



FINAL REPORT OF THE CONSTITUTIONAL COMMITTEE ANCIENT ORDER OF HIBERNIANS IN AMERICA

Following the 2012 National Convention in Turning Stone, New York, and in accordance with Article X of the National Constitution, the following individuals were appointed to the Constitutional Committee: George Clough (Missouri), Chuck Curran (Virginia), Dick Thompson (Massachusetts), Tom O'Donnell (New York), Dan Devinney (Pennsylvania) and Paul Gowdy (Michigan). National Legal Counsel, Patrick R. Sturdy, was appointed Chairmen of the Committee.

The scope of the Constitutional Committee's work included: (1) identifying redundancies, conflicts and confusing portions of the Constitution which can be updated and/or eliminated; (2) identifying provisions of the Constitution which need to be modified, amended and/or updated to bring the Constitution current with existing changes in the law; (3) identifying practices and procedures of the Order which have been adopted through custom and practice, and propose language which codifies those practices and procedures into the Order's guiding documents; (4) to propose changes to the Constitution which eliminate any potential liability which may inadvertently arise from the actions of the membership; (5) examine the possibility of adopting by-laws to guide the National Board's actions, and develop a proposed set of by-law; (6) examine each of the resolutions proposed at the National Convention in Turning Stone, focusing on the issues addressed by each resolution, and developing proposed language to modify and/or change the National Constitution; (7) reviewing the Report of the Regionalization Committee, and to

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continue their good work as well as addressing any other concerns necessary to ensure representation of the membership.

During the latter part of 2012 and early part of 2013, comments, recommendations and proposals were solicited from the general membership. National Board Officers were provide an opportunity to review those comments, recommendations and proposals and to provide their own insight to the Committee during the Spring and Summer of 2013. The Committee met in New York from October 6, 2013 to October 8, 2013, and again in Detroit, Michigan on February 22, 2014. During these meetings, the Committee reviewed the current National Constitution, along with comments, recommendations and proposals from the general membership, as well as the comments and recommendations from the National Board.

This Report summarizes the Committee's recommended changes to the National Constitution based the above Review. This Report employees the traditional redline/strikeout editing method. Any language recommended to be added to the Constitution appears in redline. Any language recommended to be deleted from the Constitution appears with a strikeout running through it. Each of the proposed changes will be voted on at the 2014 National Convention in St. Louis. Every A.O.H. Member is encourage to review this Report prior to arriving at the National Convention. Additionally, it is recommended that every A.O.H. member print and bring a copy of this Report with them to the National Convention as paper copies will not be distributed during the Convention.

PREAMBLE

1. The following language should be deleted from the Preamble because it duplicates what is included in Article IV, and is therefore redundant:

~~“Membership is confined exclusively to practicing Catholics of Irish birth or descent who reside in the United States.”~~

ARTICLE II, SECTION 1

2. The word **Roman** should be inserted as follows in to Section 1 of Article II:

PURPOSE: Section 1. The purpose is set forth in the Preamble to this Constitution. It pledges to work in harmony with the doctrines and laws of the **Roman** Catholic Church, and to foster and sustain loyalty to country among its members. This Constitution shall be the Supreme Law of the Order.

ARTICLE III, SECTION 2

3. The subheading of Section 2 of Article III should be changed from ~~Government~~ to **Governance**.

ARTICLE IV, SECTION 1

4. Sub-section B of Section 1 of Article IV should be modified as follows:

Prove his Irish ancestry or **that he has** ~~have~~ been legally adopted by those of Irish ancestry, or be a member of the Catholic Clergy or be enrolled as a **S**eminarian regardless of ancestry if they meet all other requirements;

5. Footnote 1 should be moved into sub-section C of Section 1 of Article IV.
6. All of sub-section F of Section 1 of Article IV should be deleted as it duplicates sub-section B.

~~F. — Adopted legally by those of Irish ancestry.~~

ARTICLE IV, SECTION 2

7. The following changes are recommended for Section 2 of Article IV:

~~However, a~~**An** applicant who has been ~~rejected for~~ **determined to be ineligible for** membership by a division cannot be admitted to membership **in another division** without the written permission of the ~~D~~**division** from which he was previously rejected.

ARTICLE IV, SECTION 6

8. Sub-section F of Section 6 of Article IV should be corrected as follows:

- F. ~~Except~~ ~~†~~The outgoing National President shall be awarded National Life Membership upon the completion of his term;

ARTICLE IV, SECTION 8

9. The following language should be added at the end of Section 8 of Article IV, Section 8:

Associate membership will at no time exceed ten percent of a division's Regular Membership. A division in excess of that number must gradually reduce their Associate Membership through attrition.

ARTICLE IV, SECTION 12

10. Section 12 of Article IV should be changed as follows:

A male applicant must be not less than ten (10), nor more than sixteen (16) years of age, ~~of Irish ancestry, and a practicing Catholic~~ and otherwise qualified for membership.

ARTICLE V, SECTION 7

11. Section 7 of Article V should be deleted in its entirety:

~~ENTERTAINMENT: Section 7. No Division shall give a public entertainment, or participate in any public function, or hold a meeting for any purpose outside of the regular business of the Order without the permission of the County Board~~

ARTICLE V, SECTION 8

12. The word "shall" in Section 8 of Article V should be changed to the word "may:"

COMMITTEES: Section 8. Each Division ~~shall~~ **may** have regular committees on finance, employment, entertainment, Irish History, sick, publicity, Catholic Action and such other committees as may be necessary, appointed by the President at the first regular meeting

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of his term, and removable by him at any time; and a standing committee of four (4), in addition to the Chairman, may be elected by the Division at its annual election, and as vacancies occur

ARTICLE VI, SECTION 1

13. The following language should be added at the end of Section 1 of Article VI:

A member shall not be in good standing if he previously resigned from another division while charges were pending against him until a final adjudication of those charges which absolve him of the allegations contained within the charge(s).

ARTICLE VIII, SECTION 2

14. The following additions and deletions should be made to Section 2 of Article VIII:

NATIONAL: Section 2. Appointive by the President: Chaplain and two (2) Deputy Chaplains (subject to the approval of the appointee's Ordinary), Historian/Archivist, Organizer, Editor of National Hibernian Digest, Chairman of Freedom For All Ireland Committee, Chairman of Charities and Missions Fund, Chairman of Catholic Action, Chairman of Pro-Life, National Legal Counsel, Chairman of Political Education Committee, Chairman of Veteran's Affairs, ~~Chairman of Constitution Committee~~, Chairman of Immigration Committee. In addition, an "Oversight Committee" consisting of three past presidents will be assigned, consisting of three (3) past National Presidents, as appointed by the President. **The National President shall appoint one (1) or two (2) additional National Directors. The two appointees shall have all the same rights and privileges as elected directors. This shall be done within 30 days of the National Convention. The two appointed directors shall be appointed in areas of need (i.e. under or un-represented areas) as decided by the National President, and the National President shall work with the State President's in those areas in need to select the appointees.** The President shall designate the respective Directors as Chairmen of the appointive committees for which (in his opinion) they are specifically qualified. All Chairmen serve at the pleasure of

the National President. Past National Presidents are deemed to be National Board Members.

ARTICLE VIII, SECTION 2

15. The following language should be added to Section 2 of Article VIII:

The National President may appoint members to such other positions as he deems appropriate. These members shall not be voting members of the National Board. Expenses of these positions shall be subject to prior approval of the National President.

ARTICLE VIII, SECTION 5A AND SECTION 10

16. Section 5a of Article VIII should be modified as suggested, and Section 10 should be deleted in its entirety:

VACANCY: Section 5a. In the case of the death, resignation or removal of any President, the Vice-President shall assume the office of President for the remainder of the term; all other vacancies of elected offices occurring in the National, State, ~~District, or~~ County or Division Offices shall be filled by vote of the National, State, ~~District, or~~ County or Division Boards respectively. All other vacancies occurring in Division offices, except appointive, shall be filled by an election at the meeting following the vacancy and all members shall be notified, in writing, not less than five (5) days before. All temporary vacancies resulting from the suspension or incapacity of officers shall be filled by the President.

~~TEMPORARY VACANCY: Section 10. All temporary vacancies resulting from the suspension or incapacity of officers shall be filled by the President.~~

ARTICLE VIII, SECTION 12

17. The following language should be added to Section 12 of Article VIII:

All Elected and Appointed Officers of each jurisdiction shall attend Conventions of their respective jurisdiction, unless excused by the President of that jurisdiction.

ARTICLE IX, SECTION 2

18. The following should be added to Section 2 of Article IX:

The District of Columbia is recognized as a State for purposes of this Constitution.

ARTICLE IX, SECTION 4

19. The following language should be added at the end of Section 4 of Article IX:

Cities with two Divisions or more, not located in a County, shall have the right to form County Boards.

ARTICLE IX, SECTION 5

20. Section 5 of Article IX should be modified as follows:

BOARD MEETINGS: Section 5. State, ~~District~~ and County Boards shall meet from time to time as determined by their By-Laws ~~adopted by them on organization~~. Meetings of the National Board shall be called by the President at least quarterly. Five days (5) written notice to all Officers and Directors is required, accompanied by a meeting agenda to all participants. The National Secretary shall call a Board meeting when he receives a written notice signed by a majority of elected members of the Board. Meetings of the National Board may be held either in person or by telephone or other electronic medium where the equipment used will enable each member to hear the entire proceeding simultaneously and allows each member the ability to speak to each of the other members and be heard. ~~Five (5) days written notice to all officers and directors prior to the meeting is required.~~ Notice of National Board meeting shall be published on the National Website five days in advance of the meeting, except in cases of force majeure. The National Board

President may provide copies of the notice and agenda to the State Presidents.

ARTICLE X, SECTION 2

21. Sub-section D of Section 2 of Article X should be deleted:

~~D. Shall establish and chair a Committee for Ethnic Understanding, to work with community and ethnic groups in addressing problems of racial, ethnic and religious discrimination and prejudice;~~

ARTICLE X, SECTION 3

22. The following language be added to sub-section B of Section 3 of Article X:

After minutes are read at a meeting, they shall be made available for review by any members in good standing upon request. Minutes shall not be published on the internet. The copy and mailing cost shall be borne by the member making the request, and paid in advance.

ARTICLE X, SECTION 4

23. Sub-sections B and C of Section 4 of Article X should be modified as follows::

~~B. Keep accurate minutes of meetings in a bound volume containing numbered sheets. Pay to Treasurer all monies collected at the close of each meeting.~~ **Keep a record of the proceedings of the Order and Board meetings, and read those minutes at the following meeting: After minutes are read and approved at a meeting, they shall be made available for review by any member in good standing upon request. The copy and mailing cost shall be borne by the member making the request, and paid in advance. Minutes shall not be published on the internet. Minutes shall not be shared via email. The copy and mailing cost shall be borne by the member making the request.**

~~C. — Keep accurate membership roster in a bound volume containing numbered sheets. Make annual financial report.~~

ARTICLE X, SECTION 5

24. Sub-section F of Section 5 of Article X shall be deleted:

~~F. — Notify visiting Committee on sick members.~~

ARTICLE X, SECTION 19

25. Section 19 of Article X should be modified as follows:

~~D. Serve as a sitting member of the National Constitution Committee;~~ **Shall serve as the Constitutional Committee Chairman, and appoint six (6) members to his committee, all of whom have received their major degrees and the approval of the National President.**

~~J. The National Legal Counsel, with approval of the National President, may appoint up to four Deputy Legal Counsel as need arises.~~

ARTICLE X, SECTION 22

26. Section 22 of Article X shall be deleted in its entirety:

~~CONSTITUTION CHAIRMAN: Section 22. Shall:~~

~~Serve as the Constitution Committee Chairman, and appoint six (6) members to his committee, all of whom have received their major degrees and the approval of the National President.~~

ARTICLE X, SECTION 23

27. The following language should be added to Section 23 of Article X:

The individual appointed to this position shall be an honorably discharged veteran of the United States Military.

ARTICLE XII, SECTION 1

28. Section 1 of Article XII should be modified as follows:

NATIONAL: Section 1. A National Convention shall be held every even numbered year except in a National Emergency. With the approval of the National Board, it shall convene on a date to be determined by the Convention City Committee, between the third week of June and the last week of August. The convention date shall be announced within sixty (60) days after the adjournment of the selecting convention. ~~The Convention shall start no later than Wednesday of the week selected.~~ The two days following the adjournment shall be reserved for the National Board to organize and form future programs and policies. Localities seeking to host the next convention shall submit a written application to the National President not later than January 15 prior to selecting the National Convention.

ARTICLE XIII, SECTION 2:

29. Section 2 of Article XIII shall be modified in the following manner:

NATIONAL OFFICERS: Section 2. President, Vice-President, Secretary, Treasurer and six (6) directors after nomination shall be elected during the transaction of the regular order of business of the National Convention. Installation shall be conducted prior to the adjournment of the Convention or at a public function in connection therewith. Tenure of office shall be two (2) years or until their successors have been elected and qualified. No elected National Officer, except the National Secretary, shall be eligible to succeed himself more than once. **The National Secretary shall not be able to succeed himself more than three times.**

ARTICLE XVII, SECTION 6

30. The following language should be added to Section 6 of Article XVII:

Nor shall any member make a statement(s) clearly supporting or opposing any political party or candidate, either while present at AOH meetings/gatherings, or elsewhere in the name of the Order.

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ARTICLE XVII, SECTION 7

31. The following changes should be made to Section 7 of Article XVII:

Any officer or former officer, of the Order, who after due process has been found guilty of violating his oath of office ~~by including, but not limited to,~~ withholding funds and/or property belonging to the Ancient Order of Hibernians, shall ~~be disciplined, up to and including being~~ expelled.

ARTICLE XX, SECTION 1

32. The following changes should be made to Section 1 of Article XX:

BY-LAWS: Section 1. Each separate jurisdiction and Board of the Order shall ~~have the power to~~ adopt such By-Laws to govern the transaction of its business ~~as may be deemed necessary, to the extent not covered by the By-Laws of any superior jurisdiction, or this Constitution. Any provision of said By-Laws which conflict with this Constitution, or those By-Laws adopted by a superior jurisdiction, shall be void. They must not conflict with any of the provisions of this Constitution.~~ Proposed By-Laws must be submitted, in triplicate, to the next higher tribunal for certification that no conflict exists with the By-Laws of the said next higher tribunal before same is forwarded, through channels, to the National President for approval. No By-Law shall be effective until approval is received from the National President. Refusal of the next higher tribunal to promptly certify any By-Law may be appealed as provided for in the Article on Appeals.

ARTICLE XXVIII, SECTION 1

33. Section 1 of Article XXVIII should be modified by adding the following:

The term “in session” shall mean 2/3 of the 1/3 necessary to conduct business.

ARTICLE XXIX, SECTION 5

34. Section 5 should be added to Article XXIX:

Limitations on Subordinate Units: Section 5. Each subordinate unite is required to comply with the following business practices:

- A. No subordinate unit has, or shall have, authority, apparent or otherwise, to enter into any agreement which binds the National Board, or any other superior jurisdiction.
- B. A subordinate unit shall disclose that it has no authority, apparent or otherwise, to enter into any agreement to bind the National, or any other superior jurisdiction. Said disclosure shall be made prior to entering into any agreement.
- C. Any agreement entered into by a unit shall be reduced to writing.
- D. Any such agreement shall contain the following language:

The Parties hereto, acknowledge and admit, that this Agreement is entered into solely by the Parties hereto and solely for the benefit of the Parties hereto. The Ancient Order of Hibernians in America, Inc. National Board or any other jurisdiction shall not have any obligation under this Agreement. The Parties hereto, agree that The Ancient Order of Hibernians in America, Inc. or any other jurisdiction, cannot be sued in any court, and shall not be subject to any arbitration, under any legal theory, including, but not limited theories in equity, to recover for any breach or obligation arising from and/or in connection with this Agreement and/or the Parties course of dealing or conduct. Parties acknowledge no claims can exist against the National Board, or any other unit, and hereby expressly agrees not to sue the National Board or any other unit.

- E. Any proposed Agreement must be submitted to the unit at a regularly scheduled meeting and approved by the membership of the unit prior to the execution of the Agreement. The vote shall be included within the regular meeting minutes.

ARTICLE XXIX

35. Article XXIX should be modified as follows:

ARTICLE XXIX, PARADES, **HIBERNIAN RIFLES** AND
PUBLIC EVENTS

PARADES, **HIBERNIAN RIFLES** AND PUBLIC EVENTS:
Section 1. It shall be lawful for any unit of the Order to organize and
conduct a parade or other public event, **or operate a HIBERNIAN
RIFLES Division, subject to the conditions contained within this
Constitution.**

CORPORATION: Section 2. A unit of the Order seeking to organize
and conduct any parade or public event for which authorization,
permission, or license must be obtained from any governmental
entity or authority must form a corporation, which corporation must
be solely responsible for the organization and conduct of such
parade or event.

INDEMNIFICATION: Section 3. Where a unit of the Order
believes it burdensome or impractical to form a corporation as
described in Section 2 of this Article, such unit must obtain
authorization from the National or State President to conduct such
parade or public event, **or form a Hibernian Rifles division,** in the
name of the Order provided such unit shall first enter into an
agreement, in form satisfactory to the President of each superior
jurisdiction, whereby such unit shall agree to indemnify and hold
harmless all other jurisdictions of the Order for any costs, expenses
and damages, including legal fees and expenses, and shall
demonstrate to the satisfaction of each superior jurisdiction that the
sponsoring unit has the resources and financial wherewithal to
satisfy any claims which may be made against any jurisdiction of
the Order.

Submitted for Publication: March 14, 2014

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