

## **Suggested Form for Post Constitution**

(Section 7, Article IX, National Constitution of The American Legion provides that each department may prescribe the constitution of its posts. Consequently, posts should ascertain whether or not the department has adopted a uniform constitution for all posts in that department. If such constitution has been approved by the department, it should be followed.)

Constitution of (Post Name and Number).

Department of . . . . .

### **Preamble**

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

### **Article I—Name**

Section 1. The name of this organization shall be (Post Name and Number), The American Legion, Department of . . . . .

### **Article II—Objects**

Section 1. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

### **Article III—Nature**

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Sec. 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Sec. 3. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of this Post.

### **Article IV—Membership**

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

Sec. 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Sec. 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Sec. 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same. \*

Sec. 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Sec. 6. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

\*Before proceeding under this section, Posts should make inquiry as to whether or not the Department Constitution and By-Laws has provided a different procedure, which should be followed.

**Article V—Officers**

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of ..... members in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Sec. 2. The officers of this Post shall be a commander, a vice-commander, an adjutant, a finance officer, a Post historian, a Post chaplain, Post service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Sec. 3. All officers and executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Sec. 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Sec. 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

**Article VI—Finance**

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

Sec. 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

Sec. 3. The Post shall pay to Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

**Article VII—Charter Members**

Section 1. Members who joined this Post prior to November 11, 1919 (or members who joined this Post prior to the issuance of charter) shall be known as charter members.

Note—The matter of charter members for the permanent charter is left to the decision of the Post members

**Article VIII—American Legion Auxiliary**

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of (Post Name and Number), The American Legion.

Sec. 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

**Article IX—Amendments**

Section 1. This Constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the Department Constitution of the Department of ....., The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Sec. 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least ..... days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

**Suggested Form Of Post By-Laws**

**Article I**

Section 1. The Post existing under these By-Laws is to be known as (Post Name and Number), The American Legion, Department of .....

Sec. 2. The objectives of this Post are as set forth in the Constitution.

## **Article II—Management**

Section 1. The government and management of the Post is entrusted to an Executive Committee of ..... members, to be known as the “Executive Committee.”

Sec. 2. The Executive Committee shall consist of ..... members in addition to the officers of the Post and together with the other officers of this Post shall be elected annually on ..... and take office at the meeting next following that of the election. All elections of officers and executive committeemen shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Sec. 3. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

## **Article III—Post Executive Committee**

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post commander within 10 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander at least every ..... and as often as said commander may deem necessary. The commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee, ..... members of the committee shall constitute a quorum thereof.

Sec. 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

## **Article IV—Duties of Officers**

Section 1. *Duties of Post Commander.* It shall be the duty of the Post commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. The commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant. The commander shall perform such other duties as directed by the Post.

Sec. 2. *Duties of Vice-Commander.* The vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the Post commander.

Sec. 3. *Duties of Post Adjutant.* The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the Post.

Sec. 4. *Duties of the Finance Officer/Treasurer.* The finance officer/treasurer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The finance officer/treasurer shall sign all checks disbursing the monies of the Post, and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee.

Sec. 5. *Duties of Post Historian.* The Post historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Sec. 6. *Duties of Post Chaplain.* The Post chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Sec. 7. *Duties of Sergeant-at-Arms.* The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

#### **Article V—Delegates**

Section 1. Delegates and alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least 20 days prior to the date of such convention.

#### **Article VI—Appointments**

Section 1. The Post commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion and Visiting or VAVS. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post commander.

Sec. 2. *Americanism Committee.* The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Sec. 3. *Ceremonials Committee.* The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies—burial detail and the wearing of Legion regalia.

Sec. 4. *Children and Youth Committee.* Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

Sec. 5. *Economic Committee.* The Post Economic Committee is primarily concerned with local employment programs, Veterans' preference, government employment and re-employment rights.

Sec. 6. *Finance Committee.* The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Sec. 7. *Foreign Relations.* This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Sec. 8. *Graves Registration and Memorial Committee.* The duties of this committee involve recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given the service officer in providing flags, headstones or proper interment in national cemeteries.

Sec. 9. *House and Entertainment Committee.* The House and Entertainment quarters promotion of club advantages and arrangement for social activities.

Sec. 10. *Legislative Committee.* The Legislative Committee needs to have a knowledge of what is going on in Congress—what we favor or oppose, and should be ready to initiate action in support of our position when requested by the national or Department organization.

Sec. 11. *Membership Committee.* The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members.

Sec. 12. *Public Relations Committee.* The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department and national Legion news service and by local publicity of Post programs and activities.

Sec. 13. *Veterans Affairs and Rehabilitation Committee.* The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Sec. 14. *Security Committee.* The Security Committee shall work with and coordinate Legion efforts with the local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Sec. 15. *Sons of The American Legion Committee.* This committee shall have supervision over the operations of the Post's squadron of the Sons of The American Legion.

Sec. 16. *Visiting or VAVS Committee.* This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

#### **Article VII—Resolutions**

Section 1. All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

#### **Article VIII—Meetings**

Section 1. The regular meeting of the Post shall be held at the club rooms on ....., at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

Sec. 2. The Post commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Sec. 3. Upon the written request of ..... members, the committee shall call a special meeting of the Post.

Sec. 4. .... members shall constitute a quorum.

#### **Article IX—Notices**

Section 1. Every member shall furnish the Post adjutant with an address for mailing.

Sec. 2. The Post adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

#### **Article X—Rules of Order**

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided. 118

#### **Article XI—Limitations of Liabilities**

Section 1. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

#### **Article XII—Amendments**

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting; Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and, provided, further, that written notice shall have been given to all members at least ..... days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.