

# Constitution of Gahanna American Legion Post 797

## Department of Ohio

### 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 Gahanna Post #797, The American Legion, Department of Ohio.

### 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 departmental Constitutions of The American Legion.

### Article III---Nature

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

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

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

### 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 the members cast their vote against the acceptance of said application then such application shall be recorded as rejected.

Section 4. Members who joined this post prior to November 12, 2002, shall be known as Charter members.

Section 5. Any member of this post may be suspended or expelled in accordance with Article IV, Section 2 of the Department of Ohio By-Laws of the American Legion.

Section 6. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by a majority vote of the membership present in the post meeting for which a notice has been sent to the entire membership. An approved reinstatement is contingent upon payment of current dues for the year in which the reinstatement occurs.

Section 7. 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, may then appeal to the state Executive Committee of the department of the expelling post for permission to apply for membership in this post, and shall be ineligible for membership until such permission is granted.

Section 8. There shall be no form or class of membership except an active or life membership. No person shall be a member of this post who is also a member of another post of the American Legion.

#### **Article V---Post 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 four 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 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 vice-commander, a second vice-commander, an adjutant, a finance officer, a post historian, a post chaplain, a post service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee members shall be elected annually, except for the offices of Adjutant and Post Chaplain (which will be appointed by the incoming Commander). All officers shall hold office until their successors are duly installed or as otherwise provided.

Section 4. Every member of this post in good standing shall be eligible to hold office in this post.

Section 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

Section 6. In the event a vacancy occurs in the office of Post Commander, the First Vice Commander shall succeed to that office. In the event a vacancy occurs in any other elected office and more than six months remains in the term of the office, a special election will be held to fill the office. If less than six months remain in the term of the

vacated office, the vacancy shall be filled by appointment of the Post Executive Committee, subject to approval of the membership at the next Post General Membership Meeting.

Section 7. The resignation of a post officer or committee chairperson shall occur by written notice of the officer or committee member to the Post Commander, or verbal announcement of the officer or committee member to the membership at a Post General Membership Meeting.

#### **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 the general membership.

Section 3. The post shall pay to departmental headquarters the National, Departmental, and District annual membership dues for every member of the post.

#### **Article VII---Charter Members**

Section 1. Members who joined this post prior to November 12, 2002 shall be known as charter members.

#### **Article VIII---American Legion Auxiliary**

Section 1. This post recognized an auxiliary organization to be known as the Auxiliary Unit of Gahanna Post #797, The American Legion.

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

#### **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 Department of Ohio, 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 vote of two-thirds of the members of said post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at two preceding regular meetings of said post, and providing further written notice shall have been given to all members at least ten days prior to the date of the first reading of the proposed amendment.

### **By-Laws of Gahanna American Legion Post #797**

## **Article I—Name and Purpose**

Section 1. The post existing under these By-Laws is to be known as Gahanna Post #797, The American Legion, Department of Ohio.

Section 2. The purposes of this post are as set forth in the Post Constitution.

## **Article II—Membership**

Section 1. Any person shall be eligible for membership in the American Legion if they meet the criteria established by the National Constitution and By-Laws of the American Legion.

Section 2. There shall be no Associate, Honorary or Posthumous memberships permitted in this post. There shall be no other class of membership other than active membership.

Section 3. No person shall be a member of more than one post. The number of members of this post shall not be limited. Any person eligible may become a member of this post upon his or her acceptance at any Post General Membership Meeting, providing that the prescribed application has been signed and dues for at least one year have been paid.

Section 4. Each candidate for membership must be proposed by a member of this post. The candidate shall give his or her name, address, and dates and branch of service.

Section 5. American Legion membership is annual from December 31<sup>st</sup>. Members failing to renew their membership by January 1<sup>st</sup> shall be deemed delinquent. If dues are not paid by February 1<sup>st</sup>, the member shall be suspended with no membership right except that of reinstatement.

Section 6. Any member may resign from this post while in good standing and may thereafter apply for membership in another post. Upon resignation, the member is not entitled to a rebate of any part or portion of dues paid.

Section 7. Any member in good standing may transfer his or her membership in another post by means of a formal transfer. The transferring member shall not be entitled to a rebate of any part or portion of dues paid.

Section 8. The annual dues of this post shall be established by the Post Executive Committee and presented to the membership for approval/disapproval at the next Post General Membership Meeting.

Section 9. The annual dues of this post shall be payable in accordance with the membership programs of the Department of Ohio.

## **Article III—Management**

Section 1. The government and management of the post are entrusted to an Executive Committee of 13 members, to be known as the “Executive Committee.”

Section 2. The Executive Committee shall consist of three (or four\*) members in good standing, in addition to the officers of the post. Together with the other officers of this post, the executive committee members shall be elected annually during the April Post

General Membership Meeting and take office at the meeting immediately following that of the election. All elections of officers and executive committee members 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.

\*The number of additional members, 3 or 4, will be determined by the total number of officers. If the total number of officers is an even number there will be three additional executive officers. If the total number of officers is an odd number there will be four additional executive officers.

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 who succeeded. A vacancy shall exist when a member or officer is absent from the post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

#### **Article IV—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 30 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander and as 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 or more members of said Post Executive Committee; two-thirds members of the committee shall constitute a quorum thereof. Conference phone calls and email correspondence may constitute an executive meeting.

Section 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this post.

#### **Article V—Duties of 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. The Commander 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. The Commander shall represent the post in all capacities requiring post representation unless he or she directs otherwise. The Commander shall perform all such other duties as directed by the post.

Section 2. *Duties of the Post First Vice Commander.* The First Vice Commander shall assume and discharge the duties of the office of commander in the absence of, or when called upon by the Post Commander. The First Vice Commander shall be the Chairman of the Membership Committee.

Section 3. *Duties of Post Adjutant.* 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 direction of the commander handle all correspondence of the post.

Section 4. *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 may be deemed expedient or necessary for raising funds with which to carry on the activities of the post. The Finance Officer shall sign all checks disbursing the monies of the post, and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee. The Post Commander will assure that an audit is performed by the Post Finance Officer on all accounts prior to the installation of new officers and that report is presented at the first Post Meeting in August. Under the direction of the executive committee, the Finance Officer shall cause a Surety Bond to be established covering all persons charged with the responsibility for post funds and accounts. The cost of such Bond is borne by the post finance funds.

Section 5. *Duties of 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, the Executive Committee or the Post Commander.

Section 6. *Duties of Post Chaplain.* The Post Chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but nonsectarian 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 7. *Duties of Sergeant-at-Arms.* The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

#### **Article VI—Delegates**

Section 1. This post shall be entitled to representation at District and Department Conventions on the basis of one delegate and one alternate for the first twenty-five members, two delegates and two alternates for sixty-six members paid up to thirty days prior to Department Convention.

Section 2. Delegates and alternates to represent this post at the District and Department Conventions shall be elected by ballot by the post at a regular meeting of the post to be held at least 30 days prior to the District Convention. The delegates and alternates elected shall be those receiving the greatest number of votes in descending order.

Section 3. Post members elected as delegates or alternates serving as delegates to the Department Convention may be furnished expenses as determined by the Post Executive Committee and approved by this membership.

Section 4. All delegates or alternates furnished expenses to attend a Department Convention shall be present on the floor for all business sessions of said Convention. Failure to be so present shall require the member to return to the Finance Officer expenses awarded within ten days of the close of the Convention.

### **Article VII—Committee Appointments**

Section 1. The Post Commander, immediately upon taking office each year, may appoint the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and Visiting or VAVA. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

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. *Ceremonials Committee.* The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies—burial detail and the wearing of Legion regalia.

Section 4. *Children and Youth Committee.* Shall be charged with 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. This committee will act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's 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 5. *Economic Committee.* The Post Economic Committee is primarily concerned with local employment programs, Veterans preference, government employment and re-employment rights.

Section 6. *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.

Section 7. *Foreign Relations.* This committee has become active, as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8. *Graves Registration and Memorial Committee.* The duties of this committee involve recording of gravesites and complete information on veteran's burial in

cemeteries assigned to the post. Special assistance can be given the service officer in providing flags, headstones or proper interment in national cemeteries.

Section 9. *House and Entertainment Committee.* The House and Entertainment quarters' promotion of club advantages and arrangement for social activities.

Section 10. *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 organization.

Section 11. *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 12. *Public Relations Committee.* The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, department and nation Legion news service and by local publicity of post programs and activities.

Section 13. *Veterans Affairs and Rehabilitation Committee.* The Veterans Affairs and Rehabilitation 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.

Section 14. *Security Committee.* The Security Committee shall work with and coordinate Legion efforts with the Local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall 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 15. *Sons of the American Legion Committee.* This committee shall have supervision over the operations of the post's squadron of the Sons of the American Legion.

Section 16. *Visiting or VAVS Committee.* This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

#### **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 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 IX—Meetings**

The regular meeting of the post shall be held at the VFW Post 4719, 75 West Johnstown Road, Gahanna, OH on the third Thursday of each month, at which may be transacted

such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, 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. Total membership must be notified of a special meeting or of a proposed time change. Notice must be given a minimum of ten days prior to the meeting.

Section 3. Upon the written request by the majority members, the committee shall call a special meeting of the post.

Section 4. Three officers and four members, a total of seven, shall constitute a quorum.

#### **Article X—Notices**

Section 1. Every member shall furnish the Post Adjutant with an address for mailing.

Section 2. The Post Adjutant shall cause notice of the annual elections to be given at least two weeks prior thereto.

#### **Article XI—Annual Election of Officers**

Section 1. The Post Commander shall appoint a Nominations Committee consisting of three members, no later than the February General Membership Meeting. The committee will report on candidates at the March General Membership Meeting. Additional nominations from the floor can be made at this time. If absent, candidates may accept the nomination for any office by written note to the Nominations Committee. The candidates for Post Offices, Executive Committee and Delegates will be voted on at the April General Membership Meeting, prior to the District Convention.

Section 2. Annual election of Post Officers will be by ballot of the attending membership who are in good standing. Only members present during the April General Membership Meeting will be eligible to cast a ballot.

Section 3. Certification of eligibility to vote will be the responsibility of the Adjutant. Candidates for the office of Post Commander, or their representatives, may be observers during the election. In the event of a dispute as to eligibility to vote, the post Membership Records shall prevail.

#### **Article XII—Installation and Initiation**

Section 1. Installation of all the officers and members of the Executive Committee shall take place no later than the August General Membership Meeting.

Section 2. Initiation of new members shall be conducted at the discretion of the Post Commander.

#### **Article XIII—Rules of Order**

Section 1. All proceedings of this post shall be as set forth in the Officers Guide and Manual of Ceremonies, The American Legion, or, when not covered by such manual, as provided by the Newly Revised Roberts' Rules of Order.

**Article XIV—Limitations of Liabilities**

Section 1. The post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

**Article XV—Amendments**

Section 1. These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting.

Section 2. Provided, that the proposed amendment shall have been submitted in writing and read at two preceding regular meetings of said post and provided further, that written notice shall have been given to all members at least 10 days in advance of the date of the first reading of the proposed amendment.

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William E. Dilts, Adjutant

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Samuel Snyder, Commander

August 15, 2002