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National Counselor

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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 Departments responsibility to pay Per Capita for Camps which are under suspension.

Research: A thorough review of Chapter II (Departments) of the Constitution and regulations revealed the following instances where the term Per Capita appears

1. Section 10. When a Department fails to file their annual report and pay the annual **per capita** dues by the date specified in the Regulations for five consecutive years, the charter of the Department shall automatically be suspended; the Department shall lose all voting rights at the succeeding National Encampment, including all Department PDC's and Past Department Commander and Department Commander; the Department may not be reinstated until the succeeding National Encampment has occurred.
2. Article II Section 3. A Camp which fails to pay its **per capita** dues or other indebtedness or fails to make reports, shall not be entitled to representation in Department Encampments.
3. Footnote 52 The C&R only empowers a Department Commander to suspend a camp charter for failure to pay **per capita** dues and/or file quarterly reports and other reports required by the National Organization. The Commander-in-Chief as the Chief executive officer of the Order has broad based powers which could allow him to suspend a camp charter for any violation of the C&R, Ritual, National Policies, Articles of Incorporation, state and Federal law. The National Encampment as the supreme authority of the Order may by a vote of the delegates suspends a Camp charter or directs the Commander-in-Chief to suspend or revoke a charter. CinC Orr, Dec II, 117th, 115
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Encampment as the supreme authority of the Order may by a vote of the delegates suspend a camp charter or direct the Commander-in-Chief to suspend or revoke a charter. CinC Orr, Dec II, 117th, 115.

5. Footnote 55 The Division Council has no power to increase the charter fee or **per capita** dues when fixed by the Division Encampment. CinC Weeks, Dec. XIII. 11th, 31
6. Article XIII Section 4. The provisions of Chapter II, Article VI, Section 1, notwithstanding, the Council of Administration shall establish the Department **per capita** dues to be levied on Camps-at-Large.

Reasoning: Having completed the review of the C&R it was apparent that no specific directive was present in the document, which stated that Per Capita Tax had to be paid by a Department for a Camp which was under suspension. Further once the Department Commander has issued a suspension order the affected Camp may have no other business other than addressing the issue which led to the suspension, and the Camp no longer is allowed representation at the Department Encampment until all issues have been resolved. This effectively means that the Camps status in the Department is put on hold.

Opinion: A Camp which is under suspension has no representation at the Department Encampment nor status in the Department Encampment until such time as it has acted to fulfill its reporting and Per Capita obligations. Therefore, the Department is not required to payout Per Capita funds to the National Order for a Camp under suspension.