

Constitution and Bylaws
of
General Billy Mitchell Post 85 Incorporated
American Legion, Department of Virginia

Preamble

For God and country we associate ourselves together for the following purposes; to uphold and defend the Constitution of the United States of America, to maintain law and order, to foster and perpetuate one hundred percent Americanism; to preserve the memories and incidents of our association during the great wars; to inculcate a sense of individual obligation to the community, state, and nation; to make right the master of might, to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article # 1 - Name

This post will be known as General Billy Mitchell Post #85 American Legion Inc., Department of Virginia.

Article # 2 - Objectives

The objectives of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Department Constitutions of the American Legion.

Article # 3 - Membership

All active members of General Billy Mitchell Post 85, American Legion shall be members of the corporation.

Section 1: Any person shall be eligible for membership in the Post who was regularly enlisted, inducted, or commissioned, and served on active duty in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States at some time during either of the following periods, as prescribed by National, inclusive; or who being a citizen of the United States at the time of his entry therein, served on active duty in naval, military, or air forces of any government associated with the United States during world wars, provided that person shall be entitled to membership, except as noted below.

(A) Who, being in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States during any said period refused on conscientious, political, or other grounds to submit himself to military discipline or unqualified service; or

(B) Who, being in such service was separated therefrom under circumstances amounting to a dishonorable discharge and has not subsequently been restored

officially to an honorable status; or

(C) There shall be no form or class of membership except active, as provided by the National Bylaws.

Section 2: This Post is civilian in character. Membership therein does not affect or increase liability for military or police service. Military or naval rank does not exist in the Post. No member shall be addressed by his rank or title in the service at any meeting held by this Post.

Section 3: This Post of the American Legion shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles, or for the promotion to the candidacy of any person seeking public office or preferment. No candidate or incumbent of a salaried elective public office shall hold office in this Post.

Section 4: Every application for membership, transfer, or reinstatement shall be in writing and upon the prescribed application form, which will be filled out so as to provide all information therein required. The application form will be accompanied by an official copy of the applicants honorable discharge, along with membership dues for the current year.

A letter will be mailed to each applicant with instructions when to appear before the membership. (Sample letter follows)

Your application for membership in General Billy Mitchell Post 85, American Legion will be voted on at the meeting to be held on Tuesday, (date) at 7:30 P.M. Please be present, and have your DD214 with you. You will be obligated and presented the American Legion pin, membership card, and certificate.

If you cannot attend this meeting, please notify the Post and we will make other arrangements.

This letter should be signed by the Post Commander.

Section 5: The members of this Post present at a regular membership meeting, by a two-thirds majority vote thereof, may expel any member who, for good and sufficient reasons is found to be unworthy to hold membership in the American Legion. Cause for such action include disloyalty, neglect of duty, dishonesty, and conduct unbecoming of a member of the American Legion. An opportunity for a hearing shall be given any member before such action is taken. Said hearing to be requested in writing, and such hearing will be conducted in accordance with Department of Virginia Bylaws, Article IV, sections 1-12. The hearing will be held by the Post membership. A majority vote of 2/3 of the members present will be required to suspend the member. A majority vote of 3/4 of the members present will be required to expel the member.

Section 6: Any member dropped for nonpayment of dues may be reinstated upon application and vote, as in the case of a new member, provided the current year=s dues accompany the application.

Article # 4 - Officers

Section 1: Elected Officers

Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Judge Advocate, Historian, Chaplain, Sergeant at Arms, Service Officer, **and Chairman of Charitable Gaming** to be elected for a term of one year. One Trustee to be elected to a term of three years. The Adjutant and two color guards are to be appointed by the incoming Commander.

Section 2: The administrative affairs of this Post of the American Legion shall be provided by the Bylaws, under the supervision of the Post Executive Committee. All Past Commanders, in good standing and who are current members of Post 85, are members with vote.

Section 3: The duties of the officers of this Post shall be as set forth in the Bylaws.

Section 4: The term of office for all elected and appointed officers shall be for one year, or until their successors have been elected and installed. The office of Trustee will be for three (3) years. One Trustee to be elected each year to serve a three (3) year term.

Section 5: Officers will be removed from office for missing three consecutive Post meetings without being excused in accordance with provisions of the Bylaws.

Section 6: Any member of this Post shall be eligible for election to an office in the Post, provided such member has been a member in good standing of Post 85 for a period of one (1) year prior to Post election.

Article # 4(A) - Nominations and Elections

Section 1: At the regular March meeting, a Nominating Committee of five members shall be appointed by the Post Commander. This committee shall select nominees for all elective offices of the Post and submit recommendations at the regular April meeting of the Post. The chairman of the Nominating Committee shall be appointed by the Commander.

Section 2: Nothing shall be construed in these Bylaws to prevent any member in good standing from placing in nomination, the name of any eligible candidate for office, up to the time nominations are closed at the regular May meeting of the Post.

Section 3: No member shall be nominated or elected to more than one elective office, or hold more than one elective or appointed office at the same time, unless no other member can be elected for that office.

Article # 5 - Meetings

Section 1: All meetings that pertain to Post business of any nature will be held at the Post Home.

Section 2: Special meetings may be held at any reasonable time by the order of the Post Commander, who shall require the Adjutant to give timely notice thereof to all members in good standing.

Section 3: A quorum shall be all members present and voting at the night of any regular or legally called special meeting, except that at least five per-cent (5%) of the total membership must be present constitute a quorum for any transaction concerned with the ABC license.

Section 4: The proceedings of all meetings when in session will be governed by the Robert=s Rules of Order (latest revision).

Section 5: The order of business at the annual meeting, and at all other meetings of the membership shall be in accordance with the Constitution and Bylaws of the American Legion, as adopted by the National Convention.

Article # 6 - Savings Clause

Section 1: Any provision of the Department or National Constitution, or Bylaws which are in any way more restrictive than this Constitution and Bylaws shall amend this Constitution and Bylaws, to the extent of such restrictions.

Article # 7 - Committees

Section 1: As soon as possible after his installation, the Commander shall appoint chairmen of the following standing committees:

Membership	Athletics	Veterans Affairs
Ways & Means	Boys State	and Rehabilitation
Hospitality	Oratorical	Children & Youth
Legislative	Americanism	Activities
National Security	School Awards	Community Services
Public Relations	Sons of the American Legion	

Article # 8 - Auxiliaries

Section 1: The Post may authorize an auxiliary unit as it may deem proper to promote the objectives and purposes of the Post as set forth in the Preamble of this Constitution. The Post has no control of the Unit Bylaws, as they are governed by the National and Department Auxiliaries.

Article # 9 - Amendment of Bylaws

Section 1: The Constitution and Bylaws may be amended by a two-thirds majority vote of the members present at any official business meeting, provided that such amendment shall have been submitted in writing to the Judge Advocate at least thirty days prior to such vote, and that the amendment has been read at a previous business meeting and members in good standing notified in writing of the proposed amendment.

Article # 10 Board of Directors/Executive Committee/Number of Members

The affairs of the Corporation shall be operated by a Board of Directors that is the Executive Committee, composed of thirteen members, who shall consist of the elected officers of the Post, plus three additional Post members all of whom shall be elected by the members of the Corporation from its members at each annual meeting. The said Directors (Executive Committee) shall serve until the election and qualification of their successors.

Vacancies

Notwithstanding the fact that the Articles of Incorporation authorize vacancies on the Board of Directors (Executive Committee) to be filled by the remaining members on the Board, vacancies occurring in any elective office, which all members of the Board are, shall be filled by election of the membership at the next regular Post membership meeting held after the vacancy occurs.

Article # 11

The officers of the Corporation shall be: Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Judge Advocate, Historian, Chaplain, Sergeant at Arms, Service Officer, and three (3) Trustees, who shall hold office until their successors are elected and qualified. Such officers shall be elected by the members of the Corporation at each annual meeting.

The Commander shall preside at all meetings, shall have supervision of the affairs of the Corporation, shall sign or countersign all contracts and other instruments of the Corporation, shall make reports to the Board of Directors (Executive Committee) and other members of the Corporation, and perform other duties as are incident to his office or properly required of him the Board of Directors.

The First Vice Commander shall perform all of the duties, and be vested with all of the authority of the Commander in case of a vacancy in the office of the Commander, or in the absence or disqualification of the Commander. **The First Vice Commander shall be membership Chairman and shall receive and transmit membership to the Department of Virginia American Legion Headquarters, and shall have authority to sign checks on the special membership account established for this purpose and shall be bonded for the appropriate amount.** He shall have such other powers and shall perform such other duties that may be assigned to him by the Board of Directors (Executive Committee).

During the absence or inability of the First Vice Commander to render and perform his duties or exercise his powers, as set forth in the Bylaws, or in the acts under which this

Corporation is organized, the same shall be performed and exercised by the Second Vice Commander and when so acting, the Second Vice Commander shall have all of the powers and be subject to all of the responsibilities hereby given to or imposed upon the First Vice Commander, and likewise the Third Vice Commander when the Second Vice Commander is absent or incapacitated.

Although the Adjutant is appointed by the Commander, he shall attend all meetings of the membership, and of the Board of Directors (Executive Committee), and shall keep a true and faithful record thereof. He shall have such other powers and perform such other duties as are usually exercised and performed by the Secretary of a business corporation, or as assigned to him by the Commander or the Executive Committee.

The Finance Officer shall receive and have charge of all the funds and securities of the Corporation: he shall deposit the funds to the credit of the Corporation in such banks or trust companies as the Board of Directors (Executive Committee) shall direct, and he shall disburse the same under such rules and regulations as the Board of Directors may from time to time adopt.

The Chairman of the Charitable Games shall have charge of all the funds and securities of the charitable games. He shall deposit the funds to the credit of the charitable games in such banks or trust companies as the Executive Committee shall direct, and he shall disburse the same under such rules and regulations as directed by the Executive Committee, and in accordance with the Commonwealth of Virginia Charitable Gaming Commission.

The Finance Officer and the Chairman of the Charitable Games shall have such other powers and perform such other duties as are exercised by the Treasurer of a business corporation, or as assigned to them by the Board of Directors (Executive Committee).

They shall give such bond for the faithful discharge of their duties as the Commander or the Board of Directors (Executive Committee) may determine.

Changes approved and voted on by general membership meeting held April 20, 1999
Changes appear in bold print

Article # 12 - Special Occasions

All special occasions shall be celebrated annually by Post 85 as indicated below: (funds to be voted on at regular meeting, maximum of four hours).

Early Bird, Memorial Day, Veterans Day, General Billy Mitchell Day, **and 40 & 8 (Voiture 934) Special People=s Picnic.**

Notes: Use space below for making personal notes

Post Bylaws Officers and Elections

Article 1: Officers shall be elected at a regular meeting in May of each year and be installed at the regular meeting or at a special ceremony in June.

Article 2: Officers to be elected are: see Article 4, Section 1.

Article 3: Delegates and Alternates shall be elected prior to any convention and the Adjutant will notify the District and Department Adjutants as to whom was elected. Such election will be at the regular May meeting.

Article 4: At the May business meeting, nominations shall be made from the floor and a separate secret ballot cast for each elective office. The ballots shall be furnished by the Adjutant and distributed, collected, and counted by the Tellers. The Tellers are to be appointed by the Commander at the start of the May meeting. The member receiving the highest count shall be declared elected. In the event of a tie, further balloting shall be conducted until the highest count is obtained.

Article 5: Vacancies occurring in any of the elective offices shall be filled by an election at the next regular meeting. Vacancies occurring in appointed offices shall be filled by appointment by the Commander.

Article 6: Any Officer absent for three successive meetings, unless previously excused, and any officer failing to perform the duties of his office, shall be deemed to have constructively resigned, and his office shall be filled as heretofore provided for, as in the case of a vacancy. The Commander shall proceed on the establishment of the facts without Post action.

Article 7: In addition to the duties prescribed in these Bylaws, each officer shall be responsible for the execution of matters specifically assigned to the committee under his charge. Where no duties are specifically mentioned in these Bylaws, the officers' duties shall be construed to be such duties as are recognized to be associated with such an office.

Article 8: The Commander shall preside at all Post meetings, and shall have supervision of affairs of the Post. He shall be responsible for the performance of all duties assigned to all elected officers and appointed committee chairmen.

Article 9: The First Vice, Second Vice, or Third Vice Commander, respectively, shall act in place of the Commander during his absence at any regular or special meeting.

Article 10: The Adjutant and designated assistants shall keep all records, minutes,

receive reports of officers and committees, maintain minutes of all meetings, attendance, prepare and submit to National and Department Headquarters all required reports of the Post. He shall assist the Commander in the conducting of Post affairs. He will turn over to his successor all records in his possession at the expiration of his term.

Article 11: The Finance Officer will receive all cash, checks, or other collections made by any other officer of the Post, and will deposit funds in such banks as named by the Executive Committee, provide for the payment of all bills by check, maintain records of accounts receivable and payable. Itemize monthly and quarterly reports on all income, disbursements, gain, and loss.

Article 12: The Historian shall prepare and maintain to date a history of the Post and provide such records as may be required.

Article 13: The Chaplain shall offer divine, but non-sectarian services at all Post assemblies. He shall have charge of attention to the sick, incurring such indebtedness not to exceed \$50.00 for flowers for deceased members, their spouses, children living at home, their father or mother. He shall send cards to ill members and visit sick members when possible.

Article 14: The Judge Advocate shall interpret the Bylaws and assume such legal responsibilities as may be required by the Post.

Article 15: Ceremonies on Veterans Day and Memorial Day will be conducted at the War Memorial in Arlington, or wherever the War Memorial is located in the future.

Article 16: The Finance Officer, Assistant Finance Officer, House Chairman, **and Chairman of Charitable Games** shall be bonded in the amount of \$5,000.00 each.

Article 16-A: The Trustees duties and responsibilities are: Inventories, disbursements, financial responsibilities, and inspection of Post finances on a quarterly basis.

Article 17: Supervisory officers and their respective committees:

First Vice Commander - Membership promotion and investigation

Second Vice Commander - Fund raising, entertainment, and special activities

Third Vice Commander - Assisting the other Vice Commanders with their special Functions.

Adjutant - Keep records and reports, publicity

Historian - Post History and Americanism

Service Officer - Rehabilitation and veterans benefits

Judge Advocate - Bylaws and interpretations

Chaplain - Church relations and visiting sick members

Sergeant at Arms - Ceremonies, Colors, and keeping order at meetings

Finance Officer - Finance, budget, and auditing

Article 18: Dues of this Post will be \$20.00 per year (1994-1995). Future dues could be increased due to National=s adjustments.

Article 19: Disbursements of Post funds authorized to be paid without special Post action are: Insurance, beer, food supplies, pest control, taxes, licenses, permits, cleaning and paper supplies, gas bills, electric bills, water bills, sales taxes, Department and National dues, bulletin printing, postage, and floral bills for funerals. All other disbursements must be approved by the Executive Committee.

Article 20: All disbursements shall be by check. The Commander, Finance Officer, Asst. Finance Officer, and House Chairman are the only persons authorized to have the combination to the safe.

Article 21: An audit of Post financial records and property inventory shall be made twice each year by the Trustees and Executive Committee, and submitted to the membership at regular meetings (July - January).

Article 22: There shall be a Unit of the American Legion Auxiliary to be known as the General Billy Mitchell Unit 85, Department of Virginia. This American Legion Auxiliary shall perform the function of an Auxiliary Unit and shall assist the Post committee on child welfare and rehabilitation.

Changes approved and voted on by general membership meeting held April 20, 1999
Changes appear in bold print

Article 23: There shall be a Club known as the Post #85 Club. It shall be operated by a committee known as the House Committee. This committee shall be in charge of said Club. The said committee shall consist of seven Post members elected each year at the regular May meeting. The Chairman of the House Committee shall be **selected by the members of the House Committee and appointed by the Commander with the approval of the Executive Committee. The appointed House Chairman shall be under the jurisdiction of the Post Commander and the Executive Committee, as are all other appointed Committee Chairmen.**

Article 24: The Post shall purchase a ΔPast Commander@ pin for the outgoing Commander who has successfully completed his term of office.

Article 25: The elected Post Commander shall reside in the Metropolitan area. The Post will not pay for any long distance telephone calls unless authorized by the Executive Committee.