

CONSTITUTION & BY-LAWS HAMMOND POST No. 3, INC.

Constitution & By-Laws
Hammond Post No. 3, Inc. Kingsport TN
THE AMERICAN LEGION, Department of Tennessee

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 goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I –NAME

Section 1 – The name of this organization will be known as Hammond Post No. 3, Inc., The American Legion, Department of Tennessee.

ARTICLE II – OBJECTIVE

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

ARTICLE III – NATURE

Section 1. This Post is a civilian organization. Membership does not affect nor increase liability for military or police service.

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

Section 3. Rank does not exist in The American Legion; no member shall be addressed by their military or naval title in any convention or meeting of The American Legion.

ARTICLE IV-MEMBERSHIP ELIGIBILITY

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

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

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

Section 4. Any member of this Post may be expelled for cause by a two-third vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same. As prescribed in the Department Constitution.

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

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

ARTICLE V – OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of 2 members in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a commander*, an adjutant*, a post service officer*, 1st and 2nd vice commanders, a finance officer, a Post Historian, a Post chaplain, and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee members shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to affect such removal. In the event of a vacancy, the commander will nominate a replacement. The replacement will become a member of the executive committee with a two-thirds majority vote.

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

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

**Mandatory Post Officers positions as prescribed in the Department Constitution and By-Laws*

ARTICLE VI – FINANCE

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

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

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

ARTICLE VII - CHARTER MEMBERS

Section 1. Members who joined this Post prior to September 8, 2024 (or members who joined this Post prior to the issuance of charter) shall be known as charter members.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Hammond Post No. 3 Inc., The American Legion.

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

ARTICLE 1X – AMENDMENTS

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

Section 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing or email, with email being the preferred method and read at the preceding regular meeting of said Post, and providing, further, either written or email notice, with email being the preferred method, shall have been given to all members at least 10 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

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BY-LAWS

ARTICLE I – NAME AND OBJECTIVE

Section 1 – The Post existing under these By-Laws is to be known as Hammond Post No. 3, Inc., The American Legion, Department of Tennessee.

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

ARTICLE II – MANAGEMENT

Section 1 – The government and management of the Post is entrusted to not less than five (5) members, to be known as the “Executive Committee”.

Section 2 – The Executive Committee shall consist of 2 or more regular members in addition to the officers of the Post. Post officers shall be elected annually in May and take office at the same meeting of the election. All elections of officers and executive committee members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

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

ARTICLE III – POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post commander within 10 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander -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, 5 members of the committee shall constitute a quorum thereof.

Section 2 – The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate criminal insurance on all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and shall have charge of and be responsible for the management of the affairs of this Post.

Section 3. The Executive Committee consists of the following minimum Post Officers: Post, Commander, Adjutant, Immediate Past Commander (if not fulfilling an elected office), Post Service Officer, First and Second Vice Commanders AND 2 or more regular members of the Post. Should any position of Finance Officer, Post Chaplain, Sergeant at Arms, and/or Judge

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Advocate be filled, they also will be considered members of the Executive Committee. The final number of the Executive Committee will always be an odd number.

Section 4 – The Executive Committee shall pass upon all proposed Post expenditures, prior to their being submitted to the Post, when possible. When this is not practical, any expenditures may be brought to the attention of the Post and authorized from the floor without being referred to the Executive Committee, provided, however a favorable vote at one regular meeting of the Post shall be considered sufficient authority for any expenditure not in excess of \$250.00. The Post Executive Committee has the authority to approve expenditures not more than \$250.00 for time sensitive matters. The Executive Committee may conduct business via video conference or other electronic media (email, phone conference, etc.) as needed.

ARTICLE IV – DUTIES OF OFFICERS

Section 1 – Duties of Post Commander – It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief Executive Officer of the Post. The Post Commander shall also perform such other duties as directed by the Post.

Section 2 – Duties of First Vice Commander – The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence of, or when called upon by, the Post Commander. The First Vice Commander shall also serve as general membership chairman and shall discharge such other duties as prescribed by the Commander and the Executive Committee.

Section 3 – Duties of Second Vice Commander – The Second Vice Commander shall preside in the absence of both the Commander and the First Vice Commander at all meetings and shall likewise discharge such other duties prescribed by the Commander and/or Executive Committee. The Second Vice Commander shall also be the general chairman of all patriotic observances.

Section 4 – Duties of Post Adjutant – The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require and under direction of the Commander handle all correspondence of the Post.

Section 5. – Duties of Post Service Officer – The value of a post service officer increases with length of service. As the service officer's reputation grows, so will the value of the organization in the veteran community. The job requires a competent, resolute, and organized person, preferably one is readily available to provide assistance. The post service officer is responsible for bringing awareness to all veterans and their dependents the rights and benefits granted them by law. The post service officer also must know how to access and utilize the expert services available through The American Legion, state and federal government agencies, and local community agencies. The job requires timely submission of information to full-time professionals, so veterans and their dependents are represented. The service officer's report should be a standard part of every meeting.

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Hammond Post No. 3 Inc. is unique in that Sullivan County employs 2 full-time County Service Officers. The County Service Officers are trained and certified by the State of Tennessee and the Department of Veterans Affairs. The Post coordinates with the County Service Officers to provide access to office space to help veterans in the Kingsport area.

Section 6 – Duties a Finance Officer – The Finance Officer shall, subject to the control of the Executive Committee and the Post, be charged with the collection and custody of the funds of the Post, including all dues and shall also keep the accounts of the post and report thereon at each regular meeting of the Executive Committee. The finance accounts shall be audited annually. The Finance Officer shall pay all bills when audited and approved, in such manner as the Executive Committee shall prescribe. The Finance Officer shall also make reports to the Post showing the income, disbursements, and purpose of disbursements during the past months. The Finance Officer shall also be further required to follow the budget, as passed at the regular meeting of the Post. Payments not listed in the budget, over and beyond the budget, shall be made only upon authority of the Post, at a regular meeting. No expenditure more than \$250.00 shall be honored by the Finance Officer, until it has been voted on favorably at a regular Post meeting. Emergencies shall be managed by two of the three elected post officers and Finance Officer. The Post shall then be informed of the emergency and cost at the next regular meeting. Expenditures within the budget and under \$250.00 may be honored by the Finance Officer when approved by the Executive Committee or the Post. The Post Finance Officer shall file the Tennessee Corporation Tax Renewal in the month of November each year and the IRS 990-N in January each year for the previous year.

Section 7 – Duties of Post Historian – The Post Historian shall be charged with the individual records and incidents of the Post and post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post or The Executive Committee.

Section 8 – Duties of Post Chaplains – The Post Chaplains 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., and adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 9 – Duties of Sergeant-At-Arms – The Sergeant-At-Arms shall preserve order at all meeting sand shall perform such other duties as may be from time to time assigned to him by the Post Executive Committee.

Section 10 – Duties of Judge Advocate – The Judge Advocate shall advise the Post on all legal matters, and interpretation of the National and Department Constitution and By-Laws and shall perform such other duties as are usually incident to the office.

ARTICLE V – DELEGATES

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

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Section 2. In the absence of a Post meeting, election of a Delegate and/or Alternate, the Post Commander may appoint a Delegate and/or Alternate, 20 days prior to the date of a Department Convention.

Section 3. Delegate Certification will be completed by the Post Adjutant and in compliance with Department standards.

Section 4. Room and Milage expenses will be funded out of the Post Treasury.

ARTICLE VI – APPOINTMENTS

Section 1. The Post commander, immediately upon taking office each year, shall appoint the people, when necessary: Americanism, Children and Youth, Economic, Finance, House, and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, and Visiting or VAVS Committee and National Security. Sons of the American Legion and American Legion Riders are Post programs and shall elect their own officers as outlined in respective program Department/Detachment Constitution and Bylaws.

STANDING COMMITTEES Listed below are examples of a few committees commonly found in most American Legion posts. The post constitution and/or department constitution may require additional committees or may have other names for some committees, so the committees listed are not mandatory or all-encompassing for every post. New programs are often needed, while old programs should be changed, revitalized or, in some cases, eliminated.

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

Section 3. 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 4. Children and Youth Committee. Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To function as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 5. House and Entertainment Committee. The House and Entertainment quarters promotion of club advantages and arrangement for social activities.

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Section 6. Legislative Committee. The Legislative Committee needs to have a knowledge of what is going on in Congress—what we favor or oppose and should be ready to initiate action in support of our position when requested by the national or Department organization.

Section 7. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements, and eligibility of members.

Section 8. Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department, and national Legion news service and by local publicity of Post programs and activities.

Section 9. Veterans Affairs and Rehabilitation Committee. The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to veterans in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 10. Visiting or VAVS Committee. This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Section 11. National Security Committee. The Security Committee shall work with and coordinate Legion efforts with the local Civil Defense Council on matters pertaining to national, civilian, and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 12. Election Nominating Committee.

- a. The Nominating Committee shall be appointed by the current Post Commander or the Post Executive Committee in the absence of the Post Commander.
- b. The Nominating Committee Chairman shall be the Immediate Past Post 3 Commander. Two (2) other current Post 3 members would also be appointed to the Nominating Committee.
- c. The Nominating Committee's names shall be announced at the February meeting and posted on the bulletin board.
- d. Any member of Hammond Post No. 3 who wants to be on the ballot for Commander, First or Second Vice Commander, Adjutant, and Finance Officer should let their wishes be known to the Nominating Committee. Current Post No. 3 officers will also be asked to consider filling one of these Post positions. Nominees for Commander, First or Second Commander cannot hold an equivalent position in another Veterans Organization.
- e. The nominees' names shall be presented at the March meeting for Commander, First and Second Vice Commander.
- f. Any nominee wishing to have their name removed from the ballot should make their request known at the April meeting.

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- g. Nominations for Commander, First and Second Vice Commander, may be made from the floor at the April meeting. However, persons running for these offices should have given their approval before being nominated.
- h. The election of these officers will be during the May meeting.
- i. At least two (2) members of the Nominating Committee should be present during the voting period.
- j. Voting members should show their current Post No. 3 membership card before they are given a ballot. If the current membership card is not available, the membership roster should be checked to make sure current membership dues are paid. Each voting member shall sign a voting register and receive a ballot.
- k. The voting member shall mark their ballot and place their ballot in a locked container.
- l. One (1) or two (2) Hammond Post No. 3 members should be appointed to observe the voting procedure and to assist in counting the votes.
- m. The number of ballots used should equal the number of names recorded on the voting register. If the nominating committee cannot determine who was voted for on a ballot, for example all blocks were checked or none, that ballot shall become invalid. Further, this action shall become an official part of the May minutes.
- n. The results of the voting shall be announced at the May meeting.
- o. In the event of a tie vote for any office, a run-off election will be held immediately between the two (2) highest candidates, with all members present entitled to vote.
- p. In the event no candidates wish to run for the positions of Commander, 1st Vice Commander and 2nd Vice Commander and the officers holding these positions indicate they wish to continue in these positions, then these officers will be elected by acclamation at the May meeting, and no balloting will take place.

ARTICLE VII - FINANCE

Section 1. The revenue of Hammond Post No.3 Inc. shall be derived from annual membership dues and such other sources as may be approved. The amount of such membership or initiation fees and the amount of such annual Post dues shall be reviewed yearly and determined by this Post.

ARTICLE VIII - MONIES AND COLLECTIONS

Section 1. All Post Officials handling American Legion monies will be covered by crime insurance to cover double the average amount of money handled in a single year.

Section 2. Crime Insurance provided to the Post officials shall be approved by the respective Post Executive Committee. The premium on the crime insurance will be paid out of the treasury of this organization.

Section 3. In case of delinquencies in the payment of amounts due Post 3, actions will be taken at once by the proper officials to bring about a speedy and complete settlement.

ARTICLE IX - DISCIPLINE

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Each Post of The American Legion, Department of Tennessee, shall be the judge of its own membership, subject to the restrictions of National and Department Constitutions and By-Laws.
Member Expulsion or Suspension:

(1) To initiate the process in all actions of expulsion or suspension against a member of The American Legion in good standing, the accuser, or accusers, all of whom must be members of the same post as the accused, shall file with the Post Adjutant, written charges. Charges set forth must be for disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion, and shall be in terms of simplicity and understanding in order the accused may properly prepare a defense.

(2) The Post Adjutant shall issue formal charges specifying conduct and sign it, directing the Sergeant-at Arms (or some other member of the post in good standing), to read and present the charges, as well as, summon the accused to appear at the post meeting place at the next regular meeting (provided 15 days' written notice has been given), to show cause why they should not be suspended or expelled.

(3) Before the accused defends in their own proper person, or through counsel, they shall file an answer in writing to the Post Adjutant to the charges, on or before the date of the regular meeting to which the accused has been summoned to appear.

(4) If the accused fails to answer the charges as set last forth, the charges and matters and things therein stated shall be taken as confessed, and the request for suspension or expulsion granted.

(5) Whenever the accused has filed an answer to the charges preferred, the entire proceedings shall automatically continued until the next regular post meeting, at which time the trial shall be had.

(6) The Post Judge Advocate shall preside at the trial and shall have the power and authority to pass upon the materiality and relevancy of all the evidence presented and shall have the general power to prescribe the necessary and reasonable rules and regulations for the orderly procedure of the trial. In the absence of a Post Judge Advocate, the Post Adjutant will coordinate with the District Commander to have a Judge Advocate appointed.

(7) The post officers and post executive committee (if the post has no executive committee, the judge advocate shall instruct the sergeant-at arms to select 5 post members in good standing), are hereby selected as jurors, to ascertain under the guidance of the judge advocate, the truth of the charges preferred. Subject matter is strictly limited to questions of fact and exclusive consideration of the matters that have been proven by evidence of the interested parties during the trial.

(8) To expel or suspend a member of The American Legion in good standing, two-thirds of the members selected to sit as jurors shall vote in the affirmative.

(9) Any member who has been suspended or expelled has the right to appeal to the Department Executive Committee or the Department Convention. The decision of the Department will be final.

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ARTICLE X - RESOLUTIONS

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

ARTICLE XI – MEETINGS

Section 1 – The regular meetings of the Post shall be held on the third Monday night of each month. If the regular meeting must be cancelled, then the next regularly scheduled meeting will be the following month. Meeting time shall follow the day light saving time.

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 five (5) members, the Committee shall call a special meeting of the Post.

Section 4 – A quorum shall consist of six (6) members present during a regular or called meeting to transact any official business.

Section 5 – In the event of a pandemic or other natural event that prevents us from meeting in person, the Post will conduct meetings via video conference or other electronic media (email, phone conference, etc.) available.

ARTICLE XII – NOTICES

Section 1 – Every member shall furnish to the Adjutant an address to which all notices and documents may be sent. The same shall be held to have been duly sent to or served upon a member, when posted or otherwise mailed to him at the address so furnished.

Section 2 – The Officers, Executive Committee, or any member in possession of a list of the members of this organization is prohibited from furnishing such list to any individuals or other members of the organization for political or commercial purposes. This provision also applies to all Post records.

ARTICLE XIII – RULES OF ORDER

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

ARTICLE XIV – LIMITATIONS OF LIABILITIES

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

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ARTICLE XV – AMENDMENTS

Section 1 – These 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 have been submitted in writing and read at the next regular meeting of said Post: and, provided, further, that written or email notice, with email being the preferred method, shall have been given to all members at least ten (10) 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.

ARTICLE XVI

The American Legion, Hammond Post No. 3, Inc. Constitution and By-Laws that are grammatical or clerical in nature and do not affect policy as written, for the Department of Tennessee.

The Constitution and By-Laws were adopted: September 21, 2026. All previously written Constitution, By-Laws and amendments of Hammond Post 3 are superseded.