

## REVIEW and STATUS

## KWVA Bylaws Committee Project For 2009

## Revision of the KWVA Standard Procedure Manual and Bylaws

In the prior edition of *The Graybeards* (Sept/Oct, pp. 30-31), you were given the project status as it was on September 15th. At that time, the Bylaws Committee's 2009 amendment to the Bylaws had been approved by the Board of Directors on July 26th at the meeting in Arlington, VA. It had also, as required by the Bylaws, been published in *The Graybeards* with all of the revision markups, as formal notification to the membership.

Subsequently, the Committee submitted, as an agenda item for the Board of Director's meeting in Irving, TX, on October 25th, a review and visual presentation of the Standard Procedure Manual.

Likewise, as an agenda item, the 2009 Bylaws Amendment was scheduled for the 2009 Annual Membership Meeting, also in Irving, TX, on October 26th, where it was to be presented to the Membership for ratification.

### Comments on the Two Meetings at Irving, TX

During the October 25th meeting of the Board of Directors, they were given a presentation of the revisions to the SPM. The revisions were and still are a work in progress, and the Board was asked to give us a conditional approval of the work to date. What was presented was the SPM Table of Contents; most of Sections 1 & 2, and some procedures from Section 3, all of which collectively gave them a clear picture of format and style, and some of the content.

The Board was told that as the SPM revision proceeded, they would be given the changes periodically, and were asked to contribute their comments and recommendations as they felt appropriate. The Board gave its approval for us to proceed.

On October 26th, a quorum was declared present at the Membership Meeting. I delivered the Bylaws Committee Report to those present, with a review of the 2009 Bylaws/SPM Project to date. Following that, I made a motion in behalf of the Bylaws Committee for the membership to ratify the 2009 Bylaws Amendment that had been approved by the Board of Directors at their July meeting in Arlington, VA.

In the discussion that followed the motion, there was much expressed opposition to the Amendment, specifically with the Bylaws clarifications on the issue of the payment of annual dues, and its required enforcement by chapter and department officers. It came mostly from a delegation of members from New York chapters, and their Department, although there were others who supported their view.

I had pointed out during my presentation that a petition I had received from the New York Department and two of its chapters contained an admission that their objection to, and their dismay with, the Amendment was that they had accepted Chapter Life membership payments from chapter "members" who had NEVER joined the Association, and that these people would "quit" their chapters if they were forced to join the KWVA and pay annual dues!!

The practice of non-payment of dues by those who claimed chapter membership, and the officers who allowed and encouraged it, was seriously damaging the Association, in that they could not reasonably evaluate the eligibility of these chapter "members" as Korean War veterans. It takes the issue beyond basic unfairness, and the members were told that it threatened our recently granted Federal Charter, if allowed to continue. The Federal Charter reads:

'...120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire....'

It was if there were now two KWVA organizations: one that was compliant and followed the rules, and one which was a "shadow" organization that did not, and conducted its affairs and business as it pleased.

Among the violations observed were non-members carrying the colors, and chapter officers who had never applied for National/Association membership.

The members present were told that:

- there are over 4000 members-at-large who are not members of chapters, and who have no choice but to pay the required annual dues.

- there are chapters all over the nation that do comply with the requirement that all must join; all must pay KWVA dues, and do so because their officers enforce the Bylaws.

- it has ALWAYS been a requirement to pay annual dues to the Association, and that the Amendment's intent on this issue was to put in plain, specific language in the Bylaws that removes all speculation about the requirement for compliance by all.

As for which KWVA they wished to be part of and support; the one that followed the rules, or the "shadow" KWVA that conducts their business as it pleases, the members present were asked to make their choice and vote accordingly. As far as I was concerned, I told them, the very protection of the KWVA itself was in their hands, and I asked them to simply do their duty.

Finally, the Chair was asked to "call for the question," and the issue was put to a vote. On the question of ratification of the 2009 Bylaws Amendment, the Membership voted by a considerable majority to approve.

### Status

KWVA President Mac Swain has approved the insertion of a booklet containing the 2009 Bylaws as a removable document from the centerfold of this edition of *The Graybeards* for your personal convenience.

It is hoped that in your possession, especially at chapter and department meetings, the booklet will help to support the Good of the Order. It is also posted on the KWVA website, <http://www.kwva.org>.

One of the arguments against the Bylaws Amendment presented at the Membership Meeting was that you simply could not enforce the Bylaws rule that ALL must pay National/Association dues. I will repeat, as I did in the Bylaw Committee's last status

article, the following procedure that will ensure enforcement of, and compliance to, the Bylaws:

- Before any chapter or department meeting, those present must be carded to ensure current Regular KWVA membership

There is nothing new about that. Let me point out that at an Annual Membership Meeting, that process is the method used to guarantee that those who will discuss, debate, and vote KWVA business are those who have paid for the privilege. It will work only if you, as a member, insist on enforcement.

I know it will be difficult if, as I am told, there are actually officers who do not belong to the KWVA, or are delinquent in their dues. If you are a current, regular KWVA member, you are entitled to ask for this. In fact, I hold that you are obligated to do so.

The Bylaws Committee continues to work on the revisions to the SPM, and hopes to have the Final Draft ready before the end of January, 2010. It will then be presented to the Board for approval, and subsequently posted for use on the KWVA website.

### Some reminders:

- Until the upcoming revisions for the KWVA Standard Procedure Manual (SPM) are approved by the Board of Directors and in place, the current SPM and our Federal Charter are all available for review and/or download from the KWVA Website, <http://www.kwva.org>, at any time.

- We have an obligation to meet the compliance requirements to the new Federal Charter, Public Law 110-254 (S.1692), granted on June 30, 2008 to the Korean War Veterans Association, Incorporated.

I thank all in the membership whose emails supported the Bylaws Committee's year-long effort to put it right. Your number far exceeded the emails I received in opposition, and it was a gratifying moment to me personally when the membership present at the October 26th Meeting in Irving, TX matched that supportive sentiment with an overwhelming vote of approval for the 2009 Amendment to the KWVA Bylaws.

With fraternal respect for all who honor the Good of the Order,  
George E. Lawhon, LR18750, Director  
Chairman, KWVA Bylaws Committee  
[george.e.lawhon@gmail.com](mailto:george.e.lawhon@gmail.com)

# CALL FOR ELECTIONS

The membership is hereby notified that elections will be held in the spring of 2010 for the following National KWVA positions:

- President, 1st Vice President and 2nd Vice President for the term 2010-2012

- The offices of four (4) Directors for the years of 2010-2013

No later than February 15, 2010, any regular members in good standing of the Korean War Veterans Association (KWVA) seeking to run for the aforementioned offices shall make their intentions known to the Chairman of the Elections Committee, Richard E. Brown Sr., in writing, using the following format:

### Requirements:

#### Applicants must:

**A.** Present proof of service by submitting a separate signed Official KWVA Membership Application Form showing eligible service years and a statement releasing the application form for verification by the Elections Committee (no fee required).

**B.** Present a current photograph, suitable for publication in *The Graybeards*.

**C.** Submit a letter, signed and dated, limited to approximately one (1) page, including the following:

- 1) Your intent to run for an office and the office sought.
- 2) A resume of your qualifications for this office, stating any experience that will be of benefit to the Association.
- 3) Your current mailing address, telephone number, and KWVA membership number.
- 4) Your email address, if available.
- 5) Alternate email address and alternate phone number, if available.
- 6) A statement that you will attend all called meetings of the Board of Directors and that you understand that two (2) unexcused absences could be used for your removal from office.
- 7) A statement that your dues are current through the whole term of the office that you are seeking. NOTE: Payment of delinquent dues shall not be retroac-

tive for the purpose of establishing eligibility to run for office within the Association.

**D.** Send the above items by certified mail, return receipt requested, to the Elections Committee Chairman to arrive not later than February 15, 2010. Applicants are requested to contact the Elections Committee Chairman if they have any questions.

Application package and questions are to be addressed to:

Richard E. Brown Sr., Elections  
Committee Chairman  
2307 Gring Dr.  
West Lawn, PA 19609  
Ph: 610-670-2886  
[Rebpi1@comcast.net](mailto:Rebpi1@comcast.net)

**NOTE:** Some of the procedural details below are only in the draft *Standard Procedure Manual*, now under revision, but all are in compliance with the 2009 Bylaws ratified by the Membership at the October Annual Membership meeting on Oct 26, in Irving, Texas.

### The KWVA election process is as follows:

- The Elections Committee certifies the candidates that are qualified to stand for office.
- The candidate declarations are sent to the Editor of *The Graybeards* for publication in the March-April 2010 Edition.
- The ballots are also published in that edition.
- Members then cast their ballots by June 10th and mail them to the KWVA-approved CPA.
- The CPA then counts the ballots and reports the results via certified tally sheets to the Elections Committee.
- The results reported by the CPA are verified by the Elections Committee.
- Copies of the completed and verified tally sheets are sent by certified mail to each of the 15 Board Members; the Secretary, and the Treasurer, and to each of the candidates for office, regardless of whether they are a winner or loser.

Frank Cohee  
KWVA National Secretary