TO:         See Distribution  
DATE:      January 29, 2007  
Re:          Revised Policy (03.29.2005) on Access, Personal Information, and Elections:  
RENAMED: ETHICAL GUIDANCE  

This policy memo prescribes standards of ethical conduct expected of all members of the executive administration of the Korean War Veterans Association. It replaces the policy memo March 29, 2005, Title: Policy on Access, Personal Information, and Elections. 

**POLICY: Unauthorized Disclosures**  

*Former officers, directors, editors or employees* are not entitled to any access, property or information that is not available to *every other member in good standing* in the same manner and circumstances as they might be seeking the information. 

**POLICY: Unauthorized use of Personal Information**  

The *DD214 form* will not be used in any manner whatsoever in the KWVA except as required by the E&G Committee in the conduct of authorized investigations. 

**POLICY: Code of Conduct**  

Each *member of the KWVA/US* is urged to voluntarily subscribe to the Code of Conduct of the KWVA (attached). 

**POLICY: Political Activity**  

Any officer, director, or staff appointee may publicly participate in and support a candidate in the *KWVA elections* and discuss various issues. *Employees* however, shall refrain from any personal or public involvement in KWVA elections. An incumbent may run for reelection, or for other office so far as they are allowed to do so by the Bylaws. 

No KWVA monies or other resources may be directly or indirectly used to advance or *support the campaign* of one candidate over another.
1. Candidates may not travel at KWVA expense to directly engage in KWVA political campaign meetings, or events.

2. Office supplies and postage will not be provided any candidate unless such support is afforded to all candidates.

3. Mailing labels will be prepared and printed for any candidate by The National Office on a strictly reimbursable basis, and upon specific approval by the President. Each instance shall be on a cash basis, no credit advances allowed. NO LABELS WILL BE PREPARED OF OR SOLD TO DEPARTMENTS THAT ARE NOT ACCREDITED. Chapters may obtain labels only for their Chapters as provided for in this memo. The Secretary, KWVA, shall administer the requests and approvals.

4. Membership rosters shall be provided any candidate upon request and receipt of reimbursement for postage and preparation. The Secretary, KWVA, shall administer the requests and approvals.

5. The Graybeards and www.kwva.org shall not endorse in any manner whatsoever any candidate in a KWVA election, nor allow authors of articles to do so, The Graybeards may at the Editor’s discretion, allow Letters to the Editor which discuss issues and candidates, providing such letters are not personal attacks, defamatory nor slanderous and are in commonly accepted good taste.

REFERENCES (Attached)

KWVA CODE OF CONDUCT
“For the Good of the Order”, The Graybeards, May-June, 2005

RECOUSE

These policies were reviewed by the JA, the E & G Chairman, and civilian counsel. Their comments, suggestions, and changes have been incorporated herein. Questions and problems which arise should be discussed with the President. The JA may be ultimately consulted by the administration or individuals for further discussion and actions.

Louis T Dechert
LR27194
National President, KWVA/USA
Co-Chairman, USFKVO
Executive Council Member, IFKWVA

DISTRIBUTION: Administration Staff

ATTACHMENTS:

KWVA Code of Conduct
For the Good of the Order
I will uphold and defend the Constitution of the United States.

I will adhere to the National Bylaws of the KWVA, my Department, and my Chapter.

I will not engage in any unlawful or unethical conduct, nor attempt to deceive in any manner, my Chapter, my Department or the National KWVA.

I will fulfill my obligations and will be responsible for my actions to the Chapter, Department, and National Organization of the KWVA.

I will render service and comfort to bereaved families of fellow Veterans, in time of need, to the best of my ability.

I will respect the rights of others in regard to politics, sex, race, religion, and ethnic background.

I will hold an open mind to the thoughts and opinions of others in any discussion or problem.

I will at all times conduct myself with proper decorum and dignity and, while a member of the KWVA, will commit no act or actions that would dishonor the KWVA.

THE MISSION OF THE KWVA/USA is
DEFEND our Nation
CARE for our Veterans
PERPETUATE our Legacy
REMEMBER our Missing and Fallen
MAINTAIN our Memorial
SUPPORT a free Korea

Members may subscribe to the KWVA Code of Conduct by contacting the following individual by mail, email, or telephone:

Chairman Stephen Szekely LR10744
Ethics & Grievance Committee, KWVA
1516 Laclede Road
South Euclid, OH 44121-3012
TEL: 216.381.9080
SxDSzek@sbcglobal.net
PLEASE NOTE: Subsequent Bylaws to those referenced in the article below, reprinted from the May/June 2005 Graybeards, formalized the E&G Committee as well as access to the grievance system. Additionally, wherever the words Executive Council appear, the words Board of Directors should be substituted.

BUSINESS

‘For the Good of the Order’

By Jimmy Faircloth

All organizations with elected leadership experience the tension between the good of the organization and the good of individual members or groups. The present state of our federal government is a prime example. This unavoidable consequence of democracy presents a delicate dance of potentially conflicting interests that must be balanced. And it’s not unusual that the balance is temporarily lost. To survive, organizations must minimize and shorten the duration of these occasions. Failure to do so results in tyranny or anarchy, both of which doom the organization.

When KWVA President Lou Dechert first contacted me about representing the organization, he described classic symptoms of organizational decay, such as an overly active political environment, multiple disputed versions of bylaws, and allegations of election fraud, officer misconduct, and the wrongful expulsion of members, to name a few. I assumed the organization had simply lost its balance and, like any other organization, could be cured by a dose of formality and order. I was partially correct; the KWVA is indeed on the fast track to recovery. It is not, however, a typical organization. The difference is related to the traditional meaning of the parliamentary phrase often used by KWVA members and at meetings: “for the good of the order.”

The “Order” of the KWVA

KWVA meetings are conducted in accordance with the parliamentary procedures provided by Roberts Rules of Order, the widely accepted parliamentary guide. Roberts identifies “Good of the Order” as the last agenda item prior to adjournment. According to Scott A. Lukas, author of Parliamentary Guidelines for Local Senators:

This is a time, generally at the end of official business, in which members can make comments, offer commendations, or just “clear the air” in an “off the record” manner. The good of the order speaks to aims and values of the organization. It is often a good time for the [deliberative body] to come together, particularly after controversial or divisive business has been heard.

“Order,” as used here, applies to any organization following Roberts, but it has roots directly to the sacred and noble Orders of the middle ages, which suggests there must be a higher cause uniformly committing the members, something unsellable. The American Heritage Dictionary provides 30 definitions for the noun usage of “order.” The most fitting is “an organization of people united by some common fraternal bond or social aim,” which seems to exclude organizations united by recreational interests.

In preparation for the KWVA Executive Council and Membership meetings in Knoxville last fall, I read dozens of contentious e-mail messages published on the Ad Hoc, and I could only assume the meetings would be equally as adversarial. In fact, the meetings were surprisingly civil and productive. Yet, there was something ironic and uniquely disturbing about the political tension. I figured it out during the presentation of the Colors at the Membership meeting, when patriotism suddenly filled the room and there was absolute unity for a single unselfish cause. You could feel it, or at least I could, because I had never felt it so strongly. At that moment I realized the KWVA is not a typical organization; it’s an Order in the traditional sense, rooted in the fraternal bond of patriotism. The irony was the fact that an organization - an Order - committed to such an unselfish cause had lost its way amidst so many personal conflicts.

Restoring order to the “Order”

Respect for rank and authority is equally as important to corporate success as to military success. Formality, as stuffy as it may be, is the most proven method to maintain authority and promote confidence in, and respect for, leadership. Not simply ceremonial formality, but formality in the creation of rules and authority, and in the administration of that authority.

President Dechert and the Executive Council have made major strides toward removing from the leadership decision-making process the personal conflicts that had become a dominant part of the equation. Two of the most substantial steps have been the proposed revision of the Bylaws, the entirety of which was published in the last issue of the Graybeards, and the creation of the Ethics and Grievance Committee to investigate complaints. Both deserve close review by the membership.

The Proposed 2005 Bylaws

The Bylaws Committee, chaired by Director Bill MacSwain, was the workhorse for this enormous undertaking. The Committee was tasked with making recommendations for amendments to the standing Bylaws (the 2000 version) based on numerous modifications proposed during the past five years. Many proposed recommendations were analyzed and debated at length in Committee meetings and the March 15, 2005 meeting of the Executive Council (which will be known as the Board of Directors if the proposed revisions are ratified). Careful consideration was given to wording problematic language which caused or contributed to many past disputes, especially those involving membership rights, the election of officers, the appointment of Committees and terms of office, among other things.

The Ethics and Grievance Process

The 2000 Bylaws provide that “the Executive Council by a two-thirds vote of those in attendance may suspend or expel a member for just cause after an appropriate hearing” and that the decision must then be voted on at the “the next general membership meeting.” There is no description of how a complaint reaches the Executive Council in the first place, or of what constitutes “just cause” or an “appropriate hearing.” The lack of detail in this important grant of authority has contributed to several hotly contested disputes.

Following the 2004 elections, President Dechert received numerous allegations of misconduct and demands for action. To promote objectivity and fairness, the Ethics and Grievance Committee (E&G Committee) was created. This Committee has no authority to discipline. It merely investigates allegations and makes recommendations to the President, who then decides whether to refer the matter to the Executive Council for formal disposition.
The E&G Committee made several recommendations to President Dechert prior to the March 15th meeting, which were then tendered to the Executive Council for consideration. The recommendations were either accepted or rejected, in whole or in part, or returned to the E&G for further investigation. Director Harley Coon's resignation from the Council (for health reasons) mooted several issues referred by the E&G and President Dechert wisely exercised his discretion to decline to refer those matters for formal Executive Council consideration.

The E&G process has removed the President as the referee for grievances, and it provides the Executive Council a reliable evidentiary basis on which to consider charges. But, above all else, it serves as a barrier to prevent personal motives and politics from corrupting the disciplinary process.

At present, the E&G Committee serves as a special committee appointed at the pleasure of the President, under Article III of the 2000 Bylaws. The proposed 2005 Bylaws will formally authorize this process within Article I, by providing: “Charges shall be investigated by an Ethics and Grievance Committee following the guidelines in the Standard Procedure Manual. Facts will be referred to the Board of Directors for their discipline action.” The findings and recommendations of the E&G Committee are privileged and, hence, will not be disclosed to members unless and until referred to the Executive Council for disposition.

It is strongly recommended that this process be maintained and that the work of the E&G Committee continue to be held in confidence. Anonymity is important to protecting objectivity. This is akin to the grand jury process used by all states and in the federal system, where allegations of misconduct are reviewed in confidence as a predicate to formal charges. There are statutory privileges protecting grand jury proceedings and felony charges for those who violate those privileges. The fundamental difference between a grand jury and the E&G Committee, however, is that a grand jury has the authority to indict (i.e., formally charge), while the E&G can only make recommendations.

The only detractors to this process seem to be those who desire to air allegations directly to the Executive Council or to directly confront the E&G Committee and challenge its findings. Such personal motives do not justify abandoning a process that so clearly benefits the collective good of the Order. In any event, the current bylaws implicitly provide for direct filing by a member of the Executive Council, although procedures and safeguards from that point are not addressed.

E-Mail - A Threat to Civility

Finally, having reviewed hundreds of e-mails published on the Ad Hoc by KWVA members, I offer a brief commentary on a related subject that plagues my profession, and which apparently threatens the KWVA as well.

Lawyers are supposed to act like Gregory Peck's character in To Kill a Mocking Bird - tenacious but gracious, firm but compassionate. But, that's only in the movies. In reality, it is difficult at best to balance adversity with civility, and many lawyers fail miserably. The internet has made this balance even more difficult by providing a semi-formal medium to say things that are too bold or outrageous to say either face to face or in letter. I have attended seminars where lawyers are lectured on the proper etiquette for e-mail communications.

The right to free speech is the cornerstone of democracy. But, it can provide for much mischief, unless exercised with discretion. There are many things I'd like to say on a variety of topics, but choose not to say because of concern about personal embarrassment or professional repercussions. Although discretion is a matter of personal choice, and varies from person to person, most people share a common understanding about which thoughts should be shared and which should be held. E-mail appears to distort discretion, by emboldening the writer with a false sense of anonymity, leading to loosely exchanged threats, criticisms and, often times, slanderous accusations about others. I have seen these on the Ad Hoc.

The internet is a valuable tool for exchanging ideas about the KWVA. For the good of the Order, I encourage members to exercise discretion when using it, lest you'll be reduced to acting like a bunch of lawyers.

Biography

Jimmy R. Faircloth, Jr. is managing partner of the law firm Faircloth, Vilar & Elliott in Alexandria, Louisiana. He is a graduate of Georgia State University College of Law (J.D., 1989) and Emory University Law School (LL.M., 1990), and is Board Certified in Civil Trial Advocacy by the American Board of Trial Advocacy. He practices primarily in the areas of corporate and governmental law and litigation and has represented numerous private and governmental boards and deliberative bodies.