



**JOHN M. WEST AMERICAN LEGION POST 408, DERBY-HAYSVILLE,  
THE AMERICAN LEGION, DEPARTMENT OF KANSAS  
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.

**Article I  
NAME**

The name of this organization shall be The John M. West, American Legion Post 408, Derby-Haysville, The American Legion, Department of Kansas.

**Article II**  
**NATURE OF ORGANIZATION**

The John M. West Post 408, Derby-Haysville, The American Legion, Department of Kansas, is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his/her military title in any convention or meeting of the Department or any Post thereof.

**ARTICLE III**  
**STRUCTURE OF ORGANIZATION**

John M. West, The American Legion, Post 408 shall be organized as a Post in accordance with applicable Department of Kansas and National Constitution and bylaws.

**ARTICLE IV**  
**POLITICAL RESTRICTIONS**

- A. The John M. West Post 408, Derby-Haysville, The American Legion, Department of Kansas shall be non-political, and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office nor preferment.
- B. Each member shall perform his/her full duty, as a citizen according to his/her own conscience and understanding.

**ARTICLE V**  
**ELIGIBILITY**

Any person shall be eligible for membership in THE AMERICAN LEGION who was regularly enlisted, drafted, inducted or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during eligibility periods as set forth in the National Constitution of THE AMERICAN LEGION, all dates inclusive or who, being a citizen of the United States at the time of his/her entry therein, served on active duty in the armed forces of any of the Governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation and such person either shall have broken his/her continuity of service and returned to a civilian status, or shall continue to serve honorably after the date of cessation or such hostilities as fixed by the United States Government; provided, however, that 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 himself/herself to military discipline or unqualified service.

**ARTICLE VI**  
**MEMBERSHIP**

- A. **APPLICATION;** An applicant for membership in THE AMERICAN LEGION shall be required to show either an honorable discharge or notice of separation, or a true hardcopy of same as certified by a Notary Public or other officer with authority to certify, to any designated Post official.

- B. There shall be no form or class of membership except an active membership as herein provided.
- C. No person shall be a member, at any one time, of more than one Post of THE AMERICAN LEGION.
- D. EXPELLED MEMBERS;** No person who has been expelled by another Post shall be admitted to membership in The John M. West Post 408, Derby-Haysville without the consent of the expelling Post. If such consent has been asked for and denied by such Post, he/she may then appeal to the Department Executive Committee for permission to apply for membership in The John M. West Post 408, Derby-Haysville, and shall be ineligible for membership until such permission is granted.
- E. **DELINQUENT MEMBERS;** A member, whose dues for the current year has not been paid by January 1, shall be classed as delinquent. If his/her dues are paid on or before February 1, he/she shall be automatically reinstated. If he/she is still delinquent after February 1, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30 of such year, his/her membership in THE AMERICAN LEGION shall be forfeited.
- F. **Transfers;** Transfer of membership from one Post to John M. West, The American Legion, Post 408 may be affected by any member in good standing with the approval of the Post to which he/she desires to transfer.
- a. The transferee shall make application to John M. West, The American Legion, Post 408 by submitting his/her membership card to the Post Adjutant, who shall submit the request of the transferee to the Post for acceptance or denial.
  - b. Upon acceptance and completion of a Member Data Form, the Post Adjutant shall forward the Department and National copies of the Member Data Form to the Department Adjutant.
  - c. The Post Adjutant will then issue the transferee a membership card from John M. West, The American Legion, Post 408 using the transferee's Permanent ID Number.
  - d. Per Capita is forwarded to Department Headquarters if the transferee has not paid his/her current dues. If the transferee is current, the Post Adjutant will forward the National and Department portions of the membership card to the Department Adjutant to be removed from the Post's card count. It shall be the responsibility of the Department Adjutant to notify the old Post of the action of the transferee in changing his/her membership.
  - e. It shall be the responsibility of the Adjutant of the old Post to furnish a statement of the continuity of membership of the transferee to the Adjutant of the new Post.

## **ARTICLE VII DISCIPLINE OF MEMBERS**

- A. The John M. West Post 408, Derby-Haysville, The American Legion, Department of Kansas shall be the judge of its own membership subject to the restrictions of the National and Department of Kansas Constitution and By-Laws.

- B. Any member of John M. West, American Legion Post 408 who violates the National, Department or Post Constitution, or who, in the opinion of the Post has been guilty of other conduct unbecoming a member of THE AMERICAN LEGION, shall be expelled or otherwise suitably punished after notice and upon hearing by any such Post in such form as the Department By-Laws and Department Executive Committee shall prescribe. Provided, however, that any action taken by the Post under the provisions of this section may be appealed, by record only, to the Department Executive Committee, and in accordance with its rules and regulations.

### **ARTICLE VIII POST ORGANIZATION**

- A. The smallest administrative unit of THE AMERICAN LEGION is the Post which shall have a minimum membership of fifteen (15) paid-up members.
- B. The administrative affairs of The John M. West Post 408, Derby-Haysville shall, except as may be otherwise provided by the Bylaws, be under the supervision of an Executive Committee which shall consist of no more than three 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 Bylaws, may provide for such other standing committees as the business of the organization may require.
- C. It shall be the duty of the Post Adjutant to inspect the honorable discharge or a satisfactory true copy thereof or other satisfactory proof of eligibility of each elective Post Officer within two weeks after their election. Such elective officers shall furnish proof of eligibility to the Legion prior to installation. The Post Adjutant shall maintain, on file, a copy of proof of eligibility as long as the member holds an officer position.
- D. Failure to furnish such proof automatically creates a vacancy.
- E. The officers of this Post shall be Commander, Vice Commander, Adjutant, Finance Officer, Post Historian, Post Chaplain, Post Service Officer, Sergeant-At-Arms, and such other officers as may be deemed necessary by this organization.
- F. Annual Post elections are to be conducted at a regular meeting not more than 60 days nor less than 15 days prior to the Kansas Department Convention. Newly elected Post officers will be installed prior to the Department Convention. All vacancies in Post officers shall be filled in a manner to be determined by the Post Bylaws and shall hold office for the unexpired term. Post Finance Officer shall be bonded for twice the amount of the funds likely to come under their control. No bond is to be less than \$200.
- G. Every member of this Post in good standing shall be eligible to hold office in this Post.
- H. The duties of the officers and the executive committeemen shall be those usually pertaining to such officers or committeemen and as further provided in the Bylaws.

- I. Any elected officer of this Post may be removed from office for just cause by two-thirds vote of the membership of the Post present and voting, provided written charges against any such officer are first made under oath and in writing by five members and filed with the Adjutant or Commander, and 30 days of notice thereof in writing is first given to said officer before such vote for removal from office shall be taken; and provided further that 15 days of notice of such hearing shall be given to each member in good standing in this Post. The accused shall be given the right to appear at said hearing in person and by counsel and present his or her defense to said accusation.

**ARTICLE IX  
ELECTION  
POST OFFICERS**

- A. The officers of The John M. West Post 408, Derby-Haysville shall be a Commander, Vice-Commander, Adjutant, Finance Officer, Chaplain, Sergeant-at-Arms, Service Officer, Historian and such other officers as it may desire or shall be authorized by the Post Executive Committee from time to time.
- B. The Post Commander, Vice-Commander, Adjutant, Finance Officer, Chaplain and Sergeant-at-Arms shall be elected by the members of the Post. Other officers may be appointed by the Post Commander with the consent of the membership.
- C. The names of the newly elected Commander, Vice Commander, Adjutant, Finance Officer, Service Officer and Membership Chairman shall be certified to the Department Adjutant at least thirty (30) days prior to the Department Convention.
- D. The delegates and alternates to the Department Convention shall be elected and certified to the Department Adjutant at least thirty (30) days prior to the said Convention. Post officers shall be installed and enter upon their duties within two weeks after the adjournment of the Department Convention held in the Legion fiscal year in which they are elected.
- E. It is recommended that the Post Adjutant secure and file carefully for future reference a true copy of the honorable discharge or separation papers or other satisfactory evidence of military service of each member of the Post.
- F. John M. West, The American Legion, Post 408 shall adopt a Constitution and By-Laws conforming to the Department and National Constitutions of THE AMERICAN LEGION and shall submit a copy of same to the Department Headquarters within one year from adoption of this section or prior to the issuance of a permanent charter.

**ARTICLE X  
COMMITTEES**

- A. **POST EXECUTIVE COMMITTEE;** The Post Executive Committee shall consist of no more than **three** members in addition to the officers of the Post and together with the other officers of this Post who shall be elected and take office at the meeting next following that of the election. **(Past Commander will default for one year to the Executive Committee,**

**remaining two will be elected. If past Commander is re-elected membership will elect a third Executive Committee member).** All elections of officers and executive committeemen 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. receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

- B. The Post Executive Committee shall have power between regularly scheduled business meetings to initiate matters of policy and establish rules and regulations for the conduct of the Post, with the understanding that such policies, rules and regulations could subsequently be negated by action of any future Post Business Meeting.
- C. The Post Executive Committee shall be responsible for the management of the post. It shall have power to delegate authority to committees, to fix the salaries and allowances of all employees and to provide for the appointment and employment of such subordinate employees as may be needed for the administration of the affairs of the Post, subject only to such restrictions set down in this Constitution and By-Laws. Personnel matters will be handled in accordance with the official set of personnel guidelines approved by the Post Executive Committee upon the recommendation of the Post Adjutant.
- D. The appointive paid officers of The John M. West Post 408, Derby-Haysville shall be a Post Canteen / Exhibition Hall Manager and as volume justifies, be a Post Canteen / Exhibition Hall Assistant Manager.
  - a. These officers shall be appointed by the Chairman of the Board of Governors with the approval of the Post Executive Committee.
  - b. Any such officers appointed subsequent to the adoption of this amendment shall serve a probationary period of not more than two (2) years, after which they shall serve without tenure, provided their appointment is confirmed by the Post Executive Committee, and be subject to removal only by a two-thirds (2/3) vote of the Post Executive Committee.
  - c. Vacancies occasioned by death or resignation or such removal as designated above shall be filled in the same manner as original appointments were made, and first consideration to be given to present qualified appointive paid officers.

## **Article XI Finance**

- A. 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.
- B. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.
- C. The Post shall pay to Departmental headquarters the National and Departmental annual membership dues for every member of this Post.
- D. The Commander has the authority to disburse no more than \$100 per occurrence limited to 3 separate occurrences per month( total of \$300 ) for the operation of the Post- including the needs of Veterans and their families that may arise between regularly scheduled membership meetings. The membership will be advised of such disbursement (s) at the next scheduled

membership meeting, the authorization (s) MUST be approved by at least 3 Post Officers before disbursement is made.

## **Article XII BONDING OF OFFICERS**

All designated Post officials and employees handling American Legion funds shall be properly bonded by a good and solvent bonding and Surety Company in such amount as good business practice dictates. All bonds and bonding companies shall be first approved by the Post Executive Committee whichever pertains.

## **Article XIII Charter Members**

Members who joined this Post prior to January 26, 1989 (or members who joined this Post prior to the issuance of charter) shall be known as charter members.

## **Article XIV AUXILIARIES**

### **A. The American Legion Auxiliary**

- a. The John M. West Post 408, Derby-Haysville, The American Legion, Department of Kansas recognizes an auxiliary organization known as “The American Legion Auxiliary.”
- b. Membership in The American Legion Auxiliary shall be as prescribed in the Constitution and By-laws of the national organization of THE AMERICAN LEGION.
- c. The Auxiliary shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any persons seeking public office or preferment.
- d. Each Auxiliary shall be an independent Unit, and shall be attached to a regularly chartered and active Post of THE AMERICAN LEGION, and shall, at all times, be subject to regulation by the National and Department Executive Committees.

### **B. The Sons of The American Legion**

- a. The John M. West Post 408, Derby-Haysville, The American Legion, Department of Kansas recognizes an organization known as “The Sons of The American Legion”.
- b. All male descendants, adopted sons and stepsons of members of The American Legion, and such male descendants of veterans who died in service during World War I or since December 7, 1941, during the delimiting periods set forth in Article IV, Section 1, of the National Constitution of The American Legion or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion. There shall be no form or class of membership except an active membership.
- c. The Sons of The American Legion shall be absolutely non-sectarian and non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person or group seeking public office or preferment.

- d. The Sons of The American Legion Squadron shall be organized under the jurisdiction, control and sponsorship of John M. West, The American Legion, Post 408 and shall bear the name as follows: “Sons of The American Legion, John M. West Squadron 408, Detachment of Kansas, THE AMERICAN LEGION”. and the Post Commander shall appoint a committee person from the Post to supervise the activities of the Squadron.

### **C. The American Legion Riders**

- a. The John M. West Chapter 408, Derby-Haysville The American Legion Riders is a program of John M. West, The American Legion, Post 408 and The Department of Kansas, The American Legion. Its purpose is to participate in and promote the aims and purposes of John M. West, The American Legion, Post 408 and The Department of Kansas, The American Legion. Promote motorcycle safety while providing a social atmosphere for members of The American Legion family who share common interests in serving veterans, their communities and motorcycling.
- b. Promote, support and participate in the programs and ceremonies of The American Legion including calling for a full accounting of all prisoners of war and those missing in action; and honoring our nation’s fallen soldiers, sailors, airmen and marines, and to support their families.
- c. Not enter into any association or club/council membership with any outside organization that may act, collect monies or vote in any manner outside the control of The American Legion.
- d. Avoid the perception of being a “motorcycle club” or biker club
- e. As per Article II, Sections 1, 2, 3 and 4, Department of Kansas American Legion Constitution, members of the Department of Kansas American Legion Riders must;
- f. Be a member of The American Legion, American Legion Auxiliary, or Sons of The American Legion whose annual dues are current in their respective organization or program, and whose application for membership in the American Legion Riders has been approved by the sponsoring Post.
- g. Must own and be licensed to operate a motorcycle of at least 250cc or be the spouse of a licensed owner who is a current member of The American Legion Riders.
- h. Membership in The American Legion Riders may be retained and continued if after one year:
- i. A member becomes disabled to an extent which prevents them from physically operating a motorcycle safely; or be the surviving spouse of a member who was the owner and operator as defined in Section B above, or the spouse of a disabled member who meets the requirements in this Sub-section AND Is approved for continued membership by a majority vote of the Chapter’s general membership

## **ARTICLE XVI REGALIA**

- A. Wearing, exhibition or use of THE AMERICAN LEGION emblem shall be authorized only by the Department Commander or his/her designated representative, subject to the approval of the National Constitution and By-Laws.



- B. The wearing of the uniforms or insignia bearing the emblem of THE AMERICAN LEGION, which trade mark is owned by the National Organization, shall be regulated by the Department Executive Committee within the limits provided by the National Organization.
- C. American Legion Caps. The official American Legion, Department of Kansas cap shall be the standard navy blue cap produced under the minimum specifications as provided by the National Emblem Sales Division, and is the official insignia of the Legionnaire, with the following exceptions only:
- D. The white American Legion cap may be worn by the current elective Department Officers, the Department Adjutant, the Department Assistant Adjutant, the Department Chaplain, the Director of Rehabilitation, the Assistant Director of Rehabilitation, Department Service Officer(s), the Department Judge Advocate, the Department Assistant Judge Advocate, the Department Assistant Finance Officer, the Department Historian, and the Department Membership Chairman during their term of office only.
- E. The blue bottom and white top cap may be worn by the current elective District Officers, the District Adjutant and the District Judge Advocate, during their term of office only.
- F. Post, District and Department officers and chairmen of Department committees may attach a patch such as furnished by the National Emblem Sales Division, indicating their present position or title as authorized above. Past Post, District and Department officers shall wear the regulation blue Legion cap but may attach a patch such as is supplied by the National Emblem Sales Division, indicating their former position or state their past title with year(s) held.
- G. No subsidiary unit such as musical organizations, drill teams, color guards, etc. shall wear any cap authorized for National, Department, or District officers.

## **ARTICLE XVI**

### **Amendments**

- A. 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 Kansas of The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.
- B. 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 that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, that written notice shall have been given to all members at least 30 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.

Dated, 7-2-2020

Bryan L Page

Commander

John M. West, American Legion Post 4085