

**CONSTITUTION & BY-LAWS**

**OF**

**THE AMERICAN LEGION**  
**DEPT. OF PENNSYLVANIA**

**REVISED**

**AT THE**

**99<sup>th</sup> ANNUAL**  
**DEPARTMENT CONVENTION**



**Constitution  
of  
The American Legion  
Department of Pennsylvania, Inc.**

*As Amended by the 99<sup>th</sup> Department Convention*



**ARTICLE I**

***NAME***

The name of this organization shall be The American Legion, Department of Pennsylvania, Inc.

**ARTICLE II**

***OBJECT***

The object of this organization shall be as set forth in the National Constitution of The American Legion. “For God and Country, we associate ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America and of the Commonwealth of Pennsylvania; 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 safe guard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.”

## ARTICLE III

### *NATURE*

**Section 1.** A Civilian Organization: The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.

**Section 2.** Nonpolitical: The American Legion 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.** Freedom of Conscience: Each member shall perform his full duty as a citizen of the United States of America.

## ARTICLE IV

### *ELIGIBILITY PROVISIONS*

**Section 1.** Eligibility for Membership:

- a. Any person shall be eligible for membership in the American Legion who was regularly enlisted, drafted, inducted or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States for at least one day during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to the date of cessation of hostilities as determined by the Government of the United States (all dates inclusive) and the Merchant Marines from December 7, 1941 to August 15, 1945 ;
- b. or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of

- any of the Governments associated with the United States during said wars of hostilities;
- c. provided, however, that such services shall have been terminated by honorable discharge or honorable separation, and such person either shall have broken his continuity of services and returned to civilian status, or shall continue to serve honorably after the date of cessation of such hostilities as fixed by the United States Government;
  - d. 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;
  - e. or who, being in such service, was separated wherefrom under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable discharge status;
  - f. nor shall any person be eligible for membership who advocates, or is a member of any organization which advocates the overthrow of the Government of the United States, or who advocates un-American principles, including anarchy, communism, or other forms of radicalism that are disloyal to the United States or contrary to those principles set forth in the Preamble to the Constitution of The American Legion.

## **ARTICLE V**

### ***MEMBERSHIP QUALIFICATIONS***

***Section 1.*** There shall be no form or class of membership, except an active membership and dues shall be paid annually or for life.

***Section 2.*** No person may be a member at any time of more than one post.

**Section 3.** No person shall be eligible for membership in The American Legion unless he possesses all the eligibility qualifications, and none of the eligibility disqualifications, as stated in Article IV of this Constitution.

**Section 4.** Each post shall be the judge of the qualifications of its members, provided such members are eligible for membership in The American Legion

**Section 5.** A majority vote of the members present and voting at a properly convened post meeting shall be necessary to reject an Application of Membership.

**Section 6.** The words “American Legion” shall not be used on any membership cards whatsoever except those issued by the National organization to active members of The American Legion.

## ARTICLE VI

### *EXPULSION OF MEMBERS*

**Section 1.** Members may be expelled from any Post of The American Legion only upon a proper showing of cause. Charges shall be based upon; (a) disloyalty to the United States or The American Legion; (b) the advocacy of, or membership in, any organization advocating un-American principles, including anarchy, communism, or other forms of radicalism, which are contrary to those of The American Legion; (c) dishonesty; (d) neglect of duty; or (e) conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accuser and no member in good standing shall lose his membership until given a fair trial in such a manner and form as prescribed in the Rules of Procedure in Discipline of Members, as appended to the Department By-Laws.

**Section 2.** 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 Executive Committee of the Department of the expelling post for permission to

be admitted to membership in another post and shall be ineligible for membership until such permission is granted.

## ARTICLE VII

### *DEPARTMENT OFFICERS*

**Section 1.** Each candidate for elective Department office shall present a certified copy of his or her DD Form 214 or any other official notarized government document proving his or her eligibility for membership in the American Legion to the Department Adjutant no later than 10 days before the Department Convention or election whichever first occurs.

**Section 2.** The officers of the Department shall be as follows:

- a. 1 Department Commander
- b. 3 Department Vice Commanders
- c. 1 Department Adjutant
- d. 1 Department Assistant Adjutant
- e. 1 Department Comptroller
- f. 1 Department Historian
- g. 3 Department Sergeants-at-Arms
- h. 1 Department Chaplain
- i. 1 Department Judge Advocate
- j. 1 Department Parliamentarian
- k. All District Commanders
- l. 3 Members Department Finance Committee
- l. Department Service Officers
- m. 1 Master Sergeant-at-Arms

**Section 3.**

- a. The Department Commander shall be elected at the Department Convention by the majority vote of the delegates at the Department Convention. He shall serve for one year or until his successor is elected and he shall not be eligible to succeed himself.
- b. In the event of a vacancy in the office of Commander, the Vice Commander of the Judicial Section in which the last

Commander's Post was located shall fill said vacancy for the balance of the term. Any subsequent vacancy shall be filled by the Department Executive Committee, from among the remaining Vice Commanders.

**Section 4.** The three Department Vice Commanders shall be elected, one from each of the Federal Judicial Districts of Pennsylvania, at the Department Convention, by a majority vote of the delegates at the Department Convention from the posts within the respective districts. They shall serve for one year or until their successors are elected. They shall not be eligible to succeed themselves. In the event of a vacancy in the office of Vice Commander, a successor to fill the unexpired term shall be elected by the District Commanders of the Federal Judicial District. This election shall be called for and conducted by the Department Commander within 30 days after the vacancy occurs and at a location within the Federal Judicial District.

**Section 5.** Each of the District Commanders shall be elected for a term of two years, and shall not be eligible to succeed themselves. District Commanders to be elected in the even numbered Districts shall be elected in the even numbered years. District Commanders to be elected in the odd numbered Districts shall be elected in the odd numbered years.

**Section 6.**

- a. The three elective members of the Department Finance Committee shall be elected at the Department Convention, one from each of the three Federal Judicial Districts of Pennsylvania, by a majority vote of the delegates at the Department Convention from the posts within the respective Judicial Districts. Each such member of the Department Finance Committee so elected shall serve for three years or until a successor is elected, under the rotating system now prevailing.
- b. In the event of a vacancy in the Department Finance Committee, the successor to fill the unexpired term shall be elected by the Vice Commander and the District Commanders of that Federal Judicial District. This election shall be called

for by the Department Commander within 30 days after the vacancy occurs and at a location within that Federal Judicial District. The Vice Commander of that Federal Judicial District shall preside at this election, and as a member of the Department Executive Committee, have a vote in said election.

**Section 7.** The Department Adjutant, Department Assistant Adjutant, Department Historian, three Department Sergeant-at-Arms (one from each Judicial Section), Department Judge Advocate, Department Parliamentarian and one Master Sergeant-at-Arms shall be appointed by the Commander, subject to the approval of the Department Executive Committee.

**Section 8.** The Department Commander shall have the authority to appoint a maximum number of Assistant Sergeants-at-Arms in a number equal to the number of districts (not necessarily one per district).

**Section 9.** The Department Chaplain shall be elected by a majority vote of the delegates at the Department Convention. He shall serve for a period of one year or until his successor is elected.

**Section 10.** All Department Officers elected at the Department Convention or as herein provided shall assume office immediately following the adjournment of the Department Convention and continue in office until the close of the next Department Convention, or until their successors are elected. The Department Commander shall be the Chairman of the delegation at the National Convention.

**Section 11.** In the event of the inability of any Department Officer to perform the duties of his office due to any mental or physical disability, a complaint must be filed with the Commander of the District of which the Officer is a member with a copy of said complaint being forwarded to the Sectional Vice Commander and the Department Commander. The District Commander shall institute an investigation of the complaint and forward the findings to the Sectional Vice Commander and the Department Commander. In the event that the findings recommend the removal of said Officer, the Department Commander will appoint a committee of three members, with one member being from each of the Judicial Sections, to investigate the findings of the District Commander and the



recommendations of this committee shall be final and the Department Commander is empowered to act upon these recommendations.

## ARTICLE VIII

### *DEPARTMENT EXECUTIVE COMMITTEE*

*Section 1.* Department Management and Control: The general executive power and direction of the affairs of the Department shall, except as herein otherwise provided, be vested in the Department Executive Committee. This committee shall consist of:

- a. The Department Commander
- b. The three Department Vice Commanders
- c. The Immediate Past Department Commander
- d. The District Commanders
- e. The Department's representatives on the National Executive Committee

The Department Adjutant shall be ex-officio Secretary of the Executive Committee.

*Section 2.* Meetings: A meeting of the Department Executive Committee shall be held immediately after the adjournment of each annual or special Department Convention, and other meetings shall be held each year between September 15 and October 15; between December 1 and January 31; and between April 1 and May 30. Special meetings may be held upon reasonable notice at the call of the Department Commander. The Department Commander shall call a special meeting of the Committee within ten days after the written request by one-third of the members of the Committee. Fifteen members shall constitute a quorum. Attendance and voting may be by written proxy to a member of The American Legion holding membership in a Post located in the District represented by the Executive Committeeman giving such proxy. No member of the Committee shall hold any proxy nor shall any person hold more than one proxy.

*Section 3.* Authority and Powers:

- a. The Executive Committee shall have final authority in all matters affecting the maintenance of discipline or good conduct throughout the Department, and shall receive and act upon all complaints as presented by the Department Commander, or otherwise. The Committee shall have the authority to enforce suspension or expulsion of any member of any post for violation of the principles of The American Legion, as declared in the National and Department Constitutions of The American Legion, after a hearing pursuant to the rules of Procedure in Discipline of Members, appended to the Department By-Laws. In case the complaint is made to the Department Adjutant, the Department Commander shall determine whether the complaint shall be referred to the post of the accused member for a hearing before Post Trial Board, in accordance with the rules above mentioned, or whether it shall be held before a Trial Board consisting of three members of the Department Executive Committee, which shall conduct said trial in accordance with the same rules with such modifications as necessary for a hearing by the Department Trial Board. The Department Trial Board shall consist of three members, one being the Commander of the District having jurisdiction over the post of which the accused is a member, which District Commander shall represent his Judicial Section and the other two being District Commanders from the other two Judicial Sections, along with the Commander of the District having jurisdiction over the post of the accused member, who shall represent that Judicial Section. Said Trial Board, consisting of three members aforesaid shall have the right, power and authority, by majority vote thereof, to suspend, expel or fine the member against whom the complaint has been filed, or after hearing the testimony dismiss the same as in its judgment it sees fit to. A post member so suspended or expelled may, upon written request of at least fifteen American Legion members in good standing, appeal from the decision of the Executive Committee to the Department Convention.

- b. Subject to the approval of the National Executive Committee, as required by the provisions of the National Constitution, the Department Executive Committee shall have the authority to revoke the charter of any Post within the Department, and shall further have authority to impose upon the posts or upon the individual members thereof such lesser penalties, not including fines, as it shall deem appropriate; all in accordance with the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post charters, as appended to the Department By-Laws.
- c. Any post whose charter has been so revoked may appeal to the Department Convention for the purpose of obtaining reconsideration of the revocation of its charter, upon written petition signed by at least fifteen American Legion members in good standing.
- d. The Department Executive Committee may prescribe and enforce such rules and regulations under this Constitution and By-Laws, as it deems necessary for the proper functioning of the Department or the Department Executive Committee.
- e. It shall have further power, for good cause, to suspend or remove from office any elective or appointive officer within the Department, after a fair and impartial hearing on the charges brought against such officer.
- f. The Department Executive Committee shall, upon the recommendation of the Finance Committee, determine the salaries of all personnel.
- g. The Department Executive Committee may provide for payment to District Commanders from the Department Treasury all legitimate traveling and postage expenses required to be incurred by them in their official functions, as provided in the Department Constitution or By-Laws.

## **ARTICLE IX**

### ***DISTRICTS***

**Section 1.** The Department shall be divided into 29 districts, to be known as District 1, 5, 8 to 33 inclusive and 36. The number of districts shall be reduced whenever a district fails to maintain a minimum of 2,500 members for four consecutive years which district shall be then realigned by a Commission composed of the District Commander of said District, the present or past Sectional Vice Commander of said section, and one person who is at least a Past District Commander from each of the other two sections. The Department Commander and Department Adjutant shall serve as ex-officio members of the commission. Upon completion of said realignment, the number of districts in the Department shall be reduced by the number of districts realigned. The districts shall be composed of the following:

**DISTRICT 1**—Philadelphia County: Delaware river beginning at Lehigh Avenue, south along Delaware River, to point of Delaware County Line, including all of Philadelphia County west of the Schuylkill River to the Montgomery County line, Philadelphia County line to the Tacony Creek southeast along the Tacony Creek to Wingohocking Street, west of Wingohocking Street to Fifth Street, south on Fifth Street to Lehigh Avenue, east on Lehigh Avenue to point and place of beginning.

**DISTRICT 5**—Philadelphia County: Starting at Fifth Street and Lehigh Avenue, North on Fifth Street to Wingohocking Street, East on Wingohocking Street to the Tacony Creek, Northwest along the Montgomery County line to the Bucks County line, East on the Bucks County Line to the Poquessing Creek, Southeast along the Poquessing Creek to the Delaware River, Southeast along the Delaware River to Lehigh Avenue. West on Lehigh Avenue to Fifth Street—point and place of beginning.

**DISTRICT 8**—Chester and Delaware Counties

**DISTRICT 9**—Montgomery and Bucks Counties

**DISTRICT 10**—Lancaster County

**DISTRICT 11**—Lackawanna County

**DISTRICT 12**—Luzerne County

**DISTRICT 13**—Schuylkill County

**DISTRICT 14**—Berks and Lehigh Counties

**DISTRICT 15**—Bradford, Pike, Susquehanna, Wayne and Wyoming Counties

**DISTRICT 16**—Clinton, Lycoming, Potter and Tioga Counties

**DISTRICT 17**—Columbia, Montour, Northumberland and Sullivan Counties

**DISTRICT 18**—Huntingdon, Juniata, Mifflin, Perry, Snyder and Union Counties

**DISTRICT 19**—Cumberland, Dauphin and Lebanon Counties

**DISTRICT 20**—Cambria County

**DISTRICT 21**—Bedford and Blair Counties

**DISTRICT 22**—Adams, Franklin, York and Fulton Counties

**DISTRICT 23**—Cameron, Centre, Clearfield and McKean Counties

**DISTRICT 24**—Fayette and Somerset Counties

**DISTRICT 25**—Greene and Washington Counties

**DISTRICT 26**—Beaver, Butler and Lawrence Counties

**DISTRICT 27**—Armstrong, Clarion, Indiana and Jefferson Counties

**DISTRICT 28**—Elk, Forest, Mercer, Venango and Warren Counties

**DISTRICT 29**—Crawford and Erie Counties

**DISTRICT 30**—Carbon, Monroe and Northampton Counties

**DISTRICT 31**—Westmoreland County

**DISTRICT 32**—Allegheny County: wards 1 to 28 inclusive and 32 of the City of Pittsburgh, the borough of Mount Oliver and the first ward of Penn Hills. Also included are all the boroughs and townships lying north of the Ohio and Allegheny Rivers not included in the 33<sup>rd</sup> District.

**DISTRICT 33**—Allegheny County: all boroughs and townships lying between Allegheny and Monongahela Rivers, boroughs of Springdale, Cheswick, Brackenridge, Tarentum, Township of Harrison, Fawn, East Deer, Frazer and Springdale, city of McKeesport

**DISTRICT 36**—Allegheny County: Wards 29 and 31 of the city of Pittsburgh, the city of Clairton and the city of Duquesne and all of

the boroughs and townships lying south of the Ohio and Monongahela Rivers, excepting the townships of Chartiers in Allegheny County.

The provisions of this Section 1 shall become effective at the close of the 2009 Department Convention.

**Section 2.** All posts in the Department shall be organized in the District in which they are geographically located. Any post that transfers in Post Home shall automatically be transferred to the District in which the new Post Home is located effective on the date of the settlement for the purchase of the new Post Home. Any meeting post that does not own its Post Home and meets at a place in a District other than in which it is then organized for a period of time of six consecutive months shall be automatically transferred to the District of its new meeting place. The provisions of this Section 2 shall become effective at the close of the 2009 Department Convention.

**Section 3.** Each District shall adopt a Constitution and implement same with By-Laws for the proper functioning of the affairs or the District.

**Section 4.**

- a. Any District shall be authorized and empowered to levy such per capita assessment, as the membership thereof, through its authorized delegates, may deem necessary to carry on its business and activities. Thirty (30) days written notice shall be provided each post and they shall vote their delegate strength as determined for the last Department Convention. A majority Vote of those present and voting shall be required to pass the assessment.
- b. When District assessment is constitutionally provided, the District must make a provision for a District Finance Officer whether by election or appointment. The District shall determine the duties of the Finance Officer and the advisability of providing bond.

## ARTICLE X

### *DISTRICT COMMANDERS*

**Section 1.** There shall be one District Commander for each of the Districts in the Department.

**Section 2.** District Commanders shall be elected as provided in Article VII, Section 5 of this Constitution and by one of the following methods:

- a. At the Department Convention by the delegates from the respective District, in which event the Rules for the Department Convention shall govern, or,
- b. At a caucus of the Department Convention delegates, to be held not earlier than 30 days prior to the Department Convention, at a time and place as designated by the District Commander. The District Commander shall notify each Post commander within his District of the place, time, and purpose of such caucus, and at least ten days prior thereto. Such notice will be given by first class mail. In turn, each Post Commander shall notify the delegates and alternates to the Department Convention of the place, time and purpose of the District Caucus. A quorum shall consist of 40% of the accredited delegates of the District to the Department Convention. A majority of the votes of the accredited delegates present and voting shall be necessary to elect a District Commander.
- c. Or, by the duly qualified delegates and/or alternates, assigned by each Post to the District Organization, at a District meeting to be held as set forth in Subsection (b) supra. A quorum shall consist, however, of such number as may be set by the District Constitution and a majority vote of the accredited delegates and/or authorized alternates in the District Organization, present and voting shall elect a District Commander.

**Section 3.** District Constitution and By-Laws shall determine the method of election to be used in the respective districts.

**Section 4.** In the event that a District Commander fails, to function or does not perform the duties prescribed for him to the satisfaction of his Department Commander and Department Executive Committee, or fails to attend two successive Department Executive Committee meeting without giving reasons for his absence there from, the Department Commander, with the consent of the Department Executive Committee, may declare the office vacant.

**Section 5.** In the event of a vacancy in the office of District Commander, the duly elected District Vice Commander shall assume the office of District Commander for the remainder of the term. In the event that the District does not have a District Vice Commander then the Department Commander, or his duly appointed representative, shall call a meeting composed of one representative from each post in the District, such representative to be appointed by the Post Commander. These representatives shall elect a member of the District, who shall serve the unexpired term of said office. For the purpose of said special election to fill the vacancy, each representative shall cast the same number of votes to which his Post was entitled in the last regular Department Convention.

**Section 6.** Each District Commander may appoint up to one Deputy District Commander per Post assigned to the District. (This limitation shall not include district officers as authorized by the District Constitution.)

## **ARTICLE XI**

### ***DISTRICT VICE COMMANDERS***

**Section 1.** A District may chose, at their option and according to their District Constitution and By-Laws, to elect a District Vice Commander. The District Vice Commander will serve as the designated proxy for the District Commander when needed. In the case of a vacancy in the office of, or the incapacitation of the District Commander, the District Vice Commander shall assume the duties



of the District Commander. Other assigned duties of the District Vice Commander shall be as stated in the District's Constitution and By-Laws.

**Section 2.** Each District Vice Commander shall be elected for a term of two years. District Vice Commanders to be elected in the even numbered Districts shall be elected in the even numbered years. District Vice Commanders to be elected in the odd numbered Districts shall be elected in the odd numbered years. The election shall be done under the same rules as that of a district commander as stated in Article X, Section 2.

## ARTICLE XII

### *DEPARTMENT CONVENTION*

#### **Section 1.**

- a. The legislative body of this Department shall be an Annual Convention.
- b. The Annual Convention shall begin on the second or third Friday of July, effective with the 1990 Convention; in each year, however, the time of the Annual Convention can be fixed at another time by vote of the preceding Convention, or, in the event of an emergency, it can be fixed at another time by not less than a two-thirds majority of the accredited voting strength of the Department Executive Committee. Opening session will be held on Friday morning with District Caucuses held in the afternoon. Convention session would continue Saturday morning with Sectional Caucuses and election of Vice Commanders in the afternoon. The election of a new Department Commander would be held on Sunday morning and the sessions would conclude no later than noon on Sunday.
- c. The place of the Annual Convention shall be fixed by vote of the Convention three years preceding each convention. In the event that the place of the annual Convention is not fixed by the Convention, the Department Executive Committee shall fix

the place of the Annual Convention by not less than a two-thirds majority of the accredited voting strength of said committee.

- d. In the event of an emergency, the Department Executive Committee may change the place of any annual Convention, by not less than a two-thirds majority of the accredited voting strength of said committee.

**Section 2.** Composition of the Convention: The Annual Convention of the Department shall be composed of delegates and alternates chosen by each Post. Each Post shall be entitled to one delegate and alternate, and to one additional delegate and one additional alternate for each 100 paid members determined as of 30 days prior to the date of the Annual Department Convention. In addition to the delegates selected by the Post, the Department Vice Commander and the District Commander shall represent respective Section and the District as Delegate-at-large. All Past Department Commanders shall be life delegates, while in good standing in their respective Posts, to all Department conventions with vote to be exercised with their respective districts.

**Section 3.** Voting by Districts: Each district shall be entitled to vote the number of delegates the post in the district are entitled to whether or not the delegates may be present. Provided said delegates and/or alternates are registered in the Department Headquarters at Convention City as of 10:00 a.m. on the day the vote is taken, but the registration shall close at 4:00 p.m. on the day preceding the last day of the convention.

**Section 4.** Special Conventions: Upon written request of one-third of the posts of the Department or upon the written request of a majority of the Executive Committee, it shall be the duty of the Department Commander to call a Special Convention. Not less than thirty days' notice of the holding of such Special Convention shall be given to the posts, and representation therein shall be determined on the same basis as representation at the Annual Convention, except that is shall be based on the paid membership reported to the Department Adjutant, as of the time of the issuance of the call.

**Section 5.** Quorum: A quorum shall exist at a Department Convention when 40% of the posts of the Department are represented wholly or in part by duly elected delegates or alternates, or when 40% of the duly elected delegates or their alternates are present and registered.

**Section 6.** Ex-Officio Members of the Convention: All Past Department Commanders, all members of the Department Executive Committee, all Department officers, all Chairmen of Department Standing Committee, all Post Commanders and County Commanders shall be ex-officio member of the Department Conventions. The posts to which such officers belong are authorized to include their names in the credentials required to be presented at the Department Convention, in addition to the names of their duly accredited delegates. Such officers and committeemen shall be entitled to the privileges of the floor, but shall have no vote.

**Section 7.** Rules of the Convention: The Department Executive Committee shall, prior to each Department Convention, formulate Rules of the Convention, and circulate the same among the various posts, not more than 90 and not less than 30 days prior to said Convention.

**Section 8.** Robert's Rules of Order: In all cases not covered by the Rules of the Convention, Robert's Rules of Order shall govern.

## ARTICLE XIII

### *THE LOCAL UNIT: THE POST*

**Section 1.** Formation of the Post: The local unit of the Department shall be the Post, the minimum membership of which shall be determined by the Department Executive Committee. Those who desire to form a post shall, subject to the provisions of this Constitution and By-Laws of the Department, make application for the charter upon forms to be supplied by the Department Adjutant.

**Section 2.** Post Charter: Post charters, when issued by the National Commander and National Adjutant, shall be duly countersigned by the Department Commander and the Department Adjutant.

**Section 3.** Post Officers: The officers of the Post shall be as follows:

- a. Post Commander
- b. Two Post Vice Commanders
- c. Post Adjutant
- d. Post Finance Officer
- e. Post Historian
- f. Post Chaplain
- g. Post Judge Advocate
- h. Post Service Officer
- i. Such other officers as the Post shall Prescribe.

**Section 4.** Election of Post Officers: The election of Post Commander, Post Vice Commanders, and Post Finance Officers shall be held at the last meeting in June and the officers elected shall assume the responsibility of their elected office on August 1 and shall be installed at the first available meeting following the adjournment of the Department Convention. The Post Adjutant, Post Chaplain, Post Judge Advocate, Post Historian and Post Service Officers and such other officers as the Post shall prescribe, shall be appointed by the Post Commander unless the rules, regulations, Constitution and By-Laws of the individual Post shall provide for the election or choice in some other manner.

**Section 5.** Duties of Post Officers: The duties of these officers shall be defined by their respective posts, and shall conform as nearly as may be to the duties imposed on similar offices of the Department.

**Section 6.** Post Meetings: The Post meeting shall be opened and closed in accordance with the ritual provided by National and Department. All candidates for membership in the post shall be properly initiated.

**Section 7.** Post Constitutions: Subject to the provisions of the Constitution, By-Laws and Regulations of The American Legion and The American Legion, Department of Pennsylvania, Inc., each Post shall implement a uniform Constitution, By-Laws and Regulations as approved by the Department Convention.

**Section 8.** Revocation of Post Charters:

a. The Charter of any post may be revoked, cancelled or suspended, by the Department Executive Committee, in accordance with the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of post charters, as appended to the Department By-Laws.

**Section 9.** Where the action of any post is being discredited in the public press, where criminal proceedings have been instituted against a post, or where otherwise the actions of a post are such as to be scandalous or injurious to the very purposes or aims of The American Legion, the Department Commander may take summary action as follows:

- a. Forthwith appoint a special plenary subcommittee of five members of the Department Executive Committee.
- b. Summon the said subcommittee into immediate and summary session.
- c. Upon and with the consent of four-fifths of the members of the said committee temporarily suspend the charter of the post involved.
- d. Give five days' notice to the Post Commander to exercise the right of appeal as provided in the Uniform Code of Procedure adopted by resolution of the National Executive Committee.
- e. In the event no right of appeal is so exercised, the Department Commander may summon the Department Executive Committee to special session and a quorum being present, the majority of those present shall determine whether to revoke, cancel, suspend for a time certain, or to reinstate the charter of the post involved.

## **ARTICLE XIV**

### ***NATIONAL EXECUTIVE COMMITTEE***

**Section 1.** The Department Convention shall elect the National Executive Committeeman, and the Alternate National Executive Committeeman for the term as prescribed in the National Constitution.

**Section 2.** In the event of a vacancy in the office of National Executive Committeeman, the Alternate National Executive Committeeman shall serve as the National Executive Committeeman until the next regular Department Convention, at which time the Convention shall fill the vacancy. Any vacancy created in the office of Alternate National Executive Committeeman shall be filled by the Department Executive Committee and shall serve until the next regular Department convention.

**Section 3.** In the event of a vacancy in the office of National Executive Committeeman and Alternate National Executive Committeeman at the same time, the Department Commander shall appoint a National Executive Committeeman to serve until the next Department Convention.

## **ARTICLE XV**

### ***REPRESENTATION AT THE NATIONAL CONVENTION***

**Section 1.** Delegates-at-Large: The Department shall be represented at the National Convention by the following delegates-at-large: the Department Commander, the immediate Past Department Commander, the three Department Vice Commanders, and the Department Adjutant. (In the event of the inability of any such officer to attend the National Convention, the Department Commander may name a substitute Department Officer to serve in his stead).

#### ***Section 2.***

- a. National Convention Delegates: Each district within the Department shall elect National Convention Delegates to represent the District at the National Convention. Each district shall be entitled to one delegate for each 1,000 paid members in the District, determined as of thirty days prior to the date of the Annual Department Convention. Further, each district shall elect an alternate for each delegate on the same basis.
- b. National Convention Delegates and their Alternates shall be elected at a District Caucus.

**Section 3.** Other Delegates: the Department Commander shall appoint any other delegates who may have been apportioned to the Department in addition to those designated in Section 1 and 2 of this Article.

## ARTICLE XVI

### ***AMENDMENTS TO DEPARTMENT CONSTITUTION***

**Section 1.** Amendments to this Constitution may be proposed by any Post, District, County Committee or Department Standing Committee or Judicial Section at any time not later than 60 days prior to the Annual Convention and shall be forwarded to the Department Adjutant, who shall give notice thereof to all posts in the Department at least 30 days prior to said Convention. The Department Executive Committee shall have authority to propose amendments to this constitution upon notice to all posts in the Department given at least 30 days prior to said Convention. Such Amendments shall be considered adopted upon a two-thirds affirmative vote of the delegates present at any session.

**Section 2.** Amendments to the Constitution as proposed by any individual Post, District, County Committee or Standing Committee or Judicial section or by the Executive Committee may be presented to a Special Convention called for such purpose in conformity with the provisions of this Constitution, provided that 30 days' notice of such amendments shall be duly given to every Post. Such amendments shall be considered adopted upon a two-thirds affirmative vote of the delegates present at any session of such Special Convention.

**Section 3.** Amendments to this Constitution proposed at the Annual Convention of which the Notice as required by Section 1 of this article shall not have been given, shall be adopted only by the unanimous consent in writing of all delegates duly elected to serve at said Convention, whether or not in attendance at said session at which such amendment is voted upon.







**By-Laws  
of  
The American Legion  
Department of Pennsylvania, Inc.**

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**ARTICLE 1**

***NAME***

***Section 1.*** The Department existing under these By-Laws shall be known as The American Legion, Department of Pennsylvania, Inc.

***Section 2.*** The objects of this Department are as set forth in the Department Constitution.

**ARTICLE II**

***DUTIES OF OFFICERS***

***Section 1.*** Department Commander:

- a. The Department Commander shall be the Chief Executive of the Department. He shall see that the provisions of the National and Department Constitution and of all laws, regulations and policies established there under shall be observed. In cooperation with the Executive Committee of the Department, he shall be responsible for the enforcement of discipline and the maintenance of good conduct on the part of all Posts and their members. He shall be the presiding officer at the Department Conventions and of all other meetings and

Department gatherings at which he shall be present. He shall represent the Department in its relations with Federal, State and other governmental bodies. He shall have authority to designate a Department Vice Commander to represent him at public ceremonies and meetings, and in the event of the inability of any of the Department Vice Commanders to accept such assignment, he shall appoint another Department representative.

- b. He shall appoint the Department Adjutant, Department Assistant Adjutant, Department Assistant Adjutant, a Department Historian, a Department Master Sergeant-at-Arms, three Department Sergeants-at-Arms (one from each judicial section), a Department Judge Advocate, a Department Parliamentarian, Department Service Officers as necessary upon the approval of the Department Executive Committee, and they shall continue in office unless, and until, removed for cause by action of the Department Executive Committee.
- c. He shall act upon all complaints received from any source whatsoever as affecting the conduct of members, of Posts, of Post officers, of Department officers, or affecting the welfare of the Department, and at his discretion shall appoint committees to investigate such complaints and make recommendations to the Department Executive Committee for appropriate action.
- d. The Department Commander shall appoint subcommittees from among the members of the Department Executive Committee for the performance of special duties, including a committee on a temporary revocation, cancellation or suspension of Post charters and members and shall have authority, as he shall deem necessary.
- e. The Department Commanders shall appoint from time to time, such other committees, as he may deem necessary, or is directed by the Department Executive Committee or Convention, or as are required by the Constitution and By-Laws.
- f. The Department Commander shall have the authority, after proper hearing, to suspend the Department Adjutant, without

pay, to the next regular meeting of the Executive Committee. The Executive Committee may then either sustain or reverse said suspension by the Department Commander, with or without pay, after proper hearing in Executive session. The Executive Committee may remove such suspended person if it deems necessary.

**Section 2.** Department Vice Commander:

- a. The Department Vice Commander of the same Judicial Section containing the Department Commander shall be the Senior Vice Commander. The Vice Commanders shall be members of the Department Executive Committee and shall, in the absence of the Commander, perform duties of the office of the Commanders.
- b. Each Vice Commander may appoint an Adjutant for his Judicial Section and such other officers, as he deems necessary for the proper functioning of his Judicial Section.
- c. The Judicial Adjutant shall be given privilege of wearing the white cap designating a Department Office but shall have no other privileges assigned to Department Officers.

**Section 3.** Department Adjutant:

- a. The Department Adjutant shall conduct the correspondence and keep the files and records of the Department, including the names and addresses of Posts, and of their officer and members.
- b. He shall give notice of all Department Conventions and of all meetings of all Department Committees and shall be the ex-officio Secretary of the Department Executive Committee and, ex-officio Secretary of the Department Finance Committee. He shall furnish to the Department Comptroller such lists of Posts as he may from time to time require in order to facilitate the collection of dues, shall notify the Department officers and committeemen of their election or appointment and shall perform such other duties as shall be assigned to him by the Department Commander.
- c. He shall prepare an annual budget for the expenses of the office of the Department and of other expenses of the Department. The budget shall specify each item of expense definitely as to

character and amount. Such budget thus itemized shall be submitted to the Finance Committee and, after examination and approval or change, shall be presented to the Executive Committee at its January meeting in each year for action. Certified copies of the budget, when approved by the Executive Committee, shall be presented to the Finance Committee and to the Comptroller for payments to be made upon particular vouchers duly drawn in accordance with this plan. Any questions arising in connection with the budget, and any special needs not specified, arising from time to time, which will have an impact on the budget or a change in the investments shall be considered and decided by the Finance Committee, and presented to the Executive Committee for action. The decision shall be binding upon the Adjutant and upon the Comptroller.

- d. He shall furnish semimonthly to District Commanders reports of the membership in all the Posts of the District.
- e. He shall devote his full working time to the duties of his office. He shall have authority, by and with the consent of the Department Commander, to employ and dismiss, and supervise the clerical personnel in Department Headquarters.
- f. He shall prepare the proper forms of applications for persons seeking to obtain charters for new Posts. Such forms will be supplied by him to proper applicants.
- g. He shall implement and execute the directives of the Veteran Affairs and Rehabilitation Committee
- h. He shall supervise the rehabilitation and service program of the Department.
- i. He shall define the duties of the service officers and of the assistant service officers and of the clerical personnel within the program; and shall be responsible for the energetic and complete functioning of the program.
- j. He shall be responsible for lobbying for state legislation that affects the veterans of the Commonwealth and follow the directives of the Legislative Committee; resolutions adopted by the Department Executive Committee and by the Department Convention.

- k. The Department Adjutant shall submit all contracts to the Department Judge Advocate for his review and he shall attest the same.

**Section 4.** Department Comptroller:

- a. Under the direction of the Department Commander, the Department Comptroller shall be charged with the collection and custody of the funds of the Department, shall keep the accounts of the Department and shall report thereon to the Annual Department Convention, and at each regular meeting of the Department Executive Committee, and shall make such other reports to the Department Commander as may be required by him. He shall pay all bills in such manner as the Executive Committee shall prescribe, and shall give bond with sufficient security at the expense of the Department to be approved by the Executive Committee for the faithful performance of his duties.
- b. He shall receive all funds for the financial administration of the Department including the assessments levied by the National body on the Posts within the Department; receipts from Department Emblem Sales and moneys from any source as ordered by the Department Convention or the Executive Committee. These funds shall be deposited by the Comptroller in the name of The American Legion, Department of Pennsylvania, Inc., in a depository recommended by the Finance Committee.
- c. He shall disburse the funds of the Department upon the authority of a regular voucher showing the character and amount of expenditures to be drawn by the adjutant and vouched for, and signed by the Chairman of the Department Finance Committee. He shall draw a check for the amount to the order of the party named in the voucher, and transmit the same to the proper person. Payment of the expenses of the officers and of the Committee that are allowable under the budget shall be made in the manner above prescribed, and before drawing a regular voucher by the Finance Committee.

d. The Department Comptroller shall keep the books of account of all receipts and disbursements and make a monthly report to the Department Executive Committee and Finance Committee. He shall also make a report to the Convention, which shall include the previous year, January 1 to December 31. It shall also be his duty to make certain that the books are audited by a certified public accountant for the period of January 1 to December 31. This audit to be distributed to all members of the Department Executive Committee, Past Department Commanders, Post Adjutants and Delegates to Convention. The Department Finance Committee shall appoint the certified public accountant.

**Section 5.** Department Historian: The Department Historian shall be responsible for the compiling of a complete historical record of the Department. He shall have authority to request, from the officers of the Department and the Posts therein, information necessary for the performance of his duties, and shall prepare and submit annually to the Executive Committee thirty days before the Department Convention a report covering the activities and interests of the Department throughout the year, accompanied by such suggestions relating to the preservation of the Historical Records of the Department as he shall deem appropriate.

**Section 6.** Department Sergeant-at-Arms:

a. There shall be one Master Sergeant-at-Arms and three sergeants-at-arms, one for each of the Judicial Sections, who shall be appointed by the Department Commander.

b. Sergeant-at-Arms shall perform such duties as shall be assigned to them by the Department Commander.

**Section 7.** Department Chaplain: the Department Chaplain shall officiate at the Department Convention and shall perform such other duties, ordinarily incident to the office of Chaplain, as shall be assigned to him by the Department Commander.

**Section 8.** Department Judge Advocate: The Department Judge Advocate shall advise the Department Officers and Executive Committee on all legal matters, including the construction and interpretation of the National Constitution and By-Laws,

Department and Post Constitutions and By-Laws, and shall perform such other duties as are usually incident to the office.

**Section 9.** Department Parliamentarian: The Department Parliamentarian shall, when called upon, advise on questions of parliamentary procedure.

**Section 10.** District Commanders:

- a. A District Commander shall represent his District in all matters and shall determine that the spirit and aims of The American Legion are the foremost goal of each Post in his District.
- b. He alone shall be responsible for the installation of the officers of the Posts in his District or designate the installing officer. He shall visit, personally, each Post in his District at least twice a year. These visits shall be made irrespective of the formation of a County Committee.
- c. He shall make an annual inspection of each post in his District and render the report on the consolidation Post Report Form, National Form No. 13-010 to the Department Commander on or before June 1<sup>st</sup>. Such report shall be completed by the District Commander or his representative, who shall not be a member of the post being inspected.
- d. He shall stimulate growth of The American Legion and active participation in The American Legion Program.
- e. He shall investigate all applications for Post charters and shall make a recommendation of approval or disapproval to the Department Commander.
- f. He shall recommend the suspension, revocation or cancellation of existing charters for good and sufficient reasons.
- g. He shall act as a Chairman at all District meetings and caucuses.
- h. He shall discharge such additional duties as may be delegated by the Department Commander and/or the Executive Committee, including the enforcement of all mandates of The American Legion.
- i. He shall appoint such Deputy District Commanders, as he may deem proper. Such Deputy District Commanders shall, under the direction of the District Commander, exercise such

authority and perform such duties as the District Commander may assign.

***Section 11.*** Department Service Officers:

- a. The regional offices in Pittsburgh and Philadelphia will each have an office manager who will also be a Service Officer. The Managers shall meet at least three times yearly together with the Department Commander and Department Adjutant. These managers shall all be ex-officio members of the Veterans Affairs and Rehabilitation Committee with a voice but no vote.
- b. Service Officers shall be hired by the Department Adjutant, with the consent of the Department Commander.
- c. The Department shall maintain a staff of Service Officers who shall assist veterans and their dependants in filing claims with the Department of Veterans Affairs. The policies and duties submitted by the Veterans Affairs and Rehabilitation Committee and endorsed by the Department Adjutant, by and with the assent of the Department Commander, to whom Service Officers are responsible.

## **ARTICLE III**

### ***DEPARTMENT STANDING COMMITTEES***

***Section 1.*** The Department Commander shall appoint the following standing committees along with their respective subcommittees, each to consist of such number of members, as he shall deem desirable unless as otherwise herein provided:

1. Activities
2. Advisory
3. Americanism
4. Children & Youth
5. Fundraising
6. Convention Liaison
7. Emblem & Poppy
8. Internal Organization



9. Keystone Boys State
10. Legislative
11. Membership
12. National Security
13. New Post/Post Home
14. Marketing, Media & Communications Division
15. Religious Emphasis
16. Resolution Executive & Assignment
17. Scholarship Endowment Fund
18. Veterans Affairs & Rehabilitation
19. National Cemetery Committee
20. Distinguished Service Award Committee
21. POW/MIA Committee

***Section 2.***

- a. The Activities Committee shall have supervision over the operation of The American Legion Baseball program as approved by the National Americanism Commission. They may formulate such rules that are necessary but not in conflict with the National program. The Department Commander shall appoint the Chairman along with the Vice Chairmen (one from each Judicial Section), Regional and Sectional Directors. All appointments are for one year or until they are replaced. Once all baseball rules have been approved for the current year by the Activities Committee, they shall be enforced by the Director of Activities.
- b. The following subcommittees shall be placed under the supervision of the Director of Activities: Scouting, Sons of The American Legion, the Junior Shooting Sports program and the American Legion Riders.
- c. The Department Commander shall name the Chairman of the Scouting Committee. The chairman of the Scouting Committee shall recommend to the Department Commander the names of suitable persons for appointment to the committee. Such recommendations shall stipulate that such persons are members of The American Legion; that they have been certified by an

executive of Scouting of America or have knowledge of the Boy Scouts of America and the District Commander of the district in which such appointee resides, as a person actively engaged in the Scouting program.

- d. The Sons of the American Legion Committee will be composed of a Chairman and six Vice Chairmen who will be appointed by the Department Commander for one year. The six Vice Chairmen will be appointed two from each of the three Judicial Sections.
- e. The Department Commander shall select those individuals trained by the NRA in proper gun safety, to serve on the Junior Shooting Sports program. He may appoint a Chairman and one Vice Chairman from each judicial section.
- f. The American Legion Riders Committee will be composed of a Chairman and three Vice Chairmen who will be appointed by the Department Commander for one year. The three Vice Chairmen will be appointed one from each of the three Judicial Sections.

**Section 3.** A Commander's Advisory Committee to advise the Department Commander shall consist of all Past Department Commanders, Past National Vice Commanders, and Past National Executive Committeemen. The Department Adjutant will serve as Ex-Officio.

**Section 4.**

- a. The Americanism Committee will be composed of a Chairman and six Vice Chairmen who will be appointed by the Department Commander for one year. The six Vice Chairmen will be appointed two from each of the three Judicial Sections.
- b. The following subcommittees shall be listed under the Americanism Committee: Blood Donor, Community Service, Essay, Law & Order, Legion College East, Legion College West, Oratorical and Religious Emphasis committees. The Department Commander shall appoint a Chairman for each subcommittee.

- c. The Department Commander shall appoint one chairman to serve a one-year term and three vice chairmen, one from each judicial section, to serve one-year terms for the Blood Donor Committee.
- d. The Department Commander shall appoint one chairman to serve a one-year term and three vice chairmen, one from each judicial section, to serve one-year terms for the Community Service Committee.
- e. The Department Commander shall appoint one chairman to serve a one-year term and three vice chairmen, one from each judicial section, to serve one-year terms for the Essay Committee. The Department Commander will appoint Inter-District Coordinators as necessary.
- f. The Department Commander shall appoint one chairman to serve a one-year term, six vice chairmen, two from each judicial section to serve one-year terms and one Camp Administrator for the Law & Order Committee.
- g. The Department Commander shall appoint one chairman to serve a one-year term and four vice chairmen, two from the Central and Eastern judicial sections, to serve one-year terms for the Legion College East Committee.
- h. The Department Commander shall appoint one chairman to serve a one-year term and four vice chairmen from the Western judicial section to serve one-year terms for the Legion College West Committee.
- i. The Department Commander shall appoint one chairman to serve a one-year term and three vice chairmen, one from each judicial section, to serve one-year terms for the Oratorical Committee. The Department Commander will appoint Inter-District Coordinators as necessary.
- j. The Religious Emphasis Committee shall be comprised of one chairman, who will also be the Department Chaplain. Vice chairmen will be appointed by the Department Commander at the suggestion of the Religious Emphasis Committee chairman.

***Section 5.***

- a. The Children & Youth Committee will be composed of a Chairman and six Vice Chairmen who will be appointed by the Department Commander for one year. The six Vice Chairmen will be appointed two from each of the three Judicial Sections.
- b. It shall be the duty of this committee to administer and carry out the programs of the National Commission on Children & Youth of The American Legion and the programs set forth by The American Legion, Department of Pennsylvania.

***Section 6.***

- a. The Fund Raising Committee will be composed of a Chairman and three Vice Chairmen who will be appointed by the Department Commander for one year. The three Vice Chairmen will be appointed one from each of the three Judicial Sections. The Department Judge Advocate and the Department Finance Committee Chairman will also serve on this committee. The Department Commander and Department Adjutant shall also serve as Ex-Officio on this committee without vote and the Department Adjutant shall be Ex-Officio Secretary of this committee.
- b. This Committee shall meet at least two times a year.
- c. It shall be the duty of this committee to evaluate, promote and encourage all fundraising programs of The American Legion, as well as work for its continued improvement, and also to give proper publicity of same to the membership of The American Legion in this Department.

***Section 7. Convention Liaison Committee***

- a. Convention Liaison Committee shall be composed a Chairman and three Vice Chairmen who will be appointed by the Department Commander for one year. The three Vice Chairmen will be appointed one from each of the three Judicial Sections. The Department Adjutant shall also be member of this committee.
- b. The committee will look at venues in which to solicit funding, etc. for the Department Convention.

***Section 8. Emblem and Poppy Committee***

- a. The Department Commander shall appoint one chairman to serve a one-year term and three vice chairmen, one from each judicial section, to serve one-year terms, alternating, for the Emblem & Poppy Committee.
- b. It shall be the responsibility of this committee to work in close harmony with the Supervisor of Emblem Sales in the promotion of various sales pertaining to the division.
- c. The Committee shall coordinate the poppy program for the Department.

**Section 9.** Internal Organization Committee

- a. The Internal Organization Committee will be composed of a Chairman and six Vice Chairmen who will be appointed by the Department Commander for one year. The six Vice Chairmen will be appointed two from each of the three Judicial Sections. The Committee shall meet at the discretion of the Department Commander.
- b. It shall be the duty of this committee to study the function of the Department and to recommend changes to the Constitution and By-Laws and procedures which will lead to more efficiency in the operation of the Department.

**Section 10.** Keystone Boys State Committee

- a. The Keystone Boys State Committee shall be responsible for the operation of Keystone Boys State and for the stimulation of interest in Keystone Boys State.
- b. The Keystone Boys State Committee will be comprised of a Chairman, Camp Director and six Vice Chairmen who will be appointed by the Department Commander for one year. The six Vice Chairmen will be appointed two from each judicial section to a one year term. At no time shall the Chairman and Camp Director be the same person.

**Section 11.** Legislative Committee

- a. The Legislative Committee will be composed of a Chairman and three Vice Chairmen who will be appointed by the Department Commander for one year. The three Vice Chairmen will be composed of one from each judicial section. There shall be such other selected legislative members, who

are members of The American Legion, to serve the Legislative Committee. It shall be the duties of this committee to promote and report on legislative issues in regards to veterans and veterans' issues.

**Section 12.** Membership Committee

A Membership Committee shall be appointed. It shall consist of six Vice Chairmen, two Vice Chairmen from each of the three Judicial Sections, who shall serve for a period of one year along with the Department Adjutant. The Department Commander shall also appoint the Chairman for the Committee who will serve a one-year term. The Department Commander and the three Department Vice Commanders shall also serve as Ex-officio on this Committee. The Department Adjutant shall be the Ex-Officio Secretary of this committee.

**Section 13.** National/Homeland Security Committee

The National/Homeland Security Committee shall stimulate interest in all proper measures to ensure an adequate national and state defense system. The National/Homeland Security Committee shall be comprised of three members, one from each judicial section. The term of each member appointed to the committee shall be for one year. The Department Commander will appoint the Chairman.

**Section 14.** New Post/Post Home Committee

- a. New Post/Post Home Committee shall consist of a chairman and one member from each Judicial Section to serve for one year, with the chairman to be appointed for a one year term. The term of each member appointed to the committee shall be for a one-year term.
- b. The duties of this committee will be to review all submissions for New Post Homes and Post Home improvements, as well as to promote and administer the program of recognition for New Post Homes and Post Home improvements.

**Section 15.** Marketing, Media & Communications Division Committee

- a. The Marketing, Media & Communications Division Committee shall be comprised of one member from each judicial section to serve a one-year term. The Department

Marketing, Media & Communications Division Representative will serve as Ex-Officio on this committee.

- b. The Marketing, Media & Communications Division Committee shall be concerned with the public relations or publicity of the Department.
- c. The Chairman will be designated by the Department Commander.

**Section 16.** Resolution Executive & Assignment Committee

- a. The Resolution Executive and Assignment Committee shall consist of a Past Department Commander to serve as Chairman and three current District Commanders who are in the second year of their term of office, all to be appointed by the Department Commander.
- b. It shall be their duty to receive all resolutions submitted to the Department Adjutant for their examination and recommendations of all resolutions to the Department Executive Committee.
- c. The committee shall also be empowered with the Department Adjutant, to assign all resolutions and amendments presented for approval to the proper committees at the Department Convention.

**Section 17.** Scholarship Endowment Fund Committee

Scholarship Endowment Fund Committee will be composed of a Chairman and six Vice Chairmen appointed by the Department Commander for one year. The six Vice Chairmen will be composed of two from each Judicial Section. There shall be a Chairman appointed by the Department Commander.

**Section 18.** Veterans Affairs and Rehabilitation Committee

- a. The Veterans Affairs and Rehabilitation Committee will be composed of a Chairman and six Vice Chairmen appointed by the Department Commander for one year. The six Vice Chairmen will be composed of two from each Judicial Section. The Department Commander shall also designate a Chairman.
- b. The Veterans Affairs and Rehabilitation Committee shall meet each year and prepare a program incorporating the mandates of the previous Department Convention and Executive

Committee actions and shall supervise employment activities as they pertain to the rights of persons who have served in the Armed Forces.

- c. The subcommittee Hospital and Convalescence Committee shall be listed under the Veterans Affairs and Rehabilitation Committee and will be composed of a Chairman, six Vice Chairmen, two from each Judicial Section, and VAVS representatives from each Veterans Administration Hospital and State Veterans' Homes appointed by the Department Commander for a one year term. The Hospital and Convalescence Committee shall meet twice a year at the call of the Department Commander. This Committee will be responsible for preparing the Department Holiday Tour and for carrying out directives from the Department Commander and/or Department Executive Committee.

***Section 19.*** National Cemetery Committee

The Department Commander shall appoint one chairman to serve a one-year term and three vice chairmen, one from each judicial section, to serve one-year terms for the National Cemetery Committee.

***Section 20.*** Distinguished Service Award Committee

The Distinguished Service Award Committee will be composed of a Chairman and two Vice Chairmen appointed by the Department Commander for one year. The three committee members will be composed of one from each Judicial Section. The Distinguished Service Award Committee will meet once a year to select a winner for the Department's Distinguished Service Award.

***Section 21*** POW/MIA Committee

The POW/MIA Committee will be composed of a Chairman and three Vice Chairmen appointed by the Department Commander for one year. The three committee members will be composed of one from each Judicial Section. The POW/MIA Committee will meet once a year to plan the Department POW/MIA Remembrance Ceremony.



## ARTICLE IV

### *FINANCE COMMITTEE*

**Section 1.** The Department Finance Committee shall be composed of four members, three elected as provided in the Department Constitution, and ex-officio, the Department Commander. The Department Adjutant shall be ex-officio and Secretary of the Committee and the Department Comptroller will also serve as Ex-Officio. The Chairman of the Finance Committee shall be rotated annually among the elected members of such Committee in such manner that each Judicial District shall succeed the Chairmanship within each three-year period.

**Section 2.** Duties: The Department Finance Committee:

- a. Shall exercise a careful overseeing of the administration of the finances of the Department with a view to the greatest possible economy and efficiency.
- b. Shall examine and if in order, approve the budget and make certain that the budget, when adopted by the Executive Committee, is strictly adhered to and carried out effectively, provided that said Finance Committee, may transfer Surplus Funds from one item of the budget to another item where a deficit shall occur.
- c. Shall authorize the signing of regular vouchers so as to provide for the items of expenditures contained in the budget and other expenses, which may arise by reason of special need.
- d. Shall receive and examine monthly, quarterly, and annual reports of the Comptroller.
- e. Shall provide for an audit of the books of the Comptroller by certified public accountant.
- f. Shall provide for the bonds required to be given by all personnel who receives or disburse funds and submit them to the Executive Committee for approval.
- g. The Finance Committee shall be charged with investing all surplus funds in Investments which are considered legal investments for trust funds or savings banks in the Commonwealth of Pennsylvania. The Chairman of the

Finance Committee and the Department Adjutant shall be charged with the duty of carrying out the Committee's orders to invest the funds.

- h. The Finance Committee shall be charged with the duty to administer the employees' retirement plan and work for its continued improvement.
- i. The Department Commander shall appoint a person to the Finance Committee to serve as a consultant to help in advising on the retirement plan for the employees.

## **ARTICLE V**

### ***COUNTY COMMITTEE OR COUNTY COUNCIL***

**Section 1.** Preliminaries: Upon the request in writing to the Department Commander of at least three-fifths of the Posts in a county, representing at least three-fifths of the paid members in such county, a County Committee or County Council shall be organized in such county, membership in which shall be mandatory upon all Posts in such county. The Department Commander may call a meeting of representatives of the Post of a County, or adjoining Counties, to plan the organization of a County or Bi-County Committee.

**Section 2.** Organization: Within fifteen days after receipt of such written request, the Department Commander, or his designated representative, shall call a meeting of representatives of all Posts in such county to effect the organization of a County Committee or County Council. Written notice of said meetings shall be given to all Post Commanders thirty days before the date set for the meeting. Representative of each Post at said meetings shall be determined on the same basis as its representation in the Last Department Convention.

**Section 3.** Representation: After organization, the representation of each Post in the County Committee or County Council shall be determined on such basis as each County Committee or County Council shall by its Constitution and By-Laws provide. Provided, however, that in all counties which contain one, or more than one district, the District Commanders of such Districts shall be delegates-

at-large of such County Committees and members of the County Executive Committee.

**Section 4.** Administration: The County Committee or County Council shall elect a County Commander and such other officers as it sees fit. It shall make its own By-Laws. It may appoint such committees, as it deems advisable to carry out such powers as herein provided. It may have an Executive Committee elected from its own membership, with such powers as may be delegated to it, provided that only the County Committee or County Council itself can determine questions involving expenditures of money by or the incurring of financial obligations by the County Committee or County Council.

**Section 5.** Resolutions: Resolutions affecting the interests of The American Legion in its relations to the public in County, State, or Nation, adopted by a post, shall not be binding upon the County Committee or County Council, or upon the Posts of the County, unless and until it has been submitted to the County Committee or Council and has received its approval.

**Section 6.** Assessments: The County Committee or County Council may for its own maintenance and work assess each Post in such county a sum not to exceed fifty cents per person per annum for each of the paid members of the Post. The County Committee or County Council may also raise money by other means.

**Section 7.** General Powers: The County Committee or County Council shall have general advisory powers.

**Section 8.** Limitation of Powers: The County Committee or County Council shall have no powers not specifically herein granted, except that by a vote of at least three-fifths of the paid members in such county, further powers may be granted to the County Committee or County Council, subject to the approval of the Department Commander; provided, such powers do not conflict either with the National or Department Constitution of The American Legion.

**Section 9.** Mandatory Membership: Whenever a County Committee or County Council shall have been organized in a county pursuant to the provisions of this Constitution, and Post within such

county refusing to become a member of the County Committee or County Council shall be subject to such disciplinary action as the Department Executive Committee may, under the National Department Constitution of The American Legion, properly determine upon.

**Section 10.** Dissolution of County Committees: At any time, upon the request in writing of three-fifths of the Posts in a county, representing at least three-fifths of the paid members in such county, the Department Commander shall dissolve the County Committee or County Council of that county. Any net assets of said County Committee or County Council shall be turned over to the Department for use of American Legion activities in that county.

**Section 11.** Incorporation Mandatory: All County Councils and County Committees in the Department must be incorporated in order to relieve the Posts of said County from the possibility of being responsible and liable for the debts and liabilities incurred by said County Council and County Committees.

**Section 12.** Bi-County Councils or Committees: Any two or more County Councils or Committees in any one District may consolidate in order to form a single County Council or Committee, comprised of the Posts in two or more Counties of that District. Said consolidation can be effected only by the vote of a majority of the Posts representing a majority of the paid members of County Council or Committee affected by the consolidation, and all of which shall be subject to the approval of the Department Executive Committee; provided that any Post located in any County which does not have a County Council or Committee may, so long as that condition continues, voluntarily become a member of the County Council or Committee of any adjoining County. Such Post shall receive the same privileges and be subject to the same County Council or Committee; and the County Council or Committee may thereafter be designated as a Bi-County Council or Bi-County Committee.

## ARTICLE VI

### *MEMBERSHIP DUES*

*Section 1.* Each Post shall pay annually to the Department Comptroller, dues for each of its members in good standing. Effective the 2013 membership year dues will be \$8.50, which amount is in addition of National Dues as provided by the National Constitution, five cents of which shall be earmarked and divided equally between the Keystone Boys State and state Police Youth Week programs, seventy cents of which amount shall be earmarked for the Department Rehabilitation and Veterans Preference Program and five cents of which amount shall be earmarked for the Scholarship Endowment Funds.

*Section 2.* Members in Good Standing: Each member of an American Legion Post shall be deemed a member in good standing until he is suspended, or expelled, or shall have resigned. The Department Adjutant shall be notified of all suspensions, expulsions, resignations, and deaths.

*Section 3.* Delinquent, Suspended, and Forfeited Memberships on Account of Dues: A member whose dues for the current year have not been paid by January 1<sup>st</sup> shall be classed as delinquent. If his dues are paid on or before February 1<sup>st</sup>, he shall be automatically reinstated. If he is still delinquent after February 1<sup>st</sup>, he shall be suspended from all privileges. If he is still under such suspension on June 30<sup>th</sup> of such year, his membership in the American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Posts, Department, and National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members, who have been prevented from the payment of dues by reason of active military service.

**Section 4.** In no event shall the period transpiring between the receipt of annual dues by a Post and the remittance thereof to the Department exceed 30 days.

**Section 5.** Upon the recommendations of the Department Executive Committee, the Department Commander shall be empowered to appoint a committee consisting of three members (the sectional vice commander, the sectional finance officer, and the commander of the district concerned) to audit the books of any post which is believed to habitually violate the preceding Section 4 and to make appropriate recommendations, which may include the suspension or revocation of the post charter.

## **ARTICLE VII**

### ***TRANSFER OF MEMBERSHIP***

**Section 1.** A member of a Post in this Department in good standing may be transferred to any post in the Department, and no additional dues shall accrue to the Department because of such transfer.

**Section 2.** No member shall transfer or demit from a Post without first having secured the approval of the officers of the Post; if this approval is not forthcoming within 60 days from date of application, the transfer or demit can be acted on without further notice. All applications for membership in the Post shall indicate whether applicant has ever been a member of, or applied for membership in, any Post of The American Legion.

## **ARTICLE VIII**

### ***CHARTERS & CONSTITUTIONS***

**Section 1.** Those who desire to form an American Legion Post shall make application for a temporary charter to the Commander of the Department.

**Section 2.** The number required to form a Post and required to file application for charter shall be determined, from time to time, by the Department Executive Committee. Such information shall be on file in the Department Adjutant's office and shall be furnished by him on request.

**Section 3.** The Department Adjutant shall furnish to proper applicants, the necessary forms of application for the formation of a Post and request for temporary or permanent charter.

**Section 4.** Those desiring to form a Post shall proceed as follows:

- a. Applying in writing either to the Department Headquarters or to the District Commander of the district in which the post is to be situated, for a form of application for temporary charter. The Department Adjutant, upon receipt of such request shall supply the necessary forms or the District Commander shall immediately apply to the Department Adjutant for such forms and upon receipt shall transmit them to the applying group. Applications will be supplied in triplicate.
- b. Upon receipt of the forms the group will meet to discuss the terms of the application and in good faith shall complete the forms and return in triplicate direct to the Department Commander or the District Commander, who will forthwith deliver the forms to the Department commander.
- c. Upon receipt of a temporary charter organize within a period of twenty (20) days and implement the Department's Standardized Post Constitution and By-Laws submitting to the Department, on a form provided by the Department, the Post specific information requested.
- d. Upon receipt of a temporary charter organize within a period of twenty days and adopt a Constitution and By-Laws as submitted of with the necessary changes as designated by the Department Judge Advocate, and immediately file a copy of the Constitution and By-Laws as finally adopted with the Department Adjutant.

**Section 5.** Upon receipt of the temporary charter, the Post Commander elect shall request the District Commander to install the officers of the Post.

**Section 6.** New Posts as formed shall be designated as Posts within the district in which the Post is to be located geographically.

**Section 7.** A temporary charter shall be granted and shall state that it is granted on the recommendations of the Department on the following terms and conditions:

- a. All acts heretofore duly and properly taken for the formation of the above named Posts are recognized and confirmed by the National Executive Committee.
- b. The above name Post shall uphold the declared principle of the American Legion and shall conform to and abide by the regulations and decisions of the Department and of the National Executive Committee, or other duly constituted national governing body of The American Legion.
- c. This charter is subject to revocation by the National Executive Committee on the recommendation of the Department, or by such authority that may hereafter be established by the National Convention.

**Section 8.** After a temporary charter has been in effect for a probationary period of at least ninety days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the termination of which the Department shall determine whether or not a permanent charter shall be issued or denied and the action of the Department shall be final.

## **ARTICLE IX**

### ***AMENDMENTS TO DEPARTMENT BY-LAWS***

**Section 1.** Amendments to these By-Laws may be proposed by any Post, District or County Committee, Standing Committee, or Judicial Section at any time not later than sixty days prior to the Annual Convention and shall be forwarded to the Department



Adjutant, who shall give notice thereof to all Posts in the Department at least thirty days prior to said Convention. Such amendments shall be considered adopted upon a majority affirmative vote of the delegates present at any session.

*Section 2.* Amendment to these By-Laws as proposed by any individual Post or District or County Committee or Standing Committee or Judicial Section or by the Executive Committee may be presented to a Special Convention called for such purpose in conformity with the provisions of the By-Laws, provided that 30 days notice of such amendments shall be duly given to every Post. Such amendments shall be considered adopted upon a majority affirmative vote of the delegates present at any session of such Special Convention.

*Section 3.* Amendments to these By-Laws proposed at the Annual Convention of which the notice required by Section 1 of this Article shall not have been given, shall be adopted only by the unanimous consent in writing of all delegates duly elected to serve at such Convention, whether or not in attendance at said session at which such amendment is voted upon.

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## APPENDIX

### RULES OF PROCEDURE IN DISCIPLINE OF MEMBERS

1. Charges against members must be made in writing, duly sworn to before an officer authorized to administer oaths, and must be filed with the Post Adjutant in quadruplicate.

2. At the next Post meeting after the filing of such charges, the Adjutant shall bring the same before the Post without reading; whereupon the Commander shall appoint a Trial Board of three members in good standing, to whom such charges shall be referred. The Commander shall also appoint a competent member of the Post to prosecute the charges; provided, if the Post has a Judge Advocate, such officer shall prosecute the charges.

3. The Trial Board shall meet forthwith and organize, electing a chairman and clerk, for the Board; the Post Adjutant shall deliver to the clerk a copy of the written charges.

4. The Trial Board shall fix a time and place of hearing, and the clerk shall give five days' notice thereof to the accused member, the accusing member, and the Judge Advocate.

5. HEARING. The accused member shall be entitled to be represented at the hearing before the Trial Board by not to exceed two counsel. No person not a member of The American Legion in good standing shall be permitted to be present in any capacity at any hearing on such charges, except as a witness.

6. Upon the hearing, the Judge Advocate shall call and examine the accusing member and such witnesses as he may produce; the accused member or his counsel shall next call and examine such witnesses as they desire. But one witness shall be present at the hearing at one time, and no person shall be present at the examination of a witness except the members of the Trial Board, the Judge Advocate, the accused member and his counsel.

7. Upon the conclusion of taking testimony the accused member or his counsel may sum up or argue for the defense. The Judge Advocate shall sum up the prosecution. At all times during the hearing the Judge Advocate shall be unbiased and unprejudiced, and his effort shall be to bring out and established the true facts, and to point out the bearing of such facts upon the charges.

8. Where convenient, and in all cases where requested by accused, the notes of testimony shall be taken as fully as reserved with the records of the case.

9. After the hearing, the Trial Board shall meet in executive session, and agree upon its findings and recommendations, and report the same to the Post. Said report shall include:

- (a) Name of accused member and his accuser
- (b) Date of filing charges
- (c) Name of Trial Board, chairman and clerk
- (d) Times and place of hearing
- (e) Appearance (who appeared)
- (f) Finding of Facts numerically arranged and numbered
- (g) Discussion if desired
- (h) Recommendation—i.e., exoneration, suspension, expulsion or other discipline

10. REPORT. A majority of the Trial Board shall be sufficient to make a report and recommendation to the Post. A minority report and recommendation may also be filed with the Post Adjutant. The clerk of the Trial Board shall furnish a copy of the report to the Post Adjutant, accused member, and Judge Advocate.

11. The report, findings and recommendations of the Trial Board shall be acted upon at the next regular Post meeting, or at a special meeting called by the Commander. In either case, the Post Adjutant shall give to each Post member at least five days' written notice of the meeting, and that such report will be acted upon thereat.

12. The report of the Trial Board shall be acted upon the executive session of the Post. After hearing the report, findings and recommendations, and full discussion thereof, the Post may adopt or reject the report of the Trial Board; and exonerate the accused or may suspend, expel or otherwise discipline him.

13. Vote upon the motion to suspend, expel, or otherwise discipline a member shall be by secret ballot. A two-thirds vote of the members present at the meeting shall be necessary to expel a member. Suspension or other discipline may be by majority vote of the members present.

14. The Post Adjutant shall give immediate written notice of the action of the Post to the accused member.

15. APPEALS. Any member suspended or expelled from membership in the post may, within forty days after such notice thereof, appeal to the Department Executive Committee.

16. Such appeal may be informal and consist merely of a letter or notice setting forth his name, Post number, the date of suspension or expulsion and state a desire to appeal; which letter or notice shall be forwarded to the Department Adjutant.

17. Upon receipt of such notice of appeal, the Department Adjutant shall notify the Post Adjutant to forward the records and papers in the case.

18. The Post Adjutant shall thereupon, within ten days; forward to the Department Adjutant the following records and papers:

- (a) Copy of Charges
- (b) Copy of records, findings and recommendations of Trial Board
- (c) Copy of notes of testimony
- (d) Copy of minutes of Post meetings, showing action of Post in full.

19. Upon receipt of such record and papers, the Department Commander shall refer the same to an Appeal Board, which he shall appoint, consisting of three members of the Department Executive Committee.

20. The Appeal Board shall organize, elect a chairman and clerk, fix time and place of meeting, and give eight days' written notice thereof to the appellant, and the Post Judge Advocate.

21. The appellant may appear before the Appeal Board with but one Counsel and the Post Judge Advocate may also appear. No

person not a member in good standing in the American Legion shall be present or be heard before the Appeal Board, except as a witness or counsel.

22. The Appeal Board shall review the charges, testimony, report, findings and recommendations of the Trial Board, and the action of the Post. Additional testimony may be adduced before the Appeal Board at its option; but this should be permitted only when the Appeal Board is on the opinion that new material evidence (not merely cumulative), omitted before the Trial Board, will assist it in arriving at the truth; or that the notes of testimony are incomplete, incorrect, or inaccurate.

23. After such review, and hearing argument if desired, the Appeal Board shall present a written report to the next meeting of the Department Executive Committee. Such report shall contain such findings of fact, discussion and recommendations as the Board, or majority thereof, shall agree upon. A minority report may be submitted.

24. The report, findings and recommendations of the Appeal Board shall be acted upon by the Department Executive Committee in executive session. The Executive Committee may, at its option, call the accused member before it, but such action is not recommended.

25. Action of the Department Executive Committee shall be final. Notice of such action shall be forwarded by the Department Adjutant to the accused member, the Post Judge Advocate, the Post Adjutant. Also, to the National Adjutant.

26. The foregoing rules of procedures shall not apply to cases of suspension and expulsion for nonpayment of dues, which in all cases shall be automatic, as provided by National By-Laws, Article VI, Section 4.

# UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF POST CHARTERS

*(Adopted by the National Executive Committee of The American Legion, May 1-2, 1941, Indianapolis, Indiana. Amended by that body November 6-7, 1941)*

## I. CHARGES

**Section 1.** A charge that any Post should, for any good and sufficient cause, have its charter cancelled, suspended or revoked, may be initiated by any intermediate body between the Post and the Department, or by any three Posts of the Department in which the Post accused is located. A charge may be withdrawn only with the consent of the Department Commander.

**Section 2.** Such charges shall be filed with the Department Commander at Department Headquarters.

**Section 3.** Such charges shall be in writing, and signed by the respective Commanders and Adjutant of the intermediate bodies or Posts, as the case may be, and sworn to before any officer authorized to administer oaths.

**Section 4.** Three additional copies of such charge shall be filed with the original. The Department Commander shall forthwith cause one copy of such charge to be served on the defendant Post by delivering a true copy thereof to the Adjutant of said Post, as hereinafter provided.

**Section 5.** Such charge shall include the following:

- a. A certified or attested copy of the resolutions authorizing the filing of such charge.
- b. The full name and address of the Post against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Post.
- c. A clear and concise and detailed statement of the facts upon which the charge is based.

- d. The section or sections of the National and Department Constitutions and By-Laws alleged to have been violated.
- e. Affidavits or documents substantiating the charge may be attached.

**Section 6.** After a charge has been filed, the Department Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the Department Commander shall file a report and recommendation with the Department Executive Committee for its action thereon at its next meeting.

**Section 7.** Proceedings relating to the cancellation, suspension or revocation of the Post charter may also originate with either the Department Commander or the Department Executive Committee.

**Section 8.** The action of the Department Executive Committee in rejecting any charge or charge against a Post shall be final.

## **II. RESOLUTION OF DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** Should the Department Executive Committee determine by a majority vote that the Post should surrender its charter, said Department Executive Committee shall direct the defendant Post to surrender its charter for cancellation, and shall pass a resolution that unless the charter is so surrendered, prior to the date therein specified, a hearing and trial be held to determine whether the Post charter should be cancelled, suspended or revoked, and said resolution shall include the following:

- a. A statement that the Department Executive Committee has determined that a hearing and trial is warranted.
- b. Authorization and direction to the Department Commander and Department Adjutant to sign a formal complaint.
- c. The names and addresses of the members of the subcommittee before which the hearing and the trial is to be held.

- d. The name and addresses of the Department Judge Advocate or special acting Department Judge Advocate who is to assist the committee.
- e. Authorization to subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary. Said expense including the cost of stenographic report of the trial when ordered to be transcribed by the subcommittee or the Department Executive Committee, shall be taxed as costs against the Department, complaints or defendant Post in such manner and amount as the Department Executive Committee shall prescribe.
- f. That subcommittee shall report its written findings of fact and recommendation to the Department Executive Committee as its next meeting; provided, however, that if the hearing or trial is not completed, a partial report shall be made.

### **III. COMPLAINT**

*Section 1.* In all cases a formal complaint, in triplicate shall be drawn by the Department Judge Advocate and signed by The American Legion, through its Department Commander and Department Adjutant, setting forth the following:

- a. A clear and concise statement of the facts upon which the charges are predicated.
- b. The origin of the charges.
- c. A copy of the resolution of the Department Executive Committee appointing the subcommittee and its assistants.
- d. A copy of the Uniform Code of Procedure for the revocation, cancellation, or suspension of Post charters.
- e. The time within an appearance or answer shall be filed by the Post, which shall be not less than 20 or more than 60 days from the date of the service of a copy of the complaint.



- f. The time and place for the hearing and trial, which shall not be more than thirty days after the date of the expiration of the time for the filing of the answer.

**Section 2.** Any such complaint may be amended by the subcommittee of the Department Executive Committee in its discretion at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

#### **IV. SERVICE**

**Section 1.** The subcommittee shall cause a true copy of the complaint to be served on the defendant Post.

**Section 2.** All complaints, orders and other processes and papers of the subcommittee or of the department organization of The American Legion may be served personally, or by registered mail, or by leaving a copy thereof at the principle office or headquarters of the intermediate body or Post, or place of residence of the person or officer to be served. The verified return by the individual serving the same showing service thereof in the manner herein provided, or the registry return receipt shall be proof of service.

**Section 3.** All notices, orders, papers, or other processes which are to be served on the Department headquarters of The American Legion, or the subcommittee appointed to conduct the trial, shall be deemed served if they are served on the Department Adjutant at Department Headquarters, said service to be made as herein above provided.

**Section 4.** Witnesses may be summoned by a notice signed by either the special acting Department Judge Advocate, the Department Judge Advocate, or by a member of the subcommittee.

#### **V. ANSWER**

**Section 1.** The defendant Post shall file an answer to said complaint with the Department Judge Advocate at Department Headquarters within the time specified in the complaint. The answer shall contain a clear and concise statement of the facts, which constitute its defense. Any charge or specification in the complaint

which is not expressly denied or explained in the answer shall be deemed to be admitted.

**Section 2.** In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment, and may file an amended answer to the said amended complaint within five days thereafter.

## **VI. SUBCOMMITTEE**

**Section 1.** The subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension, or revocation of the Post charter shall be appointed by the Department Executive Committee and shall consist of not less than three members of the Department Executive committee. No member of the Post under investigation shall be a member of such subcommittee.

**Section 2.** Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the Department Judge Advocate.

**Section 3.** A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.

**Section 4.** The duties of the Department Judge Advocate or special acting Department Judge Advocate shall be to see that the trial is prompt, complete, and thorough, make all arrangements for the hearing, the summoning of all witnesses and the productions of all papers. He shall see that all the orders of the subcommittees shall be carried out. He shall examine and cross-examine all witnesses.

## **VII. HEARING & TRIAL**

**Section 1.** The rules of evidence prevailing in courts of law and equity shall not be controlling. The subcommittee shall decide all questions arising as to the relevancy of the evidence and the regularity of the proceedings.

**Section 2.** The subcommittee may hold its hearing in closed sessions or may open them to the public. The subcommittee shall hear witnesses on oath or affirmation.

**Section 3.** Any party to the proceedings shall have the right to appear at such hearing in person, by counsel or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses and to introduce documentary or other evidence.

**Section 4.** Stipulations of fact may be introduced in evidence with respect to any issues.

**Section 5.** Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing.

**Section 6.** Any party to the proceedings shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing. Briefs may be filed by the parties within the time fixed by the subcommittee.

**Section 7.** In the discretion of the subcommittee, the hearings may be continued from day to day, or adjourned to a later date or to a different place by announcement thereof at the hearing by the chairman or vice chairman of the subcommittee or by other appropriate notice.

**Section 8.** A stenographic report of the trial shall be made.

## **VIII. REPORT OF COMMITTEE**

**Section 1.** The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its written findings of fact and recommendations with reference thereto with the Department Adjutant not less than five days before the next meeting of the Department Executive Committee, all of which shall be open to the inspection of all members of the Department Executive Committee as well as representative or representatives of the defendant Post.

**Section 2.** The Department Executive Committee shall consider said report and act thereon.

**Section 3.** At the Department Executive Committee meeting at which the report of the said subcommittee is to be considered, one representative of the defendant Post may, within the discretion of the Department Executive Committee, be given the privilege of the floor for not more than one hour.

**Section 4.** Should the subcommittee's report be a partial report, the Department Executive Committee may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the Department Executive Committee.

## **IX. APPEAL**

**Section 1.** Should the Department Executive Committee refuse to cancel, suspend or revoke the charter of the Post, such decision shall be final and no appeal can be taken there from.

**Section 2.** Should the Department Executive Committee, upon a report of its subcommittee, cancel, suspend or revoke the charter of the defendant Post, the defendant Post and the National Adjutant shall be notified by the Department Adjutant of the decision of the Department Executive Committee, which notice shall be mailed within five days after such decision has been rendered. Should the defendant Post desire to appeal from the decision of the Department Executive Committee, it shall serve its notice of appeal, signed by the Post Commander and Adjutant, on the Department Adjutant at Department Headquarters within thirty days from the date of said suspension, cancellation of revocation.

**Section 3.** Upon receipt of said notice of appeal, the Department Commander shall immediately notify the National Commander shall immediately notify the National Commander of such appeal and shall cause the Department Judge Advocate, or acting Department Judge Advocate, and the subcommittee to submit all the papers and the complete record of the hearings to the National Commander. Upon record of the notice of appeal, the National Commander shall appoint a subcommittee of not more than five nor less than three

members of the National Executive Committee for the purpose of hearing the appeal from the action of the Department Executive Committee.

**Section 4.** The National Executive Committeeman, or alternate, from the Department of which the defendant Post is a part, shall not be eligible to serve on this committee.

**Section 5.** This subcommittee of the National Executive Committee shall meet at least one day prior to the meeting of the National Executive Committee, and to this committee the National Commander shall refer the complete record, in writing, of said proceedings with such exceptions thereto as are made by the defendant Post.

**Section 6.** This subcommittee may make its recommendations merely from the records, or it may permit representatives of the Department or the defendant Post to appear and argue the matter before the committee, and it may, at such hearing of such appeal, take further evidence relating thereto under such rules and conditions as it may from time to time adopt.

**Section 7.** This subcommittee shall review the cause and recommend to the National Executive Committee the action to be taken thereon.

**Section 8.** The decision of the National Executive Committee, based upon the report of this subcommittee, shall be final and there shall be no appeal there from.

**Section 9.** The cost of proceedings may be re-taxed, as the National Executive Committee shall deem just and equitable.

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## **X. STANDARDIZED POST BY-LAWS**

BY-LAWS OF  
(Post Name), (Post No.)  
The American Legion, Department of Pennsylvania, Inc.

## ARTICLE I – NAME

**Section 1.** The name of this Post shall be the \_\_\_\_\_ Post  
No. \_\_\_\_\_, The American Legion, Department of  
Pennsylvania, Inc.

## ARTICLE II – PURPOSE

**Section 1.** For God and Country, the members of this Post associate themselves to uphold and defend the Constitution of the United States of America and of the Commonwealth of Pennsylvania; to maintain law and order; to foster and perpetuate a one hundred (100%) 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 III – MEMBERS

**Section 1.** Any individual not a member of another Post and meeting the eligibility requirements of the Department and The American Legion may be a member of this Post.

**Section 2.** Any individual who desires to become a member of this Post shall submit an Application of Membership provided by the Post and shall attach thereto a copy of the individual's DD214, duly notarized as a true and correct copy of the original.

**Section 3.** Each Application of Membership shall be reviewed by the Membership Committee and said committee shall report on each Application of Membership at the next regularly scheduled Post meeting following review of the same, whereupon the membership of the Post shall vote thereon.

**Section 4.** At such meeting, the application will 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 5.** Any member of this Post may be suspended for thirty-one (31) days or more or expelled for cause after charges are preferred and a fair trial had upon the same pursuant to the Department's Rules of Procedure in Discipline of Members. Lesser discipline may be imposed upon two-thirds (2/3) vote of the Executive Committee after charges have been preferred under oath in writing and a fair hearing held thereon. The Executive Committee by two-thirds (2/3) vote may temporarily suspend any member pending decision on charges filed against him.

**Section 6.** A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds (2/3) vote of the membership present in Post Meeting, and the 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, the applicant may appeal to the Department Executive Committee for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

## **ARTICLE IV – EXECUTIVE COMMITTEE**

**Section 1.** The management of this Post is entrusted to the Executive Committee.

**Section 2.** The members of the Executive Committee shall be the Post Commander, who shall be Chairman thereof, two (2) Post Vice Commanders, Post Adjutant, Post Finance Officer and an even number of members at large of which there shall be at least four (4).

**Section 3.** The at large members of the Executive Committee shall serve for a term of two (2) years. Initially, half of the at large positions will be filled by that number of candidates receiving the most votes and they shall serve for two (2) years. The remaining positions will be filled by that number of candidates receiving the next highest number of votes who shall serve for one (1) year only. Thereafter, an election shall be held annually to elect half of the members.

**Section 4.** An initial organizational meeting of the Executive Committee shall be held immediately after the Post meeting at which newly elected officers are installed. Thereafter, the Executive Committee shall meet monthly, immediately prior to the regular monthly meeting of the Post. Special meetings of the Executive Committee may be called by the Post Commander or upon the written request of three (3) or more members thereof. A special meeting of the Executive Committee called at the request of three (3) or more members thereof, shall be scheduled by the Post Adjutant within ten (10) days after receipt of the written request therefore.

Notice of the calling of a special meeting of the Executive Committee shall be given by the Post Adjutant in writing or e-mail to each member thereof at least five (5) days prior to the date for said scheduled special meeting. Said notice shall set forth the day, time, location and purpose of the meeting. No business other than that specifically set forth in the notice thereof may be conducted at any special meeting. Each member of the Executive Committee is responsible for providing the Adjutant with his current address or e-mail address. Notice to the address or e-mail address last provided the Adjutant will be effective notice.



**Section 5.** A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business. Except as may be required by the Constitution and By-Laws of The American Legion, the Department of Pennsylvania or this Post, all action of the Executive Committee shall be by majority vote of those present and eligible to vote thereon.

**Section 6.** Any vacancy among the at large members of the Executive Committee occurring prior to April 1 shall be filled by vote of the members at the next regularly scheduled Post meeting. Any vacancy occurring among the at large members of the Executive Committee subsequent to April 1 shall be filled by a vote of the members of the Executive Committee.

## **ARTICLE V – OFFICERS**

**Section 1.** The officers of the Post shall be as follows:

- a. Post Commander;
- b. First and Second Post Vice Commanders;
- c. Post Adjutant;
- d. Post Finance Officer;
- e. Post Historian;
- f. Post Chaplain;
- g. Post Judge Advocate;
- h. Post Service Officer;
- i. Post Parliamentarian;
- j. Up to three (3) Sergeants at Arms;
- k. Such other officers as the membership shall determine.

**Section 2.** Election/Appointment of Post Officers. The Post Commander, Post Vice Commanders, and Post Finance Officer shall be elected by a majority of the members present and eligible to vote thereon. The Post Adjutant, Post Chaplain, Post Judge Advocate, Post Historian, Post Service Officer, Post Parliamentarian,

Sergeants-at-Arms and such other officers as the membership of the Post shall have determined, shall either be appointed by the Post Commander with the concurrence of the Executive Committee or elected as determined by majority vote of the members of the Post.

Post officers shall assume the responsibility of their elected office on August 1 and shall be installed at the first available meeting following the adjournment of the Department Convention.

**Section 3.** Each elected officer of the Post shall serve for one (1) year and until his successor is elected and assumes his duties. All officers appointed by the Post Commander shall serve until the expiration of the term of the Post Commander or at such earlier date as the Commander with the concurrence of the Executive Committee shall determine.

**Section 4. Post Commander.**

a. The Post Commander shall be the Chief Executive of the Post. He shall see that the provisions of the National, Department and Post Constitution and By-Laws and all rules, regulations and policies established thereunder are observed. In cooperation with the Executive Committee of the Post, he shall be responsible for the enforcement of discipline and the maintenance of good conduct on the part of the members. He shall be the presiding officer at Post meetings and gatherings at which he shall be present. He shall represent the Post in its relations with federal, state and other governmental bodies, other Legion organizations and the public at large. He shall have authority to designate a Post Vice Commander to represent him at ceremonies and meetings, and in the event of the inability of any of the Post Vice Commanders to accept such assignment, he may appoint another representative.

**Section 5. Post Vice Commanders.**

- a. The First Post Vice Commander shall be a member of the Executive Committee and shall carry out the duties of the Post Commander in the event of his death, disability or other inability to so act. The Second Vice Commander shall assume the duties of the First Vice Commander in the event of his death, disability, assumption of the position of Commander or other inability to so act. Both Vice Commanders shall carry out such other duties as shall be assigned to them by the Commander or the Executive Committee.

**Section 6. Post Adjutant.**

- a. The Post Adjutant shall conduct the correspondence and keep the files and records of the Post, including the names and addresses of the officers, delegates and members thereof.
- b. The Post Adjutant shall be responsible for the conduct of the administrative actions of the Post subject to the directions of the Post Commander and the Executive Committee.
- c. He shall be responsible for providing notice of all special meetings of the Post and Executive Committee, as well as all other required notices.
- d. The Post Adjutant shall act as the Secretary of the Executive Committee.
- e. He shall assist the Post Finance Officer in the preparation of an annual budget for the expenses of the Post. The budget shall specify each item of expense specifically as to character and amount. The recommended budget shall be submitted to the Finance Committee for examination, alteration and presentation to the Executive Committee.

**Section 7. Post Finance Officer.**

- a. Under the direction of the Post Commander, the Post Finance Officer shall be charged with the collection and custody of the funds of the Post, shall keep the accounts of the Post and shall report thereon at each regular meeting of the Post and Executive Committee. He shall make such other reports to the Post, Post Commander and Executive Committee as they may direct.
- b. He shall give bond with sufficient security at the expense of the Post and subject to the approval of the Post Executive Committee for the faithful performance of his duties.
- c. All funds of the Post shall be deposited by the Post Finance Officer in the name of the Post, in a depository bank approved by the Executive Committee. All such funds shall be so deposited within one (1) business day of receipt.
- d. Funds of the Post shall be disbursed by the Post Finance Officer upon the authority of the Executive Committee pursuant to a regular voucher showing the character and amount of expenditures. Funds disbursed on behalf of the Post and in excess of \$10.00, shall be by check signed by two (2) Post officers duly authorized by vote of the Executive Committee to do so. The Finance Officer shall promptly see to the execution of appropriate signature cards after designation of the officers authorized to execute Post checks.
- e. It shall be the Post Finance Officer's duty to make certain that the books of the Post are audited annually in August of each year for fiscal year filers and January of each year for calendar year filers.

**Section 8. Post Historian.**

- a. The Post Historian shall be responsible for the compiling and maintenance of a historical record of the Post. He shall have the authority to request from the officers of the Post,

members of the Executive Committee and Committee Chairpersons such information as may be necessary for the performance of his duties and he shall prepare and submit annually to the Post Executive Committee at its June meeting, a report covering the activities and interests of the Post throughout the previous year, accompanied by such suggestions relating to the preservation of the historical records of the Post, as he shall deem appropriate.

**Section 9. Post Chaplain.**

- a. The Post Chaplain shall invoke the blessings and assistance of the Almighty at the opening and closing of Post meetings and shall perform such other duties, ordinarily incident to the Office of Chaplain, as shall be assigned to him by the Post Commander.

**Section 10. Post Judge Advocate.**

- a. The Post Judge Advocate shall advise the Post Officers and Executive Committee on all legal matters, including the construction and interpretation of the National, Department and Post Constitution and By-Laws, and shall perform such other duties as are usually incident to the office.

**Section 11. Service Officer.**

- a. The Post Service Officer shall perform such duties as are normally and usually incident to his office, carrying out such activities as directed by the Post Commander and Executive Committee.

**Section 12. Sergeants at Arms.**

- a. The Sergeants at Arms shall maintain order and discipline at all meetings and Post functions and are responsible for the enforcement of and adherence to all Post rules and regulations. They shall serve on any Election Committee as security for the balloting on the Post's Election Day. They

shall see to the preparation of the meeting room/hall for all meetings and functions of the Post and shall carry out such other duties as may be assigned to them by the Post Commander and Executive Committee.

**Section 13. Parliamentarian.**

- a. The Post Parliamentarian shall, when called upon, advise on questions of parliamentary procedure.

**ARTICLE VI – POST STANDING COMMITTEES**

**Section 1.** There shall exist the following standing committees, the members and Chairperson of which, except as provided for hereinafter, shall be appointed by the Post Commander subject to the concurrence of the Executive Committee:

a. House Committee.

The House Committee shall promulgate rules and regulations for the conduct of members and the carrying out of Post activities. The committee shall assure that all such rules and regulations are in conformity with the National and Department Constitution and By-Laws and shall submit the same to the Executive Committee for adoption, modification or rejection thereof. All rules and regulations so adopted shall be duly posted at Post quarters and shall take effect as of the first of the month following their adoption.

The House Committee shall consist of at least five (5) members.

b. Membership Committee.

The Membership Committee shall review all Applications for Membership in the Post and report thereon to the members thereof and shall include in said report a recommendation regarding each such application.

The committee shall consist of at least five (5) members.

c. Program Committee.

The Program Committee shall be responsible for coordinating and carrying into effect the Public Service Programs adopted by the Department, as well as such other Public Service Programs as the Post may elect.

The committee shall consist of such number of members as the Post Commander shall deem necessary for it to carry out its activities but in no event less than five (5) members.

d. Service Committee.

The Post Service Committee shall consist of at least five (5) members including the Post Service Officer, who shall be the Chairman thereof. The Service Committee shall be charged with carrying into effect those programs of the National Organization and the Department and such programs as shall be adopted locally by the Post, intended to provide support and assistance to families of members on active duty with the Armed Forces of the United States, veterans and members of the Post. The Committee shall be responsible for assuring the Post representation at the wake of any member and carrying out funeral services upon the death of any Post member.

**Section 2.** Each standing committee shall provide a report of its activities during the preceding month at each regular Post meeting.

**Section 3.** The Chairperson of each committee may appoint such sub-committees, as he deems necessary and appropriate appointing the chairperson thereof.

**Section 4.** The Executive Committee may establish such other committees, as it deems necessary and appropriate. In such event, the Executive Committee shall designate the number of members thereof and shall also provide to each such additional committee a mandate specifying the duties and objectives thereof. Members and

the Chairperson shall be appointed by the Post Commander subject to the concurrence of the Executive Committee.

## **ARTICLE VII – NOMINATION AND ELECTION OF POST OFFICERS AND EXECUTIVE COMMITTEEMEN**

**Section 1.** A Nominating Committee shall consist of the immediate past Commander, who shall serve as the Chairman thereof, the Chairman of the Membership Committee and the Second Vice Commander. In the event the immediate past Commander is deceased, disabled or otherwise unable to so act, the Adjutant shall serve in lieu thereof and the Chairman of the Membership Committee shall act as the Chairman of the Nominating Committee.

**Section 2.** The Nominating Committee shall, at the regularly scheduled Membership Meeting in May, present a list of not less than one (1) qualified nominee for each elected position. At the regular membership meeting in May, the Commander shall read the Nominating Committee's list of candidates and receive additional nominations from the floor. Subject to confirmation that all nominations made from the floor are qualified, those candidates set forth on the Nominating Committee list and those nominated from the floor at the May meeting shall be the candidates for the positions for which they were nominated except where only a single candidate is nominated for whom the Adjutant may cast a single unanimous vote. The names of the candidates for each elected position shall be printed on a ballot for vote at the June meeting of the Post. No nominee's name may be placed on a ballot without first having secured his willingness to accept the position if elected thereto. Individual nominees for the office of the Post Commander, Vice Commander, Post Finance Officer, Adjutant or at large Executive Committeeman **should have been a member of the Post for at least twenty-four (24) months or have attended Legion College or**



**Legion College extension prior to the June meeting** at which the election will be conducted.

**Section 3.** The election shall be held during the regularly scheduled Post meeting in June. Absentee Ballots will be provided to the following members upon written request thereby: hospitalized and homebound members, members on active duty in the regular military and Reservists and National Guardsmen on active duty. Absentee Ballots must be received at the Post not later than 5:00 P.M. on the date of the election. The Post Judge Advocate shall distribute and collect Absentee Ballots and shall secure them until the date of the election, whereupon they will be turned over to be counted. The Commander shall appoint three (3) members in good standing to collect and count the ballots on Election Day. None of these individuals may be candidates for any position on the ballot.

## **ARTICLE VIII – MEETINGS**

**Section 1.** Regular monthly meetings of the Post shall be held on the \_\_\_\_\_ of the month, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. at the facilities of the Post, or at such other location as the Executive Committee shall designate, provided written notice of any location other than the facilities of the Post is supplied to each member of the Post at least ten (10) days in advance of the date therefore. No other Notice shall be required.

**Section 2.** All meetings of the Post shall be conducted under and pursuant to the latest edition of Roberts Rules of Order.

**Section 3.** \_\_\_\_\_ members in good standing shall constitute a quorum for the transaction of business at any regular or special meeting of the Post.

## **ARTICLE IX – DUES**

**Section 1.** The Executive Committee shall annually, as soon after the close of the preceding calendar year as is possible, review

the financial situation of the Post. The Executive Committee shall periodically submit a recommendation regarding the amount of dues for future calendar years, which shall be voted on by the membership. Dues are due October 20<sup>th</sup> of each year for the succeeding year.

**Section 2.** A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his dues are paid on or before February first, his delinquency shall terminate. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under such suspension on June thirtieth of such year, his membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Post, may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members whose failure to pay dues occurred while on active military service.

## **ARTICLE X – MISCELLANEOUS PROVISIONS**

**Section 1. Books and Records.** The Post shall keep an original or duplicate record of the proceedings of the meetings of the members and the Executive Committee; the original or a copy of its Charter, Constitution and By-Laws, including all amendments thereto to date certified by the Adjutant of the Post; and an original or a duplicate Membership Register, giving the names of the members and showing their respective addresses and other details of the membership of each. The Post shall also keep appropriate, complete and accurate books or records of account. The records provided for herein shall be kept at the Post.

Every member shall, upon written demand under oath stating the purpose thereof, have a right to examine, in person or by agent or attorney, during usual hours during which the Post is open, for any proper purpose, the Membership Register, books and records of

account and records of the proceedings of the members and Executive Committee and to make copies or extracts therefrom at the member's cost. A proper purpose shall mean a purpose reasonably related to the interest of such person as a member in the Post. In every instance where an attorney or other agent shall be the person who seeks the right to inspection, demand under oath shall be accompanied by a Power of Attorney or such other writing, which authorizes the attorney or other agent to so act on behalf of the member. The demand under oath should be directed to the Post Adjutant at the regular office of the Post.

**Section 2. Real Estate.** The Post shall make no purchase of real property, nor sell, mortgage, lease away or otherwise dispose of its real property, unless authorized by a vote of two-thirds (2/3) of the members eligible to vote thereon at any regular or special meeting, provided notice of the same has been forwarded to each member at least ten (10) days in advance of said meeting.

**Section 3. Notices.** Whenever written notice is required to be given to any person, it may be given to such person, either personally or by sending a copy thereof by First Class Mail, Postage Pre-Paid, to his address appearing on the books of the Post. If the notice is sent by mail, it shall be deemed to have been given to the person entitled thereto when deposited in the United States Mail for transmission to such person. A notice of meeting shall specify the place, day and hour of the meeting and any other information required. When a special meeting is adjourned it shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted at an adjourned meeting, other than by announcement at the meeting of which such adjournment is taken. It is the responsibility of the member to assure that his address is current in the records of the Post.

Whenever any written notice is required to be given, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be

deemed equivalent to the giving of such notice. Except as otherwise required by statute, National or Department Constitution or By-Laws, neither the business to be transacted at, nor the purpose of a meeting, need be specified in the Waiver of Notice of such meeting. In case of a special meeting of members, such Waiver of Notice shall specify the general nature of the business to be transacted. Attendance of a person at any meeting shall constitute a Waiver of Notice of such meeting, except where a person attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting was not lawfully called or convened.

**Section 4. Teleconference.** One or more persons may participate in a meeting of the Executive Committee of the Post by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in the meeting pursuant to this section shall constitute presence in person at such meeting.

**Section 5. Fiscal/Calendar Year.** The Post shall elect either a fiscal year beginning on the first day of August or a calendar year beginning on the first day of January.

**Section 6. Indemnification.** The Post shall indemnify each of its Executive Committeemen, officers, and employees whether or not then in service as such (and his or her executor, administrator and heirs), against all verdicts, judgments and decrees and against all reasonable expenses actually and necessarily incurred by him or her in connection with the defense of any litigation to which the individual may have been a party because he or she is or was an Executive Committeeman, officer or employee of the Post. The individual shall have no right to indemnification, however, in relation to matters as to which he was derelict in the performance of his or her duty as Executive Committeeman, officer or employee by reason of willful misconduct, bad faith, gross negligence or reckless disregard of the duties of his or her office or employment. The right

to indemnity for expenses shall also apply to the expenses of suits which are compromised or settled.

**Section 7.** Distribution of Assets on Dissolution. Upon dissolution of this Post, none of its assets may be distributed to any private member or individual, but such assets shall be transferred to The American Legion, Department of Pennsylvania, Inc., or if it should not be a qualified tax exempt entity to receive the same, then to The American Legion.

## **ARTICLE XI - HOME ASSOCIATIONS**

**Section 1.** The Post may authorize the formation or continuation of a Home Association in conformity herewith.

**Section 2.** Any Home Association formed or continued pursuant to such authorization by the Post shall be a separate Non-Stock Domestic Non-Profit Corporation. If not previously so incorporated, it will be organized pursuant to the Pennsylvania Non-Profit Corporation Law of 1988, as the same may be amended or substituted for. In no circumstance shall the Home Association or the Post be considered the agent, servant, workman, representative or employee of the other. Each shall manage its business and affairs and neither shall be obligated for the bills, debts or obligations of the other and no Post may act as a surety or guarantor for a Home Association.

No Home Association may utilize the symbol of or the designation "American Legion" without the prior written consent of the American Legion.

**Section 3.** Any Home Association may have different classes of members. However, only those members who are Legionnaires in good standing of this Post may have voting rights or hold a position as Director, Executive Committeeman, or other officer therein.

**Section 4.** Every Legionnaire in good standing of this Post shall be a voting member in good standing of any Home Association and every Application for Membership in this Post shall also be an application for membership as a voting member in said Home Association. Any individual eligible for membership in this Post may not apply for membership in the Home Association other than membership in conjunction with membership in this Post.

**Section 5.**

- a. The Home Association shall adopt By-Laws, not in derogation hereof, for the governance of the Home Association.
- b. The voting members of the Home Association will be all Post American Legion members in good standing and they are eligible to attend and vote at the monthly Home Association meeting.
- c. The Home Association Board must meet at least monthly, separate from the Post meeting, and report monthly to the Home Association membership at the Home Association membership scheduled meeting for the purpose of approving or disapproving Home Association Board decisions and any other business that may come before it.. Meetings of the Home Association Board should be held at least one hour prior the same day as the Home Association meeting open to all post American Legion members in good standing. *i.e.: Board of Directors meeting at 7 P.M. Home Association meeting at 8 P.M.*

**Section 6.** The Home Association may not acquire or own real estate or fixtures attached thereto. The principal office and all regular activities of any such Home Association shall be conducted at the facilities of the Post which shall be owned or leased by the Post and leased or subleased by it to the Home Association on such terms as the Post and Home Association shall agree.

**Section 7.** No part of the net earnings of any Home Association may benefit any private member or individual. The

Home Association may not engage in political activities in support of any party or candidate.

**Section 8.** The existence of the Home Association shall be perpetual subject to the right of this Post to terminate its authorization thereof. In such event, or in the event of the dissolution of this Post or the loss of its Charter from The American Legion, the affairs of the Home Association shall be wound up and the Corporation dissolved.

**Section 9.** Upon dissolution of the Home Association, none of its assets may be distributed to any private member or individual, but such assets shall be transferred to this Post if a qualified tax exempt entity to receive them, and if not, then to The American Legion, Department of Pennsylvania, Inc. or if it should not be a qualified tax exempt entity to receive the same, then to The American Legion.

## **ARTICLE XII – AMENDMENTS**

**Section 1.** Only the name of the Post, the dates of regular meetings (Article VIII, paragraph 1) and the number of members constituting a quorum for Post meetings (Article VIII, paragraph 3) may be amended by the vote of members entitled to cast at least two thirds (2/3) of the votes which all members present are entitled to cast thereon at any regular or special meeting duly convened after at least twenty (20) days written notice to the members including a copy of every proposed By-Law amendment.