has no bearing on what is going on now.

Vice Cmdr Rucker: Cmdr, did you direct that?

Dept Cmdr Britt: I directed them to go through the Const & Bylaws because it had not been updated and with that, that goes through everything, the Vice Cmdr's, the Commander, where they saw things that needed to be changed.

Vice Cmdr Rucker: And the job descriptions added?

Dept Cmdr Britt: And the job descriptions added, yes.

PNEC Hennis: Mr. Cmdr, if I may, as a Past Dept Cmdr, add something to this, I've sat here and listened to this, and I'll be honest with you, I think everybody is afraid to say it. But in the past, in my term as Dept Cmdr, my four Vice Cmdr's, with the exception of one, did zero. And from what I've been seeing this year, and the previous years, since my commandership, the Vice Cmdr's did zero. And that's the reason that's in there.

Alt Scherer: This is getting to be a personality conflict than anything else, let's just take the vote.

Dept Cmdr Britt: Ok, roll call vote was requested.

NEC Strauss: Can we say what we're voting on here? Are there any amendments?

Dept Cmdr Britt: No amendments.

Dept Adj Diener: No.

Adjutant Diener called the roll:

NEC Strauss: No
Dept Historian No
Vice Cmdr Poulos: No
Vice Cmdr Rucker: No
D-2 Cmdr Blankin: No
D-4 Cmdr Southworth: No
D-6 Cmdr Kvam: No
D-8 Cmdr Shaffer: No
D-11 Cmdr Lonergan: No
D-14 Cmdr Brandt: No
D-18 Cmdr Pouncy: No
D-20 Cmdr Mills: No

Alt NEC Scherer: No
Vice Cmdr Richardson:
Vice Cmdr Price: No
D-1 Cmdr Jarvis: No
D-3 Cmdr Lewis: No
D-5 Cmdr Wright: No
D-7 Cmdr Bethea: No
D-10 Cmdr Sinclair: No
D-12 Cmdr Davis: No
D-17 Cmdr Thrailkill: No
D-19 Cmdr Gibbons: Yes

Dept Adj Diener: 22 no, one yes.

Dept Cmdr Britt: 22 no, one yes, this amendment fails to pass. Ok.

P-11: Amends Article III, Section 5 of the Bylaws, to match the current operations. The audit needs to be done after the close of the fiscal year, Also, there is no longer a Mid-Winter/Spring Conference. Any comments or discussion?

Alt NEC Scherer: The very first Article, Section 5, the number 22 was in the top part of the it, I'm sure (inaudible), number 22. I see it now, it's not there.

Vice Cmdr Rucker: Is this P-11?

Dept Cmdr Britt: I'm sorry, my voice cracked. Yes. Any other questions or comments? Hearing non, all in favor say aye, opposed? P-11 passes.

P-12-moves former Article IV, Section 5 of the Bylaws to Article III, Section 11 of the Bylaws and therefore eliminates Article IV, Section 5, the Department Adjutant will assign new Section numbers if approved. Any questions or comments?

Vice Cmdr Rucker: Is that approved by the DEC or approved by the Convention?

Dept Adj Diener: By the DEC, I mean, I'm sorry, by the Convention.

Vice Cmdr Rucker: By the Convention? Ok.

Dept Cmdr Britt: Any other comments?

D-5 Cmdr Wright: Just one thing, you may want to, since we're doing the Bylaws corrections, you may want to do a typographical error, down below the bold letters on the Officer Guide, on the very next sentence, the District Cmdr, correction on space, on the space between the CO and the M.

Dept Adj Diener: We'll have to check that, I don't know why it did that.

Dept Cmdr Britt: Jim, does your committee approve making that typographical change?

Const & Bylaws Chairman Hawk: Yeh.

Dept Cmdr Britt: We've got one amendment, ok?

NEC Strauss: I'm ok with that also.

D-6 Cmdr Kvam: On the 11th line down in there, I think it's a typographical, where it says remove from Office, shouldn't that say Removal from Office should require a majority vote?

Dept Cmdr Britt: Jim, is that alright with your committee?

Const & Bylaws Chairman Hawk: Yeh.

Dept Cmdr Britt: Do we have a second?

Historian Cantrell: Yeh.

D-19 Cmdr Gibbons: Next to the last line, the Area Commanders shall work under the District Commander in the areas assigned and shall meet with the Posts of his....it needs to be his/her, that's a typographical correction?

Dept Cmdr Britt: Jim, does your committee agree with that?

Vice Cmdr Richardson: On the current, I don't understand, I'm on P-12, is that not the right one, P-12? Ok. It says and I think I know the answer, you've got current Bylaws, Article III, Section II, and right there you've got current Bylaws- Article VI, Section 5, and it's scratched out. Are we just eliminating that? I'm confused.

Dept Adj Diener: It's eliminating, basically it's moving what is currently there in Article VI, Section 5, and taking that wording....

Vice Cmdr Richardson : Article VI? Article IV do your Roman Numerals.

Dept Adj Diener: Article IV, Section 5, yeh, ok. Taking that wording out of that Section, eliminating it and putting it, that same wording in this Section. It didn't do away with it, all we're doing is moving, we're moving the wording....

Vice Cmdr Richardson:so we're just eliminating this?

Dept Adj Diener: We're eliminating that and we're adding the wording back into under Article III, Section 11.

Vice Cmdr Richardson: Ok, just a point of order, that should have been two forms, for two different Sections, two different Bylaw Articles.

Dept Cmdr Britt: Any other questions? All in favor say aye, opposed? That passes with amendment changes.

P-13- Amends Article IV, Section 1 of the Bylaws to change the requirement for holding a meeting with 30 days after the Convention to 120 days. It also makes it the duty of the DEC to attend this meeting/conference. Questions or comments?

Vice Cmdr Richardson: It's my understanding that this meeting is supposed to be with the Post Cmdr's & Adjutants, is that correct? What meeting are we talking about? Is that the one with the Cmdr's & Adjutants?

Dept Adj Diener: Correct, That's the one that we always do at Fall, we're doing it at Fall Conference now and we're technically in violation by not doing, of the current Constitution, by not doing it within 30 days.

Vice Cmdr Richardson: That's, that's, the question I want to ask. If you move it out to 120 days, what you've done is you've lost a third of your year. You've lost one third of your year if you move this out to 120 days. As Nick just said, we're in violation of the Constitution right now. The question you need to ask is why are we in violation of the Constitution? If we knew we were in violation of the Constitution, why are we violating it? So, this right here is a, no, you're going to lose, you're going to lose one-third of your whole year before your Cmdr's & Adjutant's ever get together in 120 days.

Dept Cmdr Britt: Jim, anything from the committee?

PDC Lysaght: Commander, if you look at the proposed on that, and read the entire Section, unless otherwise directed by the Department Executive Committee, comma, there shall be held annually, comma, at a time and place designated by such committee, a meeting/conference shall be held annually within 120 days, it didn't say (inaudible), it says within 120 days after the conclusion of the annual Department Convention. It shall be the duty of the Department Executive Committee to attend this meeting/conference. The DEC is controlling where, when and what time it is.

Alt NEC Scherer: Maybe for clarification, it says it shall be the duty of the Department Executive....should that probably be saying it shall be the duty of each member of the Department....not just...because ya'll are just grouping everybody, not saying ya'll have to be there but it should say each member.

Vice Cmdr Richardson: If I may, he's correct, if it's in within 120 days you can still do it within 30 days.

Dept Cmdr Britt: Any other questions or comments?

D-20 Cmdr Mills: Some of our Posts after the Convention, they go into a lag time during the summer so we don't get the things that we can grab them 30 days after, so I agree within the 120 days that we have to get with those Posts and (inaudible). Because some of them it's hard, you got them, because they only meet four times a year. So I just wanted to bring that up because we do need some allowance to be able to capture our Posts at their convenience.

D-11 Cmdr Lonergan: I agree with Cmdr Mills said because I have one like that. Sumter Post, one of our biggest Posts, is gone for the Summer because of baseball and everything else, my Post does the same thing for the Summer. But for me to get Posts to District Meetings during the Summer time, I mean, I have to pretty much have it in their backyard and there's still no guarantee that they're going to show up even in their backyard. Whereas at the Department Convention, Posts are more drawn, I mean at the Fall Conference....Posts are more drawn to the Fall Conference, so I think in order to get these Cmdr's together, Fall Conference is the best meeting. But it can be held earlier too.

Vice Cmdr Poulos: I just wanted to reiterate too that this gives us enough time for those that go to the National Convention to bring back what the program for the next year is going to be following the full

outline of what we get at the National Convention. So this would give us enough time to have that also because 30 days was never enough for that.

Dept Cmdr Britt: Any other comments? All in favor of this say aye, opposed? P-13 passes.

P-14- Amends Article IV, Section 2-5 by removing outdated material. Department Adjutant will assign new Section numbers if approved. Questions? All in favor say aye? Opposed? P-14 passes.

P-15- Removes Article V, Section 6, (c) and (d) of the bylaws. Questions or comments? All in favor say aye? Opposed? P-15 passes.

P-16- Amends Article VII, Section 2 (b) and (c) to add the words “causes” to clarify the meaning. Questions or comments? Hearing none? All in favor say aye? Opposed? P-16 passes.

P-17-Amends Article VII, Section 3 to better clarify trial procedures at the Posts. Questions or comments? All in favor say aye? Opposed? P-17 passes.

P-18- Amends Article VII, Section 4 of the Bylaws to create a time limitation of 60 days for filing appeals to the DEC. Questions or comments? Hearing none, all in favor say aye, opposed? P-18 passes.

Dept Britt: I know I said we weren't going to have any other business but PDC Hennis has got a presentation. Let's close the meeting and then we'll do that, ok Bud?

Const & Bylaws Chairman Hawk: I just want to thank everybody in here that went through this, it was a very contentious, sometimes very boring to go through this, but I appreciate ya'lls findings and recommendations. We might have one more, or two more typos, we'll try to type it, read it and make sure we done it right. The committee thanks you for that and we'll proceed forward with other tasks that we've been (inaudible).

Vice Cmdr Poulos: I just want to thank the committee that did all the work that we went through today, the actual Const & Bylaws Committee (applause). I've been on that committee years ago before and it's an enormous job and I'm sorry I'm doing this to you after the fact because they're all back there,

Commander Britt called on Chaplain Quarles for the Benediction and closed the meeting.

For God and Country,

Nick I. Diener
Department Adjutant

ND/mm

