

PROPOSED CONSTITUTION AND BY-LAW CHANGES FOR 2011

Note that wording to be removed has been struck out, these words for example, and any additions are boldfaced and underlined, these words for example.

Proposal #1

~~5-239. Felonies and Misdemeanors.~~

~~Section 1. DEFINITIONS~~

- ~~a. Felony. An offense for which a sentence of death or a term of imprisonment for one year or more is provided upon conviction.~~
- ~~b. Misdemeanor. A crime punishable by less than a year of imprisonment in a county jail and/or a fine.~~

~~Section 2. CONVICTION OF OR PLEADING GUILTY TO ANY FELONY AND TO CERTAIN MISDEMEANORS RELATING TO CHILD MOLESTATION, CHILD PORNOGRAPHY, OR ANY SEXUAL OFFENSE INVOLVING A CHILD.~~

- ~~a. Felony. Any Mason subject to the jurisdiction of this Grand Lodge who has, or hereafter shall be convicted of a felony in any court of competent jurisdiction shall, by direction of the Grand Master, upon the filing with the Grand Master of a certified copy of the court proceedings showing a conviction of the same, as provide in subsection c hereof, be summarily expelled from Masonry without the preferring of charges and the usual Masonic trial.~~
- ~~b. Misdemeanors. Any Mason who has, or hereafter shall be convicted of any misdemeanor in any court of competent jurisdiction for any sexual offense involving a child shall, by direction of the Grand Master, upon the filing with the Grand Master of a certified copy of the court proceedings showing guilty conviction of the same, pursuant to subsection c hereof, be expelled, suspended, or reprimanded, depending upon the severity of offense. However, before issuing such order of expulsion, suspension, or reprimand, the Grand Master may refer said matter to the Trials and Punishment Committee for their recommendation as to the punishment suitable for the offense. The Trials and Punishment Committee shall forward their written recommendation to the Grand Master within thirty (30) days from the date of the receipt of the request for such recommendation by the Grand Master.~~
- ~~c. Evidence. A certified copy of the court's proceedings showing a judgment of conviction shall be sufficient evidence to justify expulsion, suspension, or reprimand by the Grand Master as provided in Subsections a and b hereof.~~
- ~~d. Right of Appeal. Any Mason expelled, suspended, or reprimanded under the provisions of this section shall be entitled to the right of appeal as provided by By-law 5-233.~~
- ~~e. Master's Duty. It is hereby made the duty of the Master of a subordinate lodge, where a member of his lodge has, or shall hereafter be convicted of felony or misdemeanor hereunder to immediately file with the Grand Master a certified copy of the court proceedings showing his plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction may be entered.~~
- ~~f. Grand Master's Duty. It is hereby made the duty of the Grand Master to promptly execute the provisions of subsections a and b of this Section upon his receipt of instruments or documents set out in subsection e hereof.~~

- ~~g. Reversal of Conviction. If the conviction shall be reversed upon appeal in the criminal court, the Grand Master shall set aside any order of punishment issued by him under this section and shall reinstate the member without loss of time.~~

5-239. Crimes Involving Sexual Activities with Children.

CONVICTION OF OR PLEADING GUILTY TO CRIMES RELATING TO CHILD MOLESTATION, CHILD PORNOGRAPHY, OR ANY SEXUAL OFFENSE INVOLVING A CHILD.

- a. Summary Punishment. Any Mason subject to the jurisdiction of this Grand Lodge who has, or hereafter shall be, convicted in any court of competent jurisdiction of a crime regarding sexual activity with or involving a child shall, by direction of the Grand Master, be summarily expelled from Masonry, suspended, or reprimanded, depending upon the severity of offense, without the preferring of charges and the usual Masonic trial. However, before issuing such order of expulsion, suspension, or reprimand, the Grand Master may refer said matter to the Trials and Punishment Committee for their recommendation as to the punishment suitable for the offense. The Trials and Punishment Committee shall forward their written recommendation to the Grand Master within thirty (30) days from the date of the receipt of the request for such recommendation by the Grand Master.
- b. Evidence. Without limiting other forms of evidence, a certified copy of the court's proceedings showing a judgment of conviction shall be sufficient evidence to justify expulsion, suspension, or reprimand by the Grand Master as provided above.
- c. Right of Appeal. Any Mason expelled, suspended, or reprimanded under the provisions of this section shall be entitled to the right of appeal as provided by By-law 5-233.
- d. Duty to Report. It is hereby made the duty of any member convicted of such a crime to notify the Grand Master within thirty (30) days of conviction and to provide a certified copy of the court's proceedings. It is also the duty of a member who has actual knowledge of another member's conviction of such a crime to promptly notify the Grand Master.
- e. Reversal of Conviction. If the conviction shall be reversed upon appeal in the criminal court, the Grand Master shall set aside any order of punishment issued by him under this section and shall reinstate the member without loss of time. (Amended 2011).

Rationale: Bylaw 5-239 was adopted to be a tool for summarily expelling, suspending or reprimanding a member convicted of sexual crimes involving children. As currently drafted, however, the bylaw is ambiguous and may be read to apply to unintended situations. The revision clarifies the types of convictions which may result in discipline without the need for traditional Masonic procedure. The distinctions between felony and misdemeanor crimes have been eliminated, as under Kansas law, all such crimes are felonies. Finally, the reporting obligations have been revised to apply to a member convicted and to a member who has actual knowledge of another member's conviction, rather than the Master of the Lodge.

Submitted by:
Council of Administration

Proposal #2

4-207. **Objection to Conferring Degree**--Any Master Mason who is a member of the Lodge may object to the conferring of any Degree upon an accepted candidate. The objector shall not state the grounds of his objection. The objection must be made by the objector in person, in open Lodge. If the objection is made orally by the objector, and recorded at his request, or if it is submitted in writing in open Lodge by the objector and signed by him, the candidate is barred from receiving the Degree until the first Stated Communication after the expiration of six months from that date. If not so submitted in writing, and if not recorded, or if a ballot is demanded after the candidate examination and it results unfavorably, the objection shall remain in force only until the next Stated Communication of the Lodge. The objector may renew his objection, or he may withdraw it at any time; **Provided**, That in no case shall the objection continue to be in force after termination of the objector's membership. **Provided further: A member of a lodge that is unable to attend lodge may object to the conferring of a degree by sending his objection, in writing and signed by him, to the Secretary of the lodge. The Secretary will read the objection in open lodge and it will have the same effect as if the objector were present. (Amended 2011).** *Cross-Reference: By-Laws, Sec. 4-130.*

Rationale: A member that is not able to attend lodge but may have knowledge of a reason to stop someone from receiving the degrees of Masonry should have a way of doing so.

Submitted by:
Don E. Robinett, PGM

Proposal #3

3-619. **Serving of Alcoholic Beverages**—**Alcoholic beverages are forbidden in Lodge rooms, except for ritualistic purposes.** The serving or consumption of any beverage having a recognized or indicated alcoholic content **in any Lodge room at any communication or social function of any Lodge, ritualistic purposes excepted,** shall be deemed an offense against the Body of Masonry. This does not preclude lodges from renting their facilities, except Lodge rooms, to groups where alcoholic beverages are served, **but not sold or consumed in accordance with the laws of the State of Kansas.** (Amended 1982, 2002, **2011**).

Rationale: The changes to this By-Law DO NOT REQUIRE the use of alcoholic beverage for ritualistic purposes, and DO NOT ALLOW alcohol to be consumed in any lodge room. They would, however, allow each Lodge to choose if alcohol will be permitted **at social functions only** (outside of a lodge room), and they would allow organizations that predicate their membership on Masonic affiliation (e.g., Scottish Rite, York Rite) the right to elect to use wine or a non-alcoholic beverage for ritual purposes. The changes will also remove the hypocrisy that currently exists where we turn a blind eye to alcohol use at social functions.

The current law that prohibits alcohol at any "social function of any Lodge" is overly broad, prohibiting anything from a can of beer at a lodge picnic at the lake, to the hospitality suite at Grand Lodge. By this language, members of a lodge cannot meet at a bar to watch a football game with the intent of having a beer unless they all arrive there accidentally.

It has been remarked on in past Annual Communications that loosening the alcohol restriction will somehow transform a Masonic lodge into a tavern. This is not so. This proposal makes it clear that alcohol will not be tolerated in lodge rooms, and each Worshipful Master will retain the absolute authority under our Constitution and By-Laws to permit or forbid alcohol at a social event. This proposal does not alter those facts. Nor does the proposal alter the fact that any use of alcohol during a lodge communication remains strictly forbidden.

It has also been remarked upon that allowing alcohol at a social function of any lodge is contrary to our obligations as Masons. Yet our Masonic forefathers met in taverns, and because of this our lectures teach temperance, not abstinence. If we are willing – as we all are – to trust our brethren with our families, our sacred honor, and even our innermost secrets, we can with safety trust a brother Mason to enjoy alcohol with propriety at a social function of the lodge.

Finally, the proposed wording, if approved, would insure that no organization that predicates its membership upon Masonic affiliation would henceforth have any problem with our Grand Lodge By-Laws, especially 3-619.

Respectfully submitted,
Glenn E. Kohr, PGM

Proposal #4

2-501. **Great Seal**--The Great Seal shall be of brass, circular in form, not more than two inches in diameter, bearing the device of a ~~white man~~ Grand Master holding in his left hand a book, and with his right presenting a square and compasses to an ~~Indian~~ a Native American, who is receiving the implements with his left hand, and holding in his right a bow and arrows, the whole surmounted with the scroll, "**Misteria non Scripta**," and surrounded by the words, "**Seal of the Grand Lodge of Kansas**". It shall remain as it is now designed, and shall be impressed upon all orders, summonses, and commissions, Letters of Dispensation, and Warrants of Constitution. It shall be used to authenticate official documents, issued by the Grand Master in accordance with the Constitution and By-Laws of the Grand Lodge, and when so used such writings shall be attested by the Grand Secretary. Acts of the Grand Master, performed in the exercise of his prerogatives, and his ordinary correspondence with Lodges and Brethren, require no other authentication than his signature. (Amended 2011).

Rationale: When considering the Seal of the Grand Lodge of Kansas and how it is used to simply say it is a white man with a top hat doesn't do justice. The Seal is affixed upon orders, summonses, commissions, Letters of Dispensation. Warrants of Constitution, authentication of official documents. Not just anyone can use the Seal. The Seal is as much a symbol of the Grand Master's authority as his top hat, gavel, and apron. The Grand Master is The head of state for our order. He is responsible for setting regularity between our foreign bodies. He decides whether appendant Masonic bodies may work in the state of Kansas. The seal of the Grand Lodge should reflect the power and responsibility of the office. Indian is not an acceptable term of reference for what is

shown on the Seal. My review of information on the Internet would show Native American. This is more than being politically correct. When I took courses from the KMU a definition of Masonry is courtesy.

Respectfully submitted,
Conrad Fischer, PM
Orient Lodge #51

Proposal #5

Section 13. **Standing Committees**--The Standing Committees of the Grand Lodge shall be:

- (1) On Credentials;
- ~~(2) On Reports of Grand Officers;~~
- ~~(3)~~ **2** On Finance;
- (4) **3** On Jurisprudence;
- (5) **4** On Trial and Punishments;
- (6) **5** On Masonic Education;
- (7) ~~6~~ On ~~Total Youth and Education~~ **Public Schools**;
- (8) **7** On Lodges and Buildings;
- (9) **8** On Ritualistic Work, consisting of at least five members each;
- 9** On Reports of Grand Lodge Officers;
- (10) On Foreign Relations and Correspondence;
- (11) On Publications; consisting of at least one member each;
- ~~(12) On Necrology; consisting of one member each;~~
- ~~(13)~~ **12** On Membership, consisting of not less than seven members.

The Grand Master shall appoint the members of the above committees as soon as practical after his installation, and they shall serve during his term of office, subject to such changes as he may deem expedient. (Amended 1949, 1952, 1959, 1969, 1990, 1991, 2011.) *Cross-Reference:* By-Laws, Secs. 2-113 to 2-124G.

Rationale: The Grand Lodge made changes to the role of Grand Chaplain that eliminate the need for a Committee on Necrology. Revising the specific structure of number of members of other committees will allow them to be structured to be as functional as required by any circumstance.

Respectfully submitted,
Joesphe G. Stiles, PM
Union Lodge #7, Junction City

Proposal #6

Section 4. Title of Grand Officers--The elective officers of the Grand Lodge shall be addressed as follows: The Grand Master as Most Worshipful, and all others as Right Worshipful. The Grand Chaplain shall be styled Very Worshipful. The Other subordinate officers of the Grand Lodge shall be addressed as Worshipful. Past officers shall be addressed as present officers of like rank. (Amended 2011).

Rationale: According to By-Law changes adopted by Grand Lodge last year, the Grand Chaplain is the necrologist. This is the historically and philosophically correct title for this office, and is used everywhere from the United Grand Lodge of England to the Grand Lodge of Nebraska.

Respectfully submitted,
Joesphe G. Stiles, PM
Union Lodge #7, Junction City