

**DOMINION COMMAND
CONSTITUTION AND LAWS COMMITTEE VIDEOCONFERENCE
18 OCTOBER 2021, 1700 HRS
MEETING MINUTES**

In Attendance:	Dave Gordon	Chairman
	David Eaton	Vice Chairman
	George O’Dair	Member
	Bill Chafe	Member
	Craig Thomson	Member
	Gerald Budden	Member
	Danny Martin	Committee Coordinator
	Ty Backer	Assistant Committee Coordinator

1. OPENING

The meeting commenced at 1700 hours EDT by video conference. As a note this meeting was a continuance of the original meeting conducted on 6 Oct 21 at 5:00 PM EDT.

2. MEMBERSHIP PREVENTION FOR THOSE WITH A SEXUAL OR VIOLENCE RELATED CONVICTION

The following proposal was developed to address the resolution (PEI 3) that was defeated at the 2021 national convention which read:

“Any person convicted for Pedophilia or Sexual Abuse /Assault under the Criminal Code of Canada and/or is registered on the National or Provincial Sex Offender Registry will not be allowed to apply for membership or to transfer an existing membership within the Royal Canadian Legion.”

The following proposal uses general language to describe sexual offences targeted by the resolution and also includes other offences (still undefined) involving violence. However, it allows the Dominion President to exempt an exclusion where certain circumstances exist. Similarly for existing members, something that was not addressed in the resolution, the same prohibitions would apply. In these cases it would be summary expulsion by the Dominion President.

It is important that these provisions be treated and applied consistently and therefore it will be the Dominion President’s final decision, but the President can delegate the inquiry to others. It directs that all matters relating to the new article 202 shall be directed from the Branch to the provincial president, to the Dominion President.

In addition to taking steps to prevent people who fall within the prohibitions from becoming members it also addresses expulsion of members who have, while members, engaged in conduct that would have prevented them from becoming members. The proposal puts the authority to expel or exempt past conduct from prohibiting membership with the Dominion President

As well as addressing these issues it is proposed that article 418 be amended to allow the Dominion President to expel a member rather than revoke membership. This creates consistency in language and should avoid any confusion about whether revocation is the same or different then expulsion.

On the assumption that 418 is amended, 205 also need to be amended to refer to expulsion rather than revocation or membership.

RECOMMENDATION: Based on the above noted criteria the following changes to the General By-Laws are recommended :

Current Article	Revised Article
<p>202. No person who advocates the destruction by force of the duly constituted government of the country where the branch may be, or any person proven to advocate, encourage or participate in subversive action or subversive propaganda or who has previously been expelled from the Legion shall be permitted to become a member.</p>	<p>Replace existing 202 with the following: 202 (a) No person who:</p> <ul style="list-style-type: none"> i. advocates the destruction by force of the duly constituted government of the country where the branch may be; ii. advocates, encourages or participates in subversive action or subversive propaganda; iii. has been convicted of any serious criminal offence involving either violence or sexual misconduct of any type; iv. has been convicted of an offence under s 419 of the Criminal Code of Canada (Stolen Valour) or a similar offence in another country; v. has been convicted of either theft, fraud or misappropriation of Poppy Funds, Legion funds or Legion Property; or

	<p>vi. has previously been expelled from the Legion or had their membership revoked, shall be permitted to become a member of the Legion.</p> <p>202</p> <p>(b) Any member of the Legion who</p> <p>1) while a member,</p> <ul style="list-style-type: none"> i. advocates the destruction by force of the duly constituted government of the country where the branch may be;,, ii. advocates, encourages or participates in subversive action or subversive propaganda iii. is convicted of any serious criminal offence involving violence or sexual misconduct of any type; iv. is convicted of an offence under s 419 of the Criminal Code of Canada (Stolen Valour) or a similar offence in another country; or v. is convicted of either theft, fraud or misappropriation of Poppy Funds, Legion funds or Legion Property; or <p>2) who was untruthful in a material part of their application for membership,</p> <p>may be summarily expelled from the Legion by the Dominion President pursuant to Article 418.</p> <p>202</p> <p>(c) Notwithstanding paragraphs (a) of this section, the Dominion President may waive any breach of (a) and permit the applicant to become a member where ;</p> <ul style="list-style-type: none"> i. the seriousness of the activity described in (a);
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	<ul style="list-style-type: none"> ii. the circumstances surrounding the activity; or iii. sufficient time has passed such that the activity engaged is no longer indicative of the character of the applicant and therefore; <p>do not justify denial of membership.</p> <p>202</p> <p>(d) When determining whether to expel a member under (b) the Dominion President shall consider the factors set out in 202 (c).</p>
<p>203. Any member convicted in Canada of an offence under section 419 of the Criminal Code of Canada (Stolen Valour), or theft, fraud or misappropriation of Poppy funds, Legion funds or Legion property, shall be summarily expelled from the Legion.</p>	<p>Replace existing 203 with:</p> <p>All matters dealing with this article shall be submitted by the branch to the provincial president who shall provide any comments and then forward to the Dominion President.</p>
<p>204. Any member leaving, suspended or expelled from membership in the Legion, shall have no claim upon the Legion or against any of its officers or officials.</p>	<p>NO CHANGE</p>
<p>205. No member of the Legion may sign in or bring in to any Legion premises any person who was expelled from the Legion or who has had their membership revoked by the Dominion President. Further, no member of the public who has been expelled from the Legion or had their membership revoked by the Dominion President may enter any Legion premises.</p>	<p>205 No member of the Legion may sign in or bring in to any Legion premises any person who was expelled from the Legion. Further, no member of the public who has been expelled from the Legion may enter any Legion premises.</p>
<p>418</p> <p>a. The Dominion President may, after enquiry and for cause clearly stated, revoke or suspend the charter or powers</p>	<p>418</p> <p>a. The Dominion President may, after enquiry and for cause clearly stated, revoke or suspend the charter or powers of any</p>

<p>of any command, branch or auxiliary, or suspend any officer thereof, or revoke the membership of any member, or take any other action not inconsistent with these By-Laws that is necessary or advisable for the good of the Legion, and shall report to the Dominion Executive Council upon the action taken.</p>	<p>command, branch or auxiliary, or suspend any officer thereof, or expel any member, or take any other action not inconsistent with these By-Laws that is necessary or advisable for the good of the Legion, and shall report to the Dominion Executive Council upon the action taken.</p>
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3. MODIFICATION OF MEMBERSHIP APPLICATION FORM

In addition to the above modifications in regard to prohibiting those with a violent criminal or sexual offence from being members of the Royal Canadian Legion potential members need to made aware of the criteria for membership. As such the following addition to the declaration on the membership form (800293) was considered essential. Please note that the Membership Committee reviewed and approved the wording.

RECOMMEDATION: That the membership form 800293 add the following wording to the declaration portion of the form - **“I hereby certify that I have never been convicted of any serious criminal offence involving either violence or sexual misconduct of any type”**.

4. REINSTATEMENT OF ARTICLE III OF THE GENERAL BY-LAWS

DEC on 20 Mar 20 imposed a moratorium on Article III process’ in light of the COVID-19 outbreak and Branch closures. The original decision on Article III was as follows:

Decision : Effective immediately, all current and new complaints will be held in ABEYANCE and GBL 308.d will be amended to remove the 45-day requirement.

Since that time DEC has made the following decision:

DEC Decision, 12 Aug 20: The temporary measures will remain in place as DEC decided not to reinstate Article III proceedings and timelines. All current and new complaints and appeals will continue to be held in abeyance.

Based on this direction and current Covid-19 situational awareness the Provincial Commands at end August 2021 were solicited in regard to reinstating Article III. The majority were in favour i.e. 8 out of ten provincial commands. European zone also supported the reinstatement and there were no responses from the two US Zones.

Based on the feedback the committee makes the following recommendation:

RECOMMENDATION: That the Article III complaint process be reinstated within 30 days of notice being given by DEC.

5. ADJOURNMENT

The meeting was adjourned at 1720 hrs.

The recommendations contained within these minutes are subject to the approval of Dominion Executive Council or Dominion Convention as appropriate.



For

**D. Gordon
Chairman**



**D. Martin
Coordinator**

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