

Grand Encampment of Knights Templar



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Decision No. 1, Series 2019-2021

Quorum

April 1, 2019

The Grand Encampment of Knights Templar considered two proposed amendments to amend Section 66 of the Constitution, Statutes, Ritual and Disciplinary Rules of the Grand Encampment of Knights Templar, relating to the quorum of a Commandery, at the 67th Triennial Conclave. Proposed Amendment No. 2018-04 failed to pass while Proposed Amendment No. 2018-05, as amended, passed.

As submitted, Proposed Amendment No. 2018-05 amended Section 66 of the Constitution to read, “[a] quorum of a Commandery consists of nine members entitled to vote therein, including an Officer authorized to open the same. A Grand Commandery may by law provide for a lesser number for quorum purposes.” [Underscore denotes new language] This version was not enacted. Proposed Amendment No. 2018-05 was subsequently amended on the floor, and, as amended and passed, reads “[a] quorum of a Commandery consists of nine members entitled to vote therein, including an Officer authorized to open the same. A Grand Commandery may by law provide for a lesser number for quorum purposes, provided that such number shall not be less than five.” [Underscore denotes new language]

QUESTIONS PRESENTED:

- 1.) Whether a number of Sir Knights, less than nine but not less than five, may conduct the business of a Commandery (assuming the Grand Commandery has enacted enabling legislation) or whether nine Sir Knights (a number less than nine but greater than four plus a number of “visitors” that together equal a minimum of nine) are required;
- 2.) Whether a Grand Commander may implement the change by executive action through a general order or whether the change must be enacted legislatively by the Grand Commandery.

ANALYSIS

Section 66 now reads “[a] quorum of a Commandery consists of nine members entitled to vote therein, including an Officer authorized to open the same. A Grand Commandery may by law provide for a lesser number for quorum purposes, provided that such number shall not be less than five.”

The word quorum may be defined as “the minimum number of members of an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid.” Merriam-Webster defines quorum as “the number (such as a majority) of officers or members of a body that when duly assembled is legally competent to transact business.”

A canon or rule of statutory construction is that a legislative body does not engage in idle acts. In other words, in enacting legislation, a legislative body is presumed to have intended to effectuate some change. Generally, the interpreter of a statute is bound to apply the plain language of a statute to accomplish the intent of the entity enacting the statute.

The general rule is that, if the language is clear and unambiguous, the interpreter will not look to rules of construction or to legislative history, it will simply apply the language. But, if applying the plain language leads to an absurd result or a result that is contrary to the obvious intent of the body enacting the statute, or, if the language is ambiguous, then the interpreter may apply rules of statutory interpretation to construe the statute.

Applying the plain language of the statute in this case does not lead to an absurd result or one that is clearly contrary to the perceived intent of the Grand Encampment. It seems clear that the Grand Encampment intended to authorize a Grand Commandery to change the number necessary for a quorum to conduct the business of a Commandery to a number less than nine but at least five.

It has been asserted that there may be other statutes that apply to this question and that are now in conflict with Section 66, as amended. Section 58 of the Constitution provides that “[a] Commandery consists of at least three Knights Templar, hailing from three separate Commanderies, and acting under a lawful warrant, or of nine or more Knights Templar acting under a lawful Dispensation or Charter.” Section 60 of the Constitution provides in part, “[b]efore a Commandery can be formed or opened there are the following prerequisites: (a) 1. At least three Knights Templar hailing from at least three separate Commanderies, or 2. At least nine Knights Templar residing in the proposed Territorial Jurisdiction.” It appears that these sections apply to the requirements for the formation of a new Commandery or the minimum number of Sir Knights that constitute a Commandery and not the quorum necessary to conduct the business of a Commandery.

To the extent possible, statutes should be harmonized and not read as creating a conflict. A conflict only exists if one statute allows what another prohibits or prohibits what another allows. As stated above, I believe that Section 66 relates to the quorum required to conduct the business of a Commandery while Sections 58 and 60 relate to the number of Sir Knights necessary to form a Commandery or that constitute a Commandery. Even if it were somehow determined that there is a conflict, the conflict would be resolved in favor of holding that Section 66 governs the issue of what constitutes a quorum. In resolving conflicts, the specific controls over the general and the statute that most recently took effect (“later in time”) controls. Applying one or both of these rules of statutory construction leads to the same result, Section 66 governs what constitutes a quorum.

It has been asserted that nine, or more, is the Constitutional number in Templary and that the Ritual requires nine Sir Knights to confer the Orders of Templary. The question of what constitutes a quorum for the purpose of conducting the business of a Commandery and what the Ritual requires to confer the Orders of Knighthood are two separate and distinct questions. The Grand Encampment chose not to amend the Ritual, so it must be presumed that it intended no change in the requirement that nine Sir Knights are required to confer the Orders of Knighthood. However, as noted above, statutes are to be harmonized and not read as creating a conflict. No conflict exists if Section 66 is read as only governing what constitutes a quorum for conducting the business of a Commandery.

The second question is whether a Grand Commander may implement the change by executive action through a general order or whether the change must be enacted legislatively by the Grand Commandery. The powers and duties of the Grand Commander are enumerated in Section 48 of the Constitution. This section provides, in pertinent part, “[t]he Grand Commander shall have the following specific powers and duties but the enumeration shall not be deemed a limitation thereof...” The powers are extensive but not unlimited. Nowhere in the enumerated powers is the power to enact legislation by order. Even if it were somehow argued that this is an “un-enumerated” power, Section 66 provides the answer. It states, in pertinent part, “[a] Grand Commandery may by law provide ...” (emphasis supplied) This provision clearly delegates the power to the Grand Commandery, itself, by specifying that the power must be exercised by the Grand Commandery legislatively and not by executive action of the Grand Commander.

DECISION

Section 66 allows a Grand Commandery to reduce the number of Sir Knights necessary to constitute a quorum for conducting the business of the Commandery to a number less than nine but not less than five. A Grand Commandery may only implement this provision legislatively. Nine Sir Knights constitute a Commandery and are required to establish a Commandery or confer the Orders of Knighthood.

A handwritten signature in black ink, reading "Jeffrey N Nelson", with a stylized flourish at the end. To the left of the signature is a small symbol consisting of three vertical bars of varying heights, resembling a quorum symbol.

Jeffrey Norman Nelson, GCT
Most Eminent Grand Master