

FORMAL OPINIONS
NATIONAL COUNSELOR
SERIES 2018-2019

OPINION I

Brother Dan Earl, PDC, National Legislation Officer, wrote to you asking for clarification and you have requested my opinion. Brother Earl stated:

“As you may recall, in 2011, the National Encampment granted authorization to the National Committee on Legislation (which I served on from 2000-2016) to establish an online account with popvox.com and govtrack.us for purposes of expressing the Order’s support for, or opposition to, specific legislation (see attached). In 2016 the Legislation Committee was disbanded and the National Legislation Officer position was created to replace it. I have held that position since it’s inception.

I’m writing you today to seek clarification on the transference of this support/opposition authorization to the National Legislation Officer. Since the Committee on Legislation was disbanded, and the duties transferred to the National Legislation Officer, does the authority to express the Order’s support for, or opposition to, specific legislation with the popvox and govtrack systems, extend to the National Legislation Officer?”

I have looked at both the 2011 Proceedings and the transcript of the 2016 Encampment (Proceedings not published yet). In 2016, the National Legislative Committee was indeed eliminated and replaced with the National Legislative Officer. The National Legislative Officer's job description remained *exactly* the same as the National Legislative Committee.

Then, this is the motion from the 2011 Proceedings, which passed without amendment per sound of the gavel when no objection was heard:

"Steve Hammond, Department of Chesapeake

I’m Steve Hammond, Past Department Commander, standing for Brother Don Earl. The recommendation is that the National Encampment direct the National Committee on Legislation to establish an account under the name of the National Organization with popbox.com, which is a free online service that allows non-profit organizations, as well as individuals, to automatically and collectively communicate with members of Congress, their support for or opposition to Federal Legislation. Further, the Committee will be directed to submit the Order’s position on specific legislation along with additional comments as the National Encampment Cof A and / or CinC deem appropriate."

I believe the National Legislative Officer **completely** took over the duties of the National Legislation Committee by keeping the job description the same. I also see this program Brother Earl is talking about is free of charge. I also note in the 2011 motion and also in the 2016 change from Committee to Officer, he must obtain National Encampment, CofA and/or CinC approval before posting anything one way or the other in these accounts.

It is therefore my opinion, the National Legislative Officer assumed all of the duties of the former National Committee on Legislation, including establishing and maintaining an online account with popvox.com and govtrack.us for purposes of expressing the Order's support for, or opposition to, specific legislation. Such support or opposition must be approved by a National Encampment, CofA or CinC before the National Legislative Officer may express any opinion on either of these communication vehicles or any successor thereto.

OPINION II

Brother Bob Petrovic, PDC, Department of Missouri, on behalf of Missouri's 2021 National Encampment Host Committee has evidently been told by persons unknown, a Department's National Encampment Host Committee does not need specific permission of the Council of Administration to use protected symbols of the Order, such as the name, crest and badge, on items such as shirts, jackets, ties and other items to be used as fund raisers for the 2021 National Encampment.

The only mentions of a local host committee for a National Encampment concerns the sale of extra Encampment badges and second, the authority of the National Encampment Site Selection Committee in the absence of a local host committee.

This activity is governed by the National Organizations Policy on the Use of Badges, Emblems, Seals and Symbols, adopted by the Council of Administration on 17 April 2004. The relevant section for this opinion is Section 3 of that policy:

3. Departments and Camps may, photographically or through any generally available means, reproduce images of the badges, emblems and seals for the production of Department or Camp flags, letterhead, envelopes, newsletters, business cards and other material necessary for the conduct of their respective activities related to the purposes of the Order. This general authorization does not extend to any of the adopted and copyrighted forms, rituals, literature, or other items supplied by the National Organization and not available on the National website, nor to embroidery of any badge, emblem, or seal or the production of decals or other similar devices. Copyrighted forms and literature available from the National website when used for official business of the Order, may be locally reproduced.

A fair reading of this section would indeed allow a Department's National Encampment Host committee to use the images of badges and emblems of the Order, EXCEPT anything that includes an embroidered badge, emblem or seal of the Order, including decals and other similar devices.

So to answer the question of brother Bob Petrovic, PDC, the Department's National Encampment Host committee may not produce and sell shirts, jackets, ties and other items to be used as fund raisers for the 2021 National Encampment if those items use the badges, emblems or seals of the Order.