



Mark R. Day

National Counselor

June 15, 2021

In answer to a request by the Commander-in Chief Sons of Union Veterans of the Civil War for a Counselor's Opinion regarding a possible conflict between the Department of New Jersey's By-laws and the Constitution and Regulations of the Sons of Union Veterans of the Civil War to wit:

1. Are the New Jersey By-laws in conflict with the provisions for holding elections of officers annually during the required annual Encampment.
2. Is the Department of New Jersey properly submitting a Form 49 each year as required by the Regulations?

After reviewing the Department of New Jersey's current By-laws, which were approved by PCinC Shaw on 6/27/2019. I find them in compliance with the SUVCW Constitution and Regulations.

1. Department of New Jersey By-laws Article III (Meetings) states that all meetings of the department will be held in accordance with the National C&R. *While there is no clear or specific language the statement provided in the By-laws does establish, that the Department Encampment must be held annually as required in the Constitution and Regulations.*
2. Department of New Jersey Article IV (Officers) states that Officers of the Department shall be elected to one-year terms in accordance with the C&R. *This statement also suffices to fulfill the requirements set for in the Constitution and Regulations for election of Department Officers.*

Investigation – I spoke with SVCinC Paquette and Brother Joe Hall who is Chairman of the Encampment Credentials Committee to determine exactly what had occurred during the recent New Jersey Encampment. Two things came immediately to the forefront in these discussions.

1. The Department of New Jersey has a tradition of its Commander serving two terms. *This is fine if the formalities of holding the yearly elections are carried out. In the case of New Jersey SVCinC Paquette was able to state emphatically that the elections had been held in accordance with the C&R and that he had been the installing officer at the last three Annual Meetings of the*

*Department of New Jersey. Therefore, the procedures were properly followed and there is no conflict.*

2. The Department of New Jersey had not always filed a form 49 that was filled out and signed for the current year. On at least one occasion the Form 49 from the previous year had been filed. *This does present a problem for the Credentials Committee and is not proper in accordance with our regulations. Just because the Commander was still the same in year two, a new Form 49 should have been filled out and submitted for the current year. I have been told this practice has been corrected and the current Form 49 will be correct when submitted.*

Opinion:

The Department of New Jersey's By-laws are in compliance with the National Constitution and Regulations and actions have been taken to correct New Jersey's Form 49 issue. However, a question remains to be answered. Are other Departments conducting business in a similar manner and how can we mitigate any potential problems.

Actions to be considered for inclusion in any potential ruling by the Commander-in Chief,

- (1) the departments are reminded that when officers are going to serve for two consecutive terms they must still be elected and installed annually, and that no Commander can serve more than three consecutive terms.
- (2) Departments must file a new properly filled in, signed, and dated Form 49 for the current year following their Annual Department Encampment, regardless of the fact officers are remaining in leadership of the department for a second term. This is particularly necessary to ensure the proper credentialing of the delegates, identified on the Form 49 to attend the national Encampment in a specific year.

In Fraternity, Charity, and Loyalty

Mark R. Day PCinC

National Counselor