

# ***Preamble of the National Constitution of The American Legion***

## **Preamble**

For God and Country, we associate ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all Wars; to inculcate a sense of individual obligation to the Community, State, and Nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on Earth; to safeguard and transmit to posterity the principles of Justice, Freedom, and Democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## ***Constitution of Greeley-Parmenter-Harrington Post No. 27 The American Legion - Department of New Hampshire***

### Article I - Name

Section 1. The name of this organization shall be Greeley-Parmenter-Harrington Post No. 27, The American Legion, a unit of the American Legion, Department of New Hampshire.

### Article II - Objects

Section 1. The objects and purposes of this Post shall be to promote the principles, and the 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. Rank does not exist in the American Legion; no member shall be addressed by one's military or naval title in any meeting of this Post.

Section 2. While requiring that every member of the organization perform one's full duty as a citizen according to one's own conscience and understanding, this organization shall be absolutely non-political and shall not be used for dissemination of partisan principles, nor for the promotion of the candidacy of any person seeking public office or preferment; nor shall distinction of class, creed, nationality, religion or sect be recognized or countenanced in the organization. However, the organization may speak and lobby for veterans and issues as far as allowed by the National By-Laws.

## 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. All persons making application for membership in this Post must exhibit an Honorable Discharge and Department of Defense Form 214 from the service or other acceptable documentation to a member of the Membership Committee and must furnish such information relating to one's service as may be requested on forms furnished by the Post.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application. All applications for membership shall be accepted or rejected by a majority vote at the regular Post meeting.

Section 4. 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 a Post meeting; provided, however, that one shall make payment of current dues at the time of reinstatement.

Section 5. No person who has been expelled by another Post of the American Legion shall be admitted to membership in this Post without the consent of the expelling Post; except that when such consent has been asked for and denied by such Post, that person may appeal to the Membership Committee for membership in this Post, but shall be ineligible for membership until such permission is granted by the Membership Committee. The decision of the Membership Committee, however, is subject to appeal to the membership of the Post. If said appeal to the membership is denied, then an appeal may be made to the Executive Committee of the Department of New Hampshire to apply for membership in another Post.

Section 6. Transfers from and to this Post shall be governed by rulings adopted by The American Legion Department of New Hampshire and the National Headquarters of The American Legion. All applications for resignation or transfer shall be referred to the Membership Committee for recommendation.

## Article V. Legal Title

Section 1. The legal title to all property, effects and assets of this Post shall rest in the membership thereof.

Section 2. Termination of membership for whatever cause shall be considered a withdrawal from the Post, and shall be a release of all rights, titles to, and interest in, the property and assets of the Post.

## Article VI -Dues

Section 1. The annual dues of the Post shall be set by a vote of the membership at a regular meeting upon the recommendation of the Executive Board. Dues shall become payable on or after July 1<sup>st</sup> of each year for the following calendar year.

**Section 2.** The Financial Year of this Post shall be a calendar year inclusive.

Section 3. The Post shall pay to Departmental Headquarters the National and Departmental annual membership dues for every member of this Post.

## Article VII - Officers

Section 1. The officers of this Post shall be Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Sergeant-at-Arms, Judge Advocate, Service Officer, Chaplain, Historian, Children and Youth Officer, and two (2) Members-at-Large who shall be deemed officers of the Post with all of the privileges and duties normal to the other officers.

Section 2. All officers in Section 1 above shall be elected annually by secret ballot and by majority vote. Nominations shall be made at the regular meeting in February and elections held at the regular meeting in March and installation either prior to or at the regular meeting in April. Following the nomination of a member to the position of Finance Officer, a criminal background and credit check shall be conducted for the individual should they accept the nomination. The Finance Officer shall have a clear criminal record and a credit score of seven hundred (700) or above to be eligible for election to said office.

Section 3. The Nominating Committee shall recommend by no later than the February meeting a Slate of Officers and post a sign-up sheet for any other members who wish to run for any office.

Section 4. No member who is absent shall be placed in nomination unless that person's consent, in writing, has been received by the Post Adjutant prior to such nomination.

Section 5. Nominations shall not be closed until all members present desiring to speak have had the opportunity to do so at the March election meeting. Members may nominate anyone, subject to Section 4, including themselves at any time prior to an election.

Section 6. The Executive Board shall consist of all Post officers and two (2) members elected at-large in the same manner as the rest of the officers of the Post. Should the Immediate Past Commander desire to serve on the Executive Board as an at-large member, then that person shall notify the Adjutant prior to nominations and then just one (1) Executive Board Member-at-Large will be nominated and elected.

Section 7. Every member of this Post in good standing shall be eligible to hold an office in this Post. Per Robert's Rules of Order, any employee of the Post who also serves on the Executive Board must recuse oneself from votes dealing with one's job and remuneration.

Section 8. The duties of officers and Executive Board members shall be those duties usually pertaining to those positions and as further provided in the By-Laws.

Section 9. All vacancies existing in the Executive Board, or in any office of the Post for any cause other than expiration of a term, shall be filled by a majority vote of the remaining members of the Executive Board, and a person so appointed shall hold the office for the unexpired term of the person who has vacated. A vacancy shall exist when a member or officer is absent for a continuous period considered detrimental to the interest of the Post by the Executive Board.

Section 10. When nobody runs for an office at the March election meeting, such a vacancy shall be filled by an election to be held at the next regular meeting after one (1) or more candidates have come forward. All members in good standing shall be entitled to vote in such an election. Until such an election takes place, the previous holder of the vacant office shall remain in that office unless such person has resigned.

## Article VIII - Committees

Section 1. The Commander, upon taking office each year, shall appoint the following standing committees of the Post: Americanism, Membership, Veterans Affairs & Rehabilitation, Athletic, Public Relations, Children & Youth, Finance, National Security, Veterans Memorial, Sons of The American Legion, House and Entertainment, and Nominating.

Section 2. Special Committees may be appointed, and special undertakings may be requested by a majority vote of the General Membership of the Post or by request of the Commander.

## Article IX - Meetings

Section 1. The regular meetings of this Post shall be held at the Post Home or place decided upon at the previous meeting, on the second (2<sup>nd</sup>) Monday of each month at 1930 hours. If a holiday falls on the second (2<sup>nd</sup>) Monday, then that meeting will be held on the second (2<sup>nd</sup>) Wednesday of said 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. Special Meetings of the Post shall be called by a majority vote of the Executive Board in writing, or upon the written petition of twenty (20) members in good standing.

Section 3. Eleven (11) members shall constitute a quorum for a regular meeting.

Section 4. For an Executive Board meeting, a quorum shall be seven (7) members.

## Article X - Finance and Contracts

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

## Article XI - Charter Members

Section 1. Members who signed the original application for a charter shall be known as charter members.

## Article XII - Auxiliary and Association Units

Section 1. Greeley-Parmenter-Harrington Post No. 27, The American Legion, recognizes an auxiliary organization to be known as the Auxiliary Unit No. 27 of the Greeley-Parmenter-Harrington Post.

Section 2. Greeley-Parmenter-Harrington Post No. 27, The American Legion, recognizes and sponsors the program known as The Sons of The American Legion Squadron No. 27 of the Greeley-Parmenter-Harrington Post.

Section 3. Greeley-Parmenter-Harrington Post No. 27, The American Legion, recognizes and sponsors the program known as The Legion Riders of The American Legion Chapter No. 27 of the Greeley-Parmenter-Harrington Post.

## Article XIII - Rules of Procedure

Section 1. The majority shall rule on all Motions or Resolutions not otherwise provided for.

Section 2. All differences of opinion with regard to Points of Order or Mode of Procedure not otherwise provided for shall be governed by Parliamentary Practice as set forth in Robert's Rules of Order and as interpreted by the Judge Advocate.

## Article XV - Amendments

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Constitution of the Department of New Hampshire, the American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall automatically repeal or modify the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution and By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting provided that the proposed amendment shall be submitted in writing and read at the immediate prior regular meeting of said Post.

## ***Post By-Laws***

### Article I – Post Name

Section 1. The Post existing under these By-Laws is to be known as Greeley-Parmenter-Harrington Post No. 27, The American Legion, Department of New Hampshire.

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

### Article II - Management

Section 1. The government and management of the Post is entrusted to an executive board, (size set by Article VII Section 6 of the Constitution), to be known as the Executive Board.

### Article III - Post Executive Board

Section 1. The Executive Board shall meet on a day and time set forth by a majority of the Executive Board and as often as the Commander may deem necessary. The Commander shall call a meeting of the Post Executive Board upon the joint written request of seven (7) or more members of said Executive Board.

Section 2. The Executive Board shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require background checks from persons having custody of Post funds; shall hear the reports of Post committee chairmen and have the responsibility to make the reports known to the general membership for their approval.

Section 3. A member must present any motion to the Executive Board prior to bringing it forward to the General Membership.

Section 4. All donations and all spending items over five hundred dollars (\$500.00) must be approved by the General Membership.

#### Article IV - Duties of Officers

Section 1. Commander. The Commander shall preside at all meetings of the Post and Executive Board and shall enforce all Laws and Regulations of the Post. This person shall also be Chairman of the Executive Board and an ex-officio member of all committees except as otherwise provided by in the Constitution and By-Laws. This person shall perform such other duties as may be directed by the Post, shall approve all orders directing the disbursement of funds, and shall make an Annual Report covering the business of the Post at the Annual Meeting. The Commander, in the event it is not feasible to contact the Service Officer or the Veterans Affairs and Rehabilitation Committee, may disburse for emergency purposes funds not to exceed four hundred dollars (\$400.00) every thirty (30) calendar days for appropriate requests. The Commander will submit a verbal and/or written report detailing the emergency expenditure at the next Executive Board and General Membership meetings.

Section 2. Senior Vice Commander. The Senior Vice Commander shall act as the representative of the Commander on all matters and shall, upon request, preside over meetings and perform such other duties as are incident to the office. This person shall also be Chairman of the Post Membership Committee and shall be responsible for accomplishing a one hundred percent (100%) membership.

Section 3. Duties of the Junior Vice Commander. The Junior Vice Commander shall assist the Commander and Senior Vice Commander in the performance of their duties and perform such other duties as are incident to the office.

Section 4. Duties of Post Adjutant. The Adjutant shall issue all proper notices of the Post and keep a record of all meetings of the Post and the Executive Board. Such records shall be open to inspection by any member of the Post in good standing at any meeting. The Adjutant shall conduct all correspondence pertaining thereto, shall perform such other duties as are incident to the office, and shall keep records of Post Membership including the names and addresses of all members, and be the holder of all financial records.

Section 5. Duties of the Finance Officer. The Finance Officer of the Post shall have charge of all finances, see that they are safely deposited in one or more local banks, and shall report once a month to the Executive Board the condition of the finances of the Post along with such recommendations as one may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall furnish to the Post Adjutant a copy of all financial records monthly, to include an annual report in February of each year, for post records. This officer shall give an annual report at the February meeting and shall be one of two people who can sign all checks for dispersing the monies of the Post. The other person who can sign checks will be the Post Commander. The Finance Officer shall have a clear criminal record and a credit score of seven hundred (700) or above. This officer shall have a working knowledge of accounting principles, computations and software.

Section 6. Duties of the Judge Advocate. It is the duty of the Judge Advocate to advise Post officers and members on all legal matters pertaining to Post activities, including the construction and interpretation of the Post Constitution and By-Laws, and to perform such other duties as are incident to the office. This officer's rulings

shall be binding unless or until overruled by the Judge Advocate of The American Legion, Department of New Hampshire.

Section 7. Duties of the Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings and shall always assist the Commander. This officer shall also have charge of the Colors of the Post and shall see that the Assembly Room is set for all meetings per the American Legion Officers Manual. This person shall perform such other duties as are incident to the office.

Section 8. Duties of the Service Officer. The Service Officer shall assist all comrades needing assistance relative to pensions, benefits, and government rights for veterans; shall contact American National Red Cross officials in case of a death or emergency when requested; and shall perform other such functions as shall be consistent with this office.

Section 9. Duties of the Historian. The Post Historian shall collect and maintain the history of the Post. This officer shall also collect the membership records of all members of the Post and maintain them in permanent form. This person shall index and catalogue all trophies and books presented to the Post. The Historian shall be responsible for Post history books, historical items (trophies, flags, Grand Army of the Republic items, etc.) and all other historical memorabilia in the Post's possession and make sure they are secured in appropriate fashion.

Section 10. Duties of the Post Chaplain. It shall be the duty of the Chaplain to read the Ritual over deceased comrades whenever requested and at all memorial services conducted by the Post. This person shall also procure and preserve a record of all deceased members of the Post and see that the graves of our comrades are properly marked. It shall be this officer's duty to convey the sympathy of the Post to the families of our deceased members and ascertain if assistance is needed. The Chaplain shall be charged with the spiritual welfare of the Post and shall report on all members deceased since the previous meeting and the cemeteries and the number of the graves in which they are interred. This officer shall adhere to such ceremonies as are contained in the Manual of Ceremonies as recommended by National Headquarters.

Section 11. Duties of the Children and Youth Officer. The Children and Youth Officer shall be responsible for American Legion programs relevant to the children of Post veterans and also their relationship with the local community at-large.

#### Article V - Delegates

Section 1. Delegates and alternates to a Department Convention shall be elected, by ballot, at a regular meeting of the Post.

#### Article VI - Appointments

Section 1. Membership Committee. The Membership Committee shall have charge of all matters pertaining to membership of the Post including the procuring of new members, reinstatement, and eligibility of members. The Chairperson of the Membership Committee shall be the Senior Vice Commander.

Section 2. House and Entertainment Committee. There shall be a House and Entertainment Committee of three (3) members who shall be chosen by the Commander. The Executive Board shall set the duties and responsibilities of this committee. The Chief Steward shall act in an advisory capacity to this committee.

Section 3. Veterans Affairs and Rehabilitation Committee. This committee shall aid and advise all members of the Post and dependents of deceased members in obtaining all just benefits due them. Also, it shall aid all members in distress and provide such relief as deemed reasonably necessary. The Chairperson of the Veterans Affairs and Rehabilitation Committee shall be the Service Officer.

Section 4. Visiting Committee. The Visiting Committee is charged with visiting and comforting members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals. The Chaplain will serve as Chairperson of this committee.

Section 5. Defense Committee. This committee shall work with and coordinate all American Legion efforts with the local 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 be active in community activities for the defense of the nation and security of the American home. The Sargeant at Arms will serve as the Chairperson of this committee.

Section 6. Nominating Committee. At the December meeting, the Commander will appoint a Nominating Committee. This committee is charged with providing a slate of officers at the February meeting. At the January meeting, the chairperson will inform the membership that any member who is in good standing and would like to run for an office in the upcoming election should inform the committee before the February meeting. The committee shall also be responsible for posting a sign-up sheet in the Post Home for other members who may wish to run for office but have not necessarily been asked to run by the committee.

#### Article VII - Complaints and Charges

Section 1. All complaints must be made in writing and signed by the members making same and given to the Adjutant to be brought before the Executive Board for action.

Section 2. All charges for violations or infringements of any rule of conduct shall be in writing and signed by the member or members making same and given to the Adjutant to be brought before the Executive Board for action. A member or members preferring charges shall be ready to appear before the Executive Board, with witnesses if any, when notified that a hearing on the charge is to be heard.

Section 3. A member against whom charges have been referred shall be notified to appear at the hearing; all notices will go out by certified mail. If said member doesn't respond within seven (7) days after having received the first notice, a second notice will be sent. If the member hasn't responded within seven (7) days of having received the second notice, the Executive Board shall take whatever action it may deem necessary against the member.

#### Article VIII - Resolutions

Section 1. All Post resolutions having State or National significance shall merely embody the opinion of this Post on the subject. A copy of same shall be forwarded to Department Headquarters for approval at the Department Convention before any publicity is given or other action is taken by the Post.

## Article IX - Notices

Section 1. All members shall furnish the Post Adjutant with his or her address for mailing purposes along with telephone numbers and an electronic mail address if applicable.

Section 2. The Post Adjutant shall post notice of the annual election on the Post bulletin board at least two (2) weeks prior.

## Article X - Limitations of Liabilities

Section 1. This Post shall not incur, or cause to be incurred, any liability or obligation whatsoever, which shall pass on to any other Post, subdivision, group of individuals, members of the American Legion, or other individuals, corporations or organizations.

Approved 12/24