

**AMERICAN LEGION PEACE ARCH POST 86**

**CONSTITUTION AND BY-LAW REVISION**

**OCTOBER, 2022**

# **AMERICAN LEGION POST 86**

## **CONSTITUTION and By-Laws**

### **Revised October, 2022**

## **Part I**

### **Constitution and By-Laws of Peace Arch Post 86**

#### **The American Legion Department of Washington**

## **ORGANIZATION**

This body, as a Post having received authority by Charter from the National Organization of the American Legion to organize as a Post within the State of Washington, does hereby adopt the following constitution and by-laws:

By acceptance of this Charter, this Post acknowledges irrevocable jurisdiction and declares itself to be in all things subject to the Constitution and By-Laws of the American Legion and the Department of Washington, the rules, regulations, orders and laws promulgated in pursuance thereof; and further, this Post pledges itself through its membership, to uphold, protect and defend the Constitution of the United States of America and the principles of true Americanism, for the common welfare of the living and in solemn commemoration of those who died, that liberty might not perish from the Earth.

## **ARTICLE 1 – NAME**

The name of the organization shall be **Peace Arch Post No. 86**, The American Legion, Department of Washington, and shall be incorporated under the laws of the State of Washington for the following objects and purposes:

1. **PREAMBLE** – For God and Country, we associate ourselves together for the following purposes. To uphold and defend the Constitution of the United States; to maintain law and order; to preserve the memories and incidents of our association in the Great Wars; to inculcate a sense of individual obligation to our 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.

2. To purchase, lease or otherwise acquire real property, leaseholds or other interests or rights to real property wheresoever situated and to hold, own, operate, manage, maintain, improve, sell, convey, lease, mortgage, encumber, exchange and dispose of, deal in and/or trade in the same.
3. To purchase or otherwise acquire, own, sell and dispose of personal property of any kind or description.
4. To borrow money for its corporate purposes, ad for money so borrowed, or in payment of money acquired, or for any other lawful object and purpose of the corporation, to make, execute, accept, endorse, issue and deliver bonds, notes, bills of exchange, or other obligation, secured or unsecured.
5. No officer or member of this Post shall incur, or cause to be incurred, any liability or obligation, whatsoever, which shall cause liability to this or any other Post, subdivision, group, member of the American Legion or other individuals, corporations, or organizations.
6. To do everything necessary, suitable, and proper for the accomplishment of the purposes or attainments of any objects, or in the furtherance of any of the powers herein set forth, either alone, or in association with other corporations, firms or individuals, and do every act or acts, thing or things, incidental to or appurtenant to, or in connection with the aforesaid preamble, objects or purposes, or any part or parts thereof and have all the rights, powers and privileges, now or hereafter conferred by the laws of the State of Washington in reference to fraternal societies, or any act amendatory thereto or supplemental thereon or in substitution therefor.

## **ARTICLE II – NATURE**

1. As a general rule Post 86 personnel addressed in these By-Laws will be referred to as his/her, and/or he/she.
2. The American Legion is a civilian organization. Membership therein does not affect nor increase liability for military or police service. Rank does not exist in this Post and no member shall be addressed by his/her military title in any convention or meeting of the Legion.
3. This Post shall be absolutely non-political, and shall not be used for the dissemination of partisan principles, or for the promotion of the candidacy of any person or persons seeking public office or preferment.

4. Each member of this post shall perform his/her duty as a citizen, according to his or her own conscience and understanding.
5. This Post is organized to serve the best interests of the veteran and the community in which it is established, and shall promote and uphold American ideals.

## **ARTICLE III – ELIGIBILITY**

1. Any person shall be eligible for membership in the American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, Space Force, or Air Force of the United States and assigned to active duty between December 7, 1941 and the present date.
2. Every new applicant for membership shall present to the Post Adjutant/Finance Officer for inspection and approval, an honorable discharge or certified copy thereof, and/or DD214 which proof must fully satisfy the Post Adjutant/Finance Officer as to the applicant's eligibility before membership is granted. If a question of eligibility is raised, the Post Adjutant/Finance Officer shall consult with the Post Judge Advocate, if one has been appointed, whether membership will be extended or not. If no Judge Advocate has been appointed, then the Post Commander shall make the final ruling.
3. In keeping with National and Departmental Constitutions, this Post shall be the judge of its own membership, subject to the restrictions of its Constitution and By-Laws, except no person who is a member of an organization which has for its aim the overthrowing of the government of the United States, by force or other means, or who subscribes to the principals of any group opposed to our form of government, shall be eligible to become or remain a member of the American Legion.
4. The amount of dues, initiation, and reinstatement fees, if any, shall be in accordance with the Post By-Laws.
5. There shall be no form or class of membership except an active membership.
6. Dues may be paid annually or for life.
7. Any permanently disabled veteran, otherwise qualified, who due to said disability, is financially unable to make payment of dues, this Post upon recommendation of the Adjutant/Finance Officer or Service Officer shall pay the dues. This Post shall pay the dues of any active duty service personnel or eligible member who has attained the age of 80 years.
8. No member shall be considered in good standing until his/her dues for the current year has been paid in full.

9. Under the provisions of the National Convention of the American Legion, no person may be a member of this Post while a member at another Post.
10. No person who has been expelled by another Post shall be admitted to membership in this Post.

## **ARTICLE IV – POLICY**

1. All resolution of state or national scope presented by a member or reported by a committee, shall merely embody the opinion of this Post on the subject, and copy of same shall be forwarded to Departmental Headquarters for its approval before any publicity is given or action taken, other than approval/disapproval by the Post.

## **ARTICLE V – OFFICERS**

1. The officers of this Post shall be as follows:

Commander  
First Vice Commander  
Second Vice Commander  
Adjutant/Finance Officer  
Service Officer  
Historian  
Chaplain  
Sergeant at Arms  
Trustees (three)  
Judge Advocate (appointed by Commander)

2. The annual nomination of officers shall be held at the general membership meeting in April of each year with further nominations allowed at the May and June general meetings. The election of officers will be held at the June general meeting. Newly elected officers shall take their positions following a formal installation during the July 4<sup>th</sup> weekend.
3. The Post Adjutant/Finance Officer shall notify the Department of Washington of the election results, with a list of officers so elected and installed
4. The Post Executive Committee shall be composed of the elected officers of the Post.

5. Any Post Officer or member of the Executive Committee, absent from three (3) Executive Board/General meetings within 12 months without excuse, shall be deemed to have vacated their position and the Post Commander shall appoint a replacement, subject to ratification by a vote of the membership at the next general meeting,

## **ARTICLE VI – MEETINGS**

1. Regular meetings shall be held on the fourth (4<sup>th</sup>) Wednesday of the month at 7:00 pm. Executive Board meetings shall be held on the second (2<sup>nd</sup>) Wednesday of the month 7:00 pm. Special Executive Board meetings may be called by the Commander when deemed necessary. Such meetings may be done electronically.
2. Minutes for all meetings shall be written and kept in a binder available in the Legion office.
3. A quorum shall exist if there are at least five (5) elected officers present.
4. Meetings shall be conducted in accordance with Roberts Rules of Order.

## **ARTICLE IX – DELEGATES**

1. Delegates and Alternates to the Department of Washington Convention shall be elected by the Post at the general membership meeting not later than thirty (30) days prior to the annual convention. Forms will be submitted to the Department of Washington at least thirty (30) days prior to convention with the names of those elected.
2. One (1) delegate and one (1) alternate for the Spring District Conference shall be elected by the Post at the general membership meeting prior to the Spring Conference, but not less than five (5) days prior to, for the purpose of casting votes for Commander and Vice Commander of the Second District. The Post Adjutant/Finance Officer shall certify to the District Commander, at least five (5) days prior to the Spring Conference those so elected to attend.
3. If the elected Delegate(s) hold any office within the Post, the one holding the highest office shall automatically serve as the Chairperson of the delegation.

## **ARTICLE X – SONS OF THE AMERICAN LEGION**

1. A Sons of the American Legion Squadron, Peace Arch Post 86 is authorized, and shall be organized and conducted in compliance with the National and Department Constitutions of the American Legion, and Sons of the American Legion. It shall be the purpose of the Post to encourage and cooperate with the Sons of the American Legion Squadron in all its activities under the provisions of this Post's Constitution and By-Laws.

## **ARTICLE XI – AMERICAN LEGION RIDERS**

1. An American Legion Riders program is authorized, and shall be organized and conducted in compliance with the National and Department Constitutions of the American Legion, and American Legion Riders. It shall be the purpose of the Post to encourage and cooperate with the American Legion Riders in all its activities under the provisions of this Post's Constitution and By-Laws.

## **ARTICLE XII – AMENDMENTS**

1. The constitution and By-Laws may be amended at any general membership meeting by a two-thirds (2/3) vote of those attending the meeting, providing the proposed amendment shall have been submitted in writing and read at the preceding general membership meeting. Further providing that written notification of the proposed amendment and pending vote shall have been conspicuously posted at the Post at least thirty (30) days in advance of the vote on the amendment.

## **ARTICLE XIII – ADOPTION**

1. These Articles are hereby adopted as the Constitution of this Post and each and all members thereof are subject thereto under the provisions of the National Constitution and department of Washington Constitution of the American Legion. Any provision or amendment of this Constitution, which may be in conflict with said National or Department Constitution, shall be automatically repealed or modified so as to reflect the views of the National or Department constitution.

## **PART II**

### **By-Laws Peace Arch Post No. 86 the American Legion Department of Washington**

#### **ARTICLE I – DUTIES OF OFFICERS**

1. **POST COMMANDER:** Shall preside as chairman at all meetings of the Post and of the Executive Board. He/she shall perform such other duties as are usually incidental to the office.
2. **POST VICE COMMANDERS:** The Vice Commanders shall, in the absence or disability of the Post Commander, perform the duties of chairman, according to seniority. The Second Vice Commander shall be responsible for the social programs of the Post.
3. **POST ADJUTANT/FINANCE OFFICER:** The Post Adjutant/Finance Officer shall keep a written record of all General and Executive meetings of the Post. The minutes are to be reviewed at the next General or Executive meeting and any corrections made.

The Adjutant/Finance Officer shall publish the dates of all meetings on the Post calendar.

The Adjutant/Finance Officer is responsible for maintaining and updating membership records and will issue individual membership cards as provided by National Headquarters and will submit a copy of the record cards together with the current per capita dues to the Department of Washington.

Prior to installation, it will be the duty of the Adjutant to insure that he/she has on file for each newly elected or appointed officer, proof of eligibility and a signed statement to read as follows, "I hereby certify that I have read and understand the Constitution and By-Laws of the American Legion Post No. 86."

The Adjutant/Finance Officer is also responsible for the receiving and distribution of all Post funds as authorized by the Executive Board within its power, or by the Post General Membership. He/she shall keep a record of all receipts, monies, and/or other assets. When disbursements are made, he/she shall record in books of record, the amount of expenditure and the purpose, and shall file such record. He/she shall maintain a uniform accounting system, such as QuickBooks, which will satisfy all requirements of U.S. Governmental Agencies involved in the operation of the Post. He/she shall make a financial report to the Executive Board and the General membership. In January, a detailed Profit and Loss statement will be provided to the Executive Board and General membership.

The Adjutant/Finance Officer or his/her designee will act as the gambling manager.

The Adjutant/Finance Officer will be maintain all necessary licenses such as health, gambling, liquor, fire marshal compliance. He/she will also insure the filing of all required tax forms to include but not limited to: IRS 990, IRS 945, IRS1099, IRS W-2, Department of Revenue Sales Tax, Whatcom County Gambling Tax, WA State Gambling Commission Quarterly report, Employee Social Security, L&I fees, filing of property tax exemption, business license.

The Adjutant/Finance Officer will insure compliance with annual kitchen hood cleaning and checking of fire suppression system, checking of Post alarm system.

4. **POST CHAPLIN:** The Post Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National or Departmental Headquarters.
5. **POST SERVICE OFFICER:** The Service Officer's duties shall be to assist all veterans in the prosecution of all claims with the U.S. Government and shall have charge of resolving any problems relating to the welfare of the members of this Post. He/she shall be responsible for accounting and reporting all activities of the Service Office. He/she may disperse funds up to \$50.00 per situation to assist veterans in need. Any funds over \$50.00 shall be approved by the Executive Board.
6. **POST SERGEANT-AT-ARMS:** The Post Sergeant-at-Arms shall be responsible for setting up the meeting room, ensuring that the podium and flags are in place for the meeting. He shall be tasked with assisting the Post Commander in keeping good order and discipline at all meetings. He is further responsible for firearms and related equipment assigned to this Post for rendering a salute to fallen comrades as called upon to do so.
7. **TRUSTEES:** Trustees serve as voting members of the Executive Board. Their primary responsibility is to review the monthly financial statements, and using the detailed Profit and Loss report at the end of the year conduct a financial audit of Post. Assistance for this task may be given by the Adjutant/Finance Officer and/or the Post's bookkeeper. Bank statements, access to QuickBooks, and any other record will be made available to the Trustees. Trustees may at their discretion review the financial records of the Post at any time.

Serve as an open ear to general membership for complaints, questions and/or rumours.

8. **POST JUDGE ADVOCATE:** The Judge Advocate is an appointed position at the discretion of the Post Commander and approved by the Executive Board, and shall advise the Officers and/or the Executive Board on all legal matters, including, but not limited to, the construction and interpretation of the Constitution and By-Laws of this Post. He/she shall be responsible for obtaining Roberts Rules of Order, latest revision, being thoroughly familiar with said manual and its procedures.

## **ARTICLE II – EXECUTIVE BOARD**

There shall be a Post Executive Board composed of all elected officers. The Executive Board shall act as an advisory board to the Post Commander on all Legion programs. It shall meet once a month, prior to the General Membership meeting. The Executive Board shall be responsible in managing the business affairs of the Post. This includes all functions and operations except those relating to the programs of the American Legion, which shall be carried out by the General membership.

The Executive Board shall have the power to authorize any and all expenditures up to and including three (\$3000) thousand dollars per item by simple majority. Any expenditure over this amount must be approved by the General membership in a regular meeting.

Five (5) members of the Executive Board constitute a quorum. A majority vote of those members present is required to transact business.

A special meeting of the Executive Board may be called at any time by the Post Commander, or in his/her absence, by at least three members of the Executive Board. If the matter for the special meeting is urgent, the matter may be conducted electronically rather than in person.

The Post Commander, although the Chairperson of the Executive Board does not have a vote, unless there is a tie, then the Post Commander shall vote to break a tie.

Minutes of the Executive Board shall be made available at the next General membership meeting as part of a consent agenda.

## **ARTICLE III – OFFICER ELIGIBILITY/VACANCY**

1. Any American Legion member of this Post, in good standing, shall be eligible to hold any office of this Post.
2. In case of a vacancy of any Post Office, the Post Commander shall appoint a replacement subject to ratification by a vote of the membership at the next general meeting.
3. An Office is considered vacant when the Officer holding the position has become incapacitated, disabled, missed three (3) consecutive general membership meetings

without excuse, moved or joined another American Legion Post, or has requested, in writing, being dropped from the membership roll as said Officer.

## **ARTICLE IV – DUES**

1. The annual dues for membership in this Post shall be \$50.00 per year.
2. Annual dues shall be payable August 1 of each year, for the following year.
3. A member whose dues have not been paid by January 1 shall be considered delinquent. If dues are paid on or before February 1, the member shall be automatically reinstated. If still delinquent after February 1, the member shall be suspended from all Post privileges, if dues still have not been paid by December 31 of that year, membership shall be forfeited. A member so suspended or whose membership has been forfeited, may be reinstated to active membership in good standing by a majority vote of the Post at a General membership meeting, and payment of the current dues for the year in which reinstatement occurs. The Post, at its option, may also require a member whose membership has been forfeited, to pay one (1) year arrears in dues as a condition precedent to reinstatement.

## **ARTICLE V – DISCIPLINE**

1. Article IV, Section 2 of the By-Laws of The American Legion is as follows: “A Post may suspend or expel a Post member from the American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of the American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner or form as the Post or Department By-Laws and Post or Department Executive Committee shall prescribe.”
2. The first process in all actions of expulsion or suspension against a member of the American Legion in good standing shall be by filing with the Adjutant/Finance Officer of the Post written charges in triplicate, properly verified by affidavit of the accuser(s). The accuser(s) must be members of the same Post as the accused.
3. The Adjutant/Finance Officer shall issue a writ dated upon the day it shall be issued and sign it, directed to the Sergeant-at-Arms (or some other member of the Post in good standing), commanding that person to summon the accused to appear at the Post at the next regular meeting (providing 15 days have intervened), to show cause why he/she should not be suspended or expelled.
4. It shall be the duty of the Sergeant-at Arms, or the person appointed, to serve the writ so issued by reading it to the accused and giving a copy to him/her. The person delivering the writ shall endorse it had been served and at what date and time and return it to the Adjutant/Finance Officer.

5. If service of the writ is not possible, then the writ shall be posted in a conspicuous location of the Post at least 15 days prior to the manner being adjudicated.
6. The accused personally or through counsel will answer the charges in writing on or before the date of the next regular general meeting. Failure to answer will result in a finding of guilty of the charges. If the accused answers the charges in writing a trial date is set for the next general meeting. A special general membership meeting may be called for this purpose.
7. If good cause in writing, is presented by either party a continuance may be granted.
8. The Post Judge Advocate shall preside over the trial. If no Judge Advocate has been appointed the Post Commander will preside.
9. Post Officers will serve as jurors. Each party shall be entitled to two (2) peremptory challenges. Should the number of jurors drop below five (5) the Sergeant-at-Arms will select the necessary number of members to meet that number. Two thirds (2/3) of the jurors must agree for a conviction.
10. Article IV, Section 3 of the By-Laws of The American Legion states: "Any member who has been suspended or expelled has the right of appeal to their Department Executive Committee, or to the Department Convention, according to the By-Laws of such Department." The appeal can only be made by the accused and must be made within 40 days of judgement. The decision of this appeal shall be final.

## **ARTICLE VI – DONATIONS**

1. All requests, except for \$50.00 donations by the Service Officer, must be submitted to the Executive Board in writing detailing the proposed expense. Any request up to \$500.00 may be made, reviewed by the Executive Board for its approval and then voted on by the general membership for final approval.

## **ARTICLE VII – CHECK/CASH HANDLING**

1. The Post Commander and/or Adjutant/Finance Officer may expend up to \$500.00 from the petty cash fund as needed for immediate business of the Post.
2. All checks, except for the entertainment fund, shall be signed by the Adjutant/Finance Officer and the Post Bookkeeper. In the absence of the Adjutant/Finance Officer the Post Commander will sign.

## **ARTICLE XV – ADOPTION OF BY-LAWS**

1. These By-Laws are hereby adopted as the By-laws of The American Legion Post 86. A copy shall be forwarded to the National Convention and Washington State Convention. Any provision of any amendment contained herein that is in direct conflict with National Convention and Washington State Convention By-Laws shall be repealed and/or modified to reflect the provisions of the National Convention and Washington State Convention, The American Legion.
2. The changes contained herein will go into effect providing that written notification of the proposed amendment and pending vote shall have been conspicuously posted at the Post at least thirty (30) days in advance of the vote on the amendment.

Respectfully Submitted,

Adjutant/Finance Officer

Approved:

James Ryan Pierson, Commander