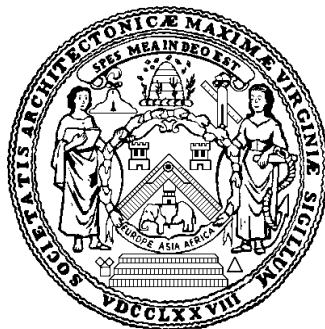


Manual for Masonic Trials

by MOST WORSHIPFUL EDUMUND COHEN



for the
GRAND LODGE, A.F. & A.M., OF VIRGINIA
RICHMOND, VIRGINIA
by
THE COMMITTEE ON MASONIC EDUCATION

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(This Manual supercedes the 1989 Handbook for Masonic Trials)

Manual for Masonic Trials

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I. INTRODUCTION

There is often nothing more wrenching in the life of a Lodge than a Masonic trial. At best, it is a tragedy for a particular Brother and his friends. Sometimes factions will develop that can split the Lodge. Also, there is often great pressure on the Worshipful Master to take, or not take, certain steps.

It is important, therefore, for the Worshipful Master and the Lodge officers to be able to negotiate these treacherous grounds adroitly and diplomatically: first, to avoid stress and dissension in the Lodge; second, to keep the Lodge functioning efficiently even in these troubled times; and third, to ensure that at the end of the trial, there are as few permanent scars as possible.

The source of authority for a Masonic trial is Section 4 of the Methodical Digest titled, “Masonic Offenses, Investigations, Charges, Trials, Etc.”

This Manual will provide all you need to know in order to deal with the tensions and pressures of a Masonic trial from beginning to end. Keep in mind that the period before the trial is as important as the trial itself. The initial steps you take or fail to take will set the tone and either poison the air and create divisions within the Lodge or allow you to proceed without major diversion from your primary task—running your Lodge and keeping it strong, united, and active.

Two initial points. First, if there is a difference between the Manual and the Methodical Digest, the Methodical Digest is controlling. Second, you can get procedural help from the Grand Lodge Committee on Appeals.

II. THE BASICS

Your understanding of Masonic trials begins with understanding four introductory questions.

The first question: **Who can be brought up on charges?** (§4.02)

The simple answer is: any Virginia Mason. In addition, charges can be brought against:

- A sojourning Mason, while in Virginia;
- An Entered Apprentice or a Fellowcraft;
- And in unusual circumstances, a Mason who has been demitted or suspended.

The second question is: **What is a Masonic offense?**

The answer is very broad. It includes:

- A violation of law.
- A violation of Masonic law.
- A violation of ethical obligations.

Here is how it is framed in Section 4.01 of the Methodical Digest:

“Masons owing allegiance to the Grand Lodge, A.F. & A. M, of Virginia, and sojourning Masons while in the state of Virginia, must obey the civil law, support the establishment of government, keep inviolable the mysteries of the Order, preserve and obey the laws and resolutions of the Grand Lodge of Virginia, observe the Ancient Landmarks of Masonry and discharge their duties and obligations to their families, to each other and to mankind in general.”

“Willful failure to comply with any of these requirements shall constitute a Masonic offense and

subject the offender to Masonic trial, and, if found guilty, to discipline.”

The third question is: **Who can bring charges?**

A three-part answer:

- First, **any member** of a Lodge may prefer charges for Masonic offenses.
- Second, **any officer** of a Lodge knowing of a Masonic offense committed by a member of his Lodge must prefer charges.
- Third, **every Mason** (a Virginia Mason or Sojourner) must notify the Grand Master of any information concerning a felony conviction of a Lodge member or sojourner by any State or Federal Court.

And the fourth question is: **Where should charges be brought?**

The answer is found in Section 4.02, which says that an officer or member of a Lodge may make written accusation against a Mason for offenses committed within the jurisdiction of the Lodge. With respect to a sojourning Mason who commits an offense in Virginia, the Lodge in which the charges should be brought would be the Lodge closest to where the offense occurred. With respect to a Virginia Mason, the charges should be brought would be the Lodge where the Mason is a member.

Keep in mind one small technical point. When we say “prefer charges,” we really mean “make an accusation” because the actual charges are brought by the Junior Warden at a later stage in the proceedings.

III. THE PROCESS

Now that you know the basics, let us proceed to the process itself, which can be divided into three parts: the pre-trial stage, the trial itself, and the post trial, appeal stage.

A. THE PRE-TRIAL STAGE

At the pre-trial stage, there are seven players and nine steps:

Step 1 – The Accuser

It all starts here with a written accusation given to the Worshipful Master. (§4.02)

Nothing very fancy is required— it's your basic “who-what-when-and where;” that is— the charge and the specifics. **[See Appendix B]**

If, in the rare case, the matter is not proper to be written—for example, it relates to the unwritten work—the accusation can be reported orally to the Worshipful Master of the Lodge having jurisdiction.

Step 2 – The Worshipful Master

Upon receipt of the accusation, the Worshipful Master takes four actions: (§4.04)

- He appoints a three member Investigating Committee.
(The appointment decision is very important and the Worshipful Master should appoint Masons who possess maturity, tact, discretion, intelligence, and the ability to draw reasonable conclusions from the evidence.)
- He instructs the Committee on its duties.

- He gives the Committee a date by which it should complete its work so the matter does not drag on unduly.
- He alerts the Junior Warden.

Step 3 – The Investigating Committee

As its name implies, this Committee investigates the accusations:

What are the facts? Did the event occur?

The Committee should meet separately with the accuser, the accused, and any witnesses. It does not function as a jury with respect to the question of guilt or innocence, but simply seeks to determine if there is a sound basis for the charges.

There are three possible outcomes:

First, if the offense concerns a **personal** matter between the two Brethren, the accused and the accuser, the Committee should try to reconcile the Brethren. If reconciliation can be achieved, the Committee obtains a written withdrawal of the accusation from the accuser. This letter is included in the Committee's report to the Worshipful Master and the matter will be considered closed. (§4.05)

Second, if after reviewing the facts, the Committee finds that no Masonic offense has been committed, it would so report to the Worshipful Master.

Finally, if the Brethren cannot be reconciled, or if the offense is not a personal one appropriate to be reconciled, and the Committee believes the offense has been committed, it would so report to the Worshipful Master.

Step 4 – The Worshipful Master Reviews The Report

The Worshipful Master examines the Committee's report.

If he agrees that it was a personal offense and it has been reconciled, that's the end of it.

If he concurs with a report of: **no offense found**, he advises the accuser. If the accuser still wishes to pursue the matter, he can appeal through the District Deputy Grand Master (DDGM) to the Grand Master.

Finally, if the Worshipful Master agrees with the Committee that **a Masonic offense has been committed** and no reconciliation has taken place, he must turn the matter over to the Junior Warden.

It is important to note that while the Worshipful Master generally can be expected to adopt the recommendations of his Investigating Committee, he is under no obligation to do so. He is free to disagree with the Committee's findings and recommendations. He can find there is no basis for charges and so notify the accuser, **or** he can find there is a basis and direct the preparation of charges.

Note also that if the matter concerns the conviction of a felony, the matter is sent directly to the Grand Master. There is no need for an Investigating Committee or any other Lodge action. (§4.02)

Step 5 – The Junior Warden Prepares the Charges

If the matter has not been disposed of, the Worshipful Master instructs the Junior Warden to

prepare and deliver to him, in writing, charges “with specifications of circumstances or acts supporting the charges.” (§4.05) At this point, an accusation actually becomes a Masonic charge.

If the accuser stated his accusation thoroughly, or if the Investigating Committee report is well written, there will not be much that the Junior Warden need do—but basically, what is required of the Junior Warden clearly describe each charge. He will state that a violation of Sec. 4.01 has occurred— that is the section referenced earlier— and then, state specifically what was done. This portion is “the who, what, when and where.”

There may be more than one charge: stealing, public brawling, and vandalism. **[See Appendix C-1 for sample charges and specifications.]**

Under one charge, there may be more than one specification. For example, stealing from the Steward's Fund collection might be the charge. The specifications may be that this event occurred on July 1, again on July 10, and again on August 5.

The Junior Warden puts all of this information in the form of a signed letter or report to the Worshipful Master.

Step 6 – The WM Presents the Charges and Specifications to the Lodge

At the next stated communication after the Worshipful Master has received the charges and specifications from the Junior Warden, he presents them to the Lodge. They are entered into the minutes without discussion—and they cannot be withdrawn except by unanimous consent of the Lodge at a stated communication. (§4.05)

Step 7 – The Secretary’s Role

Within ten days after the stated communication at which the charges are entered into the minutes, the Secretary must:

1. Transmit the charges and specifications as prepared by the Junior Warden, under the Lodge seal, to the District Deputy Grand Master.
2. Notify the accused in writing that charges have been prepared, and also notify any other Lodge which may have jurisdiction.

Step 8 – The District Deputy Grand Master’s Role

The District Deputy Grand Master (DDGM) must do six things within ten days of receiving the charges and specifications (§4.07). He must:

1. Review the documentation.
2. Add a synopsis or summary of the case.
3. Add anything he may know about the circumstances.
4. State whether he has any personal interest in the case or is related to either the accused or accuser.
5. Recommend whether he believes a Masonic trial should be held.
6. Forward his report and all the materials on the case to the Grand Master.

Step 9 – The Grand Master’s Role

Upon receipt of the material, the Grand Master has to make a decision (§4.07).

He can decide that there is an inadequate basis for a Masonic trial, in which case he so notifies the

DDGM, who then informs the Secretary of the Lodge, who notifies the accused and accuser and that is the end of the matter.

Or he can decide that a trial is warranted, in which case he will return the case material, and the charges and specifications to the DDGM who sent it to him or to any other DDGM, if he decides the trial should be held in another district, and he will direct the DDGM in question to form a trial commission. The Grand Master also retains the inherent power to appoint the Trial Commission on his own.

One reason a case might be referred to another DDGM would be that the DDGM who referred the matter had a personal interest in the case. In order to maintain fairness and impartiality, the Grand Master would refer the matter to the DDGM in the next closest district. Similarly, a trial might be held other than in the district in which the charges originated to ensure an unbiased, impartial environment in order to achieve Masonic justice.

Note that in the case of a felony conviction, regardless of whether or not sentence was imposed, the Grand Master would not order a Masonic trial, but instead, would forward a copy of the conviction to the Brother in question and give him 40 days to show cause why he should not be expelled from the Craft. (4.07) Absent a response sufficiently persuasive to the Grand Master, he will be expelled—or in the case of a sojourning Mason, his Grand Lodge will be informed.

When the Grand Master returns the materials to the DDGM with orders to form the Trial Commission, the pretrial stage is over and we move to the trial phase of the proceedings.

B. THE TRIAL

The trial process involves four steps or stages.

Step 1 – Appointment of the Trial Commission

The Methodical Digest in Section 4.08 provides that the Trial Commission must consist of five Past Masters (of course, they also may be Past District Deputy Grand Masters or Past Grand Masters).

Two of the five must be members from the district in which the charges originated (no matter where the trial actually is held). The other three appointments can come from any district within the Commonwealth of Virginia.

There are, however, limitations:

- No member of the Trial Commission can be a member of the Lodge in which the charges originated, or of the Lodge in which the accused or the accuser is a member.
- No member of the Trial Commission can be a relative of any interested party.

All of these rules are perfectly reasonable, but they will typically eliminate members from one, two, or more Lodges in the district.

Section 4.08 provides that the DDGM is to contact those selected to serve, follow up with a letter appointing the Chairman and members of the Trial Commission, and direct them to hear the charges against the accused. [**See Appendix D**]

A copy of the appointment letter is sent to the Chairman, each member of the Trial Commission, the accused, and the Junior Warden.

One final point: generally, the senior Past Master will be designated as the Chairman unless

the DDGM or the Grand Master desires to appoint another more junior Past Master, whose special qualifications (such as being an attorney or judge) would better serve the interests of the Fraternity.

Now, let us examine the roles assigned to the **Trial Commission, the Accused, and the Lodge** at this stage.

a. The responsibilities of the **Chairman** of the Trial Commission are to:

- Serve as a judge, ruling on the admissibility of evidence, and ruling on what questions will be allowed to be asked by either side or by members of the Commission.
- Advise the accused as to his rights.
- Issue summonses for witnesses, particularly on behalf of the accused.
- Make certain that both the accused and the Lodge have notice of the time and place of the Commission's meetings.
 - *Note:* the place selected must be located within the Masonic district where the charges originated, or in which the Grand Master determined the charges were to be tried. (§4.08).
 - Generally, the Chairman selects a Lodge room because the trial is tiled.
- Decide to delay the hearing for good reason, at the request of either the accused or the Lodge (for example, because of illness of a necessary party, or absence of a witness).
- Prepare the trial record, including the transcript and ensure its accuracy. *Note*, you can either have a Brother who is a court

reporter be responsible for the transcript or you can tape the trial and use the tape in lieu of a written transcript.

b. What are the responsibilities of the members of the **Trial Commission**?

- They serve as a jury, hearing the evidence and determining the facts of the case.
- They deliberate in closed session to decide the question of guilt or innocence, and also to decide on the appropriate punishment, of which there are only three:
 - Reprimand;
 - Suspension; or
 - Expulsion.
- The Chairman, during these closed sessions, is like a jury foreman, and has a single vote like the other members.
- After the trial is over, the members of the Trial Commission are not to discuss the case with others, whether or not they are Masons!

c. How about the **accused**? He has the right to:

- A copy of the charges against him.
- Time to prepare his defense.
- Be represented by a brother Master Mason, affiliated with a regular Lodge, who may or may not be an attorney.
- Have the Commission summon witnesses in his behalf.
- Cross-examine the witnesses against him.
- Appeal, if found guilty.

Note, if the accused is the Worshipful Master or an officer, he can no longer act in his official capacity

after charges have been presented until he is found not guilty. (§4.06)

d. The responsibilities of the **Lodge** are discharged by the Junior Warden who brings the charges and ordinarily serves as the prosecutor. But where appropriate, another Brother may be delegated the duty to prosecute the charges as the representative of the Junior Warden.

Step 2 – The Summons

Both the accused and the Junior Warden or his representative should be served with a notice of the time and place of the trial at least ten days in advance.

In addition, witnesses need to be summoned:

- Witnesses for the accuser are identified by the Junior Warden or his representative. Generally, these witnesses for the Lodge are summoned by the Secretary under the seal of the Lodge. (§4.08, 1932 D.20).
- Witnesses for the accused can be identified by the accused or by the Trial Commission. Generally, they are summoned by the Chairman of the Trial Commission.
- Finally, the Trial Commission, on its own, may summon additional witnesses, if it is not satisfied that the truth has been established.

The summons or notice can be served in two ways:

It can be personally served by the Tiler or other Master Mason so designated by the Worshipful Master by delivering a copy to the accused in person, or if he cannot be found, by leaving a copy

at his last known residence with some adult member of his family. (§4.10)

A summons issued by the Trial Commission, may also be sent registered mail, return receipt requested, to the last known address. (§4.10)

Neither the Lodge nor the Trial Commission has authority to summon non-Masonic witnesses, but, of course, can request that they appear.

Step 3 – The DDGM Admonishes the Trial Commission

Having a Lodge member under charges often is traumatic and divisive. It is stressful for the accused and awkward for the Lodge and the other Brethren. Justice demands that the matter be resolved as rapidly as possible and, if there has been proper investigation at the earlier stages, there generally is little excuse for delay.

The role of the DDGM, at this point, is to ensure prompt action by the Trial Commission, consistent with the needs of the Lodge to prepare its case and the accused his defense.

The DDGM should insure that the appointed Trial Commission organizes itself and meets, and he is to attend its initial meeting for the purpose of admonishing—that is charging or instructing—the Commission on its duties and responsibilities. (§4.11)

The admonition should be in writing and read to the Commission. After reading the admonition [**See Appendix E**] to the members, a copy should be left with the Chairman for inclusion in the record of trial. The DDGM should depart and NOT seek to participate in the Commission's hearing or its deliberations.

His job is to stay in contact with the Chairman to ensure that the case is being promptly heard, and that the trial record is being prepared.

Step 4 – The Trial

With the exception that the technical rules of evidence do not apply, a Masonic trial, in most respects, is not very different from other trials with which we are familiar:

- The Chairman of the Trial Commission is in effect the judge.
- The members of the Commission function as the jury.
- The Junior Warden or his representative serves as prosecutor.
- The accused is the defendant

At the beginning of the trial, the Chairman asks the accused how he pleads.

If he pleads guilty, there may be no need to introduce evidence, except perhaps relating to extenuation and punishment. The proceedings would close, and the Commission would retire to enter its verdict and sentence. (§4.13)

If the plea is “not guilty,” then the Lodge bringing the case for the accuser, generally represented by the Junior Warden, would present its case. It would introduce its evidence, present its documents and call its witnesses, who, of course, will be cross-examined by the accused or this representative.

Note, a Master Mason who testifies need not be sworn, but all other witnesses must be sworn (or must affirm), and this process must be done by someone legally authorized to administer oaths,

i.e., a notary public, clerk of court, or Judicial officer.

In addition, unless the Trial Commission specifically decides otherwise, all witnesses are examined separately and apart. Witnesses are not permitted to be present and listen to the testimony of other witnesses.

After the accuser has presented his case, the accused presents his evidence. If any new matters were brought out by the accused, the accuser is allowed to offer rebuttal evidence.

Once all of the evidence has been heard, the accused and the accuser have the opportunity to present closing arguments. (§4.14)

The Commission then goes into closed session to reach a verdict and decide on the punishment if the verdict is “guilty.”

Note, the accuser and the accused, together with their representatives, have a right to be present during the trial, but everyone is excluded during the closed sessions when the Commission deliberates on the verdict and the punishment.

At these deliberations, there is first a full discussion of the charges and the evidence, and then each member votes on guilt or innocence. The standard to convict is by “a preponderance of the evidence” not the more stringent criminal standard of “beyond a reasonable doubt.”

The Chairman and members of the Trial Commission vote separately on each charge and on each specification. A majority vote is needed to convict. *Note*, however, three members of the Trial Commission constitute a quorum.

If the Trial Commission finds the accused guilty, they then fully discuss punishment, and the

Chairman and each member vote **by secret ballot** on the punishment.

First, they vote on the lightest punishment, a reprimand. If a majority vote for that punishment, that is the sentence of the Commission.

If there is no majority for that punishment, they next vote on suspension, and if there still is no majority, they vote on expulsion. The voting continues until a majority of the Commission has adopted a punishment.

After the Commission has reached its verdict and sentence, if any, the Commission returns and announces the judgment with both the accused and accuser present.

Note, the expenses of the trial, such as the preparation of the record, are to be borne by the Lodge in which the charges are brought. If the Lodge is unable to pay these expenses, application may be made to the Grand Master for relief and such a request needs the recommendation of the DDGM. (§4.15)

On the other hand, while both the Lodge and the accused may each designate a Master Mason in good standing to represent them and serve as counsel at the trial, if counsel charges for his services, the Grand Lodge will not bear this expense.

C. THE POST TRIAL AND APPEAL STAGE

Step 1 – Reporting the Trial Results

Once the trial is over, the Chairman of the Trial Commission must produce three copies of its

finding—the verdict and the punishment. (§4.14)
[See Appendix G]

One copy is sent to the Grand Secretary's office for permanent retention. Accompanying this copy are all the trial records, papers, and evidence—including the transcript—either the tape recording of the trial or the transcribed court reporter's notes. **[See Appendix F]**

A copy is sent to the Lodge where the charges originated.

A copy also is sent to the DDGM in whose district the Lodge is and to the DDGM in whose district the charges were tried, if that was in a different district.

Step 2 – The Judgment Becomes Final

When the Secretary receives the judgment of the Trial Commission, he is required to notify the accused **[See Appendix H]** and, at the next stated communication, report the judgment of the Trial Commission to the Lodge.

Sixty days after he makes this report to the Lodge, the judgment is recorded in the minutes of the Lodge and that judgment is final—unless the Lodge has been notified that an appeal will be taken. (§4.15)

Pending an appeal from a sentence of suspension or expulsion, the accused's status is that of a Master Mason under charges. He is a member, but he does not have the right to attend or visit any Lodge. (§4.18)

Step 3 – The Appeal Process

Both the accused and the accuser can appeal the decision of the Trial Commission (§4.15). It is

appropriate for the DDGM to inform, or at least ensure, that the Secretary of the Lodge informs, both the accused and the accuser of their appeal rights and the applicable procedures.

These are:

- Within sixty days after receipt of the judgment of the Trial Commission, the accused and/or accuser must give notice of intention to appeal in writing to the Lodge, where it is entered into the minutes at the stated meeting at which it is received. [**See Appendix I**]
 - The notice of appeal is simply a signed, dated letter from the accused or accuser stating that he wants to appeal the verdict of the Trial Commission.
 - Either party would be well advised to include with the notice of appeal a well written, well reasoned, and persuasive argument as to why the verdict should be overturned.
- Once the Secretary receives the notice of appeal, he sends it, along with a copy of the judgment of the Trial Commission, to the Grand Master through the DDGM. He also notifies the Grand Secretary.
- The Grand Secretary immediately sends to the Grand Master all of the trial records which he previously received from the Chairman of the Trial Commission and then the Grand Master has two choices.
 - He can personally consider the appeal, in which case he reviews the record and renders his decision, and that is the end of the process.

- Or he can refer the appeal to the Grand Lodge Committee on Appeals.
- When a case is referred to the Committee on Appeals, it reviews the record and, prior to the Grand Annual Communication of the Grand Lodge, holds a hearing at which both the accused and the Lodge (through its representative) may appear to give their arguments. This hearing is open to all Master Masons.
- After hearing the arguments, the Committee by majority vote will recommend either that the verdict be affirmed or that a new trial be held.
- This recommendation by the Grand Lodge Committee on Appeals must be approved at a session of the Grand Annual Communication of the Grand Lodge.

One additional situation, while not exactly an appeal, involves related post-trial relief. This is a case in which the accused could not be found, the summons was not actually served on him in person, and the trial was held and, thereafter, the accused learns of the conviction.

If within sixty days of learning of his conviction, the accused can demonstrate to the DDGM or to the Grand Master that he did not receive a summons or notice in time to be present at the trial, or that he was too ill to attend, the trial may be reopened and the accused may be afforded a new trial. (§4.16)

Step 4 – The Punishment

We are now almost at the end of the process. The trial is over and the appeal, if any, is concluded—what's next? If upon appeal a new trial is ordered, the process reverts back to an earlier state, affording a retrial.

If there has been no appeal or if the judgment of the Trial Commission is affirmed, subsequent actions are determined by the verdict:

If the verdict is “not guilty,” the “not guilty” verdict is recorded on the margin of the minutes which contain the original accusation. The verdict is final and the accused cannot be subjected to further trial or review on those charges by any Mason or Masonic body.

If the verdict is “guilty” and the punishment is “reprimand,” the Worshipful Master prepares the reprimand. **[See Appendix J]**

- He summons the accused to appear at the next stated communication, after the conclusion of the trial or after the Trial Commission judgment is affirmed upon appeal.
- The Worshipful Master calls the accused to the altar and in open Lodge reads the reprimand to him. The reprimand is then included in the minutes.

Note, if the accused fails to appear to receive the reprimand, that failure is a separate Masonic offense for which the accused may be subject to trial.

Finally, if the verdict is “guilty” and the punishment is “suspension” or “expulsion,” then the accused is either suspended indefinitely or

expelled. This action is recorded in the minutes and reported to the Grand Secretary. The accused is no longer affiliated with the Lodge, and he is also suspended from the rights and benefits of Masonry worldwide.

Step 5 – Reinstatement

Is this really the end? No!

The accused, **suspended** for un-Masonic conduct, can make application to the DDGM, six months after the date of suspension (§4.25), for reinstatement to the rights and benefits of Masonry and if he wants, also for restoration to membership in the Lodge (§4.30).

The DDGM refers the application to the Lodge of which the applicant was a member (§4.31). The petition is read in open Lodge, and notice must be given to all members that the petition has been received. It is laid over, and then by unanimous vote of the members present, the rights and benefits of the suspended Brother can be reinstated. If the applicant petitioned for restoration to membership as well as reinstatement, the Worshipful Master may order a single ballot to consider both requests. (§4.28). However, the Worshipful Master would be wise to separate the requests, for the Lodge may well vote to reinstate the suspended Brother to rights and benefits of Masonry but be unwilling to restore the Brother to membership in the Lodge.

If the ballot is not clear, the Brother cannot apply again for six months. (§4.25)

The same procedure applies in the case of **expulsion**, except that the individual cannot apply for reinstatement until twelve months after the

expulsion, and if the ballot is not clear, must wait another twelve months before reapplying. (§4.25)

Two final points of Masonic law.

First, if the expulsion was for the conviction of a felony, the individual cannot be restored to membership in any Lodge so long as that conviction remains in effect.

Second, if an individual who has been suspended or expelled applies for reinstatement to the rights and benefits of Masonry and is rejected, he can appeal through the DDGM to the Grand Lodge. (4.32)

In that event, the Grand Master may decide the case personally or refer it to the Grand Lodge Committee on Appeals, and the matter is handled in the same manner as in the case of an appeal from the verdict of the Trial Commission. This process is available whether or not the individual had appealed the original Trial Commission decision.

Of course, if Grand Lodge does reinstate the Brother to the rights and benefits of Masonry, that does not restore him to membership in the Lodge, and if he either is rejected by his Lodge for restoration of membership or chooses not to apply, he would be a non-affiliate with the right to apply to a Lodge for membership.

Having read this Manual, you now know what you need to know about Masonic trials, but it is hoped that you will have no occasion to use any of this knowledge or information, and that peace and harmony will reign in your Lodge.

IV. APPENDIX

Sample Record Of Trial

The record of trial should be bound at the top and should have a cover giving the name of the prosecuting Lodge, the name of the accused, and the date of the trial. It is prepared in triplicate, including the transcript of testimony in the event an appeal is filed. If no appeal is filed, the record should be forwarded to the Grand Secretary. Tapes may be used in lieu of a written transcript.

The record must contain the following items:

- a. Cover sheet
- b. Copy of Accusation
- c. Copy of charges and proof of service on accused
- d. Copy of letter appointing Commission
- e. Copy of District Deputy Grand Master's admonition to Commission
- f. Copy of transcript of evidence (or tapes)
- g. Copy of verdict of Commission with signatures of each member of Commission on verdict and sentence.
- h. Copy of notice of verdict by Secretary to accused
- i. Notice of appeal, if any
- j. Reprimand

The following pages offer a guide to a record of trial, assembled in proper order. (Parenthetical entries should be omitted.)

A – COVER SHEET

MASONIC TRIAL
IN THE CASE OF

_____ Lodge No. _____

vs.

Brother A. B., member of

_____ Lodge No. _____

located at _____

B – ACCUSATION

Month/Day/Year

Worshipful Master

_____ Lodge No. _____
 Some Town, Virginia

Dear Worshipful Sir:

I accuse Brother A. B. of having unlawful carnal communication with my wife, [name], on the night of [Month/Day/Year], at the XYZ Motel Some Town, Virginia. The incident was witnessed by Brother C. D., 1234 View Avenue, Some Town, Virginia, a police officer called to the premises by the manager. I wish charges to be preferred against Brother A. B.

Sincerely and fraternally,
 E. F.

_____ Lodge No. _____
 3421 View Avenue
 Some Town, Virginia [zip code]

C – CHARGES

(NOTE: These sample specifications are intended to give the Junior Warden some notion of how various charges should be drafted. They are not intended to be an exclusive list of Masonic offenses. Appropriate blanks should be filled in with the name of the offender, his Lodge, the place and date of the offense, and the acts that constitute the offense. The idea is to give the accused and the members of the Trial Commission fair notice of the acts with which the accused is charged and on which he must be tried.)

Month, Day, Year

TO THE WORSHIPFUL MASTER, WARDENS,
AND BRETHREN OF

_____ Lodge No. _____ A.F. & A.M.

Brother A. B., a member of
_____ Lodge No. _____, A.F. &
A.M., Some Town, Virginia, is hereby charged
with the following Masonic offense:

CHARGE: VIOLATION OF SECTION 4.01,
METHODICAL DIGEST OF THE GRAND
LODGE OF VIRGINIA.

SPECIFICATION: In that Brother A. B., a
member of _____ Lodge No. _____,
Some Town, Virginia, did at the XYZ Motel,
Some Town, Virginia, on or about Month, Day,
Year, have unlawful carnal communication with

Mrs. E. F., the wife of a Master Mason, knowing her to be such.

/s/ Charles Smith

/s/ Junior Warden

/s/ _____ Lodge No. _____

/s/ Some Town, Virginia

C-1 – Additional Sample Charges and Specifications

CHARGE: VIOLATION OF SECTION 4.01, METHODICAL DIGEST OF THE LAWS OF THE GRAND LODGE OF VIRGINIA:

SPECIFICATIONS:

2) In that Brother _____, a member of _____ Lodge No. ____, was, on or about [Month/Day/Year], at [location], convicted of a criminal offense, to wit: _____, by the Circuit Court of the XXnd Judicial Circuit of the Commonwealth of Virginia and sentenced to _____.

3) In that Brother _____, a member of _____ Lodge No. ____, was, on or about [Month/Day/Year], at [location], drunk and disorderly in a public place.

4) In that Brother _____, a member of _____ Lodge No. ____, did, on or about [Month/Day/Year], at [location], fail to maintain and support his wife (and children), thereby disgracing himself publicly and bringing discredit on the Masonic Fraternity.

5) In that Brother _____, a member of _____ Lodge No. ____, did, on or about [Month/Day/Year], at [location], wrongfully and dishonorably fail to pay an indebtedness to Brother _____, in violation of his obligations as a Mason.

6) In that Brother _____, a member of _____ Lodge No. _____, was, on or about [Month/Day/Year], at [location], disorderly in his conduct in Lodge, thereby disrupting its proceedings.

7) In that Brother _____, a member of _____ Lodge No. _____, did, on or about [Month/Day/Year], at [location], abandon a cardinal principle of Freemasonry, to the disgrace of the Masonic Fraternity, in that he publicly avowed his atheism.

8) In that Brother _____, a member of _____ Lodge No. _____, did, on or about [Month/Day/Year], at [location], wrongfully violate his Masonic obligation in a manner not permitted to be written, but orally communicated to him and to be orally communicated to the necessary officers of his Lodge, of the Grand Lodge of Virginia, and to the Commission upon his trial.

C-2 – PROOF OF SERVICE ON ACCUSED

I certify that I served a copy of the above charges on Brother A. B. personally at his residence in Some Town, Virginia, on Month/Day/Year.

/s/ [NAME]

Tiler

_____ Lodge No. _____
Some Town, Virginia

D – LETTER OF APPOINTMENT

Month, Day, Year

TO THE WORSHIPFUL SIRs NAMED HEREIN:

Pursuant to the authority vested in me by Section 4.08 of the Methodical Digest of the Grand Lodge of Virginia, A.F. & A.M., you are hereby appointed as Chairman and Members of a Trial Commission for the trial of Brother A. B., a member of _____ Lodge No. _____, located at _____, Virginia, on charges of un-Masonic conduct. This trial will be conducted as soon as practicable, and the Chairman will notify me of the date and time of its initial session.

CHAIRMAN

Worshipful Brother M. N., _____ Lodge No. ____

MEMBERS

Worshipful Brother O. P., _____ Lodge No. ____

Worshipful Brother Q. R., _____ Lodge No. ____

Worshipful Brother S. T., _____ Lodge No. ____

Worshipful Brother U. V., _____ Lodge No. ____

Prior to meeting, you should study the provisions of the Methodical Digest and the Manual for Masonic Trials.

Sincerely and fraternally,
 [Your Name]
 District Deputy Grand Master
 _____ Masonic District

E – DISTRICT DEPUTY GRAND MASTER’S ADMONITION TO COMMISSION

Month, Day, Year

My Brethren, you are about to commence one of the most serious duties that a Mason is ever called on to perform—that of judging a Brother Mason. Before you begin this serious and solemn duty, I must admonish and charge you with certain matters.

First, this trial must be conducted in accordance with the laws of the Grand Lodge of Virginia, and you must not permit any legal procedure that is not in accord with those laws. Your Chairman is vested with the authority of a judge, and he will rule and govern the procedure of the trial and the taking of evidence to the end that justice may prevail. Witnesses for the accused must be summoned by the Commission upon the request of the accused or his representative.

Second, it is not necessary to swear any Master Mason who shall give evidence in this case, but every profane must be sworn by some person legally authorized to give oaths. Neither the Lodge nor the accused may be represented by anyone who is not a Master Mason, affiliated with a regular Lodge.

Third, the accuser and the accused, together with their representatives, have a right to be present during the period in which the Commission is hearing evidence in the case. During closed sessions and deliberations, everyone will be excluded while the Commission reaches its verdict.

Fourth, the Commission will cause a verbatim record to be made of the evidence presented and arguments made before it, or so much thereof which may properly be recorded, have the same transcribed and forward the transcript, together with three copies of the Commission's findings and sentence, to the District Deputy Grand Master. If the verdict is not guilty, or if there is to be no appeal, the evidence still must be transcribed, and three copies must likewise be furnished.

Fifth, I admonish and charge each of you to remember that every question has two sides and that your duty to the Fraternity will be fully discharged only when you have reached a verdict that contains a full measure of justice to the Institution of Freemasonry in general, to the Lodge that brought the charges, and to the accused in particular. When you have reached your verdict, communicate it in the manner and form indicated in the Methodical Digest and this admonition.

[Your Name]
District Deputy Grand Master
_____Masonic District

F – TRANSCRIPT OF EVIDENCE

Brother C. D., a member of _____
Lodge No. _____, was called as a witness and
testified as follows:

Q. Your name and Lodge?

A.

Q. Are you married to Marie D.?

A. Yes.

Q. Etc.

Ms. E. F. was called as a witness, was sworn
by Brother H. S., a Magistrate for the ____ Judicial
District, and testified as follows:

Q. Your name and address?

A.

*(The transcript continues until all of the
evidence for both sides has been recorded in
verbatim form.)*

G – VERDICT OF COMMISSION

Month, Day, Year

We, the Trial Commission appointed to hear the case of _____ Lodge No. _____ versus Brother A. B., find the accused guilty as charged and fix his punishment as expulsion from the Fraternity.

/s/ _____
Chairman

/s/ _____
Member

/s/ _____
Member

/s/ _____
Member

/s/ _____
Member

**H – NOTICE OF VERDICT BY SECRETARY
TO ACCUSED**

Month, Day, Year

Brother A. B.
123 Elm Street
Some Town, Virginia

Dear Brother A B:

This is to notify you officially that on [Month, Day, Year], you were found guilty by a Trial Commission of un-Masonic conduct and sentenced to expulsion from the Fraternity. You have sixty (60) days from the date on which you receive this letter to send me a letter stating that you intend to appeal this verdict to the Grand Master.

Sincerely and fraternally,
/s/ [name]
Secretary

_____ Lodge No. _____

I – LETTER OF APPEAL FROM ACCUSED

Brother A. B.
123 Elm Street
Some Town, Virginia
Month, Day, Year

Secretary

_____ Lodge No. _____
Some Town, Virginia [zip code]

Dear Worshipful Sir:

I wish to appeal the verdict of the Trial Commission against me on Month, Day, Year. This appeal is being filed within the sixty day period, after which I was officially notified by you of the verdict.

Sincerely and fraternally,
/s/ A. B.

J –REPRIMAND

Brother A. B. you have violated your Master Mason's most solemn obligation. You have been found guilty of this very serious offense by a trial commission. All Master Masons are expected and required to abide by their obligation. No power on earth has the authority to free a Master Mason from his obligation.

WHEREAS, you have apologized for the conduct in question, and

WHEREAS, you have given your solemn word this type of conduct will not occur again, and

WHEREAS, our obligation requires us to whisper good counsel in a Brother's ear, admonish him of his error and aid a reformation,

NOW, THEREFORE, I, _____, Worshipful Master, do hereby order this reprimand to be made a part of the minutes and that you be seriously admonished that any further such violation could result in your suspension from the rights and benefits of, and membership in, any Masonic Lodge.

/s/ [name]
Worshipful Master

NOTES

