

**RULES OF THE  
NATIONAL EXECUTIVE COMMITTEE**

**of**

THE AMERICAN LEGION



*Originally adopted by the  
National Executive Committee  
November 21-22, 1940*

**Revised October 14 – 15, 2020**

Rules of the  
National Executive Committee  
Adopted November 21-22, 1940

Amended as follows:

May 1-2, 1941

December 13-15, 1945

November 18-20, 1948

May 4-6, 1949

November 17-19, 1950

November 18-20, 1951

May 4-5, 1960

May 1-2, 1963

Oct. 9-10, 1974

May 3-4, 1976

Oct. 12-13, 1988

May 7-8, 2008

October 12-13, 2011

May 9-10, 2012

October 14 – 15, 2020

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# **RULES OF THE NATIONAL EXECUTIVE COMMITTEE**

The following “Rules of the National Executive Committee” (“Rules”) are based upon the report of the Special Code of Procedure Subcommittee of the National Executive Committee, as adopted at the November 21-22, 1940, meeting, to take effect ten days from the date of such adoption, and amended at the May 1-2, 1941, December 13-15, 1945, November 18-20, 1948, May 4-6, 1949, November 17-19, 1950, November 18-20, 1951, May 4-5, 1960, May 1-2, 1963, October 9-10, 1974, May 3-4, 1976, October 12-13, 1988, May 7-8, 2008, October 12-13, 2011, May 9-10, 2012 and October 14-15, 2020 meetings of The American Legion National Executive Committee.

Daniel S. Wheeler  
National Adjutant

## **Rule 1 Self-Governing**

The National Executive Committee of The American Legion (“Committee”), as defined in the National Constitution and National By-Laws of The American Legion (“C&BLs”), shall be a self-governing committee and transact business in accordance with the rules hereinafter set forth, subject only to the Constitution and By-Laws of The American Legion and resolutions of the National Conventions of The American Legion (“Convention”) and Committee meetings.

## **Rule 2 Officers**

The national commander shall be the Chair of the Committee and the national adjutant shall serve as Sec-

retary. Any temporary vacancies, in such offices of Chair and Secretary shall be filled by action of the Committee for the respective meeting in which the vacancy occurs.

### **Rule 3**

#### **Powers and Rights**

The Committee is specifically empowered to exercise the following powers and rights and may delegate to any national commander's appointed subcommittee that is composed of members of the Committee the authority to investigate and report back to the Committee on any of the following powers and rights:

**A.** To make decisions on all matters, executive or administrative provided, however, that said action taken shall not be contrary to, nor in derogation of, actions of the Convention, except as provided by the resolution adopted at the Cleveland National Convention in 1936, as follows:

“Resolved, That any policy adopted by the National Organization of The American Legion by convention action shall be a mandate during the year of its adoption and thereafter shall continue as the national policy of the National Organization unless changed by subsequent Convention action or by action of the National Executive Committee,” except that mandates pertaining to legislative action by the Congress of the United States shall be effective only to the date of final adjournment of the Congress during which such resolutions were adopted by a National Convention or the National Executive Committee, except that resolutions passed at the National Convention or the National Executive Committee meeting preceding the convening of a new Congress shall be effective until the adjournment of such new Congress.

**B.** To determine the number of members of all National Commissions, National Committees, Boards or Subcommittees of the Committee created by the national com-

mander not in conflict with the C&BLs or the Committee and to ratify the appointments made by the national commander. Such National Commissions, National Committees, Boards or Subcommittees of the Committee shall receive full instructions from the Committee by resolution specifying their purpose, scope, function and authority, and each National Commission, National Committee, Board or Subcommittee of the Committee which has met since the last meeting of the Committee and at least three weeks prior to the next ensuing meeting of the Committee shall prepare preliminary reports for distribution by the national adjutant to members of the Committee preceding any meeting, regular or special.

**C.** Upon any report made to the Committee by any National Commission, National Committee, Boards or Subcommittee of the Committee and containing any recommendation as to the future conduct, or as to the future policy of matters within their scope, the receiving, accepting or approval of such report shall not mean the adoption of such recommendations and each specific recommendation as to future conduct, or as to future policy, shall be embodied in a resolution for the consideration and action of the Committee and/or Convention.

**D.** To make the financial decisions when necessary, relative to expenditures for which appropriations have been made by the Committee and to make emergency appropriations necessary to implement action by the Committee.

**E.** To make appropriations from funds not otherwise appropriated of such additional amounts as may be recognized as emergency requirements.

**F.** To explore matters requiring the attention of the Committee and offer recommendations thereon to the Committee.

**G.** To advise the national officers, or National Commissions, with regard to problems arising in the performance of their respective duties or functions.

**H.** In general, to perform between Conventions, any, and all, actions necessary and consistent with the exercise of administrative power by the Committee.

## **Rule 4**

### **Powers of the Committee Over Its Members**

**A.** If a quorum, as defined in the C&BLs, is not present, the national commander may order a call-in of the Committee and send for the absentee Committee Members.

**B.** In the case a less number than a quorum of the Committee shall convene, those present are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent Committee Members present within the city where the meeting is being held. This rule shall apply to the meeting of the Committee at the legal time of the meeting, as to each day of the session and until after the hour has arrived to which the Committee stood adjourned.

## **Rule 5**

### **Decorum**

**A.** No member of the Committee, or other person except the Secretary and the assistant(s), shall visit or remain by the Secretary's table while the yeas and nays are being called or counted.

**B.** No member shall speak more than twice upon the same subject without leave of the Committee; nor speak more than once until every member choosing to speak shall have spoken.

**C.** While the national commander is reporting or putting forth the question, no one shall entertain private discourse, read, stand up, walk into, out of, or across the Committee room.

**D.** No question shall be debated until it has been repeated by the Chair, and then the proponent's mover shall have the right to explain one's views, in preference to any other member.

**E.** While the national commander is putting forth the question, any member who has not spoken before to the matter may speak to the question before the negative is put forth.

**F.** During any debate, any Committee Member, though having has spoken to the matter, may arise and speak to the orders of the Committee if they be transgressed, in case the national commander does not; but if the national commander stands up at any time, the national commander is first to be heard.

**G.** Whenever the Committee Member and the Alternate Committee Member from any department shall be absent from any meeting or session of the Committee, the courtesy of the floor may be granted to an accredited representative of the department not represented; provided, however, that the right to vote shall not be transferred or delegated.

**H.** Whenever a division of vote is to be determined on any question before the Committee, the Presiding Officer may determine division by:

1. Viva Voce vote, with right of recourse to a “teller vote” or “roll call vote” as hereinafter provided; or
2. A teller vote, whereby the yeas and nays may be counted by a rising vote with recourse to a roll call vote as hereinafter provided; or
3. A roll call vote may be directed by the Presiding Officer to determine a division of vote on any question. A roll call vote shall be taken upon the request of three Committee members.
4. On any Viva Voce vote or teller vote, any member of the Committee shall have their vote recorded upon one’s request.
5. If the Meeting is held under Rule 13 the electronic method so used by the internet meeting service may also be used.

**I.** If there is no division of vote on a question and/or objection to a motion before the Committee, the Presiding Officer may pass the matter by unanimous consent.



## **Rule 6**

### **Committee of the Whole**

**A.** When the Committee shall enter into the Committee of the Whole, the national commander shall leave the Chair and appoint a Chair to preside over the Committee of the Whole.

**B.** The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Committee. The rules of the Committee shall be observed in the Committee of the Whole so far as they are applicable, except the rule limiting the time of speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded in the minutes of the Committee, excepting so far as they are reported to the Committee by the Chairman of the Committee of the Whole.

## **Rule 7**

### **Order of Business**

The order of business of the Committee shall be:

1. Salute to Colors
2. The Invocation
3. POW-MIA Remembrance Ceremony
4. Pledge of Allegiance
5. Preamble
6. Roll Call
7. Adopt the meeting's agenda
8. Read the minutes of the former meeting
9. Dispose of letters or communications
10. Receive reports from National Officers of The American Legion
11. Receive reports from National Commissions, National Committees, Boards and Subcommittees of the Committee
12. Receive resolutions, motions and petitions
13. Act upon unfinished business of the preceding day

- and resolutions lying over from the previous day
14. Appointments of members of standing or special Commissions, Committees, Boards or Subcommittees of the Committee
  15. Miscellaneous business
  16. Benediction
  17. Salute to Colors.

### **Rule 8-a** **Fiscal Policy**

All business matters affecting the fiscal policy of The American Legion, or financial matters outside the scope of mandates of the National Convention, including the making, cancellation, abrogation or modification of any contract to which the National Organization is a party, shall be considered under a first and second reading, with not less than four hours intervening. The second reading of said matter so presented shall be held not less than four hours after the first reading of said matter under submission and it shall be required that the subject matter, i.e., the motion or resolution or report, be printed and a copy thereof placed on the desk of each Committee Member attending said meeting at the time of the first reading for the purpose of consideration of such motion, resolution, or report between the first and second reading. If the Meeting is held under Rule 13 the necessary documents per this Rule shall be provided to all Committee Members by e-mail. Final action shall be taken only upon the second reading thereof; provided, however, that matters and resolutions approved by and contained in the report of the National Finance Commission with favorable recommendation for immediate action may be considered at the time of the report of said National Finance Commission.

## **Rule 8-b**

### **Legislative Program**

Any resolution adopted by the National Convention of The American Legion, or the Committee, intending congressional action by the United States Congress shall upon its adoption immediately become part of The American Legion's Legislative Program and shall remain in full force and effect only during the life of the United States Congress to which it relates. The National Legislative Commission shall compile such resolutions and make the current compilation part of its report to the Committee for the sole purpose of establishing an orderly historical record of resolutions requiring legislative action.

## **Rule 9**

### **Procedure**

**A.** Letters and communications addressed to the Committee or to the national commander, the national adjutant or any other national officer and by them referred to the Committee shall be read (or published as determined by the national commander) by the national adjutant. Such letters and/or communications shall be disposed of in one of the following motions:

1. By a "motion to accept." Such acceptance motion shall have the effect of approving the subject matter and may include specific instructions for further disposition, i.e., by directions of the national commander, national adjutant or other proper officer by reference to an appropriate Commission or Committee or any other proper instruction.
2. By a "motion to receive and file." Such receive and file motion shall denote neither approval nor disapproval of the subject matter and shall require no action on the part of National Officers or others beyond a formal reply should such be required as

determined by the national commander.

3. By a “motion to reject or decline.” Such rejection motion shall mean disapproval and should include specific instructions for further disposition as set forth in Rule 9, Section A, subsection 1.

**B.** Reports of national officers shall be acted upon directly by the Committee, except that by direction of the Committee a report of any national officer may be referred to a Subcommittee of the Committee for study and report thereon; provided, however, that such referral shall not continue beyond the meeting of the Committee to which such national officer’s report is first submitted.

Reports of national officers shall not be altered or amended by the Committee, nor may any such report be rejected. In the event that the Committee shall not agree with the report or any statement therein contained, then, and in such event, if the presiding officer or the Committee so determines, a separate memorandum shall be prepared as determined by the national commander setting forth the objections, which such memorandum, if approved by the Committee, shall be filed with the report. Any such memorandum, when submitted, shall be subject to amendment.

Reports of officers shall be disposed by one of the following motions:

1. “To approve” the report. Such action shall constitute approval of the statements made in the report.
2. “To disapprove” the report. Such action shall have the effect of disapproving any or all statements of the report, but such action shall prevail only in the event that a memorandum setting forth the objections to such report shall have been adopted.
3. “To receive and file” the report. Such action shall constitute only a routine disposition of the report. A negative vote on motions 1 and 2 of Rule 9, Section B shall automatically cause the report to be received and filed.

**C.** Reports of National Commissions shall include a report of the National Committees assigned to them, except that for good reasons, by direction of the national commander, a National Committee may report directly to the Committee. Reports of National Commissions, National Committees, Boards or Subcommittees of the Committee shall be received and shall then be disposed by one of the following motions:

1. "To approve" the report. Such motion shall constitute approval of the statements made in the report subject to the procedure outlined in Rule 3-C of the Committee.
2. "To receive and file" the report. Such motion shall constitute a routine disposition of the report.
3. "To re-commit" the report. Such motion shall return the report to the Commission or the Committee of origin for further study and report and may be accompanied by specific instructions.
4. "To commit the report to a special Subcommittee of the National Executive Committee." Such motion shall contemplate specific study and such Subcommittee shall return the report to the Committee with recommendations.
5. "To commit to the Committee of the Whole." Upon adoption of such a motion, the Committee shall resolve itself into a Committee of the Whole and may thereafter alter or amend the report in whole or in part. The results of such action, however, shall again be submitted to the Committee for final disposition.

A negative vote on motion 1 of Rule 9, Section C shall automatically cause the report to be received and filed.

**D.** Any member of the Committee shall be privileged to present a resolution in his or her own right in any of the following ways:

1. Under a proper order of business, in which case of the subject matter thereof shall be germane.

2. Under miscellaneous business.
3. Upon unanimous consent of the Committee at any session of the Committee at an appropriate interval in the order of business.
4. Under a suspension of the Rules.

**E.** All National Commissions, National Committees, Boards or Subcommittees of the Committee shall be required to present in resolution form all recommendations as to their future conduct or future policy as to matters within their scope and functions upon which it is desired or required that the Committee take action as contemplated in Rule 3, Section C. Such resolutions shall be filed with the Subcommittee on Resolutions prior to the first session of any meeting of the Committee at which action thereon is contemplated.

The Subcommittee on Resolutions shall report such resolutions to the Committee with appropriate recommendations immediately following the disposition of the report of the National Commission or Committee concerned.

**F.** Matters emanating from Posts, Departments, the American Legion Auxiliary or from other sources shall be defined and classified as:

1. "American Legion" sponsored matters
  - a. American Legion sponsored matters would be resolutions from properly constituted American Legion organizations: Posts and intermediate bodies (which have been approved by their department convention or department executive committee), Department Executive Committee, Department Convention, National Convention or resolutions submitted by any National Commission or Committee.
  - b. Resolutions emanating from the National Organization of the American Legion Auxiliary or any other official component thereof.
2. "Official" matters

Official matters are those items which originate from American Legion officers or officials such as Commanders or other officers of Posts, intermediate bodies, Departments or the President of the National Organization of the American Legion Auxiliary.

3. "General" matters

General matters are those items which originate from individual members of The American Legion, individual citizens or as a result of communications for from organizations or their officials not affiliated with The American Legion or from agencies of Government.

**G.** Such matters, as listed above in Rule 9, Section F, Sub-sections 1 – 3, shall be disposed of as follows:

Whenever such matters are received at the National Headquarters of The American Legion, the national adjutant shall analyze the subject matter and take action in one or more of the following ways:

1. Determine, in accordance with one's good judgment, whether or not such matter or communication is basically administrative in nature, and if so, refer the matter to the appropriate Division, or Director for disposition.
2. If in the judgment of the national adjutant the subject matter be of primary concern to or related to a program or function of one of the National Commissions, such matter shall be referred to the appropriate National Commission for action or for consideration by the appropriate National Commission.
3. Matters which do not fall within the above classifications, or which in the opinion of the national commander or the national adjutant, involve questions of organizational policy of sufficient importance to be considered directly by the Committee shall be referred to the Subcommittee on Resolutions of the Committee for disposition.

**H.** The Committee, with the exception of the latitude given in Rule 9, Section G, Subsection 3, will directly consider only matters which bear the prior approval of a Department Convention or Department Executive Committee, or referred to it by the National Convention, or which may be recommended to it by the national commander, or be presented to it through the governing body of the American Legion Auxiliary. All other matters, as hereinbefore defined, which do not have the sponsorship specified in this specific paragraph, may become eligible for consideration by the Committee only in the event that they have been recommended for approval to the Committee by a National Commission of The American Legion.

**I.** National Commissions when submitting their reports to the Committee shall include therein a record of the disposition of all matters previously referred to them during that year and shall designate each by its register number if in that category. Resolutions referred to National Commissions and upon which such National Commissions shall have acted in an administrative or in such other manner or shall satisfy the purport of the resolution need only be reported to Committee as to disposition. Resolutions referred to Commissions for study and report and referred by such Commissions to the Committee for final action shall be filed with the Subcommittee on Resolutions as contemplated in Rule 9, Section G with recommendation as to their disposition.

**J.** The national adjutant shall keep and maintain a register of all matters officially (i) received from a department (for example: items from any Department Convention or Department Executive Committee); (ii) sponsored by a Committee Member; or (iii) referred to National Commissions. The national adjutant shall report these referrals to the Committee in written form at the regular meetings of the Committee which occur after the adjournment of the National Convention and in May of each year in order that Committee Members shall be informed of the re-



ferrals previously made. This register will be continuous from meeting to meeting and continue to list matters once placed thereon until it is reported as disposed.

## **Rule 10**

### **Form of Resolutions**

**A.** Resolutions, which shall be offered as the direct action of the Committee, shall be prepared in appropriate form containing such informative preamble in the form of "Whereas" followed by statements of fact and shall conclude with a resolving clause, or clauses, which shall specifically set forth what statement or declaration is to receive action of the Committee. Such resolving clause, or clauses, may contain the following leading language:

"RESOLVED, By the National Executive Committee of The American Legion in regular (or special) meeting assembled in Indianapolis, Indiana (or other place), on (date or dates), That, etc. and be it further

"RESOLVED, That, etc."

**B.** Resolutions of posts, intermediate bodies or other officially constituted subordinate organization which shall have received favorable action by their respective Department Conventions or Department Executive Committee, and which shall have an appropriate endorsement thereof in proper resolution form, may be acted upon by the Committee in the form of a final resolving clause in the following leading language:

"And be it finally Resolved, By the National Executive Committee of The American Legion in regular (or special) meeting assembled in Indianapolis, Indiana (or other place), on (date or dates), That, etc."

**C.** Resolutions of Department Conventions or Department Executive Committees shall be similarly acted upon by the Committee in the form of a final resolving clause as contemplated in Rule 10, Section B.

## **Rule 11**

### **Subcommittee on Resolutions**

The Subcommittee on Resolutions (“Subcommittee”) of the Committee shall meet at least two days prior to any regular meeting of the Committee held in May and October of each year or any adjournment thereof.

The Subcommittee shall prepare a digest and such supplements thereto as may be necessary of all resolutions considered by it and for presentation to the Committee, together with the recommendation of the Subcommittee.

Copies of resolutions and supplements thereto shall be placed on the desk and/or mailed or e-mailed to, each Committee Member at the opening of the various meetings.

The Subcommittee shall have the cooperation of all officers, employees and members of National Commissions and Committees to obtain such information, facts and advice as it may deem necessary to carry out Subcommittee’s responsibilities and duties.

The Subcommittee has the authority to alter, amend, redraft or substitute for any resolution submitted to it prior to the resolution’s presentation to the Committee; provided, however, that the Subcommittee shall concurrently report the original resolution to the Committee and Subcommittee’s reason for any change made.

## **Rule 12**

### **Transaction of Business by Mail, E-mail or by Telephone**

The Committee, without physically meeting together, may transact official business by mail, e-mail, telephone, video conference or by any other such means available on any matter of urgency as determined by the national commander by voting upon proposed resolutions mailed, e-mailed, telephoned, video conferenced or provided by any other such means available to them by the national

adjutant with the approval of the national commander.

Fifteen days shall be allowed for the return, by mail, e-mail, telephone, video conference, or any other such means available, of the votes thereon to the national adjutant. The voting shall be considered closed at the end of the fifteen days provided, that three-fourths of the members of the Committee have returned their votes by that time, or it shall be considered closed at any time prior thereto if and when all the Committee Members shall have returned their votes; provided, further, that in the event one-third of the Committee in writing objects to the ballot by the voting method utilized, the matter shall not proceed and will be considered as the first order of business at the next regular or special meeting of the Committee. The results of the action taken shall be provided to all Committee Members by the national adjutant.

### **Rule 13**

#### **Meeting by use of the Internet or Video Conferencing**

**A.** The Secretary shall send by e-mail notice to every Committee Member at least eight (8) days prior to any internet or video conference meeting (“Meeting”): (i) the Meeting(s) day and time; (ii) the Meeting(s) connection URL and code(s); and, (iii) as an alternative and backup to the audio/video connection included within the e-mail notice, a phone number and access code(s) the Committee Member may need to participate in the Meeting by telephone. The Secretary shall also include a link to the Rules with this e-mail notice.

**B.** The Secretary shall schedule the Meeting sign-on service availability for all Committee Members beginning at least 30 minutes before the Meeting scheduled start time.

**C.** Upon signing into the meeting all Committee Members shall identify themselves and shall consistently maintain internet and/or audio access throughout the Meeting.

**D.** The Meeting quorum number is determined based upon the National By-Law requirements. Thereafter, the continued presence of a quorum attendance is determined by the online list of Committee Members, unless a Committee Member demands a quorum count by an audible roll call. Such a demand may only be made following any vote for which the announced totals add to less than a required quorum.

**E.** Each Committee Member is responsible for his or her audio and internet connections as no action shall be invalidated on the grounds that the loss of, or poor quality of, a Committee Member's individual connection prevented participation in the Meeting.

**F.** The Chair may cause or direct the disconnection or muting of a Committee Member's connection to the Meeting. The Chair's decision to do so shall be announced during the meeting and recorded in the Meeting minutes.

**G.** To seek recognition by the Chair, a Committee Member shall raise his or her hand, or utilize the method within the internet meeting service being used.

**H.** A Committee Member intending to make a motion, or request, shall raise his or her hand, or utilize the method with the internet meeting service being used, and shall thereafter wait a reasonable time for the Chair's instructions before attempting to interrupt the speaker by voice.

**I.** A Committee Member intending to make a motion or offer an amendment not previously provided to all Committee Members, shall, before or after being recognized, post the motion, or amendment, in writing to the online area designated by the Secretary for this purpose, along with the Committee Member's name. The use of the online area designed for this purpose by the Secretary shall be restricted to posting the text of intended motions or amendments.

**J.** The Secretary shall designate an online area exclusively for the display of an immediately pending motion/question and other relevant pending question(s) (such as

the main motion when an amendment is immediately pending); and, to the extent possible, the Secretary, or an appointed assistant, shall cause such question(s) to be displayed therein until disposed of by the Committee.

**K.** Committee Member votes shall be taken by the voting feature of the internet meeting service, unless a different method is ordered by the Chair. When ordered other permissible methods of voting are by electronic roll call or by audible roll call. The Chair's announcement of the voting result may include the number of members voting on each side of the question. All Meeting business brought forth may also be conducted by unanimous consent.

**L.** The Secretary, or his or her assistant(s), will display a video of the Chair throughout the Meeting and may also display the video, and/or photo, of the Committee Member, or individual, currently speaking.

**M.** If a Committee Member needs any sort of technical assistance he or she must request such assistance from the Secretary at least 96 hours prior to the scheduled meeting time.

## **Rule 14**

### **Suspension of Rule**

No standing rule or order of the Committee shall be suspended without one hour's notice being given of the motion therefor and no rule shall be suspended except by a positive vote of two-thirds of all Committee members present.

## **Rule 15**

### **Robert's Rules of Order to Govern**

Except as otherwise herein specifically provided, Robert's Rule of Order, current edition, shall govern unless otherwise determined.





