

**AMERICAN LEGION
TIDEWATER, POST 327**

CONSTITUTION

- **ARTICLE I**

- **NAME**

- **SECTION 1.** The name of this organization shall be TIDEWATER POST number 327, THE AMERICAN LEGION, DEPARTMENT OF VIRGINIA.

- **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 Departmental Constitution of the American Legion.

- **ARTICLE III**

- **NATURE**

- **SECTION 1.** This Post is a civilian organization and membership therein does not affect of 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 public office or preferment. No candidate for nomination or election to, or no incumbent of, any remunerative elective office, shall hold any elective office or any appointive remunerative office in this Post of THE AMERICAN LEGION, provided that members of the Post standing committees shall not be affected.
- **SECTION 3.** Rank does NOT exist in THE AMERICAN LEGION; no member shall be addressed by his military or naval title at any meeting of this Post.

- **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.** 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 members present cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not be again be considered until after the expiration of the six (6) months from the date of such rejection.
- **SECTION 4.** Any member of this Post may be expelled for a cause by a two (2) thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial held upon the same by the Executive Committee.
- **SECTION 5.** A member who has been suspended or expelled from this Post for any cause may be reinstated to membership by a two (2) thirds vote of the membership present in the Post meeting; provided however, that he shall make payment of arrears in his dues at the time of expulsion or suspension, and also other regular dues which have been payable during the interval between his expulsion or suspension and his reinstatement.
- **SECTION 6.** No person 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 By-Laws, be under the supervision of an Executive Committee which

shall consist of two (2) members in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one (1) 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, a First Vice Commander, a Second Vice Commander, an Adjutant, a Finance Officer, a Service Officer, a Historian, a Post Chaplain and a Sergeant at Arms, and such other officers as may be deemed necessary by this organization. These officers shall be nominated from the floor at the meeting preceding the annual elections.
- **SECTION 3.** All Officers and Executive Committeemen shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any Officer or Executive Committeemen may be removed for inefficiency by the Executive Committee, a two (2) thirds vote of said committee being necessary to effect such removal.
- **SECTION 4.** Any member of this Post in good standing shall be eligible to hold office in this Post, provided he has been officially initiated by the American Legion.
- **SECTION 5.** The duties of Officers and the Executive Committeemen shall be those as pertaining to such Officers or Committeemen and as further provided in the 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, Departmental and pay to District the annual membership dues for every member of this Post.

- **ARTICLE VII**
- **CHARTER MEMBERSHIP**
- **SECTION 1.** Members who joined this Post prior to November 11, 1919 (or members who joined this Post prior to the issuance of charter) shall be known as charter members. (Note: The matter of charter membership for the permanent charter is left to the decision of the Post members).
- **ARTICLE VIII**
- **AMERICAN LEGION AUXILIARY**
- **SECTION 1.** This Post recognizes an auxiliary organization to be known as the American Legion Auxiliary Unit 327.
- **SECTION 2.** Membership in the American Legion Auxiliary shall be as prescribed in the National Constitution of the AMERICAN LEGION AUXILIARY.
- **ARTICLE IX**
- **AMENDMENTS**
- **SECTION 1.** This constitution is adopted subject to the provision of the National Constitution of the AMERICAN LEGION and of the Departmental Constitution of the Department of Virginia, 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
- **SECTION 2.** This constitution may be amended at any regular Post meeting by a vote of two (2) 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 preceding regular meeting of said Post, and providing further, that written notice shall have been given to all members at least fifteen (15) 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.

**AMERICAN LEGION
TIDEWATER, POST 327**

BY-LAWS

• **ARTICLE I**

• **NAME**

• **SECTION 1.** The Post existing under these By-Laws is to be known as TIDEWATER POST NUMBER 327, THE AMERICAN LEGION, Department of Virginia.

• **SECTION 2.** The objectives of this Post are set forth in the constitution.

• **ARTICLE II**

• **MANAGEMENT**

• **SECTION 1.** The government and management of this Post is entrusted to the Executive Committee.

• **SECTION 2.** The Executive Committee shall consist of the elected Officers of the Post plus three (3) additional members who shall be the immediate Past Commander and two members elected from the floor. Dates of nominations, first meeting in May. Elections, second meeting in May. Installation of Officers will be completed prior to the Department Convention. 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.

• **SECTION 3.** All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than 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. A vacancy shall exist when any officer of the Post or member of the Executive Committee absents himself for three (3) consecutive meetings of the Post without having exhibited in advance his interest in the Post by explaining a cause for his absence satisfactory to the Post.

• **SECTION 4.** Effective July 1, 1964 the Executive Committee of

the AMERICAN LEGION TIDEWATER POST 327 shall be relieved of all duties and responsibilities, physical, financial or otherwise, for the operation of the American Legion TIDEWATER POST 327 Club and that these duties and responsibilities be charged to the duly elected Officers and Members of the Board of Directors of the American Legion TIDEWATER POST 327 Association.

- **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 ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander "at least once a month" or 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 (3) or more members of said Post Executive Committee, seven (7) members of the committee shall constitute a quorum thereof.

- **ARTICLE IV**

- **DUTIES OF POST 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. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post.

- **SECTION 2. DUTIES OF THE 1ST VICE COMMANDER:** The 1ST 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.

- **SECTION 3. DUTIES OF THE 2ND VICE COMMANDER:** He shall perform the duties as prescribed in the handbook of the American Legion. He shall also be chairman of all Post activities involving entertainment. He shall be accountable to the Post for all monies received or expended for the above Post activities.

- **SECTION 4. DUTIES OF THE POST ADJUTANT:** The Adjutant shall have

charge and keep a full and accurate 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 Post 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 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 shall be furnished with such surety bond in such sum as shall be fixed by the Post Executive Committee.
- **SECTION 6. DUTIES OF THE SERVICE OFFICER:** The Service Officer is Responsible for complying with the duties as prescribed in the handbook of the American Legion.
- **SECTION 7. 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 may properly pertain to the office as may be determined by the Post or the Executive Committee.
- **SECTION 8. DUTIES OF POST CHAPLAIN:** The Post Chaplain shall be charged with the spiritual welfare of the Post members and will offer divine but not sectarian service in the event of dedications, funerals, public functions, etc. Adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.
- **SECTION 9. DUTIES OF THE SERGEANT AT ARMS:** The Sergeant at Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the Post Executive Committee.
- **ARTICLE V**
- **DELEGATES**
- **SECTION 1.** Delegates and Alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention.
- **ARTICLE VI**
- **APPOINTMENTS**

- **SECTION 1.** The Post Commander shall immediately upon taking office each year, appoint the following standing committees; Membership, Finance, Child Welfare, Legal/J.A.G., Publicity, Service, Visiting, Americanism, Athletic, Boy Scouts and Sea Scouts and any other as may be deemed necessary. Such committees shall consist of such members and the Chairman thereof, as shall be designated by the Post Commander.
- **SECTION 2.** The **Membership Committee** shall have charge of all matters pertaining to the membership of the Post, including the procuring and screening of new members, reinstatement and the eligibility of members.
- **SECTION 3.** **Additional Finance Committees:** Any committee handling monies shall submit an itemized report to the Post Commander when so directed.
- **SECTION 4.** The **Legal/ J.A.G. Committee** shall be charged with the legal supervision of Post affairs and audit of Post finance accounts.
- **SECTION 5.** The **Publicity Committee** shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contracts with the American Legion magazine, Department and National Legion news service and by local publicity of Post programs and activities.
- **SECTION 6.** The **Rehabilitation and Service Committee** shall supervise all matters pertaining to service to members in the prosecution of all just claims against the United States or State Governments, employment, relief, etc.
- **SECTION 7.** The **Visiting Committee** is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.
- **SECTION 8.** 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 propoganda by education of the general public in American ideals through public forums etc., and activities for community and civic betterment.
- **SECTION 9.** The **Athletic Committee** shall be charged with the promotion of physical development and clean sports by the organization or Post athletic teams, recreation, etc., and by cooperation with athletic programs of the community.

- **SECTION 10.** **Disaster Relief Committee:** With the consent and advice of the constituted authorities a permanent Post committee on home defense and disaster relief should be organized.
- **SECTION 11.** **Sons of the American Legion Committee:** Shall have overseership of the operations of the Post's Squadron of the Sons of The American Legion.
- **SECTION 12.** **Child Welfare Committee:** Shall be charged with service and aid 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 Legions 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 13.** **Defense Committee:** Shall work and coordinate Legion efforts with the local defense council on matters pertaining to National, Civilian and home defenses. To 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 14.** **Boy Scouts & Sea Scouts Advisors:** Shall coordinate liaison activities of the Post's sponsored Boy Scout Troop and Sea Scout Ship. Both advisors should work in conjunction with each other for the benefit of these youth activities.
- **ARTICLE VII**
- **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 on the subject and a copy of same shall be forwarded to Department headquarters for its approval before and publicity is given or action other than mere passage by the Post is taken.
- **ARTICLE VIII**
- **MEETINGS**
- **SECTION 1.** The regular meeting of this Post shall be held at the Post on the second Tuesday of each month, at which time may be transacted such business as may properly be brought up for action;

such meeting may be converted into an entertainment meeting, as may be deemed advisable 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. Should a quorum not be present at any regular meeting the Commander shall call a special meeting consisting of a majority of the Executive Committee to conduct any and all business as may be necessary, but not involving the expenditure of Post funds.
- **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 ten percent (10%) of the membership or twenty (20) members, whichever is the lesser. Furthermore, at least five (5) members of the Executive Board must be present.
- **ARTICLE IX**
- **NOTICES**
- **SECTION 1.** Every member shall furnish the Post Adjutant with his or her address for mailing purposes.
- **SECTION 2.** The Post Adjutant shall cause notice of the annual election meeting to be given at least two months prior thereto.
- **ARTICLE X**
- **RULES OF ORDER**
- **SECTION 1.** All proceedings of this Post shall be conducted under and pursuant to Roberts Rules of Order (Revised), except as herein otherwise provided.
- **ARTICLE XI**
- **LIMITATIONS OF LIABILITIES**
- **SECTION 1.** This Post shall NOT incur, or cause to be incurred, any liability or obligations which shall subject to liability, any other Post, subdivision, group of men, members of the American Legion, or other individuals, corporations or organizations.
- **ARTICLE XII**

- **DISBURSEMENT OF POST FUNDS**

- **SECTION 1.** Disbursement of Post funds, except where otherwise Stated in the Post By-Laws will be approved by a majority of Post members attending a regularly scheduled Post meeting.
- **SECTION 2.** The Post Commander shall have a contingency fund of \$100.00 per month, not to be accumulative.
- **SECTION 3.** The Post disaster relief committee is authorized to extend up to \$500.00 for special emergency situations with the approval of a majority of the Post Executive Committee. The general membership will be informed at the next regularly scheduled Post meeting when funds are disbursed.
- **SECTION 4.** Post funds will be made available to conduct Post business.
- **SECTION 5.** Post funds will be made available to the Post Service Officer to assist veterans and their families with approval of a majority of the Post Executive Committee up to \$200.00 per case. The general membership will be informed at the next regularly scheduled Post meeting when funds are disbursed.

- **ARTICLE XIII**

- **STANDING RULES**

- **SECTION 1.** Standing rules adopted at a regular Post meeting will be recorded and attached to a master copy of Post By-Laws.

- **ARTICLE XIV**

- **AMENDMENTS**

- **SECTION 1.** These By-Laws may be amended at any regular Post meeting by a vote of two (2) thirds of the members at said Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post, and providing further, that written notice shall have been given to all members at least fifteen (15) 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.