Charter of
The American Legion

National Constitution and By-laws

Uniform Codes of Procedure for the Revocation, Cancellation or Suspension of Department and Post Charters

Prepared by
The American Legion
National Headquarters
Indianapolis, Indiana

Official

The National Constitution of The American Legion as set out herein, is in full force and effect and represents action taken by National Conventions, being the Constitution adopted at the First Annual Convention, Minneapolis, Minn., Nov. 10-12, 1919, and as amended at the Second Annual Convention, Cleveland, Oh., Sept. 27-29, 1920; Fourth Annual Convention, New Orleans, La., Oct. 16-20, 1922; Fifth Annual Convention, San Francisco, Calif., Oct. 15-19, 1923; Sixth Annual Convention, St. Paul, Minn., Sept. 15-19, 1924; Seventh Annual Convention, Omaha, Nebr., Oct. 5-9, 1925; Ninth Annual Convention, Paris, France, Sept. 19-22, and Ratification Convention, New York N.Y., Oct. 19-22, 1927; Twelfth Annual Convention, Boston, Mass., Oct. 6-9, 1930; Fifteenth Annual Convention, Chicago, Ill., Oct. 2-5, 1933; Nineteenth Annual Convention, New York, N.Y., Sept. 20-23, 1937; Twentieth Annual Convention, Los Angeles, Calif., Sept. 19-22, 1938; Twenty-first Annual Convention, Chicago, Ill., Sept. 25-28, 1939; Twenty-second Annual Convention, Boston, Mass., Sept. 23-26, 1940; Twenty-third Annual Convention, Milwaukee, Wis., Sept.18, 1941; Twenty-fourth Annual Convention, Kansas City, Mo., Sept. 19-21, 1942; Twenty-fifth Annual Convention, Omaha, Neb., Sept. 21-23, 1943; Twenty-seventh Annual Convention, Chicago, Ill., Nov. 18-21, 1945; Twenty-eighth Annual Convention, San Francisco, Calif., Sept. 30-Oct. 1-4, 1946; Twenty-ninth Annual Convention, New York, N.Y., Aug. 28-31, 1947; Thirtieth Annual Convention, Miami, Fla., Oct. 18-21, 1948; Thirty-first Annual Convention, Philadelphia, Pa., Aug. 29-Sept. 1, 1949; Thirty-second Annual Convention, Los Angeles, Calif., Oct. 9-12, 1950; Thirty-third Annual Convention, Miami, Fla., Oct. 15-18, 1951; Thirty-fourth Annual Convention, New York, N.Y., Aug. 25-28, 1952; Thirty-sixth Annual Convention, Washington, D.C., Aug.30-Sept. 2, 1954; Thirty-seventh Annual Convention, Miami, Fla. Oct. 10-13, 1955; Thirty-eighth Annual Convention, Los Angeles, Calif., Sept. 3-6, 1956; Fortieth Annual Convention, Chicago, Ill., Sept. 1-4, 1958; Forty-second Annual Convention, Miami Beach, Fla., Oct. 17-20, 1960; Forty-eighth Annual Convention, Washington, D.C., Aug. 30-Sept. 1, 1966; Fifty-second Annual Convention, Portland, Ore., Sept. 1-3, 1970; Fifty-fourth Annual Convention, Chicago, Ill., Aug. 22-24, 1972; Fifty-fifth Annual Convention, Honolulu, Hi., Aug. 21-23, 1973; Fifty-sixth Annual Convention, Miami Beach, Fla., Aug. 20-22, 1974; Fifty-eighth Annual Convention, Seattle, Wash., Aug. 24-26, 1976; Fifty-ninth Annual Convention, Denver, Colo., Aug. 23-25, 1977; Sixty-first Annual Convention, Houston, Tex., Aug. 21-23, 1979; Sixty-ninth Annual Convention, San Antonio, Tex., Aug. 25-27, 1987; Seventy-second Annual Convention, Indianapolis, Ind., Aug. 28-30, 1990; Seventy-third Annual Convention, Phoenix, Arizona, Sept. 3-5, 1991; the Seventy-seventh Annual Convention, Indianapolis, Ind., Sept. 4-6, 1995; Seventy-ninth Annual Convention, Orlando, Fla., Sept. 2-4, 1997; Eighty-second Annual Convention, Milwaukee, Wis., Sept. 5-7, 2000; and reiterated at the Eighty-third Annual Convention, Charlotte, NC, Aug. 27-29, 2002; Ninety-fourth Annual Convention, Indianapolis, Ind., Aug. 28-30, 2012, Ninety-seventh Annual Convention, Baltimore, MD, Sept. 1-3, 2015 and the One Hundred and First Annual Convention, Indianapolis, IN, August 27 – 29, 2019. *Article IV, Section 1 and Article XIII, Section2 were automatically amended upon the enactment of the LEGION Act (Public Law 116-35).

The By-Laws as adopted at the Fourth Annual Convention, New Orleans, La., Oct. 16-20, 1922, and as amended at the Fifth Annual Convention, San Francisco, Calif., Oct. 15-19, 1923; Sixth Annual Convention, St. Paul, Minn., Sept. 15-19, 1924; Eleventh Annual Convention, Louisville, Ky., Sept. 30-Oct. 1, 2, 3, 1929; Fifteenth Annual Convention, Chicago, Ill., Oct. 2-5, 1933; Nineteenth Annual Convention, New York, N.Y., Sept. 20-23, 1937; Twentieth Annual Convention, Los Angeles, Calif., Sept. 19-22, 1938; Twenty-first Annual Convention, Chicago, Ill., Sept. 25-28, 1939; Twenty-second Annual Convention, Boston, Mass., Sept. 23-26, 1940; Twenty-third Annual Convention, Milwaukee, Wis., Sept. 15-18, 1941; Twenty-seventh Annual convention, Chicago, Ill., Nov. 18-21, 1945; Twenty-ninth Annual Convention, New York, N.Y., Aug. 28-31, 1947; Thirtieth Annual Convention, Miami, Fla., Oct. 18-21, 1948; Thirty-first Annual convention, Philadelphia, Pa., Aug. 29-Sept. 1, 1949; Thirty-third Annual Convention, Miami, Fla., Oct. 15-18, 1951; Thirty-fourth Annual Convention, New York, N.Y., Aug. 25-28, 1952; Thirty-ninth Annual Convention, Atlantic City, N.J., Sept. 16-19, 1957; Fifty-second Annual Convention, Portland, Ore., Sept. 1-3, 1970; Fifty-eighth Annual Convention, Seattle, Wash., August 24-26, 1976; and Fifty-ninth Annual Convention, Denver, Colo., Aug. 23-25, 1977; and Ninety-Second Annual Convention, Milwaukee, Wis., Aug. 31-Sept. 2, 2010; Ninety-fifth Annual Convention, Houston, Texas., Aug. 23 - 29, 2013; Ninety-seventh Annual Convention, Baltimore, MD, Sept. 1-3, 2015; and the One Hundred and First Annual Convention, Indianapolis, IN, August 27 – 29, 2019.

Daniel S. Wheeler, National Adjutant

UNITED STATES CODE ANNOTATED

TITLE 36, CHAPTER 217,

SECTIONS 21701-21708

THE AMERICAN LEGION

Created by Act of Congress
Washington, DC on
September 16, 1919

§ 21701. Organization

(a) Federal charter.--The American Legion (in this chapter [36 U.S.C.A. § 21701 et seq.], the "corporation") is a federally chartered corporation.
(b) Perpetual existence.--Except as otherwise provided, the corporation has perpetual existence.

§ 21702. Purposes

The purposes of the corporation are--
(1) to uphold and defend the Constitution of the United States;
(2) to promote peace and good will among the peoples of the United States and all the nations of the Earth;
(3) to preserve the memories and incidents of the 2 World Wars and the other great hostilities fought to uphold democracy;
(4) to cement the ties and comradeship born of service; and
(5) to consecrate the efforts of its members to mutual helpfulness and service to their country.

§ 21703. Membership

An individual is eligible for membership in the corporation (The American Legion) only if the individual --
(1) Has served in the Armed Forces of - -
(A) the United States at any time during -
(i)the period from April 6, 1917, through November 11, 1918; or
(ii) any time after December 7, 1941; or
(B) a government associated with the United States during a period or time referred to in subclause (a) of this clause and was a citizen of the United States when the individual entered that service; and
(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time.

§ 21704. Powers

The corporation may—
(1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation;
(2) adopt and alter a corporate seal;
(3) establish and maintain offices to conduct its activities;
(4) establish State and territorial organizations and local chapter or post organizations;
(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;[1]
(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;
(7) publish a magazine and other publications;
(8) sue and be sued; and
(9) do any other act necessary and proper to carry out the purposes of the corporation.

[1] Added December 13, 2011

§ Section 21704A - Nondiscrimination

The requirements for holding a staff position in the corporation may not discriminate on the basis of race, color, religion, sex or national origin.

§ 21705. Exclusive right to name, emblems, and badges

The corporation and its State and local subdivisions have the exclusive right to use the name "The American Legion" or "American Legion". The corporation has the exclusive right to use, manufacture, and control the right to manufacture, emblems and badges the corporation adopts.

§ 21706. Political activities

The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

§ 21707. Service of process

As a condition to the exercise of any power or privilege granted by this chapter [36 U.S.C.A. § 21701 et seq.], the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 21708. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CONSTITUTION
of The American Legion

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

Section 1. The name of this organization shall be The American Legion.

Section 2. The National Headquarters of The American Legion shall be located in the city of Indianapolis, Indiana or a surrounding community.

ARTICLE II

NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no members shall be addressed by their military or naval title in any convention or meeting of The American Legion.

Section 2. The American Legion shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III

ORGANIZATION

Section 1. The American Legion shall be organized in Departments with a minimum of one thousand members and these in turn in Posts. There may be one Department in each state, the District of Columbia, and in each territory and insular possessions of the United States. The National Executive Committee may establish Posts in the territorial and insular possessions of the United States and foreign countries, and shall designate the Department under whose jurisdiction they shall function, but this shall in no way affect the status of Departments already established.

ARTICLE IV

ELIGIBILITY

Section 1. An individual is eligible for membership in The American Legion only if the individual -

(1) has served in the Armed Forces of

(A) the United States at any time during -

(i) the period of April 6, 1917, through November 11, 1918; or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time;

provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods;

provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.*

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually, for multiple years, or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to the National Headquarters within thirty (30) days, shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, such person may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V

NATIONAL CONVENTION

Section 1. The legislative body of The American Legion shall be the National Convention, except as otherwise provided in the Constitution and By-Laws.

Section 2. The time and place of the National Conventions shall be determined by the National Executive Committee, which shall have authority to change such time and place for sufficient reasons to it appearing.

Section 3. In the National Convention each Department shall be entitled to five delegates and one additional delegate for each one thousand members, or major fraction thereof, whose current dues have been received by the National Treasurer 30 days prior to the meeting of said convention, and whose registration fees, as fixed by the National Executive Committee, for its total authorized delegate strength, have been paid; and to one alternate for each delegate. The delegates shall be chosen not less than two weeks before the National Convention at Department Conventions or in any other manner specified by any Department Constitution.

Section 4. Each duly registered delegate shall be entitled to one vote. The vote of any registered delegate absent and not represented by

*Note: Article IV, Section 1 and Article XIII, Section 2 were automatically amended upon the enactment of the LEGION Act (Public Law 116-35)

an alternate shall be cast by the majority of the registered delegates present from one's Department. Alternates for registered delegates shall have all the privileges of registered delegates, except that of voting. A registered delegate is a person who has received one's credentials after one's registration fee has been paid.

Section 5. A quorum shall exist at a National Convention when sixty percent of the Departments are represented as provided above.

Section 6. The National Executive Committee shall provide a Uniform Code of Procedure for the orderly organization and operation of National Conventions with continuing power of revision, and said Code shall be applicable at all National Conventions unless it is amended, suspended, or repealed by a majority vote of the total authorized representation at a National Convention.

ARTICLE VI

NATIONAL OFFICERS

Section 1. The National Convention shall elect a National Commander, and five National Vice Commanders, who shall serve without seniority. No two Vice Commanders shall be chosen from the same Department. No persons shall be eligible for re-election to the office of National Commander or National Vice Commander.

Section 2. Such officers shall serve until the adjournment of the succeeding National Convention following their election and thereafter until their successors are chosen. Vacancies in these offices occurring between National Conventions shall be filled by election by the National Executive Committee, and any member of The American Legion, in good standing, shall be eligible for election to such vacancy; however, no Past National Commander, or Past National Vice Commander shall be elected to fill any vacancy in these respective offices.

Section 3. The National Executive Committee at its first meeting following the National Convention shall appoint the National Adjutant, National Treasurer, National Judge Advocate, National Chaplain, and National Historian, such officers to hold office at the pleasure of the appointing power. All persons having the custody of funds shall give adequate bonds, which shall be approved by the National Executive Committee.

Section 4. All Past National Commanders, while in good standing in their respective Posts, shall be members for life of the National Executive Committee, without vote, and shall also be life delegates to all National Conventions of The American Legion, with vote, to be exercised by them with their respective Departments.

ARTICLE VII

NATIONAL EXECUTIVE COMMITTEE

Section 1. Between National Conventions, the administrative power of The American Legion shall be vested in the National Executive Committee, which shall be composed of the National Commander, the National Vice Commanders, and one National Executive Committee Member and one alternate from each Department to be elected as such Department shall determine, the alternate to act only in the absence of the National Executive Committee Member.

Section 2. The term of office of such National Executive Committee Member and alternates shall be two years. The term of office of each National Executive Committee Member and alternate shall commence immediately upon the adjournment of the National Convention next ensuing after their election and shall end at the adjournment of the second next succeeding annual National Convention.

Section 3. Members of the National Executive Committee shall be delegates to the National Convention with vote, which vote shall be exercised with their respective Departments, except that the vote of the National Commander shall be exercised only in their capacity as chair of the National Convention.

ARTICLE VIII

DEPARTMENT ORGANIZATION

Section 1. Departments shall be chartered by the National Executive Committee and shall be composed of the Posts within their respective areas, and such other Posts as the National Executive Committee may approve. Each Department charter shall be signed by the National Commander and National Adjutant.

Section 2. Each Department shall have a Department Commander, one or more Department Vice Commanders, a Department Adjutant, a Department Executive Committee, a Finance Officer, a Judge Advocate, and may have a Chaplain and such other officers as the Department may determine.

Section 3. Departments shall have authority to create and charter intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the programs of The American Legion.

Section 4. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization.

Section 5. Such intermediate bodies now existing within the Departments and heretofore authorized or recognized by such Department are hereby officially recognized to the extent of the powers herein granted.

ARTICLE IX

POST ORGANIZATION

Section 1. Those who desire to form a Post shall apply for a temporary charter to the Commander of the Department in which they reside. The temporary charter shall be issued by the National Commander and National Adjutant upon receipt of the application properly executed by the charter members of the applying Post, but only when such applying Post is approved by the Commander of the Department or by the Department Executive Committee.

Section 2. The minimum membership of a Post shall be determined by the Executive Committee of the Department in whose area it lies.

Section 3. No Post shall be named after any living person.

Section 4. Upon receipt and processing of a proper application a temporary charter shall be granted and shall state that it is granted on the recommendation of the Department and on the following terms and conditions:

1. All acts heretofore duly and properly taken for the formation of the above named Post are recognized and confirmed by the National Executive Committee.

2. The above named Post shall uphold the declared principles of The American Legion and shall conform to and abide by the regulations and decisions of the Department and of the National Executive Committee, or other duly constituted national governing body of The American Legion.

3. This charter is subject to revocation by the National Executive Committee on the recommendation of the Department, or by such authority that may hereafter be established by the National Convention.

Section 5. After a temporary charter has been in effect for a probationary period of at least ninety days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the termination of which the Department shall determine whether or not a permanent charter shall be issued or denied and the action of the Department shall be final.

Section 6. All charters shall be countersigned by the Commander and the Adjutant of the Department.

Section 7. Each Department may prescribe the Constitution of its Posts. Permanent charters may be suspended, cancelled or revoked by the Department Executive Committee as provided in their respective Department By-Laws.

ARTICLE X

FINANCE

Section 1. The revenue of The American Legion shall be derived from annual membership dues and from such other sources as may be approved by the National Executive Committee.

Section 2.1. The amount of such annual dues shall be determined by each National Convention for the ensuing year.

Section 2.2. Dues paid for multiple years, but for less than life, shall all be paid at the rate of the annual dues for the first year of that term.

Section 3.1. The annual dues shall be collected by each Post and transmitted promptly through the Department to the National Treasurer. Departments are designated agents for collection for The American Legion with respect to such annual dues and upon the receipt thereof shall remit them promptly to The American Legion. In no event shall the period transpiring between the receipt of such annual dues by a Department and the remittance thereof to The American Legion exceed thirty (30) days.

Section 3.2. The annual dues shall be collected in such alternate method(s) as determined by the National Executive Committee from time to time and thereafter communicated to the Departments for communications to the Posts provided that (a) in no instance shall the National Organization or the Departments be empowered to retain, or withhold, more than each ones published amount of per capita dues; (b) in no event shall the period transpiring between the receipt of such annual dues by the National Organization and the remittance thereof to the Departments exceed thirty (30) days; and (c) any such alternative method shall be in addition to and not in substitution for method 3.1 above.

Section 4. Upon expiration, annual dues shall be immediately payable for the succeeding year.

ARTICLE XI

DISCIPLINE

Section 1. The National Executive Committee, after notice and a hearing before a subcommittee as hereinafter provided, may cancel, suspend or revoke the charter of a Department for any good and sufficient cause to it appearing.

Section 2. The National Executive Committee may designate, appoint and authorize a subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the charter

of any Department of The American Legion after said Department shall have received due and proper notice of said hearing and trial. Said subcommittee shall make its written findings and recommendations to the National Executive Committee for its approval or rejection, and the action of said National Executive Committee upon such findings and recommendations shall be final and conclusive.

Section 3. The hearing and trial of any cause involving the cancellation, suspension, or revocation of the charter of any Department in The American Legion shall be had and held under rules of procedure to be adopted by the National Executive Committee.

Section 4. Upon suspension of the charter of any Department of The American Legion, the National Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of and belonging to such Department, and to provide for the government and administration of such Department during said suspension.

Section 5. Upon cancellation or revocation of the charter of any Department of The American Legion, the National Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of such Department, and to take all necessary and proper steps and proceedings to conclude and close the affairs of such Department, and said National Executive Committee may provide for such continued recognition and activities of Posts in said Departments as it may deem proper.

ARTICLE XII

CHANGE OF RESIDENCE

Section 1. Any member in good standing in a Post moving from one's Post to any other Post shall be entitled to verification from one's original Post stating one's membership therein and the duration thereof.

ARTICLE XIII

AUXILIARIES

Section 1. The American Legion recognizes an auxiliary organization, known as The American Legion Auxiliary.

Section 2. Membership in The American Legion Auxiliary shall be limited to the:

(1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and

(2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;

(3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either

eligibility periods and died in the line of duty or after honorable discharge; and

(4) to those women who of their own right are eligible for membership in The American Legion.*

Section 3. The American Legion Auxiliary shall be governed in each Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by such Department of The American Legion.

ARTICLE XIV

RATIFICATION

Section 1. All acts performed and charters heretofore granted by the temporary organization to The American Legion are hereby ratified and confirmed.

ARTICLE XV

AMENDMENTS

Section 1. The Constitution may be amended at any National Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the National Adjutant to the several Departments and members of the National Executive Committee by mailing same to them at least twenty (20) days prior to the convening of the next National Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitutional Amendments; and, provided further, it may be amended by unanimous vote at any National Convention without notice.

Section 2. That no proposed amendment shall be submitted through the National Adjutant to the several Departments and members of the National Executive Committee, as provided in Section 1 of this article, unless said proposed amendment shall have been first submitted by a Department Convention, Department Executive Committee, or the National Executive Committee.

ARTICLE XVI

NATIONAL INCORPORATION

This Constitution is adopted conformably to the Act of Congress of the United States of America of September 16, 1919, and all amendatory acts thereto.

ARTICLE XVII

If the Congress of the United States shall amend the eligibility section in the Act creating The American Legion, this Constitution shall be automatically amended in conformance therewith, but subject to all consistent limitations and restrictions in this Constitution.

BY-LAWS
of The American Legion

ARTICLE I

NATIONAL EXECUTIVE COMMITTEE

Section 1. In case of death, resignation or removal by their respective Department of any National Executive Committee Member or alternate to the National Executive Committee, the successor shall be selected as such Department shall determine and shall serve for the remainder of such unexpired term.

Section 2. The National Executive Committee shall meet within twenty-four hours before and after each National Convention and within fifty-five days following its adjournment, provided however, that the National Commander shall have authority to extend said fifty-five day period for sufficient reasons upon approval by the National Executive Committee, and in May of each year. Special meetings may be held upon reasonable notice at the call of the National Commander. The National Commander shall call a meeting of the National Executive Committee upon the written request of National Executive Committee Members from fifteen or more Departments.

Section 3. Twenty-five members shall constitute a quorum of the National Executive Committee.

Section 4. The National Commander shall name such committees as shall be deemed advisable, subject to ratification by the National Executive Committee at its next meeting succeeding the appointment.

Section 5. The National Executive Committee shall appoint, upon nomination by the National Commander, a Finance Commission to be composed of seven (7) members. Of the seven members appointed following the National Convention (1945) at which this amendment is adopted, two shall be appointed to serve for a term of one year, two shall be appointed to serve for a term of two years, and three shall be appointed to serve for a term of three years; thereafter each succeeding appointee shall serve for a term of three years or until removed by the majority vote of the National Executive Committee. The National Commander and the National Treasurer shall be ex officio members of said commission and the National Adjutant shall be ex officio secretary of the said commission. The Finance Commission shall be charged with the preparation of the yearly budget and the handling of funds under that budget, and such other duties as shall be prescribed by the National Executive Committee, subject to the approval of the National Executive Committee.

Section 6. There shall be the following standing commissions: Americanism Commission, Convention Commission, Finance Commission, Internal Affairs Commission, Legislative Commission, Marketing Commission, Media & Communications Commission, National Security Commission, Veterans Affairs & Rehabilitation Commission and Veterans Employment & Education Commission.

The commissions shall consist of such number of members of The American Legion as the National Executive Committee may from time to time determine. Appointments to such commissions shall be made by the National Executive Committee upon nomination by the National Commander. The National Executive Committee is empowered to assign duties and responsibilities to all standing commissions and committees and to group standing committees with commissions for the purpose of efficient supervision and coordination of activities.

Section 7. The National Executive Committee shall provide for the appointment and employment of such subordinate officers and employees as may be needed for the administration of the affairs of The American Legion, and prescribe their duties and emoluments.

Section 8. All questions affecting the election, eligibility and conduct of national officers shall be referred to and determined by the National Executive Committee. All questions affecting the election, eligibility and conduct of the National Executive Committee Member from any Department, or of Department officers, or members of Department Executive Committees, shall be referred to and determined by the Executive Committee of the Department involved, which shall be the final authority thereon.

ARTICLE II

DUTIES OF OFFICERS

Section 1. National Commander: The National Commander shall be the executive head of The American Legion with full power to enforce the provisions of the National Constitution, National By-Laws, and the will of the National Convention. The National Commander shall be the chair of the National Convention and the National Executive Committee and shall perform such other duties as are usually incident to the office.

Section 2. National Vice Commanders: The National Vice Commanders shall act as representatives of the National Commander on all matters referred to them, and shall, on the National Commander's request, preside over the meetings of the National Convention or National Executive Committee, and perform such other duties as are usually incident to the office.

Section 3. National Adjutant: The National Adjutant shall be charged with the administration of the policies and mandates of the National Convention, the National Executive Committee, and of the National Commander. The National Adjutant shall perform such other duties as are usually incident to the office and shall also be authorized, in event of the death or resignation of the National Commander, to summon the National Executive Committee for the election of a successor. In the event the National Adjutant shall fail, refuse or neglect, within fifteen days after said death or resignation, to issue a call for said meeting of the National Executive Committee to be held within thirty days after said death or resignation, then said meeting for the purpose of electing a successor may be held upon the written demand therefore signed by representatives from fifteen or more Departments, giving fifteen days' notice thereof.

Section 4. National Treasurer: The National Treasurer shall be the custodian of the funds of the National Organization. The National Treasurer shall sign all checks disbursing the funds of the National Organization, and shall make reports upon the condition of the national treasury when called for by the National Commander. The National Treasurer shall furnish a surety bond as hereinafter prescribed. The National Treasurer shall perform such other duties as are usually incident to the office.

Section 5. National Judge Advocate: The National Judge Advocate shall advise the national officers and the National Executive Committee on all legal matters, including the construction and interpretation of the National Constitution and By-Laws, and shall perform such other duties as are usually incident to the office.

Section 6. National Chaplain: The National Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time.

Section 7. National Historian: The National Historian shall collect from year to year all records and data of value and interest for the National Headquarters of The American Legion, and shall compile during their term of office a complete history of the year's

activities. The National Historian shall also assist Department and Post historians so as to coordinate and unify the work of these officials, and shall have such other duties as the National Executive Committee shall prescribe.

ARTICLE III

CHARTERS

Section 1. The Department Executive Committee may suspend, cancel or revoke a Post Charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary shall, upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

Section 3. Upon revocation, cancellation or suspension of the charter of a Post in any Department of The American Legion, said Post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to its Department Commander or Department Executive Committee, and the Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said Post; provided, however, that nothing herein shall be construed as requiring any Department to take over or assume any financial responsibility as to such property. Said Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 4. The National Executive Committee shall provide a uniform code defining the procedure to be followed in the revocation, cancellation or suspension of Post charters and providing for a method of appeal and further providing a code of procedure for the revocation, cancellation or suspension of Department charters with continuing power to revise said code, provided, however, that the procedure now in effect shall continue until such code is so adopted.

ARTICLE IV

DISCIPLINE OF POST AND POST MEMBERS

Section 1. Each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

Section 2. A Post may suspend or expel a Post member from The American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner and form as the Post or Department By-Laws and

Post or Department Executive Committee shall prescribe.

Section 3. Any member who has been suspended or expelled has the right of appeal to their Department Executive Committee, or to the Department Convention, according to the provisions in the By-Laws of such Department. The decision of the Department shall be final.

Section 4. A member whose dues have not been paid on the member's renewal date shall be classed as delinquent. If their dues are paid within 30 days of expiration, the member shall be automatically reinstated. If the member is still delinquent 30 days after expiration, the member shall be suspended from all privileges. If the member is still under such suspension 120 days following expiration their membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues; however, the Posts, Departments and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

ARTICLE V

MEMBERSHIP

Section 1. Membership in The American Legion is membership in the National Organization of The American Legion by affiliation with Posts.

ARTICLE VI

MONIES AND COLLECTIONS

Section 1. All national employees and volunteers handling all American Legion monies and negotiable instruments shall be covered by fidelity/crime insurance in an adequate amount as desired by the Finance Commission and said fidelity/crime insurance policy(s) shall be approved by the National Treasurer, National Judge Advocate, and Finance Commission.

Section 2. National Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any Department, and should that Department so desire, assist in a similar audit of Posts within that Department.

ARTICLE VII

TRANSFER OF POSTS

Section 1. Posts of The American Legion formed within units of the Army, Navy, Marine Corps, Air Force, Coast Guard or other organizations, including U.S. Merchant Marines who served during the December 7, 1941 – December 31, 1946 timeframe, liable to transfer from one place to another, and which are organized under the Department in which they are then located, may transfer to another Department in a manner similar to the transfer of individuals from one Post to another.

Section 2. Any existing Post in the territorial or insular possession of the United States or in foreign countries, which is not under the jurisdiction of a present existing Department, shall within one year following the adoption hereof, unless extended by the National Executive Committee, request the National Executive Committee to place it under the jurisdiction of a Department to be selected by such Post. Said request shall have attached thereto the formal consent of such Department. Should a Post fail or refuse to make such request or be unable to obtain the consent of a Department,

then the National Executive Committee shall designate the Department.

ARTICLE VIII

AMENDMENTS

Section 1. These By-Laws may be amended at any National Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the National Adjutant to the several Departments and members of the National Executive Committee by mailing same to them at least twenty (20) days prior to the convening of the next National Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitutional Amendments; and, provided further, it may be amended by unanimous vote at any National Convention without notice.

Section 2. That no proposed amendment shall be submitted through the National Adjutant to the several Departments and members of the National Executive Committee, as provided in Section 1 of this article, unless said proposed amendment shall have been first submitted by a Department Convention, Department Executive Committee, or the National Executive Committee.

Appendix to the Constitution and By-Laws

Amendments to the Charter of The American Legion enacted by Congress, October 29, 1942, Public Act 767; July 9, 1946, Public Act 495; December 28, 1950, Public Act 895; June 26, 1953, Public Act 80; July 26, 1955, Public Act 178; September 1, 1966, Public Act 89-550; December 27, 1974, Public Act 93-557; August 17, 1978, Public Act 95-346; December 21, 1979, Public Act 96-155; October 30, 1990, Public Act 101-478; December 3, 1991, Public Act 102-179; November 20, 1997, Public Act 105-110; August 12, 1998, Public Act 105-225; November 3, 1998, Public Act 105-354; December 2, 2002, Public Act 107-309; December 13, 2011, Public Act 112-66, Public Act 116-35; July 30, 2019.

Uniform Code of Procedure for the Revocation, Cancellation or Suspension of

Department Charters

(Adopted by the National Executive Committee of The American Legion, November 21-22, 1940, Indianapolis, Indiana Amended by that body May 9 – 10, 2018, Indianapolis, Indiana)

I. Charges

Section 1. A charge that any Department should, for any good and sufficient cause, have its charter cancelled, suspended or revoked, may be initiated by a Department of The American Legion in good standing, or by any three (3) Posts of the Department accused or the National Executive Committee. A charge may be withdrawn only with the consent of the National Commander.

Section 2. Such charge shall be filed with the National Commander at National Headquarters.

Section 3. Such charge shall be in writing, and signed by the respective Commanders and Adjutants of the Department or Posts or an authorized representative of the National Executive Committee, as the case may be, and sworn to before any officer authorized to administer oaths.

Section 4. Three additional copies of such charge shall be filed with the original. The National Commander shall forthwith cause one copy of such charge to be served on the defendant Department by delivering a true copy thereof to the Adjutant of said Department as hereinafter provided.

Section 5. Such charge shall include the following:

a. A certified or attested copy of the resolution authorizing the filing of such charge.

b. The full name and address of the Department against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Department.

c. A clear, concise and detailed statement of the facts upon which the charge is based.

d. The section or sections of the Constitution and By-Laws alleged to have been violated.

e. Affidavits or documents substantiating the charge may be attached.

Section 6. After a charge has been filed, the National Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the National Commander shall file a report and recommendation with the National Executive Committee for its action thereon at its next meeting.

Section 7. The action of the National Executive Committee in rejecting any charge or charges against a Department shall be final.

II. Resolution of National Executive Committee

Should the National Executive Committee determine by a majority vote that a hearing and trial should be held to determine whether a Department charter should be cancelled, suspended or revoked, it shall then adopt a resolution which shall include the following:

a. A statement that the National Executive Committee has determined that a hearing and trial is warranted.

b. Authorization and direction to the National Commander and National Adjutant to sign a formal complaint.

c. The names and addresses of the members of the subcommittee before which the hearing and trial is to be held.

d. The name and address of the National Judge Advocate or special acting National Judge Advocate who is to assist the committee.

e. Authorization to the subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary.

f. That the subcommittee shall report its written findings of fact and recommendation to the National Executive Committee at its next meeting, provided, however, that if the hearing or trial is not completed a partial report shall be made.

III. Complaint

Section 1. In all cases a formal complaint, in triplicate, shall be drawn by the National Judge Advocate and signed by The American Legion, through its National Commander and National Adjutant, setting forth the following:

a. A clear and concise statement of the facts upon which the charges are predicated.

b. The origin of the charges.

c. A copy of the resolution of the National Executive Committee appointing the subcommittee and its assistants.

d. A copy of the Uniform Code of Procedure for the Revocation, Cancellation, or Suspension of Department Charters.

e. The time within which an appearance or answer shall be filed by the Department, which shall be not less than twenty (20) or more than sixty (60) days from the date of the service of a copy of the complaint.

f. The time and place for the hearing and trial, which shall not be more than thirty (30) days after the date of the expiration of the time for the filing of the answer.

Section 2. Any such complaint may be amended by the subcommittee of the National Executive Committee in its discretion at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

IV. Service

Section 1. The subcommittee shall cause a true copy of the complaint to be served on the defendant Department.

Section 2. All complaints, orders and other process and papers of the subcommittee or of the national organization of The American Legion may be served personally, or by registered mail, or by leaving a copy thereof at the principal office of the Defendant Department or Post. The verified return by the individual serving the same showing service thereof in the manner herein provided, or the registry return receipt shall be proof of service.

Section 3. All notices, orders, papers or other process which are to be served on the National Headquarters of The American Legion, or the subcommittee appointed to conduct the trial, shall

be deemed served if they are served on the National Adjutant at National Headquarters, said service to be made as herein before provided.

Section 4. Witnesses may be summoned by a notice signed by either the special acting National Judge Advocate, the National Judge Advocate, or by a member of the subcommittee.

V. Answer

Section 1. The defendant Department shall file an answer to said complaint with the National Judge Advocate at National Headquarters within the time specified in the complaint. The answer shall contain a clear and concise statement of the facts which constitute its defense. Any charge or specification in the complaint which is not expressly denied or explained in the answer shall be deemed to be admitted.

Section 2. In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment and may file an amended answer to the said amended complaint within five (5) days thereafter.

VI. Subcommittee

Section 1. The subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the Department charter shall be appointed by the National Executive Committee and shall consist of not more than five (5) nor less than three (3) members of the National Executive Committee. The National Executive Committeeman of the Department under investigation shall not be a member of such subcommittee.

Section 2. Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the National Judge Advocate or special acting National Judge Advocate.

Section 3. A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.

Section 4. The duties of the National Judge Advocate or special acting National Judge Advocate ("Judge") shall be to see that the trial is prompt, complete and thorough, make all arrangements for the hearings, the summoning of all witnesses and the production of all papers. The Judge shall see that all the orders of the subcommittee shall be carried out. The Judge, along with members of the appointed subcommittee, shall examine and cross-examine all witnesses.

VII. Hearing and Trial

Section 1. The rules of evidence prevailing in courts of law and equity shall not be controlling. The subcommittee shall decide all questions arising as to the relevancy of the evidence and the regularity of the proceedings. Due process and equal protection legal standards shall be afforded to the Defendant and Department at all stages of this process.

Section 2. The subcommittee may hold its hearings in closed sessions or may open them to the public. The subcommittee shall hear witnesses on oath or affirmation.

Section 3. Any party to the proceedings shall have the right to appear at such hearing in person, by counsel, or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses

and to introduce documentary or other evidence.

Section 4. Stipulations of fact may be introduced in evidence with respect to any issues.

Section 5. Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing.

Section 6. Any party to the proceedings shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing. Briefs maybe filed by the parties within the time fixed by the subcommittee.

Section 7. In the discretion of the subcommittee, the hearings may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the chairman or vice-chairman of the subcommittee, or by other appropriate notice.

Section 8. A stenographic report of the trial shall be made.

VIII. Report of Subcommittee

Section 1. The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its written findings of fact and recommendations with reference thereto with the National Adjutant not less than five (5) days before the next meeting of the National Executive Committee, all of which shall be open to the inspection of all members of the National Executive Committee as well as representative or representatives of the Defendant Department.

Section 2. The National Executive Committee shall consider said report and act thereon.

Section 3. At the National Executive Committee meeting at which the report of the said subcommittee is to be considered, one (1) representative of the defendant Department may, within the discretion of the National Executive Committee, be given the privilege of the floor for not more than one (1) hour.

Section 4. Should the subcommittee's report be a partial report, the National Executive Committee may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the National Executive Committee.

Section 5. The decision of the National Executive Committee, based upon the report of its subcommittee, shall be final and no appeal can be taken therefrom.

Uniform Code of Procedure for the Revocation, Cancellation or Suspension of

Post Charters

(Adopted by the National Executive Committee of The American Legion May 1-2, 1941, Indianapolis, Ind. Amended by that body November 6-7, 1941 and May 9-10, 2018)

I. Charges

Section 1. A charge that any Post should, for any good and sufficient cause, have its charter cancelled, suspended or revoked may be initiated by any intermediate body between the Post and the Department, or by any three Posts of the Department in which the Post accused is located or the Department Executive Committee. A charge may be withdrawn only with the consent of the Department Commander.

Section 2. Such charge shall be filed with the Department Commander at Department Headquarters.

Section 3. Such charge shall be in writing and signed by the respective Commanders and Adjutants of the intermediate bodies or Posts or an authorized representative of the Department Executive Committee, as the case may be, and sworn to before any officer authorized to administer oaths.

Section 4. Three additional copies of such charge shall be filed with the original. The Department Commander shall forthwith cause one (1) copy of such charge to be served on the defendant Post by delivering a true copy thereof to the Adjutant of said Post, as hereinafter provided.

Section 5. Such charge shall include the following:

a. A certified or attested copy of the resolution authorizing the filing of such charge.

b. The full name and address of the Post against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Post.

c. A clear, concise and detailed statement of the facts upon which the charge is based.

d. The section or sections of the National and Department Constitutions and By-Laws alleged to have been violated.

e. Affidavits or documents substantiating the charge may be attached.

Section 6. After a charge has been filed, the Department Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the Department Commander shall file a report and recommendation with the Department Executive Committee for its action thereon at its next meeting.

Section 7. The action of the Department Executive Committee in rejecting any charge or charges against a Post shall be final.

II. Resolution of Department Executive Committee

Section 1. Should the Department Executive Committee determine by a majority vote that the Post should surrender its charter, said Department Executive Committee shall direct the defendant Post

to surrender its charter for cancellation, and shall pass a resolution that unless the charter is so surrendered, prior to the date therein specified, a hearing and trial be held to determine whether the Post charter should be cancelled, suspended or revoked, and said resolution shall include the following:

a. A statement that the Department Executive Committee has determined that a hearing and trial is warranted.

b. Authorization and direction to the Department Commander and Department Adjutant to sign a formal complaint.

c. The names and addresses of the members of the subcommittee before which the hearing and the trial is to be held.

d. The name and address of the Department Judge Advocate or special acting Department Judge Advocate who is to assist the committee.

e. Authorization to the subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary. Said expense, including the cost of stenographic report of the trial when ordered to be transcribed by the subcommittee or the Department Executive Committee, shall be taxed as costs against the Department, complainants or defendant Post in such manner and amount as the Department Executive Committee shall prescribe.

f. That the subcommittee shall report its written findings of fact and recommendation to the Department Executive Committee at its next meeting, provided, however, that if the hearing or trial is not completed, a partial report shall be made.

III. Complaint

Section 1. In all cases, a formal complaint, in triplicate, shall be drawn by the Department Judge Advocate and signed by The American Legion, through its Department Commander and Department Adjutant, setting forth the following:

a. A clear and concise statement of the facts upon which the charges are predicted.

b. The origin of the charges.

c. A copy of the resolution of the Department Executive Committee appointing the subcommittee and its assistants.

d. A copy of the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters.

e. The time within which an appearance or answer shall be filed by the Post, which shall be not less than twenty (20) or more than sixty (60) days from the date of the service of a copy of the complaint.

f. The time and place for the hearing and trial, which shall not be more than thirty (30) days after the date of the expiration of the time for the filing of the answer.

Section 2. Any such complaint may be amended by the subcommittee of the Department Executive Committee in its discretion at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

IV. Service

Section 1. The subcommittee shall cause a true copy of the complaint to be served on the defendant Post.

Section 2. All complaints, orders and other process and papers of the subcommittee or the Department organization of The American Legion may be served personally, or by registered mail, or by leaving a copy thereof at the principle office or Headquarters of the intermediate body or Post, or place of residence of the person or officer to be served. The verified return by the individual serving the same showing service thereof in the manner herein provided, or the return receipt shall be proof of service.

Section 3. All notices, orders, papers or other process which are to be served on the Department Headquarters of The American Legion, or the subcommittee appointed to conduct the trial, shall be deemed served if they are served on the Department Adjutant at Department Headquarters, said service to be made as herein above provided.

Section 4. Witnesses may be summoned by a notice signed by either the special acting Department Judge Advocate, the Department Judge Advocate, or by a member of the subcommittee.

V. Answer

Section 1. The defendant Post shall file an answer to said complaint with the Department Judge Advocate at Department Headquarters within the time specified in the complaint. The answer shall contain a clear and concise statement of the facts which constitute its defense. Any charge or specification in the complaint which is not expressly denied or explained in the answer shall be deemed to be admitted.

Section 2. In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment and may file an amended answer to the said amended complaint within five (5) days thereafter.

VI. Subcommittee

Section 1. The subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the Post charter shall be appointed by the Department Executive Committee and shall consist of not less than three (3) members of the Department Executive Committee. No member of the Post under investigation shall be a member of such subcommittee.

Section 2. Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the Department Judge Advocate or the special acting Department Judge Advocate.

Section 3. A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.

Section 4. The duties of the Department Judge Advocate or special acting Department Judge Advocate ("Judge") shall be to see that the trial is prompt, complete and thorough, make all arrangements for the hearings, the summoning of all witnesses and the production of all papers. The Judge shall see that all the orders of the subcommittee shall be carried out. The Judge, along with members of the appointed subcommittee, shall examine and cross-examine all witnesses.

VII. Hearing and Trial

Section 1. The rules of evidence prevailing in courts of law and equity shall not be controlling. The subcommittee shall decide all questions arising as to relevancy of the evidence and the regularity of the proceedings. Due process and equal protection legal

standards shall be afforded to the Defendant and Post at all stages of the process.

Section 2. The subcommittee may hold its hearings in closed sessions or may open them to the public. The subcommittee shall hear witnesses on oath or affirmation.

Section 3. Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses and to introduce documentary or other evidence.

Section 4. Stipulations of fact may be introduced in evidence with respect to any issues.

Section 5. Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing.

Section 6. Any party to the proceedings shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing. Briefs may be filed by the parties within the time fixed by the subcommittee.

Section 7. In the discretion of the subcommittee, the hearings may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the chairman or vice-chairman of the subcommittee or by other appropriate notices.

Section 8. A stenographic report of the trial shall be made.

VIII. Report of Subcommittee

Section 1. The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its written findings of fact and recommendations with reference thereto with the Department Adjutant not less than five (5) days before the next meeting of the Department Executive Committee, all of which shall be open to the inspection of all members of the Department Executive Committee, as well as representative or representatives of the defendant Post.

Section 2. The Department Executive Committee shall consider said report and act thereon.

Section 3. At the Department Executive Committee meeting at which the report of the said subcommittee is to be considered, one representative of the defendant Post may, within the discretion of the Department Executive Committee, be given the privilege of the floor for not more than one (1) hour.

Section 4. Should the subcommittee's report be a partial report, the Department Executive Committee may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the Department Executive Committee.

IX. Appeal

Section 1. Should the Department Executive Committee refuse to cancel, suspend or revoke the charter of the Post, such decision shall be final and no appeal can be taken therefrom.

Section 2. Should the Department Executive Committee, upon a report of its subcommittee, cancel, suspend or revoke the charter of the defendant Post, the defendant Post and the National Adjutant shall be notified by the Department Adjutant of the decision of the Department Executive Committee, which notice shall be

mailed within five (5) days after such decision has been rendered. Should the Defendant Post desire to appeal from the decision of the Department Executive Committee, it shall serve its notice of appeal, signed by the Post Commander and Post Adjutant, on the Department Adjutant at Department Headquarters within thirty (30) days from the date of said suspension, cancellation or revocation.

Section 3. Upon receipt of said notice of appeal, the Department Commander shall immediately notify the National Commander of such appeal and shall cause the Department Judge Advocate, or special acting Department Judge Advocate, and the subcommittee to submit all the papers and the complete record of the hearings to the National Commander. Upon receipt of the notice of appeal, the National Commander shall appoint a subcommittee of not more than five (5) nor less than three (3) members of the National Executive Committee for the purpose of hearing the appeal from the action of the Department Executive Committee.

Section 4. The National Executive Committeeman, or alternate, from the Department of which the defendant Post is a part, shall not be eligible to serve on this committee.

Section 5. This subcommittee of the National Executive Committee shall meet at least one (1) day prior to the meeting of the National Executive Committee and to this committee the National Commander shall refer the complete record, in writing, of said proceedings with such exceptions thereto as are made by the defendant Post.

Section 6. This subcommittee may make its recommendations merely from the records, or it may permit representatives of the Department or the defendant Post to appear and argue the matter before the committee, and it may, as such hearing of such appeal, take further evidence relating thereto under such rules and conditions as it may from time to time adopt.

Section 7. This subcommittee shall review the cause and recommend to the National Executive Committee the action to be taken thereon.

Section 8. The decision of the National Executive Committee, based upon the report of this subcommittee, shall be final and there shall be no appeal therefrom.

Section 9. The cost of the proceeding may be retaxed as the National Executive Committee shall deem just and equitable.

X. Disposition of Post with Suspended, Cancelled or Revoked Charter

Section 1. Upon the suspension of the charter of a Post the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of and belonging to such Post, and to provide for the government and administration of such Post during said suspension period.

Section 2. Upon cancellation or revocation of the charter of any Post of The American Legion, the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of such Post, and to take all necessary and proper steps and proceedings to conclude and close the affairs of such Post and said Department Executive Committee may transfer any remaining Post members into appropriate neighboring Posts willing to accept said members.

THE AMERICAN LEGION

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