

# CONSTITUTION AND BYLAWS

## POST CONSTITUTION CONSTITUTION OF THE TIREY J. FORD POST NO. 21, DEPT. OF MISSOURI

### 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 the Great 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

**Section 1.** The name of this organization shall be Tirey J. Ford Post No. 21 of the American Legion, Department of Missouri.

#### ARTICLE II - OBJECTS

**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 Department Constitutions of the American Legion.

#### ARTICLE III - NATURE

**Section 1.** This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

**Section 2.** This organization 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 person seeking office or preferment.

#### ARTICLE IV - MEMBERSHIP

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

**Section 2.** 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 or more of the members present and voting cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from the date of such rejection.

**Section 3.** Any member of this Post may be expelled or suspended upon charges based upon disloyalty, dishonesty, or conduct unbecoming of a member of the American Legion, (See Department Bylaws) by two-thirds vote of the members present and voting after charges are preferred under oath in writing, and a fair trial had upon the same, as prescribed by the National and Department Bylaws of the American Legion.

**Section 4.** 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, he may appeal to the Executive Committee of the expelling Post for permission to apply for membership in this Post, and shall be ineligible to apply for membership until such permission is granted.

## **ARTICLE V - OFFICERS**

**Section 1.** The administrative affairs of this Post of the American Legion shall be under the supervision of the Post Executive Committee which shall consist of the elected Officers of the Post and the immediate Past Commander. This Post, by it's Bylaws, 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, First Vice-Commander, Second Vice-Commander, Third Vice-Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Sergeant at Arms, and Judge Advocate. The nominating Committee shall be composed of all currently paid up members who are Past Commanders of this Post and shall submit a slate of officers to the floor at the meeting preceding the annual election. The outgoing Commander shall serve on the Executive Committee for a period of one year.

**Section 3.** All officers shall be elected annually and they shall hold office until their successors are duly elected and installed. Any officer may be removed for inefficiency upon the recommendation of the Executive Committee and by three-fourths vote of the membership present at the regular Post meeting.

## **ARTICLE VI - FINANCE**

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

**Section 2.** The amount of such annual Post dues shall be fixed and determined by the Post Executive Committee with approval of the majority of the Post membership present at the regular Post meeting.

## **ARTICLE VII - AMERICAN LEGION AUXILIARY**

**Section 1** This Post recognizes an Auxiliary organization known as the Tirey J. Ford Post 21 Auxiliary Unit of the American Legion Auxiliary.

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

## **ARTICLE VIII - HOME ASSOCIATION**

**Section 1.** This Post recognizes the Home Association known as the Tirey J. Ford Post Home Association.

**Section 2.** This post shall abide by the Home Association Articles of Agreement as filed with the Secretary of State, State of Missouri.

## **ARTICLE IX – 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 American Legion, Department of Missouri. Any amendment to said National 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.

**Section 2.** This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting of the Post and provided further, that written notice shall have been given all members at least seven days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposed amendment of the Constitution is to be voted upon.

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

**Section 1.** This Post recognizes a Sons of The American Legion organization known as “The Sons of The American Legion Squadron of The Tirey J. Ford Post 21 of The American Legion, Department of Missouri.”

**Section 2.** Membership in The Sons of The American Legion shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by The Department of Missouri Executive Committee.

**BYLAWS OF THE TIREY J. FORD POST NO. 21,  
DEPT. OF MISSOURI**

**ARTICLE I – MANAGEMENT**

**Section 1.** The management of the Post is entrusted to an Executive Committee of the elected officers and immediate Past Commander for each ensuing year.

**Section 2.** The Executive Committee shall consist of the officers of the Post who shall be elected annually at the first meeting of the Post in the month of June. Officers elected shall be installed after the annual Department Convention, but no later than October 20th. All elections of officers shall be by ballot and the candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates and the results announced. Nomination for any office must be made at the May post meeting. All nominations will be made from the floor and when there is only one nominee for any office, then that nominee will be consider elected by acclamation and will not appear on the ballot. If there are no nominees for any one office or offices, then the person holding that office will continue to hold office until the election the following year.

**Section 3.** All vacancies existing in any office of the Post for any cause other than the expiration of the term, shall be filled by a majority vote of the members at the regular Post meeting and a person so elected shall hold office for the unexpired term of the officer whom he succeeds. Nominations shall be made from the floor and shall be voted on at the next monthly meeting. A vacancy shall exist when an officer is absent from his post for three consecutive regular meetings of the Post. The Executive Committee shall make recommendations to fill such vacancies.

**Section 4.** Nepotism and conflicts of interest are prohibited in this Post. Any current elected officer or a member appointed to any committee may not have an immediate family relative employed in any capacity for the Post.

**ARTICLE II - DUTIES OF OFFICERS**

**Section 1.** Duties of the 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 shall be Chief Executive Officer of the Post. The Post Commander shall perform such other duties as directed by the Post.

**Section 2.** The First Vice-Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of: or when called upon by the Post Commander. The First Vice-Commander shall serve as the Chairman of the Membership Committee.

**Section 3.** The Second Vice-Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the Commander and the First Vice-Commander. The Second Vice-Commander shall serve as the Chairman of the Entertainment Committee.

**Section 4.** The third Vice-Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the Commander, First Vice-Commander, and Second Vice-Commander. The Third Vice-Commander will assist the Second Vice-Commander in his duties.

**Section 5.** 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, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post.

**Section 6.** The Finance Officer of the Post shall have charge of all finances except the Bingo Finances and see that they are deposited in a local bank or banks, and shall report once a month to the Executive Committee and the Post at the regular meeting, the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer, or his designee, shall sign all checks, except those of the Bingo Account, disbursing the monies of the Post. All invoices and or statements requesting payment shall be approved by the Manager and one officer of the Post. The Finance Officer may designate an officer of the Post to sign all checks in the event of his absence or incapacitation. This shall be done in writing and subject to the approval of the Executive Committee. He shall furnish surety bonds, at Post expense, as directed by the Executive Committee. He shall serve on the Post Budget and Finance Committee as an ex-officio member without a vote.

**Section 7.** The Post Historian shall be in charge of the individual records and incidents of the Post and Post members, and shall perform other such duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

**Section 8.** The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc.; and to adhere to such ceremonial rituals as are recommended by the National or Department Headquarters, from time to time.

**Section 9.** The Sergeant At Arms shall preserve order at all meetings and he shall perform such other duties as may be, from time to time, assigned to him by the Post Executive Committee.

**Section 10.** The Judge Advocate is to supply professional advice or to procure proper council in the conduct of the Post business. He is the guardian of the constitutional form of Post government.

**Section 11.** The Service Officer will be charged with veterans in need and particularly their dependents, as well as for the welfare of the members of the Post.

### **ARTICLE III - DELEGATES**

**Section 1.** Delegates and alternates to a Department and District convention shall be elected at a regular meeting of the Post to be held at least thirty (30) days prior to the date of the convention.

### **ARTICLE IV - APPOINTMENTS**

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint (except as otherwise provided by this Article) the following standing committees, with approval of the Executive Committee: Americanism, Athletic Officer, Bingo, Boys State, Budget and Finance, Cadet Patrol, Dance, 5th District Delegate and Alternate (in odd years for 2 years), Home Improvements, House, Kitchen, Legislative, Membership, Newsletter, Oratorical, Patriotic Council, Public Relations, R.O.T.C., Salvation Army, School Awards, and Veterans Affairs and Rehabilitation. Such standing committees (and others as needed) shall consist of such members and the Chairman thereof as shall be designated by the Post Commander. Committee members may be removed for missing three (3) consecutive regularly scheduled committee meetings with the approval of the Executive Committee. The Commander shall have the authority to remove any member of a committee that has shown disloyalty to the Post, Legion or Nation. Such removal shall be approved by a two-thirds (2/3) majority of the entire Executive Committee.

**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.** Budget and Finance Committee. The Budget and Finance Committee shall be composed of five appointed members and shall be charged with the administration of the financial policy and preparation of budget recommendations. The appointments shall be made for staggered terms, so that in the following years, only one-fifth (1/5) of the members are newly appointed each year. Should an unexpired vacancy exist, the Commander, with the approval of the Executive Committee, shall appoint a replacement to fill the unexpired term of the vacancy, whether it be for one or more years. The Budget and Finance Committee will be responsible for the Post budget and budget recommendations to the Executive Committee. Once the Post budget is adopted, it shall

not be changed or altered without the consent of the Budget and Finance Committee or in the absence of such approval, by a two-thirds (2/3) vote of the Executive Committee. No person shall be appointed to the Budget and Finance Committee who, at the time of his appointment, is a member of the Executive Committee. The Budget and Finance Committee shall meet at least once each quarter to review the budget and expenditures and shall report results of said meeting at the next regularly scheduled meeting of the Executive Committee.

**Section 4.** House Committee. The House Committee shall supervise all matters pertaining to the care of the Post building and properties, including the lounge and main hall. The House Committee shall be responsible for the hiring, discharging and supervision of the Building Manager. The Building Manager shall be responsible for the hiring discharging and supervision of all other employee's. The House Committee is responsible for reviewing all hiring and discharging of employees to ensure all laws are adhered to. In the event a vacancy exists in the Building Manager position, the House Committee shall operate the Post. The House Committee shall authorize expenditures of up to Two Hundred Fifty dollars (\$250.00) for any one item for said operation. The House Committee shall consist of five (5) appointed members. The appointments shall be for staggered terms so as one member's term expires each year, the incoming Commander shall appoint one new member to the House Committee for a term of five (5) years. If a vacancy exists for any other reason, the Commander shall appoint a replacement to complete the unexpired term. All appointments must be approved by the Executive Committee.

**Section 5.** Legislative Committee. The Legislative Committee needs to have 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 organizations.

**Section 6.** 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 7.** Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with the American Legion Magazine, Department and National Legion news service, and by local publicity of Post programs and activities.

**Section 8.** Veterans Affairs and Rehabilitation Committee. The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to the service to comrades in the prosecution of all just claims against the United States, state governments, employment, relief, etc.

## **ARTICLE V - MEETINGS**

**Section 1.** The regular meetings of the Post shall be held at the Post Home, so designated on the first Thursday of each month, at a time determined by the Post Executive Committee and approved by the membership; and meeting time can be changed only once a year. Business may be transacted that is properly brought up for action. Such meetings may be converted into entertainment meetings, as may be deemed proper by the Officers of the Post.

**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.** Fifteen (15) members shall constitute a quorum.

## **ARTICLE VI - RULES OF ORDER**

**Section 1.** All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

## **ARTICLE VII - LIMITATIONS AND LIABILITIES**

**Section 1.** The Post shall not incur, or cause to be incurred, any liability or obligations whatever, which shall subject to liability any other Post, sub-division, group or members of the American Legion, or other individuals, corporations, or organizations.

**Section 2.** No one will use the Post logo or name without approval from the Executive Committee and the membership.

## **ARTICLE VIII - RESOLUTIONS**

**Section 1.** All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post; and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken. All resolutions shall be presented to the Executive Committee for approval prior to being presented at the Post meeting.

## **ARTICLE IX - NOTICES**

**Section 1.** Every member shall furnish the Post Adjutant with their address for mailing purposes.

**Section 2.** The Post Adjutant shall cause notice of the annual election to be given at least seven (7) days prior thereto.

## **ARTICLE X - AMENDMENTS**

**Section 1.** These Bylaws 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 preceding meeting of said post; and provided further, that published notice shall have been given to all members at least seven (7) days in advance of the date when such amendment is to be voted upon and notifying said members that at such meeting a proposed amendment of the Bylaws is to be voted upon.

**Approved 12/06/2007 at the regular Post meeting**

**Ray Schaaf  
Judge Advocate**