

**Sons of Union Veterans of the Civil War
General Orders No. 10
Series 1997-1998
Richard D. Orr, Commander-in-Chief
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April 1, 1998**

1. A request for a ruling having been made to this office relative to the validity of Massachusetts Department Order No. 6 Series 1998 dated March 17, 1998 issued by Frank Tucker, Massachusetts Department Commander and attested by Edward W. Parks, PDC Department Secretary, the following ruling is hereby made and is effective immediately.

2. Item one (1.) Of said order suspends Charles Russell Lowell Camp 9 for failure "...to hold nomination, election and installation of said Camp as mandated by the C & R..." Additionally, item one (1) states that Commander Thomas Smith, Camp 9 failed to appoint a trial commissioner to hear charges filed against Brother Leslie Covey.

3. Chapter I. Camps, Article I, Charters, Section 7 states: "A Camp failing to pay per capita tax or neglecting to forward reports within the time specified by law may be suspended by the Department Commander." No other provision exists within the C & R permitting a Department Commander to suspend a camp.

Camp charters are issued by the National Organization. Therefore without specific language adopted by the National Organization, no Department Commander has the authority to suspend a charter for any reason other than that quoted above. Pursuant to the provisions of the C & R, this authority resides solely with the Commander-in-Chief and the National Encampment.

4. Chapter V. General Regulations, Article VI Discipline, Section 1 states: "The Commander-in-Chief shall have original jurisdiction over charges preferred against Departments of the Order and also against members and Camps when Camps or Departments fail or neglect to act upon any breach of discipline within their jurisdiction."

If it was believed that Camp 9 failed to act in regard to the charges filed against Brother Covey, the established course of action is to refer the case to the Commander-in-Chief and not to suspend the Camp charter.

5. Therefore, because the actions specified in item one (1) of the Massachusetts Department Order No. 6 Series 1998 is contrary to the provisions of the Constitution and Regulations and in so issuing this Order, the Department Commander exceeded his authority as granted by the Constitution and Regulations, Item one (1) of the Massachusetts Department Order No. 6 Series 1998 is null, void and vacated.

6. Item two (2) of said Massachusetts Order stripes Brother Leslie Covey of rank as a Past Department Commander and Past Camp Commander for a variety of reasons. The reasons stated for this action are charges of misconduct. The removal of past rank is a disciplinary action. No trial has been held according to Item one (1) of same Order. This is a summary discipline action by the Department Commander.

7. Chapter V. General Regulations, Article VI Discipline, Section 6 states: "The Commander-in-Chief may in extraordinary circumstances summarily discipline a member" No such authority is given to a Department Commander.

8. Therefore, item two (2) of Massachusetts Department Order No. 6 Series 1998 is null, void and vacated as no Department Commander has the authority to take such action.

9. Any action taken at the Massachusetts Department Council meeting on March 28, 1998 is null void and vacated as the premise for any action (item one [1] of said Order) is invalid.

10. Item five (5) of Massachusetts Department Order No. 6 Series 1998 is null, void and vacated. Since there is no basis under the Constitution and Regulations for the suspension of Camp 9, exclusion of delegates from Camp 9 at the Department Encampment by reason of suspension of the camp is invalid. Camp 9, unless there are other grounds for exclusion, is entitle to their full compliment of delegates to the Massachusetts Department Encampment. For the same reason the members of Camp 9 shall not be excluded from receiving the Banner.

11. Pursuant to the provisions of the Constitution and Regulations this ruling is appealable only to the National Encampment.

By Order of
Richard D. Orr
Commander-in-Chief

Attested:
David Hann
National Secretary

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