



Mark R. Day PCinC

National Counselor

June 29, 2022

Opinion #4

In response to a request by the Commander-in-Chief regarding the eligibility of a member, who is currently 15 years of age and therefore a minor in all 50 states of the Union, to run for the office of National Quartermaster.

Research:

- I. **The following sections of the Charter, Constitution, and Regulations are germane to the issue and apply to contractual powers and other fiduciary roles / duties assigned to the office of National Quartermaster**

Chapter III Article VIII (officer Job descriptions & duties) Section 7

The National Quartermaster shall have the responsibility of maintaining an inventory of supplies, procuring sufficient inventory to meet the needs of the National Organization, the Departments, the Camps and the brothers and the filling of all orders for supplies. He shall receive payment for inventory sold and shall forward same to the National Treasurer along with the order forms. He shall forward all bills for inventory purchased to the National Treasurer for payment. He shall take an inventory of all supplies on-hand at the close of the fiscal year and provide a written detailed list to the National Treasurer for summary and inclusion in the financial reports. He shall take supply of badges and other supplies to the National Encampment for sale to the membership.

Chapter III Article IX (Finances) Section 9, Sub section (C)

The National Quartermaster, National Proceeding Secretary and Executive Director

are authorized to execute contracts on behalf of and in the name of The Sons of Union Veterans of the Civil War (National Organization), with the approval of the Commander-in-Chief.

Chapter V 9General Regulations) Article III (Bonds)

Section 1. **The bonded officers shall be as follows:** The Camp Treasurer (and the Camp Secretary and Camp Council when holding funds of the Camp); Department Secretary, Department Treasurer (Department Secretary-Treasurer); National Secretary, National Treasurer (National Secretary-Treasurer), National MAL Coordinator, **National Quartermaster**, Jr. Vice Commander-in-Chief, Assistant National Treasurer(s), National Executive Director and National Patriotic Instructor. Also, Department Commanders if so ordered by Department bylaws.

Section 2. The above officers shall be bonded in amounts to be fixed by the various Council of pertaining to child abuse. the respective bodies, in some acceptable surety company, provided that Camp and Department Officers may furnish acceptable personal surety. Bonded officers shall be held liable for the funds remaining in their possessions until payment to their successors who have been properly

2. General Orders that are applicable and provide regulations for the supervision or interaction with members who fall under the various State youth protection laws that exist throughout the Union

CinC Ken Freshly GO #22 Series 2013-14

Here are the initial objectives of the policy that all brothers should use as MINIMUM requirements for having Juniors and Junior Associates in our Camps and at our events.

- A. All Brothers under the age of 18 years of age should be accompanied by a parent or person designated as a Guardian (Grandfather, Brother over the age of 18 years, or Uncle) when participating in ANY SUVCW activity.
- B. At no time will a non-related Brother be permitted 'one on one' contact with a brother under the age of 18. Any interaction with a brother under the age of 18 must include at least two (2) Brothers over the age 18 at all times.
- C. Any Brother who witnesses or suspects in good faith any type of physical, mental or sexual abuse of any member under the age of 18 will immediately report such suspicion to

local authorities first and local Camp and Department Commanders immediately.

D. Every Brother over the age of 18 who may have contact with a brother under the age of 18 should complete training related to protecting children from abuse of any type. Free training is available from the Boy Scouts of America at <http://www.myscouting.org> , You will need to create an account, then select the Training, E-Training, then choose the youth protection training. It takes about 30 minutes to complete. Upon completion, you will be able to print a certificate along with a wallet-size certification card which is good for a period of 2 years. While this training is not a requirement, it is highly suggested that it is completed to be used as a tool to protect our youth and Brothers.

E. Ultimately, all brothers also need to comply with all applicable Local and State laws

3. Other pertinent information as found in the 2014 National Encampment of the Order detailing the discussions of that body on the subject of members who had not reached the status of Maturity and still feel under the youth protection policies of the various states

Proceedings of the national Encampment 2014 pages 86-88

Ken L. Freshley, Commander-in-Chief

Thank you. Child Protection. I believe that Committee was dispensed of at Springfield.

Richard L. Orr, National Treasurer

Commander-in-Chief, I know the Secretary from Pennsylvania didn't send the resolution in. There was supposed to be a resolution from Pennsylvania. Since this would require a change to the amendments, I am going to make this as a motion for Constitution and Regulations. Because of Pennsylvania law, we still find ourselves in Pennsylvania in a quandary, even after the last General Order, that you issued regarding Juniors. **Pennsylvania is proposing that the ages for Juniors be changed from six to eighteen 'cause anyone under the age of eighteen still falls under the child protection laws, at least in Pennsylvania. And we feel that we need to have that in order to require that anyone under eighteen be accompanied by a parent because issue's been raised within the Department that as a full member, why are we requiring a parent to accompany them to SUVCW event. So the proposal from the Department was to change the age of Juniors to eighteen. You must be eighteen to be a full senior**

member. That this be referred to the Committee on Constitution and Regulations to review and develop appropriate language.

Ken L. Freshley, Commander-in-Chief

We have a motion.

Unknown

Second.

Ken L. Freshley, Commander-in-Chief

We have a second. Discussion. Brother Danny.

Danny L. Wheeler, Past Commander-in-Chief

Danny Wheeler, Past Commander-in-Chief, Quartermaster. We have a little problem with that in New York also. It's in the wording that they have to be with them at all times. We have no problem with anything else. We have checked out the laws in New York and there isn't a problem with the age. It isn't a problem with them coming to things. You have to have a designated person. It doesn't matter whether it's an uncle, a father, grandfather, as long as it's a designated person. I think what we need to look at here is each Department and what their laws are because they're different in all the States. If we had that taken out that says "all times," we would be okay with it. Thank you.

Michael Paquette, Department of the Chesapeake

Commander, Mike Paquette, Department of the Chesapeake. We also have another issue with full-fledged members that are between the ages of fourteen and eighteen. That proposal from the Department of Pennsylvania does not explain how we're to address those members.

Donald E. Darby, National Counselor

Commander-in-Chief, Don Darby, Past Commander-in-Chief, National Counselor. I would caution putting the age of eighteen there because in some States the age of majority is sixteen. I would suggest that rather than putting a number limit, you say from the age of sixteen to the age of majority within that Department.

Richard L. Orr, National Treasurer

The age of majority is sixteen?

Donald E. Darby, National Counselor

Yes.

Richard L. Orr, National Treasurer

Age of consent, not age of majority. Where?

87

Donald E. Darby, National Counselor

South Carolina to be exact.

Richard L. Orr, National Treasurer

Okay.

Douglas Fidler, Department of Tennessee

Sir, Doug Fiddler, PDC Tennessee. Just a question. Will present Junior members who are in that gap, would they be grandfathered? Or could they be grandfathered?

Richard L. Orr, National Treasurer

Commander-in-Chief, through you to the Brother. It would depend upon what the C&R Committee develops. In the past, when we have done things like this, we have grandfathered existing members.

Ken L. Freshley, Commander-in-Chief

Thank you, sir.

James Locke Lyon, I, Department of Illinois

Jim Lyon, Department of Illinois. Are we not using The Boy Scouts of America's Youth Protection Certificate or their policy?

Richard L. Orr, National Treasurer

Commander-in-Chief, through you to the Brother. It is not a requirement. It is a suggestion, and that's the rub. If we required every Brother who had contact with a child under the age of eighteen to complete that training and keep it up to date and retrain every two years, then it would not be the same issue.

James Locke Lyon, I, Department of Illinois

Because the major thing in their policy is that you're not alone. It's either two kids and an adult or two adults and a child together at the same time, and not left alone one on one is the main crux of that training.

Richard L. Orr, National Treasurer

Right. The Commander-in-Chief's General Order which is now what we're following, they were

suggestions. Not requirements.

James Locke Lyon, I, Department of Illinois

It would be a good one to look at and use.

Ken L. Freshley, Commander-in-Chief

The whole premise behind that General Order is because there are so many different States with so many different variables. This was a suggested outline for all the different States and Camps to follow using your own local laws. Cause for us to try to write something that encompassed everything, I'm sorry, wasn't going to happen. So, that's why we wrote it, more of a suggested outline.

Richard L. Orr, National Treasurer

Just an informational comment. I wasn't the one who brought this up, but Pennsylvania. I'm just delivering the message because I don't think anyone else is back from lunch. There's a way to do this and it's the same as what we did with Juniors. We can empower the Departments to set the age at which

a Brother becomes a full member as opposed to a Junior. And by doing that, we let each Department then comply with their individual State laws. If I'm still on the C&R Committee next year, it's certainly what I'd be working towards developing language that would basically say that a department can set the

age for a Senior member between fourteen and eighteen. Requiring at eighteen and allowing as you go,

as young as fourteen, but that they set it in order that they comply with their own State laws.

George A. Huttick, Department of Tennessee

Commander, George Huttick, Department of Tennessee. Standing next to me is George Michael Huttick. Believe it or not, he's fifteen. He'll be sixteen in a few months While in general we agree with the principle of what's being proposed, he's a little bit shy and he's still learning how to talk in public. But he would prefer to be grandfathered in as he is now currently a full member and is in a

88

National Encampment. He's earned the right to be here. He doesn't want to slip back to being a Junior.

Ken L. Freshley, Commander-in-Chief

Okay. Can you re-read the motion just to be clear?

Alan L. Russ, National Secretary

Move that the following be sent to the Constitution and Regulations Committee: proposed to change the

age for Juniors from six to eighteen years. And must be eighteen to be a full senior member.

Ken L. Freshley, Commander-in-Chief

Okay.

James B. Pahl, National Regulations Committee

Commander-in-Chief, one friendly amendment. That that be the standing committee report back next year as opposed to the Encampment committee to report back today.

Ken L. Freshley, Commander-in-Chief

Okay. Ready?

Donald E. Darby, Past Commander-in-Chief

Commander-in-Chief, Past Commander-in-Chief Don Darby. I think there were a couple, if they weren't, I'll make it a friendly amendment to grandfather the youth that are currently in that gap where they become members at fourteen, that they be grandfathered in and allowed to be remain as members and have the full privileges granted to a regular member.

Several

Second.

Richard L. Orr, National Treasurer

I'll accept it as a friendly amendment. I had already alluded to that.

Loran Bures, Isaac Stevens Camp #1 at Large

Excuse me, Commander.

Ken L. Freshley, Commander-in-Chief

Yes, sir.

Loran Bures, Isaac Stevens Camp #1 at Large

The General Order did not deal with a very important point with Juniors and with those under the age of majority. Our current membership applications do not have any place for their parent or legal guardian to give them permission for them to join this organization. We need to create a separate form for application form for those under the age of majority that will require at least one parent or legal guardian's permission for them to join the organization. Some States require both parents or legal

guardians even in the case of divorce. We don't have anywhere currently because it's a combined form. And I really think that needs to be developed and part of this policy because that's part of the policy that's used by The Boy Scouts of America to help protect them and that you know the parents have approved their joining the organization or their legal guardians.

Richard L. Orr, National Treasurer

Just refer it to P and P.

Ken L. Freshley, Commander-in-Chief

I was going to say let's go ahead and refer that to the P and P so it can be developed.

Loran Bures, Isaac Stevens Camp #1 at Large

That is fine. I just want to make sure we get that in the record that that really needs to be part of our process of members under the age of majority.

Ken L. Freshley, Commander-in-Chief

Do the Encampment Committees have their reports done? First one I have is Rituals and Ceremonies.

Richard L. Orr, National Treasurer

Commander-in-Chief, We are almost out of current printing of the Rituals. And there are updates to the Ritual that have never been incorporated in it. Actually, we did propose appointing a cNational policy on Minor members

4. Current Sons of Union Veterans of the Civil War National Policy Regarding Minors

For purposes of this policy, the term "minor" refers to any Brother of the Sons of Union Veterans of the Civil War (SUVCW) under 18 years of age, regardless of their membership status within the SUVCW as a Junior, Junior Associate, Associate, or Member. Further, should a federal, state or local statute define a minor as older than this, the SUVCW will observe that older definition, and such statute shall immediately be brought to the attention of the National Counselor.

The following are the MINIMUM requirements regarding minor Brothers of the SUVCW:

1. All minors shall be accompanied by a parent or designated guardian (e.g., a family member or friend who is 18 years of age or older) when participating in ANY

SUVCW activity.

2. At no time will a non-related Brother be permitted “one-on-one” contact with a minor. Any interaction with a minor must include at least two (2) Brothers over the age of 18 years at all times.

3. Any Brother who, in good faith, witnesses or suspects any type of physical, mental or sexual abuse of any minor shall immediately report such suspicion to local authorities first, and then to the appropriate local Camp and Department Commanders immediately thereafter.

4. All Brothers shall comply with all applicable federal, state and local laws pertaining to child abuse and the reporting thereof.

5. While not a requirement, it is recommended that every Brother, who is 18 years or older, who may have contact with a minor, complete training related to the protection of children from abuse of any type. Free training is available from the Boy Scouts of America through their website at <http://www.myscouting.org>. Local Camps may wish to retain a record of those Brothers who have completed such training.

Adopted by the Council of Administration as a National Policy on July 11, 201

5. Additional factors to consider

a. All States but 3 States have the age of majority set at 18. The exceptions being Alabama and Nebraska (19) and Mississippi (21).

b. the Uniform Transfers to Minor Act UTMA states that a person can't receive a monetary gift without a guardian and applies in every state until the individual reaches the age of 21.

c. Businesses will not execute contracts with minors

d. State laws dealing with work permits for minors vary and as we operate in all fifty states there is no assurance that a minor would be allowed for conduct the Orders business in every state.

e. The Federal Fair Labor Act establishes limits on the use of minors that are in addition to any State Laws.

f. A minor can not be held accountable for the loss or misappropriation of the Orders Quartermaster Store inventory, or the misuse of the income derived from the stores sales. Additionally, many States have laws which shield the Guardians of a minor from being sued to recoup the losses.

g. State and Federal Law set the ages at which a minor can be employed for example in NY you must be 16 years of age to obtain a permit.

h. Both Federal and State Laws restrict work schedules for minors both during the school year and the summer.

i. The Child Labor Laws in the state of Massachusetts state that no one under the age of 16 can be employed.

j. Can a Minor enter into a legal and binding contract? The person signing must have sufficient understanding that he's entering into a contract and the terms he's agreeing to. For most contracts, the general rule is that while it's not illegal to enter into a contract with a minor, the contract is voidable at the discretion of the minor. Voidable contracts are usually valid contracts and are binding unless the child cancels it. Therefore when someone chooses to enter into a contract with a minor or an infant, they are doing so at their own risk. Contract laws provide minors the option to exit a contract as they desire, which is called "voiding a contract." These

Findings and Reasoning:

The Charter Constitution and Regulations do not speak to a specific age requirement for an individual seeking National Office in the Sons of Union Veterans of the Civil War however it is reasonable to believe that a candidate should meet certain criteria for maturity, experience, ability to carry out the duties expected of an individual holding National Office. The Charter Constitution and Regulation does require that the National Quartermaster shall have the responsibility of maintaining an inventory of supplies, procuring sufficient inventory to meet the needs of the National Organization, the Departments, the Camps, and the brothers. This requirement obviously requires the National Quartermaster to enter into contracts with our vendors for various services. Under the current laws for contracting with minors it is likely that our vendors would refuse to negotiate or engage in contracts originating with or being signed by a Minor. A second area of Concern would be the Orders ability to obtain a bond for the Quartermaster if he was a Minor and that could put the Order at risk. Current Laws around the country fail to hold a Minor accountable for any loses that the Order might incur. Lastly dealing with the various Child Labor Laws at both the State and federal Level could entangle the Order in legal issues related to the employment of Minors for example work hours, work permits, and potentially even compensation.

Opinion:

As an organization it is incumbent on us to ensure the proper stewardship and leadership expected by the brothers of the Order. As the Charter, Constitution, and Regulations are silent on the matter of an age requirement for National Officer; it is within the power of the Commander-in-Chief to provide clarification and direction in this matter. Based on the research and findings herein, any petitioner desiring to candidacy as a National Officer should be disqualified unless the individual has meet the age of 21 years at the time the petition for candidacy is presented.