

Constitution
&
Bylaws
Of
Marshall LaBree
Post 304



As Approved
Date to be announced

CONSTITUTION and BYLAWS

Revised November 1, 2011

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 association 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 principals of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

CONSTITUTION

Article I – Name

Section 1. The Post existing under this Constitution shall be known as Marshall LaBree Post No. 304, Inc., The American Legion Department of Florida.

Article II – OBJECTS

Section 1. The objects and purpose 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 and membership therein does not affect or increase liability for military service.

Section 2. This organization shall be absolutely non-political, and shall not be used for the dissemination of partisan principals or for the promotion of the candidacy of any person seeking public office or preferment. A member in political office can hold an elective or appointive office in Post 304 subject to no conflict in office and post approval.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this post.

Article IV – MEMBERSHIP

Section 1. Any person shall be eligible for membership in this post who was or is a member of the Army, Navy, Marine Corps, Coast Guard, Air Force or Merchant Marines of the United States and assigned to active duty during any of the periods provided for in the National Constitution of The American Legion, or who being a citizen of the United States at the time of entry therein, served on active duty in the armed forces of any such government 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, or continued honorable after any of said periods; provided further 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 to military discipline or unqualified service. The verification of such service and honorable discharge to be in the form of a DD214.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a Legionnaire at any one time of more than one post.

Section 4. Any member of this post may be expelled for cause by a two-thirds vote of the executive committee after charges are preferred under oath in writing, and a fair trial had upon same. Expulsion to be in such a manner and form as the Department Constitution and Bylaws provides.

Section 5. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by two-thirds vote of the membership present in post meeting; provided however, that he shall make payment of any arrears in his dues at the time of expulsion or suspension, and also other regular dues which have been payable in the interval between his expulsion or suspension and his reinstatement.

Section 6. No member who has been expelled by a post shall be admitted to membership in another post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, he may then appeal to the state executive committee of the department of the expelling post for permission to apply for membership in another 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 bylaws, be under the supervision of an executive committee which shall consist of five 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.

Section 2. The officers of this post shall be sixteen (16), thirteen (13) elected and three (3) appointed, namely:

Elected

1. Commander
2. 1st Vice Commander
3. 2nd Vice Commander
4. Finance Officer
5. Chaplain
6. Historian
7. Sergeant-At-Arms
8. Assistant Sergeant-At-Arms
9. Executive Committeeman
10. Executive Committeeman
11. Executive Committeeman
12. Executive Committeeman
13. Executive Committeeman

Appointed

1. Adjutant
2. Service Officer
3. Judge Advocate

Section 3. With the exception of the Adjutant, Judge Advocate and Service Officer, all officers shall be nominated and elected annually by the Post membership.

Section 4. All officers and executive committee shall hold office until their successors are duly installed or as otherwise provided. Any officers or executive committeemen may be removed by charges against him being given under oath and in writing and a fair trial by the executive committee whose judgment is voted on and a decision made by the Post at the next regular meeting.

Section 5. All officers are expected to attend all Executive Board meetings and General Meetings as a part of their job. If after missing three (3) meetings (either 2 Executive Board and 1 General Meeting or 2 General Meetings and 1 Executive Board meeting) successively without notifying either the Commander or 1st Vice Commander prior to the meetings and for a valid reason (illness, death of family or friend or accident) he/she will be considered to have created a vacancy and can be removed from that office. The Commander will then appoint a replacement which the Executive Board must approve.

Section 6. The Adjutant, Service Officer and Judge Advocate shall be appointed by the Commander-Elect, subject to the approval of the Executive Committee-Elect at its organizational meeting as provided for in the bylaws.

Section 7. Nominations for the elected offices of this post shall be made from the floor two (2) meetings preceding the election and the nominees must accept by the second meeting. Nominations will close following the second meeting. Only Legionnaires of Post 304 will be allowed to campaign. Auxiliary and SAL members are not allowed to campaign for Legion candidates.

Section 8. Election of Post officers shall take place at the annual meeting of the post and all elected officers shall be certified to the Department Adjutant not more than ninety (90) days, nor less

than ten (10) days prior to the Annual Department Convention, certification to be made on forms furnished or prescribed by the Department Adjutant. Post officers shall be installed, take office and enter upon their duties at a date to be fixed by the post, which date shall be subsequent to, but not later than sixty (60) days after the adjournment of the Annual Department Convention. In the event of a vacancy caused by death, resignation or removal from office, the name and address of the successor shall be reported to the Department Adjutant within one (1) week after such vacancy has been filled.

Section 9. Every member with proof of Honorable Discharge and in good standing in the post shall be eligible to hold office in the post. The proof of Honorable Discharge must be in the form of a DD214. All nominees must be paid current to be considered "in good standing."

Section 10. The duties of officers and the executive committeemen shall be those usually pertaining to such officers and committeemen and as further provided for in the bylaws.

Section 11. The newly elected Post Finance Officer will work directly with the outgoing Post Finance Officer immediately following the confirmation of the voting results. The incoming Post Finance Officer will be involved in and be made aware of all Post financial transactions from the date they are elected going forward.

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 dues shall be fixed and determined by this post.

Section 3. The post shall pay to Department Headquarters the National and departmental annual membership dues for every paid member of the post excluding PUFL'S.

Article VII – CHARTER MEMBERS

Section 1. Members who joined this post prior to September 30, 1949, shall be known as charter members.

Article VIII – AMERICAN LEGION AUXILIARY

Section 1. The post, realizing the importance of the aid to be obtained from such an organization and the importance of their work in the community, recognizes an organization known as the Auxiliary to the Marshall LaBree Post 304. The American Legion, Department of Florida, and Post 304 expects the post members to cooperate with the members of the Auxiliary wherever possible.

Article IX - SONS OF THE AMERICAN LEGION

Section 1. This post recognizes a subsidiary organization under its jurisdiction, to be known as The Sons of The American Legion, Squadron 304.

Section 2. Qualification for membership in The Sons of The American Legion shall be as prescribed by the National Organization of The American Legion.

Section 3. This squadron shall, at all times, be subject to regulations by this post, the Department Executive Committee, the Department Convention, the National Executive Committee of The American Legion, The National Sons of The American Legion, the Detachment of Florida Executive Committee and the Detachment of Florida Convention.

Section 4. The revenue of this squadron shall be derived from annual dues of members, and by such other means as may be determined by the squadron.

Article X - AMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the National Constitution of The American Legion and the Department Constitution of the Department of Florida, The American Legion. Any amendment to said national or department constitution which is in conflict with any provisions thereof 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, provided that the proposed amendments shall have been submitted in writing and read at two (2) preceding regular meetings of said post, and providing, further, that written notice shall have been given to all members at least 14 days in advance of date when such amendment is to be voted upon. Written notice includes; newsletter, letter, email or notification via our post website.

Article XI – EFFECTIVE DATE

Section 1. This constitution shall become effective immediately upon approval by the Department of Florida, The American Legion, and shall revoke and annul any previous constitution of the post.

Amended by Post	Date upon approval of membership
Approved by Department	Date upon approval of Department

Bylaws

Article I

Section 1. The post existing under these bylaws is to be known as Marshall LaBree Post 304 inc., The American Legion, Department of Florida.

Section 2. The object of this post is set forth in the constitution.

Article II – POST EXECUTIVE COMMITTEE

Section 1. The government and management of the post are entrusted to a committee, said committee to be known as the Executive Committee.

Section 2. The Executive Committee shall consist of five members in addition to the officers of this post and together with the officers of this post shall be elected and installed annually in accord with Department By-Laws. 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 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 whom he succeeds.

Section 4. 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 ten (10) days after the installation of the new officers. Thereafter, as said Commander may deem necessary. The Commander shall call a meeting of the post executive committee upon joint written request of three or more members of said post executive committee, or a majority of the committee shall constitute a quorum thereof.

Section 5. The post executive committee shall hire such employees as may be deemed necessary; shall authorize and shall require adequate bonds from all persons having custody of post funds; shall hear the reports of the post committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of the post.

Section 6. Any expenditure over \$500 must be approved by 50% + 1 of the Executive Board members in case of emergency and shall be ratified at the next regular meeting.

Article III – 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

such officer shall be the chief executive officer of the post. He/**she** shall perform such duties as directed by the post.

Section 2. Duties of the First Vice Commander. Shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander, or when called upon by the Commander. He/**she** is charged with the responsibility for membership drives and recruiting new members.

Section 3. Duties of the Second Vice Commander. Shall assume and discharge the duties of the Commander in the absence or disability of the Commander and First Vice Commander, or when called upon by the Commander or First Vice Commander. He/she is charged with the responsibility of kitchen operations except for American Legion Auxiliary functions.

Section 4. Duties of the Post Adjutant. The adjutant shall have charge of and keep a full 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 5. Duties of the Finance Officer. The finance officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the executive committee 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. He/she shall oversee the disbursements of moneys of the post together with the commander. He/She shall furnish such surety bond in such sum as shall be fixed by the post executive committee. All checks drawn on such funds shall be signed by the Post Finance Officer or Post Adjutant and Post commander or First Vice Commander.

Section 6. Duties of the 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 properly pertain to the office as may be determined by the post executive committee.

Section 7. Post Chaplain. 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, shall be in charge of the Memorial Day Services, etc., adhere to such ceremonial rituals as are recommended by the national and department headquarters from time to time.

Section 8. Duties of the Service Officer. He/She shall assist all veterans in all matters pertaining to service records, hospitalization and contact with Veterans Administration and other government agencies.

Section 9. Duties of the Judge Advocate. He/She shall advise the officers and executive committee on all legal matters pertaining to the post, including the construction and interpretation of the National, Department, and Post Constitution and By-Laws. The Judge Advocate will act as Parliamentarian and perform other duties as are usually incident to the office.

Section 10. Duties of the Sergeant-At-Arms and Assistant Sergeant-At-Arms. The Sergeant-At-Arms and Assistant Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to them by the post executive committee, and be on call for the commander at all times.

Article IV – DELEGATES

Section 1. Delegates and alternates to a department convention or district conference shall be elected by plurality method by the post at a regular meeting of the post to be held at least 20 days prior to the date of such convention or conference. Anyone who has gone in the last three years will be ineligible to be on the ballot unless there are not enough members who wish to attend.

Section 2. There shall be a Pre-conference meeting of members of convention to report voting at convention.

Article V – APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees; Membership, House Finance, Legal, Public Relations, Service, Visiting, Americanism, Captain of the Guard of Honor, Athletic, State and Graves Registration. Such standing committees shall consist of such members and the chairman thereof as shall be designated by the post commander. The post commander may appoint such other committees as he deems necessary.

Section 2. Membership Committee. The membership committee shall have charge of all matters pertaining to the membership of the post, including the procuring of new members, reinstatement and eligibility of members. This committee is to be chaired by the First Vice Commander.

Section 3. Building Committee. The house and entertainment committee shall have charge of all matters pertaining to the care of the post quarters, promotion of club advantages and arrangement of social activities. The committee shall take inventory of contents of building when requested by post commander or executive committee. This committee is to be chaired by the Second Vice Commander.

Section 4. 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. The Finance Officer is to chair this committee and to prepare a budget every year.

Section 5. Legal Committee. The legal committee shall be charged with the legal supervision of post affairs. This committee is to be chaired by the Judge Advocate.

Section 6. 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. This program shall be chaired by the Public Relations Chairman.

Section 7. Rehabilitation and Service Committee. The Rehabilitation and Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State Government, employment, relief, etc. This committee is to be chaired by the Post Service Officer.

Section 8. Visiting Committee. The visiting committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-service men and women in nearby hospitals. This committee is to be chaired by the Post Chaplain and/or Post Service Officer.

Section 9. Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism; and good citizenship by arrangements for proper observances 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 form, etc., and activities for community and civic betterment. The Commander will appoint a chairperson.

Section 10 Children & Youth Committee. The Children & Youth Committee shall be charged with the 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 act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge the "NO CHILD OF A WAR VETERAN SHALL BE IN THE NEED OF THE NECESSITIES OF LIFE" and "A SQUARE DEAL FOR EVERY CHILD". The Commander will appoint a chairperson.

Section 11. Civil Defense and Disaster Committee. With the consent and advice of the constituted authorities, a permanent committee on home defense and disaster relief should be organized. The Commander will appoint a chairperson.

Section 12. Boys State Committee. Shall follow the rules as set up by Department of Florida, American Legion Boy's State, Inc. Endeavor to select the best boys possible in a most democratic manner. Boys are to be presented to the post and to CO-sponsoring organizations upon their return from Boy's State. The Commander will appoint a chairperson.

Article VI – RESOLUTIONS

Section 1. All resolution 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 on the subject 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.

Article VII - MEETINGS

Section 1. The regular meeting of this post shall be held at the post on the fourth Tuesday of each month at which may be transacted such business as may be properly brought up for action.

Section 2. The Post Commander or majority of the executive committee shall have the power to call a special meeting of the post at any time.

Section 3. Upon written request of ten (10) post members, the executive committee shall call special meeting of the post.

Section 4. Notice of all special meetings shall be posted or given in writing to the membership or mailed at least four (4) days prior to such meeting.

Section 5. Ten (10) members shall constitute a quorum at a regular meeting.

Section 6. Six (6) members shall constitute a quorum at an executive committee meeting.

Article VIII – NOTICES

Section 1. Every member shall furnish the post adjutant with his or her exact address for mailing purposes.

Section 2. The post adjutant shall cause notice of the annual election to be given at least two (2) week's prior thereof, to be posted via email, letter, newsletter, website or a combination thereof.

Article IX – RULES OF ORDER

Section 1. All proceeding of this post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided, National and Department Constitution and By-Laws and sections covered by Departments Robert's Rules of Order.

Article X – LIMITATIONS OF LIABILITIES

Section 1. This post shall not incur, or cause to be incurred, any liability or obligations whatsoever which shall subject to liability any other post, subdivision, or group, members of the American Legion, or other individuals, corporations or organizations.

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