



AMERICAN LEGION
IROQUOIS POST 1587
12897 Route 438, Irving NY 14081
(716) 532-1587



AMERICAN LEGION



IROQUOIS POST 1587

CONSTITUTION & BY-LAWS

POLICY 101 & FUNERAL HONORS

IN MEMORY OF OUR ORIGINAL LEGACY CHARTER MEMBERS

CHARTER MEMBERSHIP ROLL

THE
AMERICAN LEGION

Troquois **POST NO. 1587**
DEPARTMENT OF *New York*

Clarence Bennett★	Stewart Huff★	Victor Redeye★
Donald E. Bray★	Luman E. Jackson★	Gilbert J. Scanandoah★
Franklin G. Button★	Irene Jamerson★	Isabelle Scott★
Rexford A. Button★	Albert Jimerson★	Theodore C. Snow★
Edward R. Dixon★	Eugene E. John★	William A. Snow★
Stanley Fox★	Clinton Kennedy★	Clarence R. Snyder★
Veroy Gates★	Lawrence Kennedy★	Mae Thompson★
Francis E. George★	William K. Kennedy★	Wilber Thompson★
Elgin R. Golden★	James Peaffe★	Paul E. Twoguns★
Robert W. Golden★	Hilton W. Lee★	Victor G. Twoguns★
Edwin H. Gordon★	Jonas G. Lee★	Milburn C. White★
Felix Gordon★	Howard Maybee★	Aileen A. Williams★
Theodore A. Gordon★	Inez Maybee★	Basil G. Williams★
William Harris★	Arnold R. Nephew★	Charles Williams★
Norris C. Hill★	Edgar B. Parker★	Dean V. Williams★
Abram Huff, Jr.★	Spencer Patterson★	Paul J. Williams★
Henry M. Huff★	Veroy F. Post★	Russell D. Williams★
Nelson Huff★	Benjamin R. Powless★	Calvin E. Lay★

★ Deceased ☆ Last Member Deceased

**CONSTITUTION AND BY-LAWS
OF
IROQUOIS POST 1587
THE AMERICAN LEGION
DEPARTMENT OF NEW YORK**

Revised and Updated September 3, 2019

This publication supersedes original dated 10 March 1954

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**IROQUOIS POST 1587, THE AMERICAN LEGION, DEPARTMENT OF NEW YORK
CONSTITUTION & BY-LAWS**

CONSTITUTION 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

ARTICLE I – NAME AND HEADQUARTERS

Section 1. The name of this organization shall be Iroquois Post #1587, The American Legion, Erie County, Department of New York.

Section 2. The Post Headquarters shall be located at 12897 Route 438, Irving, NY 14081; all notices and documents shall be addressed to this Headquarters.

ARTICLE II – OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing preamble, and the National, Department, and Erie County Constitution and By-laws 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 is not used nor associated within The American Legion; no member shall be addressed by their former or current military title during any meeting/event of the Post.

Section 2. This organization shall be absolutely non-political and non-sectarian and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment. No candidate for nomination or election to, or no incumbent of any remunerative public office shall hold any elective office or any appointive remunerative office in the Post; members of standing or special committee shall not be affected.

Section 3. Each member shall perform their full duty as a citizen according to their own conscience in accordance with established by-laws, constitution of the American Legion, and impeccable values system while abiding by the Post's Policies.

ARTICLE IV – MEMBERSHIP

Section 1. An individual is eligible for membership in The American Legion only if the individual

(1) has served in the Armed Forces of

(A) the United States at any time during-

(i) the period of April 6, 1917, through November 11, 1918;

(ii) or any time after December 7, 1941; or

(B) a government associated with the United States during a period or time referred to in subclause (A) of this clause and was a citizen of the United States when this individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period of time.

Section 1.1 The term Armed Forces means Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Section 1.2 No person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

Section 2. Application for membership shall be made in writing under such regulations as may, or from time to time, be prescribed by the Post Executive Committee and approved by the County Committee wherein this Post is located. All applications for membership accompanied by service discharge papers/document shall be referred to the Membership Committee Chair, who shall report their findings to the Executive Committee. Upon approval of eligibility, the application accompanied by the dues shall be presented to the Post at a regular meeting and shall be acted upon at such meeting. A majority vote of the Post shall be necessary for acceptance.

Section 3. There shall be no form or class of membership except an active membership. Dues shall be paid annually or Paid Up For Life (PUFL).

Section 4. No person who is a member of another American Legion Post may be a member of this Post.

Section 5. Members may be suspended or expelled from this Post of The American Legion only after providing the member due process and a proper showing of cause. Charges may be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming of a member of The American Legion. All charges must be made under oath in writing by the accuser/s. No member in good standing shall lose their membership until given a fair trial in such manner and form as The Department of New York, Department Executive Committee shall prescribe. This action shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of this Post as a member, upon the grounds of their ineligibility to membership in the Post.

Section 6. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee in the manner prescribed by said Committee. The decision of the Department shall be final.

Section 7. No person, who has been expelled by a Post, and such expulsion is reported by the Department to The National Headquarter within thirty (30) days, 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 has been denied by such Post, the person may then appeal to the Department Executive Committee for permission to be admitted to membership in the Post and shall be ineligible for membership until such permission is granted.

Section 8. A member who has been expelled or suspended from this Post for any cause other than non-payment of dues may be reinstated to membership by a two-thirds (2/3) vote of the Executive Committee and a majority vote of the Post; provided, however, that, they shall make payment of any arrears in their dues from the time of the expulsion or suspension, and also other regular dues which have been payable in the interval between their expulsion or suspension and their reinstatement.

Section 9. Any member in good standing desiring to transfer from this Post to another Post is entitled to a certificate from this Post stating their membership, the duration thereof, and the date to which their dues are paid.

ARTICLE V – OFFICERS

Section 1. The Administration of the Post’s affairs, between meetings of the Post, and except as may be otherwise provided in the By-laws of the Post, shall be under the supervision of an Executive Committee which shall consist of three (3) general members (to be known as Executive Committeepersons), in addition to all Elective Officers of the Post.

Section 2. The Elective Officers of this Post shall be a Commander, three (3) Vice-Commanders, Adjutant, Treasurer, Post Chaplain, and a Sergeant-at-Arms. Any two or more offices may be held by the same person, except the offices of the Commander and Adjutant.

Section 3. All Elective Officers and Executive Committeepersons shall be elected and installed in the month of June annually and they shall hold office until their successors are duly installed or otherwise provided.

Section 4. Every member of this Post, in good standing, shall be eligible to hold office in this Post except as otherwise provided herein.

Section 5. The duties of Officers and Executive Committeepersons shall be those usually appertaining to such officers and as further provided in the By-laws.

ARTICLE VI - FINANCES AND DUES

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 membership committee.

Section 2. The minimum annual dues of individual members of this Post shall be \$3.00 and, in addition thereto, any amount charged as dues by any intermediate body between the Post and Department of New York per member; the amount of the Annual Post dues shall be as set forth in the Post Constitution & By-Laws.

Section 3. The Post shall expeditiously collect the annual dues for its members and shall pay annually to The American Legion, Department of New York such amount due to the National, Department, District, and County Organizations.

Section 4. All monies received in any manner for welfare purposes of any nature by the Post shall be deposited in a duly authorized banking institution. None of such monies shall be withdrawn except for welfare purposes and, upon draft signed by the Treasurer of the Post and at least one other member thereof duly elected/appointed for that purpose.

Section 5. This Post shall not solicit another Post or County Organization for purposes of financial aid or relief.

ARTICLE VII – AUXILIARY

Section 1. The Post recognizes an auxiliary organization known as the Auxiliary Unit of Iroquois Post #1587, The American Legion, Department of New York.

Section 2. Membership in said Auxiliary Organization shall be governed by such rules and regulations as prescribed by the National Executive Committee of The American Legion and thereafter approved by The Department of New York.

ARTICLE VIII – SONS OF THE AMERICAN LEGION

Section 1. The Post recognizes a Son of the American Legion Organization known as the Sons of the American Legion Squadron of Iroquois Post #1587, The American Legion, Department of New York.

Section 1.1. Membership in said Sons of the American Legion shall be governed by such rules and regulations as prescribed by the National Executive Committee of The American Legion and thereafter approved by The Department of New York Executive Committee.

ARTICLE IX – LEGACY CHARTER MEMBERS

Section 1. All paid members prior to February 2, 1954 shall be recognized as Charter members of the Iroquois Post #1587, including all deceased, who have been a member of said Post.

ARTICLE X – AMENDMENTS

Section 1. The Constitution & By-Laws is adopted subject to the provisions of the National, Department, and Erie County Constitution and By-laws, The American Legion. Any amendments to said National, Department, or County Constitution and By-laws which 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. The Constitution & By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the Post, and provided further that written notice, including a copy of the proposed amendment shall have been sent to all members at least ten days in advance of the date when such amendment is to be voted upon.

Section 3. Any amendments or changes to the Constitution shall not take effect until first having been approved by the Erie County Committee and The Department Executive Committee.

————— *END OF POST CONSTITUTION / BY-LAWS START ON NEXT PAGE* —————

IROQUOIS POST 1587, THE AMERICAN LEGION, DEPARTMENT OF NEW YORK
CONSTITUTION & BY-LAWS

BY-LAWS

ARTICLE I – NAME AND OBJECTS

Section 1. The Post existing under these By-Laws is to be known as Iroquois Post #1587, The American Legion, Department of New York Erie County. Objects of this Post are set forth in the Constitution.

ARTICLE II – ADMINISTRATION

Section 1. The administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in these By-laws, shall be under the supervision of the Post Executive Committee.

Section 2. The elective members of the Executive Committee together with the elective officers of this Post shall be elected and installed in the month of June, annually. All elections of Officers and Executive Committeepersons shall be by secret ballot and the candidate or candidates receiving the highest number of votes should be elected into the respective offices or offices for which they are candidates, and they shall hold office until their successors or Duly installed or as otherwise provided. Any elective Officer or Executive Committeepersons may be removed for insufficiency by the Executive Committee after due notice and hearing as provided by the Department Executive Committee, a two-thirds (2/3) vote of said committee quorum being necessary to effect removal.

Section 3. All vacancies existing in the Executive Committee, or any office of the Post from any cause other than the expiration of the term of office shall be filled by a majority vote of the remaining members of the committee, and a person so chosen shall hold office for the unexpired term of the member of the committee or officer who they succeed. A vacancy shall exist when a member or Officer is absent from their post for three (3) consecutive meetings if considered by the Executive Committee to be detrimental to the best interest of the Post.

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 ten (10) days after installation of the new officers. Thereafter, the Post Executive Committee shall meet at the call of the Commander at least once a 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, subject to the approval of the Post, shall hire such employees as may be necessary; shall authorize and approve all expenditures; 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 between meetings of the Post and subject to the approval of the Post; shall have oversight and approval of all Post expenditures; shall require that all Post Officers and members handling American Legion money be properly be bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year; bonds to be approved by the Executive Committee.

Section 3. The Post will hold The Post Executive Committee Meeting one (1) hour prior to the general session meetings, on the first Tuesday of each month at 6:00pm, unless otherwise stated or due to weather conditions or observed holidays.

ARTICLE IV – POST ELECTIONS

Section 1. This Post shall refer to and abide by the American Legion Post #1587 Fair Election Rules & Format for nominations, voting and order (Executive Committee and membership approved September 3, 2019).

Section 1.1 The voting committee chair has direct oversight to the entire voting-election process along with the Sgt-at-Arms for order.

Section 1.2 All Elective Officers and Executive Committeepersons shall be nominated in the month of April and elected in the Month of May using the same voting procedures as stated herein. The elected officers will be installed in accordance to Post Constitution & By-Laws annually and they shall hold office until their successors are duly installed or otherwise provided.

Section 1.3 All Elective Executive Committeepersons shall assume their duties at the time of Officer installation, annually.

Section 2. The Elected Officers will be installed and will assume their duties on Memorial Day (end of May), which is customary for this Post.

Section 2.1 Any and all documents, financial reports, minutes, the Annual Consolidated Post Report (CPR), facility keys, unfinished business, representation to/of any standing committee will be transitioned to the newly elected Commander and Officers within 1 business day after the newly elected Commander and Officers have been installed.

Section 3. All Voting proceedings of Officers and Executive Committeepersons shall be by secret ballot and the candidate(s) receiving the highest number of votes shall be announced as the winner to the respective position(s) for which they are elected to; and they shall hold office until their successors are duly installed or as otherwise provided.

Section 4. Every member of this Post, in good standing, shall be eligible to hold office in this Post except as otherwise provided herein.

Section 5. The duties of Officers and Executive Committeepersons shall be those usually appertaining to such officers or Committeepersons and as further provided in the Post's Constitution & By-Laws.

ARTICLE V – 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 Post Commander shall approve all orders directing the disbursements of funds and shall create and provide an annual report covering the business of the Post for the year, and recommendations for the coming year, which shall be read at the annual post meeting and a copy thereof immediately forwarded to the County Adjutant. The Post Commander shall perform such other duties as directed by the Post.

Section 2. Duties of Vice Commanders: The Vice Commanders shall, in the order of their seniority, assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander.

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/elections and has direct oversight; keep records that 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 Post correspondence.

Section 4. Duties of the Treasurer: The Treasurer of the Post shall have records of all finances and ensure that monies are safely deposited in a local bank or banks and shall report, once a month, the condition of the finances of the Post to the Executive Committee. All expenditures shall be reviewed, approved, and reported to the executive committee with monthly reports provided to Post members. With Executive Committee approval, the treasurer and another elected appointed member shall sign all checks disbursing the monies of the Post. The treasurer shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee. A financial oversight committee is paramount for transparency.

Section 5. Duties of Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine, but non-sectarian 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.

Section 6. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be, from time to time, assigned by the Post Executive Committee.

ARTICLE VI – FINANCES AND DUES

Section 1. The annual Post dues shall be \$3.00 dollars, or as otherwise determined from time to time by the post membership, payable in advance on the 20th day of October of each year. Note: In addition to the yearly dues as required by County and District.

Section 2. A member whose dues for the current year have not been paid by January 1st of the current year shall be classed as delinquent. If dues are paid on or before February 1st, they shall suspended from all privileges. If a member is still under such suspension on June 1st of such year, their membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs; provided, however, that the Post, Department, and National organizations may waive the provisions thereof, upon payment of dues for the year in which the reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 3. All Post monies shall be deposited in a duly authorized banking institution as designed by the Post Executive Committee, and none of such monies shall be withdrawn except upon draft or check signed by the Post Treasurer and Post Commander. No debit, credit cards or petty cash will be authorized for individual/personal use to hold on to it, request it, or apply for it, in which said card bears the name of The American Legion Post #1587 (Iroquois Post 1587). However as an Organization, a business ONLY debit/bank card is authorized with the sole purpose of Online payments or purchases which can only be done in that manner; The Executive Committee must approve all requests, receive a statement of need prior to approving the use of the debit/bank card; and provide a record of transactions with by line approvals and justifications.

Section 4. The general expenses of the Post shall be paid by check/money order drawn against the general fund signed by the Post Treasurer and countersigned by the Post Commander or, in the absence or inability of the Commander, one of the Post Vice Commanders.

ARTICLE VII – DELEGATES

Section 1. The Post Commander shall elect annually such delegates and alternates to represent the Post at all County meetings or County Annual conventions as may be required, pursuant to such proportional representation covering such delegates or alternates as may be provided for by the Constitution and By-laws of the Department and Erie County Organizations.

ARTICLE VIII – APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint a Judge Advocate and the following standing committees: Membership, House, Finance, Legal, Publicity, Service, Visiting, Americanism, Athletic and Post Historian. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Post Commander. Based on the active member efforts, committee member chairs may have multiple hats. The committee chair can elect their own committee members and noted within the minutes during a general member meeting.

Section 2. Judge Advocate – The Post Judge Advocate shall advise the Post Officers and Post Executive Committee on all legal matters including the construction and interpretation of the Post Constitution and By-Laws and shall perform such duties as are usually incident to the Office, including acting as Chair of the Legal Committee.

Section 3. Membership Committee – The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including procuring of new members, reinstatement, verification, and eligibility of members.

Section 4. House Committee – The House Committee shall have charge of all matters pertaining to the care of the Post quarters, promotion of Club advantages and arrangements for social activities.

Section 5. 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.

Section 6. Legal & Audit Committee – The Legal Committee shall be charged with the legal supervision of Post affairs and audit of Post financial accounts.

Section 7. Publicity Committee – The Publicity 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 services, and by local publicity of Post programs and activities.

Section 8. Service Committee – The Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all claims against the United States or State Governments, employment, relief, etc., and community welfare matters.

Section 9. Visiting Committee – The Visiting committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.

Section 10. 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.

Section 11. Athletic Committee – The Athletic Committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, recreation, etc., and by cooperation and support in the general recreational and athletic program of the community.

Section 12. Post Historian - The Post Historian shall be charged with the individual accomplishment 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.

ARTICLE IX – RESOLUTIONS

Section 1. All matters of State, National, or International scope that appeal to Legionnaires and the Post may be treated, discussed, and acted upon provided, however, that such action shall be submitted for approval through the prescribed American Legion channels to the body having jurisdiction thereof.

ARTICLE X – MEETINGS

Section 1. The regular meetings of the Post shall be held at the Post Headquarters or a place to be decided upon by the Post, on the first 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 Post Commander.

Section 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.

Section 3. Upon the written request of three (3) Post members, the Commander, Adjutant or the Executive Committee persons shall call a special meeting of the Post.

Section 4. Seven (7) legion members shall constitute a quorum to hold a Post meeting.

Section 5. An annual meeting of the Post shall be held at which the annual reports of the officers shall be submitted, and such other business transacted as shall be found desirable. The date of such meeting shall be determined by the Post and/or the Executive Committee.

ARTICLE XI – NOTICES

Section 1. Each member shall furnish the Post Adjutant with an email address, mailing address, a valid phone number for communication purposes and inform the Adjutant of any changes or exceptions to this request. All personal information will remain confidential.

Section 2. The Adjutant shall mail to each member, at the address furnished by such member, notice of meetings and each special meeting of the Post at least three days prior to such meeting, except as otherwise provided in the Constitution and By-laws, and all notices as required by the Constitution and By-laws. The use of email or social media is authorized under this Post, with the exception of any confidential or sensitive information.

Section 3. Notices of meetings at which nominations or elections of officers are to held shall specify that such nominations or elections are to be held at such meeting and shall be mailed at least two weeks prior to each such meeting.

ARTICLE XII – RULES

Section 1. The order of procedure at meetings of this Post shall be governed by Robert’s Rules of Order Newly Revised, except as otherwise provided herein.

Section 2. All members of The American Legion Post #1587, The American Legion Department of New York will adhere to and follow the Fair Election Rules.

Section 3. All members of the American Legion Post #1587, Iroquois will adhere to and follow its Constitution & By-Laws; and all Post Policies & Procedures.

ARTICLE XIII – LIMITATION OF LIABILITY

Section 1. This Post shall not incur, nor cause to be incurred, any liability or obligation whatever which will subject to liability any other Post, Sub-division, group of men, members of The American Legion, or other individuals, corporations, or organizations.

ARTICLE XIV – AMENDMENTS

Section 1. These By-laws are adopted subject to the provisions of the National, Department, and Erie County Constitution and By-laws. Any amendments to said National, Department or County Constitution and By-laws, which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-laws to the extent of such conflict.

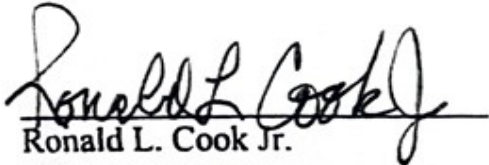
Section 2. These By-laws may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing, and read at a preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least ten 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.


Section 3. Any amendments or changes to these By-Laws shall not take effect until first having been approved by the Erie County Committee and the Department Executive Committee.

END OF BY-LAWS

SIGNATURES AND APPROVALS NEXT TWO PAGES

These Constitutions and By-Laws of American Legion Post 1587 were approved/revised at a meeting of the Post membership held on the 3rd day of September 2019.


Ronald L. Cook Jr.
Post Commander
Dated: 01 OCT 2020


Annette M. Repicci
Post Adjutant
Dated: 01 OCT 2020

The above referenced Constitution and By-Laws or revisions thereto for the American Legion Post 1587 are approved.


Erie County Judge Advocate
Dated: 10 OCT 2020



The American Legion



DEPARTMENT OF NEW YORK

1304 Park Boulevard
TROY, NEW YORK 12180

The foregoing updated Constitution and By-Laws with changes/amendments thereto, passed by the membership of the American Legion, Iroquois Post No. 1587, Department of New York on September 3, 2019, with approval by the Erie County Committee Judge Advocate on October 1, 2020, are hereby approved pursuant to Article IX, Section 3, of the Department Constitution this 12th day of October, 2020.

NOTE: Any future additional amendments and or revisions shall not take effect until first approved by the Organization and Department Executive Committee.

Dated: October 12, 2020 W. Patrick Falvey
W. Patrick Falvey
Department Judge Advocate

American Legion Post 1587 Policy 101: Policy Against Discrimination, Verbal Assault, Harassment, Intimidation, Bullying and Defamation

Statement of Principles:

As former service members of the Armed Forces, we all have honorably served and placed our lives on the line to earn the title to be an American Legion, Legionnaire. Discrimination, intimidation, verbal assault, harassment, intolerance, bigotry, and bullying are antithetical to the values of the American Legion and unacceptable conduct and behaviors will not be tolerated within the American Legion family. One of the ways we seek to affect inappropriate conduct or behaviors is through a policy of non-discrimination, which prohibits discrimination on the basis of race, religion, color, sex, age, ancestry, disability, marital status, former rank, and volunteer/employee status. All complaints and determinations will be addressed by an “Incident Review Board (IRB)” appointed by the current Post Commander and Executive Committee.

To reinforce our goals of non-discrimination, tolerance and civility, this policy is intended to inform all Post members and their guests that any form of discrimination, verbal assault, harassment, bullying, intimidation, and defamation of others violates acceptable standards of conduct within this Post and will not be tolerated. Complaints will be addressed in accordance with this policy.

Each member of this Post is expected to be understanding and tolerant of others so that all Post members and their guests are free to pursue personal goals they seek to accomplish within the four pillars of the American Legion. As members, we must display civility and be courteous in an open environment; be allowed to participate in the free exchange of ideas; share equally in the benefits of our Post membership; and present a desire to work together to accomplish such goals. Beyond this, each member of the Post is considered a community role model and encouraged to do all they can to ensure that the Post environment is fair, safe, humane, accepting, respectful, and to act responsibly and courteous toward all members.

The Post has established standards and Bylaws in order to fulfill its mission goals. This policy prohibiting discrimination, verbal assault, harassment, intimidation, bullying, vituperation, and defamation is aimed to guarantee certain minimum standards. Free speech and the open discussion of ideas are an integral part of the American Legion Family and are fully encouraged. However, acts that restrict the rights and opportunities of others through violence, intimidation, destruction of property, verbal assault or creating a hostile environment which has an effect of inciting violence or causing undue alarm, even if communicative in nature, is NOT

protected speech and will not be tolerated. The Post will implement and utilize a Three Strike Tolerance Determination Policy to assess unacceptable conduct and behaviors.

Definitions of “Assault and Battery” and “Malicious Harassment and Hate Crimes”

Vituperation defined: Lengthy harsh bitter criticism, abusive bad-mouthing or language, berating, blame, castigation, censure, criticism, defamation, insults, libel, obloquy, reprimand, reproach, scolding, slander, tirade, upbraiding, and verbal abuse.

Verbal Abuse defined: Verbal abuse is an act of violence in the form of words/speech that decreases self-confidence and adds to feelings of helplessness. It is characterized by name-calling or unnecessary innuendos directed to another person. Verbal abuse may consist of shouting, insulting, intimidating, threatening, shaming, demeaning, labeling or derogatory language, among other forms of ineffective communication. The perpetrator of abuse is intentional, deliberate and they take no responsibility for their actions. Perpetrators of verbal abuse often misuse their authority or position and prey on those in a subordinate position forming an autocratic posture or environment. Victims of verbal abuse are often told they are to blame for the abuser's behavior (revictimization) and become reluctant to take action to end the abuse (helplessness). Verbal abuse may lead to unnecessary stress, depression, physical ailments, and emotional duress. Remember that we are no longer in military verbal communication harassment mode and that we are respectful honorably discharged civilian Veterans. When questioning whether or not a person is being verbally abused by someone, it is pertinent to ask them the following questions and try to see if these methods may stop the abuse.

1. Has this behavior started recently or has it been ongoing?
2. Has something or someone incited this person without first addressing why the person is acting out?
3. Have they directly told this person that they are making them uncomfortable? If not, they should do so immediately. Has the victim told the accuser to stop? If not, do so immediately.
4. Learn how to use your voice to stop verbal abuse. After recognizing that the verbal abuse is happening, it is up to the victim to stop it in its tracks. This action is two-fold because it can either stop the abuser or aggravate the perpetrator. The goal of using your voice is not to become the aggressor but to end the conflict.

5. You may have them practice these phrases to become more confident standing up for themselves. "SDP!- (Stop Disparaging People!)," "Check Yourself," "Stop it," "Back-off," and/or "Please leave" are phrases that can be said sharply and abruptly. The more comfortable you become saying the phrases the easier it will be to say them to the verbal abuser.

The underlying premise of verbal abuse is control, which is "a means" of holding power over another. Unlike physical abuse, there are no external signs of injury, like bruises or a blacken eye. Broken bones may not exist but there will be damage.

STATUTE CITATIONS:

Universal Citation(s) prohibits Discrimination on the bases of Race, Sexual Orientation, Religion, National Origin, Color, Disability and Age (40+) in employment including hiring, firing, recruitment, promotion, pay and benefits and all other terms and conditions of employment.

EXECUTIVE ARTICLE 15 SS 296 (2015): Unlawful Discrimination Practices

ARTICLE 240 Sections: 240.00-240.75 Offenses Against Public Order

ARTICLE 120 Sections: 120.00-120.12 Assault and Battery

Assault defined:

An assault is:

- (a) an unlawful attempt, coupled with apparent ability, to commit a violent injury on the person of another; or
- (b) an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

ARTICLE 485 Sections: 485.00-485.05 Criminal Act to include Hate Crimes.

Criminal Acts and Hate Crimes:

Malicious harassment defined -- Prohibited. It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:

- (a) Cause physical injury to another person; or
- (b) Damage, destroy, or deface any real or personal property of another person; or

(c) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur. For purposes of this section, "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious, or ethnic terrorism on the property of another person without their permission.

Post Prohibited Conduct:

Any of the following acts, even if communicative in nature, are prohibited.

1. Use of force against the person or property of any member of the Legion or against the person or property of anyone on the Legion premises, or the threat of such physical abuse.
2. Theft of, or intentional damage to, Legion property, or property in the possession of, or owned by, a member of the Legion.
3. Bullying, intimidation, and harassment: a person acts with the purpose to bully, intimidate, and/or harass another by:
 - (a) Making, or causing to be made, a communication or communications (including the use of electronic and/or social media) anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm; or
 - (b) Subjecting another to striking, kicking, shoving, or other offensive touching, or threatening to do so; or
 - (c) Engaging in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person, such that the behavior substantially disrupts or interferes with the orderly operation of the Legion or the rights of other members to participate in or benefit from them being a Legion member or volunteer.
4. Defamation, which is judicially defined to mean, and here means, the unprivileged oral, written, or electronic publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule, or subjects that person to loss of the good will and confidence of others, or so harms that person's reputation as to deter others from associating with them. Defamation is considered against the good order of the Post and classified as "Conduct unbecoming a member of The American Legion."

Policy Investigation and Enforcement:

An independent Incident Review Board Committee comprised of four (4) Iroquois Post 1587 Members, who are in good standing and who are not current officers. The members will be appointed by the Commander and approved by the Executive Committee. In the event one or more of the members of this committee is not available to investigate and review a complaint in a timely manner then the Commander will immediately appoint a replacement(s).

This committee will thoroughly review and be familiar with the Post policy information contained in this document. The committee is assigned the task of investigating any complaints received. All post members and officers are to give them their complete support. They will expeditiously investigate and report their findings and recommendations to the Post Adjutant prior to the next regular session meeting.

Upon completion of the investigation, the committee will submit a report to the Post Adjutant. The Post Adjutant will then call an emergency meeting of the Executive Committee (if a committee meeting is not already scheduled within the next 48 hours) to review the findings, decide, and take appropriate action(s).

Formal procedures to determine violations of this policy:

Some complaints can be and should be resolved by informal methods, while others will require the implementation of formal procedures. All complaints are treated confidentially; complainants are encouraged to report incidents even if they do not wish to pursue the matter beyond the reporting stage. If a situation needs to be elevated to a formal inquiry, the complaint will need to be brought to the attention of the Post leadership as soon as possible.

1. Members/Volunteer(s) or guests who believe themselves to be victims of verbal assault, intimidation, bullying, harassment, or defamation should report such incidents to the Post Adjutant, any Officer of the Legion, or Post Commander as soon as possible.

2. If the situation is not resolved through the policy investigation and enforcement method from above, the Post Executive Committee will serve as the "Incident Review Board" and will utilize the following offense(s) considerations:

First Offense: the person shall cease and desist all actions concerning this matter and will review the Post Policy Against Discrimination, Verbal Assault, Harassment, Intimidation, Bullying and Defamation. They will be encouraged to formally apologize to the person or persons in writing. Also, if this problem occurred within the Post facility, sanctions shall be applied as per the Iroquois Post 1587's House Rules.

If the offense is physical, the person will not be allowed in the Legion or on its property until the matter is investigated by the IRB. Formal Charges may be filed according to local laws, Department Bylaws and the Post 1587 Bylaws. This offense shall be reported to the appropriate law enforcement agency to determine whether charges should be filed. If no criminal or civil convictions are substantiated, the member may request a review board determination to be allowed back on Legion Post property.

Second Offense: the person shall cease and desist all actions concerning this matter; the person will be investigated by the Incident Review Board Committee. Following the investigation report results at a minimum the following sanctions will be applied: they will forfeit their privileges and not be allowed on Legion Post property for three (3) months. They shall review the Iroquois Post Policy Against Discrimination, Verbal Assault, Harassment, Intimidation, Bullying and Defamation, and formally apologize to the membership at the next available meeting. This offense shall be reported to the appropriate law enforcement agency to determine whether charges should be filed. If this problem is referred and accepted by law enforcement, the person will not be allowed on the Post property for six (6) months and further sanctions may be applied as per the American Legion Post 1587's House Rules.

Third Offense: Strike Three and You Are Out Determination. The person will not be allowed in the American Legion or on its Post property indefinitely. Formal Charges may be filed according to local laws, Department Bylaws and the Iroquois Post 1587 Bylaws and Polices. This offense shall be reported to the appropriate law enforcement agency to determine whether formal charges should be filed. If the individual is a member of the Post, one or two options could be determined by the Incident Review Board Committee, which is to offer the member an opportunity for the violator to transfer in good standings to another Post or accept a suspension, revocation, or expulsion fair trail hearing with the Post Executive Committee. This second option will require due process through the "Practice and Procedure in the Expulsion or Suspension of a member of the American Legion Department of New York" manual (adopted July 15, 2015) under accusations of "Conduct unbecoming a member of The American Legion."

Once the “**Three Strike Rule**” has been ruled upon and no criminal charges have been filed, the person will receive written notification of the administrative results and will be required to follow the committee’s recommendations without further action.

END OF POLICY

Questions and Comments can be sent to - Iroquois Post 1587, Attn: Post Adjutant, 12897 Route 438, Irving NY 14081 or (716) 532-1587

This policy was reviewed by the Erie County Judge Advocate and instructed to implement as a stand-alone policy for the Post. The policy was presented to the Executive Committee and general membership and received a majority vote on 02JUL2019@7pm to accept and implement the “American Legion Post 1587 Policy 101: Policy Against Discrimination, Verbal Assault, Harassment, Intimidation, Bullying, and Defamation.”

FUNERAL HONORS GUIDELINES FOR VETERANS

In 2000, Congress legislated that, upon request of the next of kin, all eligible Veterans who poses discharge papers must receive military funeral honors when they pass on. At a minimum, the funeral honors will consist of a two-person uniformed military detail, with at least one member representing the service branch of the deceased.

The legislation also encourages Veteran service organizations, including—The American Legion, to augment the honors detail as an authorized provider with pallbearers, chaplain service, firing party, bugler, and color guard.

The American Legion has performed tens of thousands of burial ceremonies for veterans' families throughout its history; this will not change.

Whenever The American Legion is assisting the U.S. government, it should conform to DoD's methods of conduct. In working together, we honor, in the highest traditions of U.S. military service, those who have gone before. In doing so, all the requirements for a reverent, respectful, and dignified ceremony are met.

The individual military services will provide training to authorized providers assisting with ceremony positioning, timing, safety, and proper funeral honors protocol.

All eligible Veterans with discharge documents are entitled to military funeral honors. At a minimum, the funeral honors ceremony will consist of the playing of Taps and the folding and presentation of the U.S. flag. At least two uniformed military personnel shall perform the ceremony. If a bugler is not available, an electronic recording will be played. One of the uniformed military personnel will be from the deceased veteran's parent military service and will present the flag to the next of kin.

The Honor-Guard detail leader will coordinate all arrangements with the funeral director, with other appropriate member(s) of the military honors detail to include authorized providers such as The American Legion. They will ensure the funeral director explains military honors to the family, and that they understand the honors to be performed. It is especially important the family know about the firing of three volleys, if a firing party is present. Additional military funeral honors elements should be in accordance with the family's wishes.

Once the detail leader has coordinated the arrangements, their final pre-interment responsibility is to train and rehearse the detail. The detail leader is responsible for all aspects of the funeral honors ceremony, whether active-duty members or authorized providers perform them. A Final Salute is typically rendered prior to funeral service.

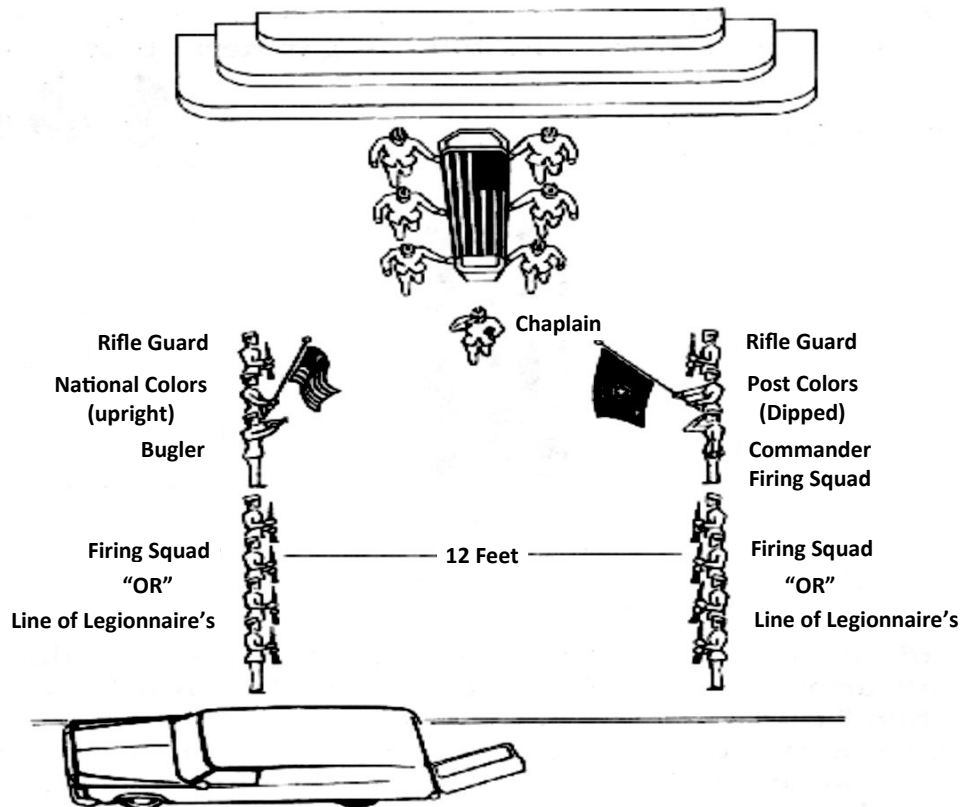
FUNERAL HONORS POSITIONING /TIMING PROTOCOL

1. The order of the ceremony is the sounding of taps, the folding of the flag, and the presentation of the flag to the family. If there is a firing party, the volleys are fired before the sounding of Taps. The Sergeant-at-Arms is typically the oversight for this honoring.
2. The bugler and color guard should be positioned at the gravesite so they are in view of the family, typically 20 to 40 yards from the grave. The firing party should be in view of the family, but 45 to 75 yards from the grave, positioned facing West to fire over the grave.
3. The firing party may include three to seven rifle bearers, reflecting the U.S. military custom of firing “three volleys of musketry” over the graves of fallen comrades.
4. The honors detail should be positioned where the hearse will stop. Once the funeral procession arrives, the funeral director will open the rear of the hearse and the pallbearers should move into position so they can move easily to the back of the hearse when needed.
5. When the family is ready to proceed, the funeral director will signal to have the casket carried to the grave. The bugler, firing party and color guard are in their positions.
6. All detail participants (except for the pallbearers) will respond to “Honor-Guard, Attention” and “Present Arms” as the casket is carried to the grave. All detail participants will “Order Arms” after the casket has been placed on the gravesite lowering device.
7. During the committal or religious service, the honors detail may stand at “Parade Rest.”
8. When committal/religious service is completed, the service representative and assistant will assume the clergy’s position at the head of the grave, and all detail participants will come to the position of “Attention” and await the rifle volley salute and playing of Taps.
9. The commander will call for final salute to be executed, detail will hear “Present Arms,” volleys will be fired, and Taps will be played. Upon completion of Taps” all will “Order Arms.” If mourners are standing, the funeral director should ask everyone to be seated.
10. The flag is folded. The two-person military detail, the pallbearers, or a combination of the two do the folding. Once the flag is folded, it must end up in the hands of the detail assistant, who will pass it to the detail leader, typically the post commander/chaplain.
11. The detail leader will present the flag to the next of kin. The wording accompanying the presentation should be in accordance with each military service’s tradition of expressing the thanks of a grateful nation.
12. Following the flag presentation, the detail leader will offer condolences to the remainder of the immediate family and other mourners seated in the front row. It is appropriate and encouraged for a representative of the authorized provider to offer condolences after the detail leader, which is typically the post chaplain.
13. Once condolences have been offered, the detail leader and assistant will return to the cortege arrival point and await the cortege’s departure. The bugler, firing party, and color guard are released when the detail leader departs the gravesite. They may remain in place until the family departs or quietly return to their vehicles.

FUNERAL HONORS ESCORT CASKET TO HEARSE

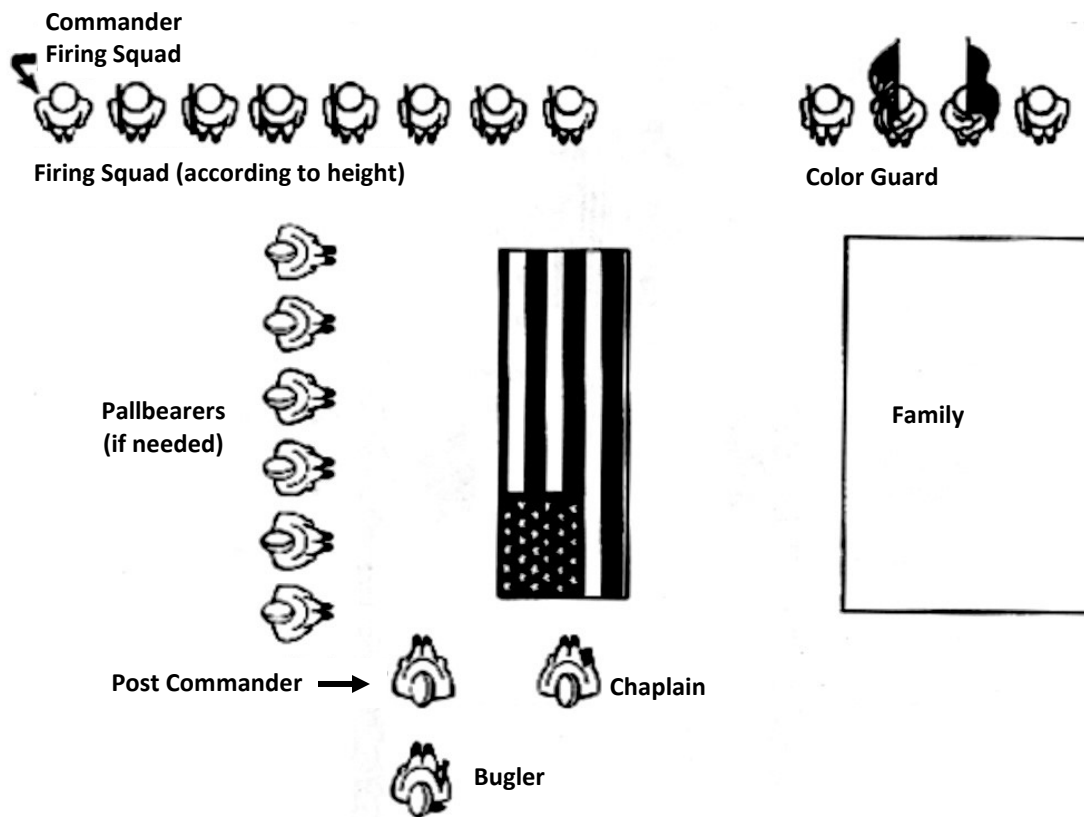
(A Final Salute is Encouraged Prior to the Funeral Service)

After the Final Salute is completed, the Honor-Guard detail will position themselves where the casket will exit once the funeral service is completed and where they will be prepared to escort the casket to the hearse. The Honor-Guard detail should be arranged at the building exit in the following order:



- After the casket is placed in the hearse, the escorts will load their vehicles.
- The firing squad, color bearers, guards, and commander should go ahead of the procession and assume their places at the gravesite.
- The chaplain, bugler, and pallbearers should go to the cemetery ahead of the funeral procession as well or as appropriately directed.
- Upon gravesite arrival, the firing squad is given drill safety reminders before the hearse arrives the burial site and rehearse if time is allowed.
- No definite arrangement at the grave is advisable due to different gravesite surrounding layouts. The gravesite positioning could be changed based on layout.
- If pallbearers are needed, they will await the opening of the hearse door.
- The chaplain will lead the casket from the hearse to the gravesite.
- Upon sight of the casket, the commander will give the command "Honor-Guard, Present Arms," and hold position until the casket is set in position over the grave, and then give the commands "Order Arms" and "Parade Rest."

Funeral Honors when the casket is positioned at the burial site (the following general plan or layout is satisfactory)



Before the chaplain begins the graveside service, the commander brings the Honor-Guard to “Parade Rest,” holds position until the chaplain’s services are completed.

The chaplain will quietly ask the family to rise for the rendering of military honors. At the chaplain’s order, “Ready,” the commander will call “Honor-Guard, Salute Our Fallen Comrade!.” The commander will give the command “Present Arms.”

The rifle squad will raise the muzzles of the rifle level to point of chin. The right foot should be placed to the rear about 10 inches. The right hand should be on small of stock and left hand at rear of the front sight. The firing squad leader will give the command “Take Weapon Off Safe,” the firing squad will remain in the firing position and wait for the commands “Ready” - “Aim” - “FIRE!” is given three times. An aiming point should be designated prior so elevation of rifles is uniform.

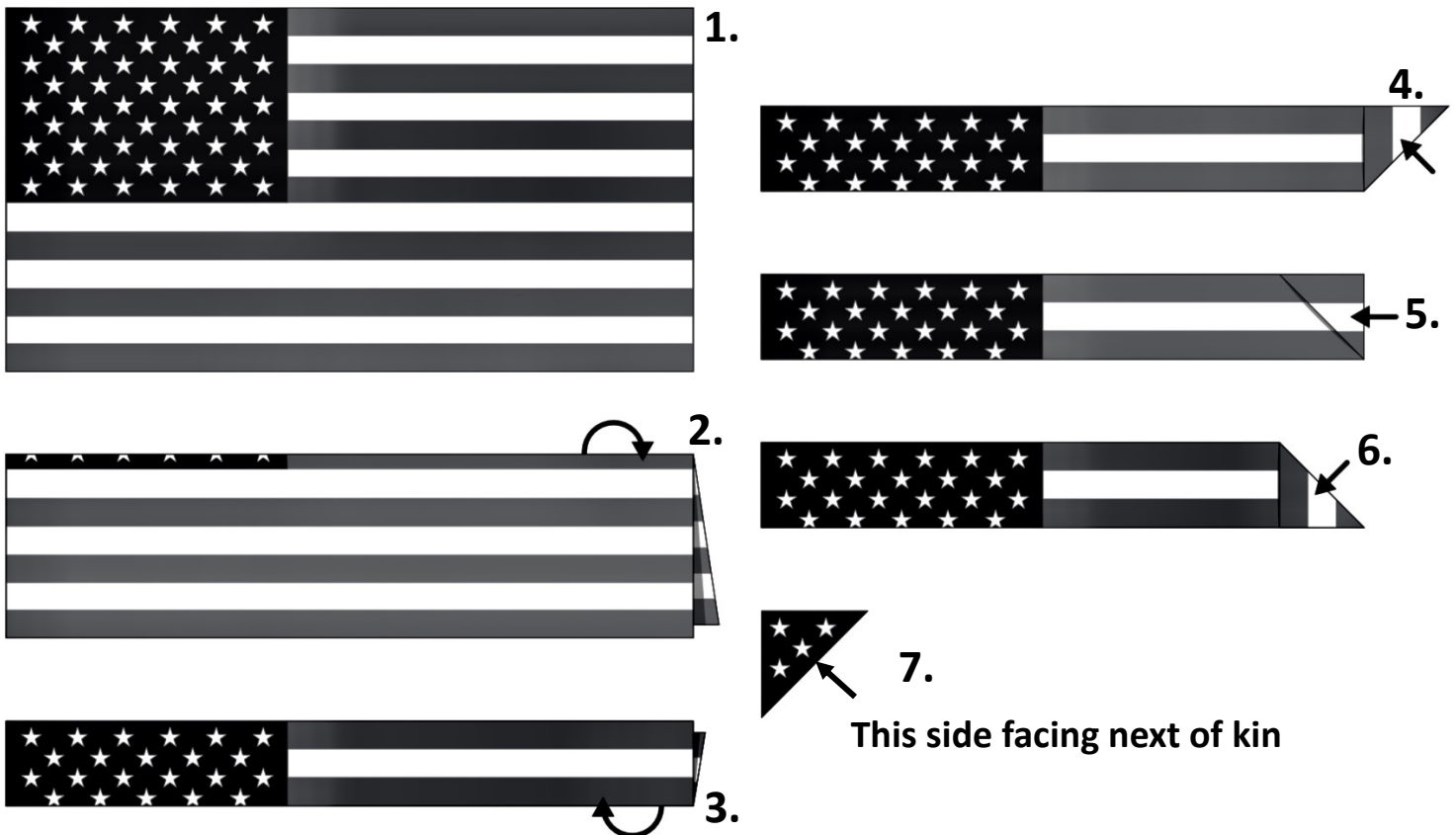
After firing the last volley, the firing squad will be given the command, “Present Arms.” If the rifle jams, don’t attempt to fix it; stay in position and simulate firing.

Following the final volley, the bugler takes position and will automatically begin to play Taps. Play echo Taps, if possible, but not mandatory. The commander will follow the completion of the sound of Taps with the command, “Order Arms.”

The folding of the Flag will follow immediately after Taps is played and will be presented to the Veteran’s next-of-kin by military personnel or typically the Commander or Chaplain. Each Honor Guard element will go to “Parade Rest.”

FUNERAL HONORS OF FOLDING THE U.S. FLAG

1. During military funerals, the flag is folded immediately at the conclusion of the playing of Taps. The flag is held open by two persons on short length of each end.
2. Two military personnel (or honors detail) will remove the flag from the casket, hold it taut, and begin folding flag with lower striped section over to the blue field.
3. The folded edge is folded over to meet the open edge with blue field facing out.
4. Holding the flag with the open edge to the right, begin folding a triangular with the folded edge of the striped corner over to the right diagonal to the open edge.
5. The outer point of step 4. is turned upward and folded toward the blue field, with the open edge facing right.
6. Continue folding triangles until the entire length of the flag is folded. When the flag is completely folded, the blue field is the only portion visible, and the final fold should be folded in a triangular shape appearance like a cocked hat.
7. The folded flag is presented with the long folded side facing the next of kin.



POST CONTACT INFORMATION: (If found, place booklet in Legion Post mailbox)
AMERICAN LEGION IROQUOIS POST 1587
12897 ROUTE 438, IRVING, NY 14081
(716) 532-1587 or americanlegioniroquoispost1587@gmail.com

IROQUOIS



POST 1587