

CONSTITUTION

and

BYLAWS

of

**JOHN D. SUDDUTH POST 72 WARRENTON,
THE AMERICAN LEGION,
DEPARTMENT OF VIRGINIA**



Revised

xx February 2018

CONSTITUTION

of

JOHN D. SUDDUTH POST 72 WARRENTON, THE AMERICAN LEGION, DEPARTMENT OF VIRGINIA

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: Post Name

Section 1. The name of this organization shall be John D. Sudduth Post 72 Warrenton, The American Legion, Department of Virginia.

Article II: Objects

Section 1. The objects 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.

Section 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.

Section 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.

Section 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.

Section 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 votes against the acceptance of said application then such application shall be recorded as rejected.

Section 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.

Section 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.

Section 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, that person 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.

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 the elected officers of the Post. The term of office of members of the Executive Committee shall be for one year. Past Post Commanders shall be ex-officio members of the Executive Committee without vote. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, two Vice-Commanders, 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.

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

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

Section 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.

Section 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.

Section 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.

Article VIII: American Legion Auxiliary

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of John D. Sudduth Post 72, The American Legion, Department of Virginia.

Section 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 Virginia, 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.

Section 2. This Constitution may be amended at any regular Post **members** 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 **members** meeting of said Post, and providing, further, written notice shall have been given to all members at least two (2) weeks 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.

Section 3. Any amendment to this constitution shall become effective immediately upon the final adjournment of the meeting at which it was approved.

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Approved by the Membership on: ~~xx~~ February 2018

George Morgan
Adjutant, Post 72

Amended ~~xx~~ February 2018

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BYLAWS

of

JOHN D. SUDDUTH POST 72 WARRENTON, THE AMERICAN LEGION, DEPARTMENT OF VIRGINIA

Article I: Post Name

Section 1. The Post existing under these By-Laws is to be known as John D. Sudduth Post 72 Warrenton, The American Legion, Department of Virginia.

Section. 2. The objects of this Post are as set forth in the Constitution.

Article II: Management

Section 1. The government and management of the Post are entrusted to a Post Executive Committee of nine (9) members, to be known as the "Executive Committee."

Section 2. The Executive Committee shall consist of the elected officers of the Post. The officers of the Post shall be elected annually at the Post's regular members meeting in June and take office at the meeting next following that of the election. All elections of officers shall be by secret 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.

Section 3. All vacancies existing in the Executive Committee, 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 who is 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 month 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. Five (5) members of the committee shall constitute a quorum thereof.

Section 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 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. The Commander shall perform such other duties as directed by the Post.

Section 2. *Duties of Vice-Commanders:* The Vice-Commanders shall discharge the duties of the office of Commander in the absence or disability of the Commander or when called upon by the Post Commander, and discharge such other duties as may be designated for them.

Section 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.

Section 4. *Duties of the Finance Officer:* The Finance Officer 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 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. The Finance Officer may delegate some disbursing responsibilities to an Assistant Finance Officer with the approval of the Executive Committee.

Section 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 Executive Committee.

Section 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., and adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 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.

Section 8. *Duties of the Post Service Officer:* The Post Service Officer shall be charged with ~~looking out for~~ advancing the welfare of veterans and their families by the dissemination of

such information and instruction as may be helpful in dealing with matters concerning the Department of Veterans Affairs and such other agencies and/or organizations charged with providing benefits and service to veterans and their families.

Article V: Delegates

Section 1. Delegates and alternates to a Department convention shall be elected by ballot by the Post at a regular **members** 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, or when appropriate for the performance of their function, shall appoint chairpersons of the following standing committees and such other committees as may be necessary or desirable for the operation of the Post. Such committees shall consist of such members as the chairperson deems appropriate. The Post Commander shall be an ex-officio member of all such committees.

Section 2. *Finance Committee:* The Finance Committee will normally be chaired by the Finance Officer and 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.

Section 3. *Membership Committee:* The Membership Committee will normally be chaired by the First Vice-Commander and shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members, and with ensuring that all new members are properly initiated.

Section 4. *Service Committee:* The Service Committee will normally be chaired by the Service Officer and 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. In addition the Service Committee shall supervise all efforts concerning 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. It will 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."

Section 5. *Visiting or VAVS Committee:* This committee will normally be chaired by the Post Chaplain and is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Section 6. *House Committee:* The House Committee shall supervise the operation and maintenance of Post buildings and entertainment quarters, promotion of club advantages, and arrangement for social activities. Activities will be coordinated with the Grounds Committee when appropriate.

Section 7. *Grounds Committee:* The Grounds Committee shall supervise the operation and

maintenance of Post grounds and athletic fields. Activities will be coordinated with the House Committee when appropriate.

Section 8. *Public Relations Committee:* The Public Relations Committee shall be charged with the promotion of public support of the Legion's program 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.

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Section 9. *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.

Section 10. *Legionnaire of the Year Committee:* The Legionnaire of the Year Committee will normally be chaired by the immediate past Legionnaire of the year and shall consist of all Past Legionnaires of the Year and shall be charged with identifying and reporting the current year's Legionnaire of the Year to the Post Commander in April.

Section 11. *Nominating Committee:* The Nominating Committee shall be charged with proposing a slate of motivated members willing and able to serve as Post Officers at the regular members March meeting. Nominations from the floor will be accepted at the regular members April meeting. Election of Officers will be by secret ballot at the regular members ~~May~~June [per Article II Sect 2] meeting. The newly elected officers will be installed at the regular members meeting in ~~June~~July and will take office immediately following final adjournment of that meeting.

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 ~~members~~ meeting of the Post shall be held at the club rooms on the ~~second~~ ~~third~~ Tuesday of each month, 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.

Section 2. The Post Commander, with the consent of a majority of the Executive Committee, shall have power to call a special meeting of the Post at any time.

Section 3. Upon the written request of ten (10) members, the Executive Committee shall call a special meeting of the Post.

Section 4. Fourteen members, of which at least four (4) must be members of the Executive Committee, shall constitute a quorum ~~for the regular members meeting~~.

Article IX: Notices

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

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto.

Article X: Rules of Order

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

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 **members** 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 two (2) weeks 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.

Section 2. Any amendment to these bylaws shall become effective immediately upon the final adjournment of the meeting at which it was approved.

Approved by the Membership on: **xx** February 2018

George Morgan
Adjutant, Post 72