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To: National League of Families Board of Directors, State and Regional Coordinators, League Family and Associate Members

From: Patricia B. Hopper

Subject: Suzie Harvey, illegal family member and new member of the League's Board of Directors

On Saturday, 23 July 2011, the family members of the League had their first and only opportunity to formally address a festering issue that affects the National League of Families to its very core. Over the last several months, a question regarding what legally permits a person to hold a Family Membership verses Associate Membership with the League has arisen. Given a "family" member has voting privileges and can hold a seat on the League's Board of Directors while an "associate" member cannot, this has far reaching ramifications for our organization.

Ann Griffiths attempted to muddy the waters during the discussion of Suzie's status as a family member verses associate member by pulling me into the discussion. She said to POW/MIA son Larry Echanis who broached the subject of Suzie's eligibility, "*Are you saying Patty Hopper is no longer a family member now that Earl is gone?*" Clearly understand that as Earl's widow, my status as a legal family member is not in question or doubt.

The By-Laws refer to "family member" being defined as one who is a blood or legal relative of anyone who is unaccounted or accounted for in Southeast Asia from the Vietnam War.

"Blood relative" needs no comment, "legal relative" does. Additionally, the understanding of the legal difference between a divorce verses a death also needs to be made clear.

According to the Law, there are two categories involved in being a legal relative:

- Step – as in step parent, brother/sister or child
- In-law – as in married into the family

The legal bond between a step relative is much different than that of an in-law because a death does not affect the legality of the step family member's relationship while a divorce is a legal dissolution of a marriage and certainly does alter the in-law status.

In the case of being an in-law, the in-law joins the family at the time he or she marries into it. As long as he or she remains married to the family member, that connection of family member is intact with all of the same rights and responsibilities of any other family member.

Divorce law recognized in all 50 states and the District of Columbia confirms that when a couple divorces, legally everything changes including returning each individual to a single status. This also means one former spouse has no legal right to ANYTHING from the other outside of what is detailed in the divorce documents/decreed. Divorce dissolves, nullifies and cuts off any and all legal rights between them.

Now let's take that it one step further, when those involved in a divorce choose to remarry, it ends all of the divorce agreement's spousal directives. In other words, it ends alimony, court ordered medical benefits, etc. and so ends the last remaining legal responsibility between the two parties. It is common knowledge that Suzie has remarried not once but twice since she and SSgt Stephen Geist's brother divorced.

The second red herring thrown out by Ann Griffiths to grant Suzie League family status was that because Suzie was the designated Primary Next of Kin (PNOK) by way of Power of Attorney (POA) for her ex-husband and his family, she is and/or should be a League family member.

That point, while valid for accounting purposes, has no bearing on the League's definition of a legal family member. Clearly understand that while POW/MIA related government agencies acknowledge the POA status through the legal process of a POA, it does not define "legal family member." It does not matter if the POA is a family or associate League member. In fact, it does not matter if he or she is connected with the League in any manner, way, shape or form. Put another way, they are two completely separate and unassociated classifications.

Also consider the fact that there are any number of PNOKs who have chosen not to join the League specifically so they will have no interference from the League with their man's case. League membership has no bearing on whom a PNOK may or may not be so convoluting the two is simply an act of misdirection to cloud the issue and prevent us from conducting another rightful and necessary election.

Being given the ability to represent SSgt Geist at annual meetings, family updates, etc. is not a legal status, it is simply permission for Suzie to talk with DPMO, JPAC and all other government personnel involved in her ex-brother-in-law's case. It is then her responsibility to relay that information to her ex-husband, the legal PNOK. **Know there is no POA in the world that can temporarily re-establish a legal family relationship that was dissolved in a divorce proceeding.**

The legal professional also explained that a Power Of Attorney is far too reaching for this situation and that most likely what Susie has is a 'written authorization' to represent her first ex-husband. Regardless, a POA does not give her a legal status as a family member – it only gives her the power to represent him and/or act on his behalf within the narrow parameters of meetings with government personnel including analysts. Likewise, whether she has a POA or a written authorization is neither here nor there because it does not pertain to League business. The reality is Suzie and Allen Harvey are not, and can never be, legal family members.

This is what the US Army.mil Casualty site had to say about the definition of a PNOK:

How is the Primary Next Of Kin (PNOK) determined?

The person most closely related to the casualty is considered the PNOK for notification and assistance purposes. This is normally the spouse for married persons and the parents for unmarried Soldiers/individuals. The precedence of NOK with equal relationships to the casualty is governed by seniority (age). Equal relationship situations include divorced parents, children and siblings. Minor children's rights are exercised by their parents or legal guardian. The adult NOK is usually the first person highest in the line of succession who has reached the age of eighteen. Even if a minor, the spouse is always considered the PNOK. The following order of precedence is used to identify the PNOK:

1. Spouse
2. Natural, adopted, step and illegitimate children
3. Parents
4. Persons standing in loco parentis

5. *Persons granted legal custody of the individual by a court decree of statutory provision*
6. *Brothers or sisters, to include half-blood and those acquired through adoption*
7. *Grandparents*
8. *Other relatives in order of relationship to the individual according to civil laws*
9. *If no other persons are available, the secretary of the military department may be deemed to act on behalf of the individual Secondary next of kin (SNOK) is any other next of kin other than the PNOK.*

<https://www.hrc.army.mil/site/Active/tagd/CMAOC/CMAOCPages/cmaocfaq.htm#6>

Another point regarding the League's business meeting: We, the righteous family members of this organization, had limited time to vote on resolutions and bring other relevant business before the session. In discussions with others, I believe there were several items the membership wished to address with the Board, but were unable to because of the manner in which the meeting was conducted. The Board masterfully drug its feet with slowly dealing with each resolution therefore leaving a much smaller window of time for discussion of other business family members intended to bring forward.

It is my understanding we actually had until 5:00 PM to conduct League business; however, at 4:30 PM Mark Stephensen at Ann Griffiths direction found an opportunity to close the membership under the premise "we were out of time and had to clear the room." Doesn't it make you wonder what other business could have been addressed by the membership had the Board been willing to listen to us?

Regardless of your opinion, the law is the final word. If the League insists on maintaining Suzie as a legal family member on the Board of Directors, ignoring the obvious legal ramifications could easily lead to the League losing its non-profit status and may well force our organization to be dissolved. Know, too, that making a change to the League's bylaws after the fact to clear up this mess is just as illegal and could also cost us our non-profit status.

Steps that need to be taken:

The 2011-2013 election needs to be declared null and void and a completely new election held. This includes notifying the membership of the complete situation that has driven this action. The election process needs to start at the beginning. This means application forms must be sent to all family members so each can now decide if he or she wants to run for a new 2011-2013 Board of Directors. This is only fair in preparation for a new, proper and legal election. That is the law.

In addition to the election for a new Board of Directors, it is incumbent upon you to provide the voting membership with the exact proposed By-Law change(s) that were part of the illegal election including the existing section(s) to be changed, the proposed change(s) and the reason for each proposed change. We have a right to know what you are proposing to change as well as the rational for the change(s) **as has always been the policy and practice of the League.**

As in previous elections, I would recommend that an independent company be hired to oversee this election and count the ballots as has been the League's practice is years past. It is my understanding that the reason for our ballots being return to the League office instead of an independent company was because "the League had no money and was totally operating on a shoe string." Per your financial report to the membership, **THE LEAGUE BROUGHT IN OVER \$500,000.00 LAST YEAR** and you're telling all of us you cannot manage with that level of income? What part of stupid do you think we are? Actually you don't need to answer that question because it is painfully obvious what you think of all of us, the Legal League Family Members. I am attaching your financial report to this document for the edification of those who have not seen it.

It is incumbent on the incoming Board to step aside, the outgoing Board to take control of this mess and to conduct a full, fair and proper election.

You claim you do not have the funds to do so, then go find the money. It is not that expensive of a project. Further, this is not a request. Under the conditions that you, the leadership of the League, have placed on us and our organization by your cavalier handling of family membership requirements, you have opened the door to possible serious legal ramifications. Do you understand the legal jeopardy you have placed the League in by knowingly allowing people no longer eligible to be "family members" with voting privileges not only to hold family membership, but allowing one of them to run for the Board of Directors? Do you understand this could cost us our 501(c)(3) status?

If money is truly that big of an issue, then with the full written consent of the family membership there are other ways to accomplish the mission. The first choice, and the most acceptable, is to hire an independent accounting firm to count the ballots and certify the election results. Quite possibly one would be willing to do the work pro-bono therefore eliminating any financial burden to the League.

No matter who conducts the new election, all ballots would be sent directly to them. Any ballots being sent to them through any other point of contact, such as the League office, would automatically be declared null and void, not counted and notice be given to all League members with the election results.

Prior to a new election being conducted for the 2011-2013 Board of Directors, it is incumbent upon the 2009-2011 Board to take the following actions:

- Remove Suzie Harvey from the incoming Board of Directors formally and officially.
- Change her status from Family Member to Associate Member.
- Change her present husband's status from Family Member to Associate Member because he is not eligible to hold Family Member status either.
- Thoroughly examine the Family Membership list for others who are no longer eligible to hold Family Membership and adjust their status accordingly.

Now one last point the membership needs to be made aware. At the end of the Business Meeting, all in attendance were asked to leave their badges in a box by the door "so they could be reused next year." That is yet another load of hogwash because these name tags are very inexpensive to purchase and not the type that would lend themselves to being easily recycled. I believe the real reason they wanted our badges is so they would know by name exactly who attended the Business Meeting. No, I did not leave my badge. I paid for it. It is mine, not theirs. Further, they already have my name on record as attending the meeting as I formally seconded a motion.

The leadership of the National League of Families needs to clearly understand that you are responsible to all of us, the Legal Family Members of this wonderful organization. You have overstepped your bounds for years. Shame on us for allowing it to happen in the first place, and then once it happened, to allow it to continue.

It's time the membership regain control of our organization for the well being of our missing countrymen. We have that responsibility to each and every one of them!