

GRAND MASTERS DECISIONS

Decision No. 1, Series 2019-2021

Quorum April 01, 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. 201804 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, 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 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, 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.

Decision of Jeffrey Norman Nelson, GCT, GM, April 1, 2019

GRAND MASTERS DECISIONS

Decision No. 2, Series 2019-2021

Residency Requirements

January 20, 2020

DECISION

A petitioner for the Orders, who does not reside within the Territorial jurisdiction of the Commandery, is, with limited exceptions, ineligible to receive the Orders without a waiver of jurisdiction from the Commandery or other Templar body having Territorial jurisdiction over the petitioner's place of residence. A petitioner who received the Orders despite such ineligibility was illegally Knighted and never became a Knight Templar. The provisions of Section 82, Sojourners, apply only to Grand Commanderies and Constituent and Subordinate Commanderies under the Grand Encampment. When the petitioner's residence is outside the Territorial jurisdiction of the Grand Encampment, the requirement for a prior waiver of jurisdiction from the Great Priory or other Templar body within whose jurisdiction he resides is absolute.

Decision of Jeffrey Norman Nelson, GCT, GM, January 20, 2020.

GRAND MASTERS DECISIONS

Decision No. 3, Series 2019-2021

Committee

February 4, 2021

BACKGROUND

On March 15, 2016, then Grand Master Duane Lee Vaught issued his Decision No. 6 which declared, "Multi-year committee appointments are allowed in part specifically to prevent a single person from exercising excessive control over such a committee."

ISSUE

Section 48 of the Constitution, Statutes, Disciplinary Rules, Standing Resolutions, Ceremonies, Forms and Approved Decisions of the Grand Encampment of Knights Templar of the United States of America states, in pertinent part

Section 48. The Grand Commander shall have the following specific powers and duties but the enumeration shall not be deemed a limitation thereof:

(b) To appoint all Committees and all Officers not made elective, and to fill all vacancies, such appointees to serve during his pleasure or until their successors have been elected or appointed and installed.

Were a Grand Commander permitted to appoint a committee member to a term longer than his own, he would deprive his successor of the ability to exercise his right of appointment under Section 48 as to that committee member and any other committee member whose term had not yet expired since 't [a] committee member ... who has been appointed for a statutory term extending beyond that of the Grand Commander ... cannot be removed before the expiration of his term, unless for cause shown.' DeLamater Decision No. 7.

Grand Commandery committees with staggered, multi-year terms for members are not prohibited by the Constitution. Indeed, they may tend to produce salutary results, by preserving institutional knowledge among their members and ensuring continuity of effort as members are replaced. These qualities may be especially useful for committees charged with oversight and preservation of a Grand Commandery's investments and physical properties or for execution of long-term projects, such as centennial observances. However, in order to be consistent with Section 48, members of such committees must be elected, not appointed, notwithstanding Grand Master DeLamater's assertion, in his Decision No. 7, "The Grand Commander is authorized to appoint all committees... ."

DECISION

Grand Commandery committees with staggered, multi-year terms for members are permitted, but their members must be elected, not appointed. To the extent that they are inconsistent with this Decision, Norris Decision No. 5, DeLamater Decision No. 7, and Vaught Decision No. 6 are hereby rescinded.

Where under a Grand Commandery law a committeeman is appointed for a fixed term and that term has not expired, a subsequently elected Grand Commander may not remove such a committeeman except after charges, trial and proof. (1940, p 64 & 340, No. 5, Norris

The Grand Commander is authorized to appoint all committees, such appointees to serve during his pleasure or until their successors have been appointed. Such appointees, however, cannot serve beyond the term of the Grand Commander making the appointment, unless the law under which they hold provides for a longer term. A committee member, however, who has been appointed for a statutory term extending beyond that of the Grand Commander, cannot be removed before the expiration of his term, unless for cause shown. (1958, p. 233 & 268, No. 7, DeLamater)

Grand Commandery committee with staggered multi-year appointments is not effective until the close of the conclave at which it is created unless specifically provided otherwise. Multi-year committee appointments are allowed. (2018, No. 6, Vaught)

Decision of Jeffrey Norman Nelson, GCT, GM, January 11, 2021.

GRAND MASTERS DECISIONS

Decision No. 4, Series 2019-2021

Mileage and Per Diem

April 19, 2021

BACKGROUND

Section 13 of the *Constitution, Statutes, Disciplinary Rules, Standing Resolutions, Ceremonies, Forms And Approved Decisions Of The Grand Encampment of Knights Templar of the United States of America* provides for the establishment of a Permanent Fund for the Grand Encampment the investments and government of which are vested in a Board of Trustees. Section 16 of the *Constitution* states,

The Board shall render to the Grand Encampment *at each Triennial Conclave*, and oftener if required by it or the Grand Master, a true and correct account in detail of all of its receipts and disbursements, together with a descriptive inventory covering all of its investments and funds and shall submit its books for examination by the Committee on Finance. (emphasis added)

ISSUE

Section 15 of the *Constitution* states,

Neither the Board of Trustees nor any member thereof shall receive any pecuniary compensation or remuneration for services in the investment or management of the Permanent Fund.

Section 114 of the *Statutes* provides payment of mileage expense and per diem for “All Officers of the Grand Encampment, Past Grand Masters and Members of the Standing Committees” whose attendance at the Triennial Conclave is required. Provision is not made for payment of mileage expense and per diem for Trustees whose attendance at the Triennial Conclaves is also required.

DECISION

Payment of mileage expense and per diem is not “pecuniary compensation or remuneration for [investment or management] services” of the kind precluded by Section 15 of the *Constitution*, which is, in fact, a prohibition against self dealing. Trustees are no less entitled to payment of mileage expense and per diem than Officers and Committeemen for attendance at the Triennial Conclave.

Decision of Jeffrey Norman Nelson, GCT, GM, April 19, 2021.