



Marine Corps League
National Junior Vice Commandant
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21 March 2018

From: National Junior Vice Commandant Johnny Baker

To: National Judge Advocate Warren Griffin
National Chief Operating Officer Robert Borka

Subj: Proposed Bylaw Change (Rewrite)

In accordance with National Bylaws, Article Eight, Section 800, the following proposed amendments are submitted for consideration by the body assembled at the National Convention.

National Bylaws and National Administrative Procedures

CURRENT: All National Bylaws and National Administrative Procedures

PROPOSED: The proposed amendment distills the essential elements of the current National Bylaws into concise new bylaws patterned on the model bylaws in Robert's Rules of Order. The Administrative procedures is also considered concise procedures. The Amendment which follows is in two parts (national Bylaws and national Administrative procedures) that are adopted concurrently.

THE AMENDMENTS:

1. The new National Bylaws (NB) rewrite in Attachment "A" as rewritten.

a. All Articles of the new NB are taken from the National Charter (Articles I and II), portions of the current National Bylaws (Articles One-Eight) verbatim or with editorial corrections, and portions of the National Administrative Procedures.

b. In the Drafters Notes in Attachment "A", they cite the source of each new National Bylaws section. The sources may be in the current National Bylaws or the current National Administrative Procedures.

c. Each section in attachment "A" is clearly indicated which sections are new or administratively changed.

2. The new National Administrative Procedures rewrite in Attachment "B" as rewritten.

a. Each Chapter in the rewritten National Administrative Procedures (NAP) were created with the current AP and the sections removed from the current NB.

- b. In the Drafters Notes in Attachment “B”, they cite the source of each new NAP section. The sources may be in the current NB or the current NAP.
- c. Each section in attachment B is clearly indicated which sections are new or administratively changed.
- d. In the NAP, if the wording is not highlighted, then it is assumed that section had no changes and were part of the original NAP.
- e. In the NAP, the Sections numbering were created in four-digit numbering format instead of the usual three-digits format, i.e., Section 100 now reads Section 1000. This format was used to have a greater distinction between the NB’s and the NAP.

RATIONALE:

- 1. The current National Bylaws lack two paragraphs required by the IRS for Section 501(c)(4) nonprofit status:
 - a. A non-profit paragraph required by the IRS, which is addressed in new Section 201, Not for Profit; and
 - b. A dissolution paragraph in the language required by the IRS, which is addressed in new Section 1200. The current dissolution paragraph, Section 820, falls short of the specific language required.
- 2. The National Bylaws are very cumbersome because they embody much that is Administrative Procedures. The procedures in the bylaws and the National Administrative Procedures can only be amended at National Convention once a year by a laborious process.
- 3. The National Board of Trustees, the governing body that directs the daily running of the MCL, now lacks the ability to change the National Administrative Procedures. Every detail no matter how small can only be changed at the National Convention. The new National Bylaws will give the National Board of Trustees the additional responsibilities and ability to make operational changes to the National Administrative Procedures that affect the daily operational needs of the Marine Corps League.

ADDITIONAL INFORMATION:

- 1. All references to the National Executive Director now reads the National Chief Operating Officer (COO) in both the NB and the NAP. The National Adjutant/Paymaster position is no longer used. Those responsibilities were moved to the Chief Operating Officer and the National Bookkeeper.
- 2. In the NAP, all wording highlighted in “Yellow” are considered the changes and drafters notes below those paragraphs indicates the action taken.
- 3. In the NAP, all wording highlighted in “Green” and have a “markout” line placed, are considered the changes that are to be removed from the Administrative procedures. Drafters notes below those paragraphs indicates the action taken.

4. Both the NB and the NAP will be considered completely “rewritten documents” so all past references to when changes were made will be deleted. The year following the approval of these BLs and NAPs will start with Change 1.
5. No Indexes or Enclosures are included in this change. The Enclosures have not been changed and the Indexes cannot be current until all of the Drafters Notes are removed, and the pages properly formatted. The Indexes and Enclosures will be included in the final documents.
6. There were no changes to Chapter Nine or it’s enclosures in the NAP, except for the references to the National Executive Officer which now reads the Chief Operating Officer.
7. Special thanks to Ben Cero for writing the original rewrite in early 2017. Also, for the dedication of Wendell Webb for his continued support and input. Thanks also to Warren Griffin, Denny Mathias, Ben Cero, and the entire Bylaw Committee for their tireless effort.

Respectfully,



Johnny Baker
National Junior Vice Commandant

ENCLOSURE “A” **NATIONAL BYLAWS** **REWRITE**

DATED REVISED – 15 MARCH 2018

The RED Drafters Notes (Reference) will be deleted AFTER the document is approved by the National Convention.

In the final document, each Section will start on a new page.

The wordage that is highlighted in “Yellow” are areas that has been moved from one section to another.

The wordage in BLUE are areas that has been added.

This is just the main part of the Bylaws. There will also be a Table of contents and all necessary standard attachments.

**NATIONAL BYLAWS
of the
MARINE CORPS LEAGUE, Inc.**

**NATIONAL BYLAWS
ARTICLE I
Name**

Section 100. Name. The name of the corporation shall be the Marine Corps League, Inc. (MCL). The Marine Corps League is a non-profit corporation incorporated by an Act of the Seventy-fifth Congress of the United States of America at the First Session, begun and held at the City of Washington on Tuesday, the fifth day of January 1937, and approved August 4, 1937.

Drafter's Note. See NAP Section 100 and The Charter, Section 1.

Section 105. Mission Statement. The mission statement of the Marine Corps League is “Members of the Marine Corps League join in camaraderie and fellowship for the purpose of preserving traditions. Promoting the interests of the United States Marine Corps, banding together those who are now serving in the United States Marine Corps and those who have been honorably discharged from that service. Effectively promote the ideals of American freedom and democracy. Voluntarily aiding and rendering assistance to all Marines, FMF Corpsmen, Chaplains, and former Marines, FMF Corpsmen, Chaplains, and their widows and orphans; and to perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of particular interest to Marines.”

Drafter's Note. New paragraph in the Bylaws but is the “Mission Statement” of the League.

NATIONAL BYLAWS
ARTICLE II
Purpose of the Marine Corps league

Section 200. Purpose. The purposes of the Marine Corps League (MCL) shall be:

- a. To preserve the traditions and to promote the interests of the United States Marine Corps;
- b. To band those who are now serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy;
- c. To fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms;
- d. To hold sacred the history and memory of the men who have given their lives to the Nation;
- e. To foster love for the principles which they have supported by blood and valor since the founding of the Republic;
- f. To maintain true allegiance to American institutions;
- g. To create a bond of comradeship between those in the service and those who have returned to civilian life;
- h. To aid voluntarily and to render assistance to all Marines, FMF Corpsman, and FMF Navy Chaplains, as well as their widows and orphans; and

Drafter's Note. Added in this paragraph "FMF Corpsman and FMF Chaplains."

- i. To perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of particular interest to Marines.

Drafter's Note. See the Congressional Charter, Section 1 and NAP Section 100.

Section 205. Not for profit. The MCL is not organized for and shall not be operated for pecuniary gain or profit. No part of the property of the corporation and no part of its net earnings shall inure to the benefit of or be distributed to any director, member, or other private individual. The MCL shall never be authorized to engage in a regular business of a kind ordinarily carried on for profit or in any other activity except in furtherance of the purposes for which the MCL are organized.

Drafter's Notes. 1. Section 205 is new. The IRS requires this paragraph in the bylaws of nonprofit corporations.

2. Further, NAP Sec 100 states: “.. the Marine Corps League . . . is a nonprofit corporation . . .”

Section 210. Non-Discrimination. The Marine Corps League:

- a. Shall never take part in any labor or management dispute or issue;
- b. Shall not be sectarian, political, and partisan;
- c. Shall not be based on race, color, creed, nationality, or sex;
- d. Shall not be used as a medium of political ambition or preferment’ and
- e. Shall not use former or present military rank or former or present civilian position as the basis for special consideration and preferment.

Drafter’s Note. See NAP Section 110b. A Non-discrimination paragraph is required in the Bylaws rather than Administrative procedures.

NATIONAL BYLAWS
ARTICLE III
Organization

Section 300. Organization. The constituted bodies of the organization shall be National Convention, Divisions, Departments, Detachments, and Subsidiary organizations.

Drafter's Note. See current NB, Section 100 and current NAP Ch 1, Section 120.

Section 305. National Convention. A National Organization to be known as the National Convention, Marine Corps League.

Drafter's Note. See current NB, Section 101 and current NAP Ch 1, Section 120.

Section 310. Divisions. Subordinate Regional Organizations to be known as Divisions, the extent and boundaries of which shall be as outlined in the Administrative Procedures.

Drafter's Note. See NAP Ch 1, Section 120(b).

Section 315. Departments. Subordinate state organizations to be known as Departments;

Drafter's Note. See current NAP Ch 1, Section 120(c).

Section 320. Detachments. Subordinate local organizations located anywhere in the United States, its territories, or on foreign soil, to be known as Detachments; and

Drafter's Note. See current NAP Ch1, Section 120(d) and Ch 6

Section 325. Subsidiary Organizations. Such subsidiary organizations as the National organization may create, establish or recognize.

Drafter's Note. See current NAP Ch1, Section 120(e)

**NATIONAL BYLAWS
ARTICLE IV
National Convention**

Section 400. Authority. The legislative and policy making power of the Marine Corps League (MCL) shall be vested in a National Convention composed of properly elected, registered, and approved delegates in good standing. Only executive and administrative powers will be delegated to its National Board of Trustees or to individual members of the MCL.

Drafter's Note. See current NB Article 1, Section 100. NAP Ch 1, Section 110(a)

Section 405. Committees. The National Convention administrative committees shall be: credentials, bylaws, resolutions, rules, and others that may be listed within by the administrative procedures.

Drafter's Note. See current NB Article 1, Section 101.

Section 410. Quorum. The minimum number required to transact the regular and legal business of a National Convention shall be the registered and approved delegates in good standing from a majority of all chartered departments in the Marine Corps League.

Drafter's Note. See current NB Article 1, Section 135. The word "chartered" has been added for clarification.

Section 415. Elections

a. The election of National Officers shall be the last order of business of the National Convention. The election of the National Commandant, the National Senior Vice Commandant, the National Junior Vice Commandant, and the National Judge Advocate shall be conducted in this order by a roll call vote. Following this procedure, the election of division vice commandants and assistant division vice commandants shall be conducted by acclamation. The Installation of Officers shall be at the call of the current National Commandant.

b. A majority of the delegate votes cast at the National Convention is required to elect the National Commandant, National Senior Vice Commandant, National Junior Vice Commandant, and National Judge Advocate. When a simple majority is not obtained on the first ballot, a second ballot will immediately commence after a caucus (not to exceed ten minutes). Should a majority fail to materialize on the second or successive ballots, the candidate with the least votes shall be dropped as a contender (after each ballot) until a simple majority is achieved.

Drafter's Note. See current NB Article 1, Section 125(a) and (d). Sections 125(b) and (c) have been moved to the administrative procedures.

c. The Division's National Vice Commandants and Assistant National Vice Commandants will be elected by "caucus" prior to the "vote by acclamation" on the National Convention floor. This "caucus" may be completed at the Division Conference or at the

National Convention prior to the official election at the Convention by using the process used by the National Credentials Committee. Caucus is defined as “each Department has their voting strength from those Detachment’s present at the Division Conference or the National Convention.” The Division itself can determine when the election is held, as long as it is conducted with a “caucus.” During the caucus, a Department may spilt their voting strength as determined by that Department.

Drafter’s Note. New paragraph. There was a suggestion of being specific in how to count the delegate strength. In this paragraph dictates that the same process as the national Credentials Committee will be used.

Section 420. Meetings. The National Convention shall be convened once each calendar year during the month of August unless prevented by national emergency or other unpreventable cause. The time and place of the meeting shall be in accordance with the National Administrative Procedures.

Drafter’s Note. See current NAP Ch 2, Section 200.

Section 425. Parliamentary Authority. The current edition of Robert’s Rules of Order shall govern in all cases to which they are applicable and in which they are not in conflict with the National Bylaws and National Administrative Procedures and any special rules of order National may adopt. In the event of a conflict, the ruling authority is the National Bylaws, then the National Administrative Procedures, then Robert’s Rules of Order.

Drafter’s Note. See current NB 1, Section 150.

NATIONAL BYLAWS
ARTICLE V
Membership

Section 500. Membership. Each Detachment shall be the sole judge of its membership, providing the person meets the requirements of Section 501 and Section 502 below.

Drafter's Note. See current NB 5, Section 540 and current NB 6, Section 605(d).

SECTION 505 - RIGHTS OF MEMBERS. No member shall be deprived of any rights and privileges in the Marine Corps League except for non-payment of dues or other indebtedness, unless the member shall first be charged, tried, and found guilty in accordance with the provisions of the National Administrative Procedures dealing with offenses and penalties.

Moved from NB Article V, Section 630.

SECTION 510 - RIGHTS OF APPEAL. The right of appeal under the provisions of the National Bylaws and Administrative Procedures shall not be denied.

Moved from NB Article V, Section 635.

Section 515. Categories of Membership

a. **Regular Membership.** Only the following may be regular members of the MCL:

(1) **Marines** who are serving or have served honorably* in the United States Marine Corps or the United States Marine Corps Reserve;

(2) **U.S. Navy Corpsmen** (i) who are serving or have served honorably* in the United States Navy and who have trained with Marine FMF units in excess of ninety (90) days and earned the Marine Corps device (clasp) worn on the Service Ribbon and (ii) who earn the Warfare Device authorized for FMF corpsmen; and

(3) **U.S. Navy Chaplains** who are serving or have served honorably* in the United States Navy and who have earned the FMF Badge serving with Marines.

Note * - "**Served Honorably**" is determined by the last DD Form 214 or certificate of discharge that the applicant received. A General Discharge under Honorable Conditions is acceptable.

Drafter's Note. Editorial changes made for clarity. See current NB 600(a). The 90-day minimum was removed from the Marines. References to Korean War era, member at large, life members, and dual memberships was removed from this section and placed in the Administrative Procedures.

b. **Associate Member.** Those individuals not qualified for regular membership in the Marine Corps League who espouse the principles and purposes of the Marine Corps League as contained in its Congressional charter and meet the criteria in Section 501(b)(1) below may upon application to a Detachment or to the National Headquarters be accepted for associate membership in the Marine Corps League. Upon acceptance associate members will pay dues in the same amount as prescribed for regular members, including initiation fees.

(1) **Enrollment Criteria**

(a) Individuals who are serving or have served honorably in other branches of the Armed Forces of the United States; and

(b) Individuals applying for associate membership must have reached the statutory minimum age for enlistment into the United States Marine Corps or the United States Marine Corp Reserve.

Drafter's Note. See current NB Article 6, Section 600b.

(c) Individuals applying for associate membership must join through a Marine Corps League Detachment only. Associate members can not directly join the Marine Corps League as a "Member at Large."

Drafter's Note. New paragraph. The rational would be to ensure that a new "associate" member is at least vetted by a Detachment before becoming a member. An associate applying as a member at large could be suspicious and this paragraph will ensure that an associate member is vetted.

(2) **Rights.** Associate members shall be entitled to the rights, privileges, and benefits of a regular member unless otherwise prohibited as listed below.

(3) **Voting**

(a) Associate members shall not vote on a regular or associate membership application;

(b) Associate members shall not participate in the nomination process and/or voting for elected officers; and

(c) A Department or Detachment, by provisions in the bylaws and/or administrative procedures, may allow an Associate Member to vote on its internal affairs if such vote does not affect a policy of the Marine Corps League, such as Bylaws or Bylaw changes.

Drafter's Note. See current NB Article 6, Section 600(b). The words in 3(c) "A Department or Detachment . . ." "was added for clarity.

(4) **Elected Office.** Associate members shall not hold an elective office.

c. **Honorary Member.** Detachments, Departments, and the National Headquarters may, at the discretion of the respective commandant, issue honorary membership to those persons who have been of extraordinary service to the Nation, the United States Marine Corps, or the Marine Corps League. The honorary member will not be entitled to the rights, privileges, and benefits available to a regular or associate member. *A suitable certificate will be issued to honor the occasion by the organization making the award.* Payment of dues or initiation fees is not required; however, an honorary member will not be entitled to the official publication of the Marine Corps League except as directed by the National Board of Trustees or paid subscription. *All “Honorary Memberships” are for a one-year period only and must be renewed each year by the Detachment, Department, or National.*

Drafter’s Note. See current NB Article 6, Section 600(c). The last sentence was added for clarity purposes. The “Membership Card and Certificate will be available at the National Headquarters” was removed.

Section 520. Ineligible for Membership

a. No Detachment, may accept as a regular, associate, or any honorary member any person:

- (1) who is currently incarcerated or on supervised probation for any felony conviction or any misdemeanor conviction; or
- (2) who has been convicted of a crime where the victim is a child; or
- (3) whose name has been stricken from the rolls of the Marine Corps League.

Drafter’s Note. See current NB Article 5, Section 540(a).

b. If after a member has been accepted, the fact that the member has been convicted of a crime where the victim is a child, is discovered, any member may file a disciplinary charge in accordance with National Administrative Procedures, Chapter Nine. The age/date of the conviction is irrelevant.

Drafter’s Note. This is a new paragraph – see current NB Article 5, Section 540(b).

Section 525. Removal from Detachment Roll

a. Once accepted as a member in good standing by the Detachment membership, that member may not be removed from the Detachment roll except:

- (1) By disciplinary action in accordance with National Administrative Procedures;
- (2) By that member requesting transfer;

- (3) By resignation [in writing](#); or
- (4) If member become delinquent as defined in the National Administrative Procedures.
- (5) Upon the Death Notice being processed by National Headquarters.

Drafter's Note. See current NB Article 5, Section 540(b). This paragraph was expanded to clarify the specific circumstances to be removed from the national Roster.

Section 530. Membership Listing. The membership listing of the MCL is proprietary information and under the direct control of the National Headquarters of the MCL. Applicable portions of the membership listing shall be periodically provided to appropriate departments and detachments exclusively for internal usage in administrating membership of such departments and detachments. The membership listing will not be sold, leased, copied, loaned or assigned without the expressed permission in writing from the office of the Chief Operating Officer (COO) upon approval of the National Board of Trustees of the MCL.

Drafter's Note. See current NB Article 8, Section 825.

SECTION 535 - MEMBERS-AT-LARGE. Any person desirous of joining the Marine Corps League as a regular member, may make application on a standard application form accompanied by the application fees as established by the delegates at National Convention, direct to National Headquarters or by presenting the application to a Regular Member of the Marine Corps League. See National Administrative Procedures Section 755 for details.

NATIONAL BYLAWS
ARTICLE VI
National Board of Trustees

Section 600. Composition. The National Board of Trustees shall be composed the following:

a. National Commandant, (b) National Senior Vice Commandant, (c) National Junior Vice Commandant, (d) National Judge Advocate, (e) National Vice Commandants of Divisions, (f) The Assistant National Vice Commandant of the Division in the absence of the National Vice Commandant, and (g) Junior Past National Commandant.

Drafter's Note. See current NB Article 2, section 200.

Section 605. Powers. Between Conventions the powers and authority of the National Board of Trustees shall be:

a. To authorize the employment of personnel and approve their compensation **within the budget allowances**;

b. To employ the Chief Operating Officer (COO) and approve the employment of **the National Auditor** who are directly responsible to the National Board of Trustees;

c. To issue a charter to a Department or Detachment;

d. To suspend or revoke a charter granted to a Department or Detachment for any of the following:

(1) Failure to have an official "Articles of Incorporation" filed at the state level;

(2) Failure to obtain and maintain its own EIN under the MCL's Group Exemption Code number "0955" in order to maintain its non-profit status under IRS Code 501c(4);

(3) Failure to submit its annual "Report of Officers Installation" form.

Drafter's Note. Current NAP Section 905 gives the National Commandant authority to convene a hearing board to adjudicate charges against a Department. No current NB or NAP has procedure for the NBT to suspend or revoke Department charter.

e. To promulgate a ritual for the proper conduct of official meetings and ceremonies and such other information as is deemed advisable for the establishment of uniform procedures throughout the organization;

f. To determine which National, Department, and Detachment officers shall be bonded and to fix the amount of such bond;

- g. To establish, publish and be responsible for an official League publication;
- h. To exercise such powers and do such other actions as are compatible with the National Bylaws and Administrative Procedures which are in the best interest of the MCL;
- i. To exercise executive power between National Conventions;
- j. To approve or disapprove the minutes of the National Convention at the next regularly scheduled Mid-Winter staff meeting of the MCL following the Convention, only to the degree of correcting errors or omissions;
- k. To approve all contracts, which shall then be signed by the National Commandant and the Chief Operating Officer; and
- l. To adopt administrative procedures to implement the National Bylaws and to conduct the business of the League.

**Drafter's Note. 1. Sections 601(b), (d), (k), and (l) are new.
2. See current Article 2, section 205.**

Section 610. National Elected Officers. The National Officers to be elected by each National Convention shall be: National Commandant, National Senior Vice Commandant, National Junior Vice Commandant, National Judge Advocate, National Vice Commandants of Divisions, and Assistant Vice Commandants of Divisions as herein provided.

Drafter's Note. See current NB Article 1, Section 115.

Section 615. National Elected Officers Term of Office

a. The National Commandant, National Senior Vice Commandant, National Junior Vice Commandant, and National Judge Advocate shall be elected for a term of one (1) year and may stand for re-election one (1) consecutive additional year.

b. National Division Vice Commandants and Assistant National Division Vice Commandants shall be elected for a term of two (2) years and may stand for re-election for one (1) consecutive additional term.

Drafter's Note. See current NB Sec 130

Section 620. Vacancies

a. **National Elected Officers**

(1) **Order of Succession.** The order of succession to the office of the National Commandant shall be; first, National Senior Vice Commandant and second, National Junior Vice Commandant.

(2) **National Commandant.** Should the National Commandant's position become vacant, the National Senior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If not agreeable, the National Junior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. The new Commandant will be responsible for finding a replacement for their previous position with assistance and approval of the National Board of Trustees.

(3) **National Senior Vice Commandant.** Should the National Senior Vice Commandant position become vacant, the Junior Vice Commandant, if agreeable, will serve as the new Senior Vice Commandant for the remainder of the term. If not agreeable, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the National Board of Trustees.

(4) **National Junior Vice Commandant or National Judge Advocate.** Should the National Junior Vice Commandant or National Judge Advocate position become vacant, the National Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the National Board of Trustees.

(5) **Any Other National Officer.** Should any other elected or appointed position become vacant, the National Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the National Board of Trustees.

(6) **Causes for Vacancy.** In addition to death, resignation, or incapacity, a vacancy will occur through: (1) failure to attend two consecutive, officially-called meetings of the National Board of Trustees or (2) removal from office by disciplinary action in accordance with the National Administrative Procedure.

Drafter's Note. This is a new section for clarification purposes. See current NB Article 2, Section 215. The phrase "for cause" is deleted because it is not defined and procedure is not delineated in current Bylaws or Procedure.

Section 625. Duties of National Board of Trustee Members. Each member of the National Board of Trustees shall acquire a working knowledge of the National Bylaws and Administrative Procedures of the MCL. The specific duties of the National Board of Trustees are:

a. **National Commandant** shall be the Chief Executive Officer of the MCL and shall preside at all sessions of the National Convention and all meetings of the National Board of Trustees. The National Commandant, together with the National Board of Trustees, shall have direction and control of the executive and administrative affairs of the MCL between National conventions. In addition, the Commandant shall:

(1) Observe and enforce the observance of the Congressional Charter and the National Bylaws and Administrative Procedures;

(2) Direct to all officers and members orders not in conflict with the National Bylaws and Administrative Procedures;

(3) Call such meetings of the National Board of Trustees as are required by the National Bylaws and Administrative Procedures;

(4) Seek the advice of the National Board of Trustees and Staff;

(5) With the Chief Operating Officer and the National Comptroller, have custody of all funds and property of the MCL, subject to the supervision of the National Board of Trustees;

(6) With the advice and majority vote of the National Board of Trustees, hire and appoint the national staff officers enumerated in Article Seven, Section 702;

(7) With the advice and consent of the National Board of Trustees, appoint necessary standing committees. However, the committee of "Marine of the Year" shall be constituted as is provided in the National Administrative Procedures;

(8) Approve or disapprove all requisitions of the Chief Operating Officer which are in excess of five hundred (\$500) dollars;

(9) Represent the MCL at all social functions and ceremonies in a manner that will enhance the dignity, honor, and prestige of the MCL; and

(10) Invite the speaker to National Convention banquet. The Commandant of the Marine Corps shall be the first choice to be invited. In the event the Commandant cannot accept, the National Commandant will discuss with the National Director of Conventions alternate speakers. Final choice is the prerogative of the National Commandant.

b. **National Senior Vice Commandant** shall assist the National Commandant and during the absence or illness of the National Commandant perform the duties of that office. He shall preside over all Department Commandants' Council Conferences and with their assistance initiate and implement dynamic programs that will increase the effectiveness of the MCL. [The National Senior Vice Commandant will be designated the MCL's "Corporate Secretary."](#)

Drafter's Note. The last sentence for the Senior Vice Commandant is new and is in line with Corporate structure for a non-profit organization

c. **National Junior Vice Commandant** shall create and promulgate membership incentives and programs that will produce enthusiastic response resulting in continuous membership growth. In the absence of the National Commandant and the National Senior Vice Commandant, he shall perform the duties of the National Commandant. [The National Junior Vice Commandant will be designated the MCL's "Corporate Treasurer."](#)

Drafter's Note. The last sentence for the Junior Vice Commandant is new and is in line with Corporate structure for a non-profit organization.

d. **National Judge Advocate** shall interpret the National Bylaws and Administrative Procedures. He shall advise, construe, counsel and render opinions on questions of law and procedure to the National Convention, National Commandant, National Board of Trustees, National Staff, Departments, and Detachments when so required in the manner outlined hereafter.

(1) **At the National Conventions**, upon the request of an approved delegate, through the Chair, the National Judge Advocate shall render an opinion on law and procedure to the Chair whereupon the Chair will rule upon the opinion and question, which ruling shall be final unless appealed by an approved delegate, whereupon the National Judge Advocate will put the question "Shall the ruling of the Chair be sustained?" A standing vote of approved delegates will be called and two thirds (2/3) of the total vote will be required to reverse the ruling of the Chair.

(2) **At National Board of Trustees meetings**, the procedure in Section 702(1) above shall apply and two thirds (2/3) of the National Board of Trustees present and voting will be required to reverse the ruling of the Chair.

(3) **Questions Though Channels**. On all questions of law and procedure pertaining to the MCL or any of its subsidiaries referred to this office through channels, the National Judge Advocate shall rule in writing, mailing copies of the ruling to the parties concerned and to the National Commandant. Such rulings shall be binding unless and until reversed by the National Board of Trustees or the National Convention.

(4) **More Than One Office**. The National Judge Advocate may not hold the office of Judge Advocate in either his department or detachment. If this be the case then he shall resign from the lower office upon being sworn into the national office.

Drafter's Note. See current NB Sec 210 for all of the above.

(5) **Review and approve** department bylaws and administrative procedures.

Drafter's Note. New under NBT duties. This source is NB Section 400

e. **National Vice Commandants of Divisions** shall:

(1) Be held accountable to the National Board of Trustees for the care and proper administration of their division;

(2) Arrange for, convene, and supervise not less than one (1) division conference each year for the purposes of (i) discussing division problems and (ii) planning and executing means and methods of strengthening and increasing the effectiveness of the Division;

(3) Arrange for detailed schools of instruction;

(4) Make every continuing effort to establish new detachments and departments within their division. The National Vice Commandants may institute a provisional department in any state having one or two legally established detachments and appoint a provisional department commandant and aides from within those detachment(s). The National Vice Commandant then has the task of organizing sufficient additional detachment(s) to create a permanent department within one (1) year from the date of creation of the provisional department;

(5) Appoint a Division Adjutant/Paymaster, a Division Sergeant-at-Arms, and a Division Chaplain, from within their respective divisions. They may also appoint other positions as needed;

(6) All National Division and Assistant Vice Commandants handling division money shall be bonded. The National Division and Assistant Vice Commandants and the Division Adjutant/Paymaster or Division Paymaster, whichever is applicable, will be covered under a blanket bond paid for by National Headquarters;

Drafter's Note. See current NB Sec 210(e)(1) through (6). Reworded to clarify

f. **The National Assistant Division Vice Commandant** will:

(1) Represent their division in the absence of the National Division Vice Commandant at meetings of the National Board of Trustees as a voting member;

(2) Be permitted to attend all National Board of Trustees meetings to include executive sessions as a non-board member unless representing their division in the absence of the National Division Vice Commandant;

(3) Perform additional duties as directed by the National Division Vice Commandant.

(4) All authorized expenses of the Assistant National Division Vice Commandant approved by the National Division Vice Commandant will be charged against the budgeted amount for that National Division Vice Commandant.

Drafter's Note. See current NB Sec 210(e)7.

g. **Junior Past National Commandant** shall be a voting member of the National Board of Trustees. The Junior Past National Commandant shall preside at all Past National Commandant Council conferences.

Drafter's Note. See current NB Art 2, Section 210f.

Section 630. National Board of Trustees Meetings

a. **The National Board of Trustees shall meet:**

(1) Annually, immediately prior to each National Convention: (i) to close out the executive administration of the National Board of Trustees from that fiscal year; (ii) to finalize preparation for the ensuing convention; and (iii) to identify pending and unaccomplished executive actions warranting further action by the convention or by the National Board of Trustees during the ensuing fiscal year;

(2) Annually, immediately after adjournment of each National Convention for the purpose of selecting appointed national officers and standing committees and for the transaction of such other business as may properly come before it;

(3) Annually, during the months of January, February, or March (to be known as the Mid-Winter National Staff Meeting) at a location chosen each year by the National Board of Trustees;

(4) At the call of the National Commandant for special emergency reasons, providing that a quorum of the National Board of Trustees is assured by polling by the Chief Operating Officer prior to the issuance of the call for a special meeting. These meetings are authorized by teleconferencing; or

Drafter's Note. This paragraph reworded to add "teleconferencing" is authorized

(5) At the call of at least one third (1/3) of the members of the National Board of Trustees, provided at least one of those members shall include a non-National Vice Commandant, may call for a Special Meeting of the National Board of Trustees to discuss matters of emergency measures considered most important for the conduct of business of the National Board of Trustees between national conventions. The senior member of the National Board of Trustees asking for such a Special Meeting shall chair the Special Meeting. The Chair of the Special Called Meeting will ensure that each member of the National Board of Trustees is notified of the date, time, and location of the Special Meeting. Such Special Called Meeting will ensure that a Quorum is in accordance with Section 607 of the National Bylaws in order to conduct official business of the Special Called National Board of Trustees Meeting.

Drafter's Note. See current NB Sec 220(a).

b. **Conduct of Business.** The conduct of business at all National Board of Trustees meetings shall be governed by the National Bylaws and Administrative Procedures. The rules in the current edition of Robert's Rules of Order shall govern the National Board of Trustees meetings in all cases to which they are applicable and in which they are not in conflict with the MCL's bylaws and administrative procedures and any special rules of order the League may adopt. In the event of a conflict, the ruling authority is the National Bylaws, then the National Administrative Procedures, then Robert's Rules of Order.

Drafter's Note. See current NB Art 2, Section 220(b). The last sentence in this paragraph clarifies ruling authority.

c. **Recording of Minutes.** All National Board of Trustees meetings must be properly recorded.

(1) **The minutes at a minimum shall include but not limited to:**

(a) **Date, Time, & Location of the meeting.**

(b) **Purpose of the meeting.**

(c) **Members attending.**

(d) **Issues discussed**

(e) **Action(s) taken.**

(2) **The minutes of all regularly scheduled and special meetings will be sent to the National Chief Operating Officer for the filing of "official documents."**

(3) **The minutes of the meetings will be sent to each National Division Vice Commandants for distribution to all Departments and Detachments. The Detachments shall ensure that these minutes are available to each member. The exceptions to these minutes are matters that the Board of Trustees deemed unfinished, sensitive, and/or those matters that were discussed in "executive session."**

Drafter's Note. New paragraph.

Section 635. Quorum. A majority of the National Board of Trustees shall constitute a quorum.

Drafter's Note. See current Article 2, Section 225.

Section 640. Voting. Each National Board of Trustees member shall have one (1) vote. There shall be no proxy voting. The National Judge Advocate shall abstain from voting on all matters wherein he has rendered an official opinion.

Drafter's Note. See current Article 2, Section 230.

NATIONAL BYLAWS
ARTICLE VII
National Staff Officers

Section 700. Composition of National Staff. The National Staff Officers shall be comprised of the National Board of Trustees, Assistant National Vice Commandants, appointed National Staff Officers, committee chairmen, liaison officers, and Past National Commandants. The National Staff Roster will consist of the National Staff Officers, Past National Commandants, and the Department Commandants.

Drafter's Note. See current NB Sec 300. The Department Commandants Council was removed from the National Staff.

Section 705. National Staff Officers. National Staff Officers shall acquire a working knowledge of the National Bylaws and National Administrative Procedures and shall act as assistants to the National Board of Trustees. They shall perform the duties delineated in the National Administrative Procedures.

Drafter's Note. See current NB Article 3, Section 310.

a. **Chief Operating Officer (COO)** shall be employed by the National Board of Trustees and shall be responsible directly to that body. He shall be the Chief Operating Officer (COO) of the MCL with the responsibility for the management and direction of all programs, activities, and affairs of the MCL. He shall provide assistance to all committee and staff officers as requested. All matters which are under the jurisdiction of the National Judge Advocate (NJA) shall be referred to the NJA. They shall perform the duties delineated in the National Administrative Procedures.

Drafter's Note. See current NB Section 310(a)(1).

b. **National Comptroller** shall be appointed and directly under the control of the National Board of Trustees and shall perform the duties delineated in the National Administrative Procedures.

Drafter's Note. Article 3, Section 310(c) and moved to NAP.

c. **National Chaplain** shall perform the duties delineated in the National Administrative Procedures.

d. **National Director of Conventions** shall, as chairman of and with the National Convention Committee, perform the duties delineated in the National Administrative Procedures.

e. **National Chief of Staff** shall coordinate staff functions and planning for the National Commandant and other administrative tasks assigned by the National Commandant.

f. **National Sergeant-at-Arms** shall preserve order at National Conventions and perform such other duties as required by the National Commandant. The National Sergeant-at-Arms is empowered to deputize Deputy Sergeants-at-Arms and Field music as necessary for the appropriate performance of his duties.

Drafter's Note. See current NB Article 3, Section 310.

Section 710. National Staff Powers. The power and authority of the National Staff shall be the same as that of the National Board of Trustees, except that Assistant Division Vice Commandants, appointed National Staff Officers, committee chairmen, liaison officers, Past National Commandants, and Department Commandants' Councils shall have no vote and shall not be considered in determining a quorum for the National Board of Trustees meetings.

Drafter's Note. See current NB Article 3, Section 305.

Section 715. Contracting Authority. No national officer, employee, or committee chairman, or member of the MCL shall enter into or sign any contract or agreement for the purpose of binding the national organization of the MCL without first submitting such contract or agreement to the National Judge Advocate for his consideration. His recommendations shall be forwarded to the League's attorney and insurance carrier for their written recommendations. All documents and recommendations shall be forwarded to the entire National Board of Trustees. The National Board of Trustees thereafter, by a majority vote, may accept or reject, in whole or in part, the contract or agreement submitted to it. All contracts or agreements consummated in the name of the National Headquarters of the Marine Corps League shall require the signature of the National Commandant and the Chief Operating Officer.

Drafter's Note. See current NB Article 3, Sec 320.

Section 720. Vacancies. A vacancy in an appointed office, a committee chairman, or a committee member shall be filled as soon as practical by the National Commandant. All such appointments shall be approved by the National Board of Trustees at the next scheduled meeting.

Drafter's Note. See current NB Article 3, Section 315.

**NATIONAL BYLAWS
ARTICLE VIII
Departments**

Section 800. Department Charter

a. **Three or more Detachments with Combined Membership of Sixty or more.** A State in which there are three or more detachments with a combined membership of sixty (60) or more members may be chartered as a department by the National Board of Trustees upon receiving of a written request from the detachments via the jurisdictional National Division Vice Commandant.

b. **Less Than Sixty Combined Members.** A State in which there are three or more detachments with less than (60) or more members may be chartered as a department by the National Board of Trustees upon receiving of a written request from the jurisdictional National Division Vice Commandant. The National Commandant shall endorse the request before final approval by the National Board of Trustees.

Drafter's Note. See current NAP Ch 5, Section 500. The approval of the National Commandant was removed because the Board of Trustees approves all charters.

Section 805. Authority. Each Department shall be governed by a Department Convention subordinate to the National Convention. Whatever power is invested in the National Organization shall, in corresponding circumstances, be vested in the department.

Drafter's Note. See current NAP Ch 5, Sections 505, 510.

Section 810. Bylaws and Administrative Procedures. A Department Convention shall adopt Department Bylaws and may adopt Administrative Procedures which are consistent with the National Charter, the National Bylaws, and National Administrative Procedures, provided they have been approved by the National Judge Advocate and are on file at National Headquarters.

Drafter's Note. See current NB 4, section 400. This requires a Department to have Bylaws.

Section 815. Officers. Each Department shall:

a. Elect a commandant, a senior vice commandant, a junior vice commandant, and a judge advocate; and

b. Elect or appoint an adjutant, paymaster (or adjutant/paymaster), chaplain, and sergeant-at-arms.

c. A department may have such additional elected and appointed officers as required by the department bylaws or in the absence of department bylaws as its Department Convention desires.

Drafter's Note. See current NB Art 4, Section 405.

Section 820. Officers Term Limits and Eligibility

a. **Eligibility.** Elected Officers shall be regular members of the department in which they are elected. At the will of the department, associate members may serve in appointed offices only.

b. **Term Limits.** Departments shall have the sole right to establish term limits on its elected and appointed officers. Departments exercising this option must do so by inserting clear provisions into their bylaws.

Drafter's Note. See current NB 4, Section 407.

Section 825. Vacancies

a. **Department Elected Officers**

(1) **Order of Succession.** The order of succession to the office of the Department Commandant shall be; first, Department Senior Vice Commandant and second, Department Junior Vice Commandant.

(2) **Department Commandant.** Should the Commandant's position become vacant, the Senior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If not agreeable, the Junior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If neither one is agreeable, the Division Vice Commandant will be responsible for finding a replacement Department Commandant with assistance from the rest of the Department Staff. If either the Senior Vice Commandant or Junior Vice Commandant serve as the replacement Commandant, they will be responsible for finding a replacement for their previous position with assistance and approval of the Department Board of Trustees.

(3) **Department Senior Vice Commandant.** Should the Senior Vice Commandant position become vacant, the Junior Vice Commandant, if agreeable, will serve as the new Senior Vice Commandant for the remainder of the term. If not agreeable, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Department Board of Trustees.

(4) **Department Junior Vice Commandant or Judge Advocate.** Should the Junior Vice Commandant or Judge Advocate position become vacant, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Department Board of Trustees.

(5) **Any Other Department Officer.** Should any other elected or appointed position become vacant, the Commandant will be responsible for finding and

appointing a replacement for the vacancy, with assistance and approval of the Department Board of Trustees.

(6) **Causes for Vacancy.** In addition to death, resignation, or incapacity, a vacancy will occur through: (1) failure to attend two consecutive, officially-called meetings of the Department Board of Trustees or (2) removal from office by disciplinary action in accordance with the National Administrative Procedure.

(7) **Installation and Report of Installation Submission.** Upon appointing a member to any new position on the Department staff, The Commandant, or Division Vice Commandant in the case of a newly appointed Commandant, will swear in the officer to the new position and submit the complete revised “Report of Installation” form as specified in the National Administrative Procedures.

Drafter’s Note. New paragraph for Department. See current NB Article 2, Section 215. The phrase “for cause” is deleted because it is not defined and procedure is not delineated in current Bylaws or Procedure.

b. **Department Staff Officers.** A vacancy in an appointed office, a committee chairman, or a committee member shall be filled as soon as practical by the Department Commandant. All such appointments shall be approved by the Department Board of Trustees.

Drafter’s Note. New paragraph.

Section 830. Department Convention. Each Department shall hold one convention each year between April 1 and prior to the National Convention but no later than June 30th. The Department Charter or a copy, the National Ensign, and a Bible shall be displayed at all business sessions of the convention.

Drafter’s Note. See current NB 4, Section 410.

Section 835. Quorum. The quorum for department conventions and for department staff meetings may be set by the department bylaws or, in the absence thereof, by the department convention.

Drafter’s Note. See current NB 4, Section 435.

Section 840. Department Board of Trustees. The elected officers of the department shall be the Department Board of Trustees and a Department Convention is authorized to appoint the outgoing Junior Past Department Commandant or a Past Department Commandant to serve a one-year term as a member of the Department Board of Trustees. No member of the Department shall serve in more than one position on the Department Board of Trustees.

Drafter’s Note. See current NB 4, Section 415.

Section 845. Freedom of Action. Unless expressly forbidden by the National Bylaws or Administrative Procedures, a Department Convention and a department staff meeting shall be

free to take action and engage in activities that do not violate federal, state, county or municipal law or ordinances.

Drafter's Note. See current NB 4, Section 425.

Section 850. Employment Identification Number [EIN] and Incorporation

a. **EIN.** Each department in addition to its incorporation, shall obtain and maintain its own EIN under the MCL's Group Exemption Code "0955" under IRS Code 501c(4), within six months from the charter date.

Drafter's Note. See current NB 7, Section 720.

b. **Incorporation.** Departments which engage in services or business in their respective state or commonwealth, either for profit or non-profit, or which use the name of the MCL will be incorporated within one year from the charter date.

Drafter's Note. See current NB 7, Section 710.

Section 855. Election of Officers. Each Department shall hold an annual election and installation of officers between September 1 and June 30th. The "Report of Installation" form must be received by the National Headquarters by July 31st of each year. Any time throughout the year and there was a change in any Officer's position, that new officer must be sworn in accordance with Administrative Procedures and a new "Report of Installation" form must be submitted.

Drafter's Note. See current NB Section 405.

Section 860. Parliamentary Authority. Each Department shall use the current edition of Robert's Rules of Order which shall govern in all cases to which they are applicable and in which they are not in conflict with the National bylaws and administrative procedures and any special rules of order National may adopt. In the event of a conflict, the ruling authority is the National Bylaws, then the National Administrative Procedures, then Robert's Rules of Order.

Drafter's Note. This section is new. It adopts current unwritten policy.

Section 865. Contracting Authority. No department officer, committee chairman, or other member of any department shall enter into or sign any contract or agreement for the purpose of binding the department without first submitting such contract or agreement to the Department Board of Trustees. All documents shall be forwarded to the entire Department Board of Trustees for approval, amendments, or rejections.

Drafter's Note. This section is new. It adopts current unwritten policy.

NATIONAL BYLAWS
ARTICLE IX
Detachments

Section 900. Detachment Charter. No detachment shall be named in honor of a living person. No detachment shall adopt the name previously adopted by another detachment unless the charter of the other detachment has been surrendered or revoked. *If the Detachment is being named in honor of a deceased Marine, a signed, permission letter is required from the deceased Marine's most immediate family.*

Drafter's Note. See current NB 5, Section 500. The words "or revoked" were added. The last sentence was added as clarity purposes.

Section 905. Bylaws. Each detachment shall adopt bylaws and may adopt administrative procedures that are consistent with the Department and National Bylaws and Administrative Procedures. The bylaws and administrative procedures shall be approved by the Department Judge Advocate. In the absence of a jurisdictional department, the National Judge Advocate shall be the approving authority.

Drafter's Note. See current NB 5, Section 505. This new paragraph REQUIRES a Detachment to have Bylaws.

Section 910. Members. Each detachment shall be the sole judge of its membership, providing said person meets the requirements of Article V, Section 501 and Section 502.

Drafter's Notes. See current NB Art 5, Section 540.

Section 915. Ineligible Members

a. If there is reason to believe a member of the Marine Corps League does not meet the qualifications to be a member, this (these) reason(s) must be submitted in writing to the Detachment Commandant, who will appoint the Detachment Judge Advocate who will investigate the charge as presented. Unless,

(1) The person to be investigated is the Detachment Commandant, the request will be given to the Detachment Senior Vice Commandant for action, or

(2) The person to be investigated is the Detachment Judge Advocate, the Detachment Commandant will appoint a Past Detachment Commandant to hold the investigation.

b. If the investigation determines that the member does not have the necessary qualifications to be a member, the officer who is investigating will present a written report of the investigation, with a draft of a disciplinary charge to the members of the Detachment Board of Trustees. The Board of Trustees shall file a charge with the Department Judge Advocate in accordance with National Administrative Procedures, Section 900(g).

Drafter's Notes. New section.

Section 920. Detachment Officers. Each detachment shall:

- a. Elect a commandant, a senior vice commandant, a junior vice commandant, and a judge advocate **each year**; and
- b. Elect or appoint an adjutant, paymaster (or adjutant/paymaster), chaplain, and sergeant-at-arms.
- c. A detachment may have such additional elected and appointed officers as required by the detachment bylaws.
- d. All elected officers shall be regular members of the detachment in which they are elected.
- e. At the will of the detachment, associate members may serve in appointed offices only.
- f. Term Limits. Detachments have the sole right to establish term limits on its elected and appointed officers. Detachments exercising this option must do so by inserting clear provisions into their bylaws

Drafter's Note. See current NB 5, Section 510.

Drafter's Note. See current NB 5, Section 512(a).

Section 925. Vacancies

a. **Detachment Elected Officers**

(1) **Order of Succession.** The order of succession to the office of the Detachment Commandant shall be; first, Detachment Senior Vice Commandant and second, Detachment Junior Vice Commandant.

(2) **Detachment Commandant.** Should the Commandant's position become vacant, the Senior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If not agreeable, the Junior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If neither one is agreeable, the Detachment Commandant will be responsible for finding a replacement Detachment Commandant with assistance from the rest of the Detachment Staff. If either the Senior Vice Commandant or Junior Vice Commandant serve as the replacement Commandant, they will be responsible for finding a replacement for their previous position with assistance and approval of the Detachment Board of Trustees.

(3) **Detachment Senior Vice Commandant.** Should the Senior Vice Commandant position become vacant, the Junior Vice Commandant, if agreeable, will serve as

the new Senior Vice Commandant for the remainder of the term. If not agreeable, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Detachment Board of Trustees.

(4) **Detachment Junior Vice Commandant or Judge Advocate.** Should the Junior Vice Commandant or Judge Advocate position become vacant, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Detachment Board of Trustees.

(5) **Any Other Detachment Officer.** Should any other elected or appointed position become vacant, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Detachment Board of Trustees.

(6) **Causes for Vacancy.** In addition to death, resignation, or incapacity, a vacancy will occur through: (1) failure to attend two consecutive, officially-called meetings of the Detachment Board of Trustees or (2) removal from office by disciplinary action in accordance with the National Administrative Procedure.

(7) **Installation and Report of Installation Submission.** Upon appointing a member to any new position on the Detachment staff, the Department Commandant, Detachment Commandant, or any Past Commandant, in the case of a newly appointed Commandant, will swear in the officer to the new position and submit the revised "Report of Installation" form as specified in the National Administrative Procedures.

Drafter's Note. New Section. See current NB Article 2, Section 215. The phrase "for cause" is deleted because it is not defined and procedure is not delineated in current Bylaws or Procedure.

b. **Detachment Staff Officers.** A vacancy in an appointed office, a committee chairman, or a committee member shall be filled as soon as practical by the Detachment Commandant. All such appointments shall be approved by the Detachment Board of Trustees.

Drafter's Note. New paragraph a & b.

Section 930. Meetings. A detachment shall meet at a date, time and frequency of its choosing. Once a month is recommended. The detachment charter or a copy, the National Colors, and a Bible shall be displayed at all business meetings.

Drafter's Note. See current NB 5, Section 515.

Section 935. Detachment Board of Trustees. The elected officers of a detachment shall be its Board of Trustees. However, a detachment is authorized to appoint the outgoing Junior Past Commandant or a past detachment commandant to serve a one-year term as a member of the Detachment Board of Trustees.

Drafter's Note. See current NB 5, Section 525.

Section 940. Election of Officers

a. Each detachment shall hold an annual election and installation of officers between September 1 and May 15. Installation must be conducted no later than the last day of the month subsequent to the election. The “Report of Installation” form must be received by the National Headquarters by June 30th of each year to establish credentials for the National Convention. A Detachment is NOT in good standing if this report is not received.

b. Any time throughout the year, were a change in any Officer(s) position, that new officer(s) must be sworn in accordance with Administrative Procedures and a new “Report of Installation” form must be submitted for those positions that changed.

See current NB 5, Section 530.

Section 945. Suspension and Revocation of Charter

a. **Basis.** The charter of a detachment may be suspended or revoked for:

(1) The persistent failure to maintain a minimum of fifteen members in good standing;

(2) The persistent failure to forward promptly funds due to the national body;

(3) Acts and conduct bringing the MCL into public disrespect;

(4) Willful violation of National Bylaws and Administrative Procedures;

(5) Violation of federal, state, or municipal laws or ordinances; or

(a) Failure to obtain an EIN from the IRS within six (6) months of chartering and maintain an active status under IRS Code 501c(4).

(b) Failure to incorporate within one (1) year of chartering.

(6) Other activities detrimental to the good name of the MCL.

Drafter’s Note. Section 555 (a). Paragraphs (5)(a) is from NB 710. Section 909a(5) (a) is new. Section 909a(5)(b), the Incorporation was changed to one-year vice two years.

b. **Authority**

(1) The suspension or revocation of charters may be directed by a Department Board of Trustees and/or the National Board of Trustees.

(2) A charter being “suspended” should be for a specific amount of time issued by the Department or National Board of Trustees. Upon satisfying the suspending entity that the reason for the suspension has been corrected, that Department or National Board of Trustees can remove the suspension. The Detachment is then in “good standing.”

(3) A charter that has been revoked, can only be re-chartered by the National Board of Trustees.

Drafter’s Note. Paragraphs (2) and (3) above are new and are for clarity purposes.

(4) In the case of Section 945a(1) through (6), shall be implemented in accordance with the provisions of the National Bylaws and Administrative Procedures.

Drafter’s Note. See current NB 5, Section 555 (a) & (b).

Section 950. Voluntary Surrender of Charter. The charter of a detachment may be voluntarily surrendered for such reasons as may be determined by the detachment. Upon a determination that it is no longer practical to maintain the detachment, the Detachment Board of Trustees shall immediately notify its jurisdictional department or if a jurisdictional department is nonexistent, the National Division Vice Commandant in writing of its intent to dissolve and surrender its charter. [The National Administrative procedures will govern the process.](#)

Drafter’s Note. See current NB 5, Section 560(a). The remaining subsections of Section 560 are transferred to NAP.

Section 955. Employment Identification Number [EIN] and Incorporation

a. **EIN.** Each Detachment in addition to its incorporation, shall obtain and maintain its own EIN under the MCL’s Group Exemption Code “0955” under IRS Code 501c(4), within six months from the charter date.

Drafter’s Note. See current NB 7, Section 720. This Bylaw changed the requirement to obtain an EIN within six (6) months from Charter.

b. **Incorporation.** Detachments which engage in services or business, either for profit or non-profit, or which use the name of the MCL shall be incorporated within one year from the charter date.

Drafter’s Note. See current NB 7, Section 710. This Bylaw changed the incorporation within one (1) year instead the two (2) years.

Section 960. Parliamentary Authority. Each detachment shall use the current edition of Robert’s Rules of Order which shall govern in all cases to which they are applicable and in which they are not in conflict with the National Bylaws and Administrative Procedures, Department Bylaws, and any special rules of order National may adopt. [In the event of a conflict,](#)

the ruling authority is the National Bylaws, then the National Administrative Procedures, then Robert's Rules of Order.

Drafter's Note. This section is new. It adopts current unwritten policy.

Section 965. Contracting Authority. No detachment officer, committee chairman, or other member of any detachment shall enter into or sign any contract or agreement for the purpose of binding the detachment without first submitting such contract or agreement to the Detachment Board of Trustees. All documents shall be forwarded to the entire Detachment Board of Trustees for approval, amendments, or rejections.

Drafter's Note. This section is new. It adopts current unwritten policy

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NATIONAL BYLAWS
ARTICLE X
Subsidiary Organizations

Section 1000. Authority

a. All subsidiary organizations which function and operate directly or indirectly under the Congressional Charter and name of the MCL are subject to the authority, supervision, direction, control, and discipline of the MCL.

b. Such organizations and groups will:

(1) Adopt bylaws compatible and consistent with the bylaws and administrative procedures of the MCL.

(2) Incorporating.

(a) If said incorporation identifies themselves by name with the Marine Corps League and acknowledges their accountability to the Marine Corps League, they shall incorporate if not already done so, or

(b) If such organizations and groups do not identify themselves by name with the Marine Corps League and acknowledge their accountability to the Marine Corps League, said corporation shall immediately amend their incorporation and submit the proposed amended incorporation to the National Judge Advocate of the Marine Corps League for review, consideration, and approval.

c. If a subsidiary or subordinate organization should have any complaints, grievances and/or charges against a Marine Corps League member, Detachment, or Department, they must follow their appropriate chain of command that will refer it to the Marine Corps League for adjudication. It must be referred in writing via certified mail to the National Judge Advocate for appropriate action.

Drafter's Note. See current NB Article 7, Section 700.

Section 1005. Employment Identification Number [EIN] and Incorporation

a. **EIN.** Each subsidiary organization group in addition to its incorporation, shall obtain and maintain its own EIN under the MCL's Group Exemption Code "0955" under IRS Code 501c(4), within six months from the charter date.

Drafter's Note. See current NB 7, Section 720.

b. **Incorporation.** Any of the foregoing which engage in services or business, either for profit or non-profit, or which use the name of the MCL will be incorporated within one (1) year from their chartering.

Drafter's Note. See current NB 7, Section 710.

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NATIONAL BYLAWS
ARTICLE XI
National Bylaws Amendments

Section 1100. National Bylaws Amendments. The National Bylaws may be revised, amended, or repealed by a majority vote of the properly registered and approved delegates voting at a National Convention. The proposed revision, amendment, or repeal shall be submitted to the National Chief Operating Officer (COO) at National Headquarters no later than 1 April prior to the National Convention at which said proposal is to be considered. The proposed amendments will then be posted to the MCL National Website by 1 May of each year.

Drafter's Note. See current NB Article 8, Section 800 and NAP Chapter 10, Sections 1015 and 1020.

Section 1105. Effective Date. Each revision, amendment, or repeal of a provision of the National Bylaws and the Administrative Procedures which is approved at a National Convention and does not provide for an effective date, will become effective upon the close of the convention at which it is approved.

Drafter's Note. See current NB Article 8, Section 805.

Section 1110. Clerical Errors. The National Administrative Review Committee and the Chief Operating Officer (COO) shall have the authority to identify, and with the advice and consent of the National Bylaws and Administrative Procedures Committee, correct clerical errors in the National Bylaws and the National Administrative Procedures where the error is clearly evident and the correction shall make no material change to the intent, form, or function of the bylaws or the administrative procedure in question.

Drafter's Note. See current NB Article 8, Section 800(e).

Section 1115. National Administrative Procedures

a. Changes to the National Administrative Procedures will be approved by the membership by majority vote at a National Convention. Recommendations for changes to the National Administrative Procedures will be covered in that document.

b. Changes to the National Administrative Procedures may also be approved by the National Board of Trustees by majority vote when it is necessary for the operational needs of the Marine Corps League. These changes to the Administrative Procedures will be sent immediately to all Divisions National Vice Commandants with directions to be passed to all Departments and Detachments.

Drafter's Note. New Paragraph

NATIONAL BYLAWS
ARTICLE XII
Dissolution

Section 1200. Dissolution. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(4) of the Internal Revenue Code, or corresponding section of any future tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such assets not disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Drafter's Note. The IRS requires this paragraph in the bylaws of 501(c)(4) nonprofit corporations.