

Constitution

Wall-Rives American Legion Post #58, Inc.



**P.O. Box 1211
Dunnellon, FL 34430-1211**



Post Information:

**Location: 10730 US Highway 41
Dunnellon, FL**

Regular Meeting first Wednesday of the month

Time: 19:00 hours

**Post Commander: Gladys Murphy
1st Vice Commander: John Taylor
2nd Vice Commander: Robert Schmidt
Post Adjutant: Peter Castleberry**

Revised Nov 2015

Preamble

"For God and Country we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our associations in the Great Wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the mast 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 One (Name)

Section 1.

The name of this Post shall be Wall-Rives Inc. Department of Florida by the National Organization.

Article Two (Objectives)

Section 1.

The objectives of this Post shall be as set forth in the National and Departmental Constitutions of the American Legion.

Article Three (Nature)

Section 1.

This Post is a civilian organization and membership therein does not affect nor increase the liability for military service. Rank does not exist in the American Legion and no member shall be addressed by his military or naval title in any meeting of this Post.

Section 2.

This Post shall be non-political and not be used to disseminate partisan principles nor for the promotion of a candidacy of any person seeking public office or preferment.

Article Four (Elections)

Section 1.

The Officers and five members from the membership body for the Executive Committee shall be elected annually. Nomination and election of all officers of this Post shall take place no more than fifty nor less than ten days prior to the date of the Department Convention. All electees and appointees shall be (continued pg 3)

Article Four (Continued)

Section 1. (Continued)

installed within thirty days after the Department Convention. The Department Adjutant shall be immediately notified of such elections.

Section 2.

The Post is entitled to one delegate to the Department Convention for each 100 members or part thereof. The delegates recommended by the Executive Board and approved by the general membership at the monthly meeting, will be responsible for bringing to the Post all mandates and proposed activities of such convention.

Article Five (Membership)

Section 1.

Eligibility for membership shall be as prescribed by the National Constitution of the American Legion. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the National, Departmental, or Post Executive Committees.

Section 2. Dues

Section four, Article four of the National By-Laws is reproduced herewith in its entirety and becomes a part of this Constitution to wit: "A member whose dues for the current year has not been paid by January first shall be classified as delinquent. If his or her dues are paid on or before February first, he or she shall be automatically reinstated. If he or she is still under suspension on June thirtieth of of such year, his or her membership in the American Legion shall be forfeited. A member so suspended or whose membership has been forfeited, may be reinstated to active membership in good standing by vote of the Post and payment of dues for the current year in which case the organization may waive the provisions hereof, upon payment of dues for the year (continued pg 4)

Article Five (Continued)

Section 2. (Continued)

in which reinstatement occurs, with reference to the former member who has been prevented from the payment of dues by reason of active military service.”

Section 3.

This Post shall be the judge of own membership subject to the restrictions contained in this Constitution except that no person who is a member of any organization which believes in the overthrow of the Government of the United States by force or violence or who subscribes to any group opposed to our form of government shall be eligible for membership or remain as a member of the American Legion.

Article Six (Discipline)

Section 1.

Members or Post Officers may be reprimanded, suspended or expelled from the American Legion only upon proper showing of cause. Charges shall be based on disloyalty, negligence of duty, dishonesty and conduct unbecoming a member of The American Legion. Charges must be made under oath in writing by the accusers, and no member or officer shall lose his/her membership or office until given a fair trial.

Any Post that conducts disciplinary proceedings through a trial must notify the District Commander at least (10) days in advance of such trial, of the date, time, and location where the trial is to be convened as an observer. The decision at this trial may be an acquittal, reprimand, suspension, expulsion or in the case of an officer, removal from the office held, and shall be reported to the Post forthwith and acted upon by the Post at the next regular meeting. The Post, except for a decision of an acquittal, may affirm, modify, or reverse any decision of the trial.

The procedures and rules controlling the bringing of charges and the trial, for any trial within the jurisdiction of the Department of Florida, shall be set forth in the Department Constitution Article X Section 14 and Amended Charter of the American Legion Department of Florida, Inc. Rules Governing Trials.

Article Seven (Officers and duties)

Section 1.

The Executive Officers of this Post shall consist of the following; Commander, Vice-Commanders, (as many as may be desired), Finance Officer, Historian, Sergeant-At-Arms and Chaplain. The following officers are to be appointed by the Post Commander subject to the approval of the Executive Committee: Adjutant, Service Officer, Assistant Sergeant-At-Arms and Judge Advocate.

Section 2. Duties

Commander: The Post Commander shall be the Executive Officer. He/she shall preside at meetings of the Post and appoint all committees except the Executive Committee. He/she shall have full authority and power to enforce the provisions of the Post Constitution and perform such other duties as are usually incident to this office.

First Vice-Commander: The First Vice-Commander shall be the chairperson of the Membership Committee and shall assume the duties of the Commander in his absence and while serving as such shall have the same powers. He/she shall keep a full and complete record of the Post membership and shall perform such other duties as may be assigned to him by the Commander.

Second Vice-Commander: The Second Vice-Commander shall be the chairperson of the house committee and shall be responsible for the rentals of the Post home in accordance with the rental contract approved by the Executive Board. He/she (and other Vice-Commanders) shall perform such duties as assigned by the Commander.

Finance Officer: The Finance Officer shall be in charge of receiving and distributing all Post monies and make deposits in the proper accounts as approved by the Executive Board. Any changes to any financial account and/or financial institution being used by Post 58 will require the approval of the Executive Board. In the absence of the Finance Office, only Post and institutional approved signatures may make disbursement. No one may disburse more than \$750 without Executive approval.

The Finance Officer will submit a written financial report at each regular Post meeting. Financial records will be reviewed once each year, one month prior to elections. The review team will be approved by the Commander from the general membership (not officers) and be assisted by the Financial Officer, as needed. The Finance Officer will prepare and file State and/or Federal tax returns as required by law.

Service Officer: The Service Officer shall be responsible for bringing attention of all Veterans and their (continued pg 6)

Section 2. (Continued)

Section 2. Article 7. (Continued)

dependents in his Post and vicinity all the rights and benefits granted them by a grateful nation through laws enacted by Congress of the United States and shall assist, in all ways, in all ways possible, any Veteran who may be in need of such help.

Sergeant-At-Arms/Assistant Sergeant-At-Arms: The Sergeant-At-Arms and the Assistant will be the Guardians of the Colors and shall arrange the meeting hall for all regular business meetings and keep order during such meetings. By the direction of the Commander, the Sergeant will secure the Post Hall and direct the color guard in posting the colors and the Post POW/MIA banner on an empty chair. They will retire the above in reverse at the end of the meeting.

Adjutant and Vice-Adjutant: The Adjutant is the continuity Officer of the Post. His/her duties are primarily administrative. He/she shall keep a complete record of all meetings, keep a complete record of all membership, post and keep a complete record of all incoming and outgoing correspondence and keep a complete record of all committee reports. The Assistant Adjutant shall in the absence of the Adjutant exercise all the duties of the Adjutant.

Historian: It shall be his/her responsibility to keep the Post History up to date and at the end of his/her term of office forward to the Department Historian a complete resume of the Post History for the year.

Judge Advocate: He/she shall be the Post parliamentarian and shall advise the Post membership and Post Officers in all legal matters pertaining to Legion activities. When required give interpretations of the provisions contained in National, Department, Post Constitutions, and perform such other duties as the Commander from time to time assign him/her.

Post Chaplain: The Chaplain will post the Holy Bible and the cap of a deceased comrade in front of the Commander, and perform any Divine and non-Sectarian services as may be necessary, opening and closing all meetings with prayer and adhere to such ceremonial rituals as may be recommended by the Department and National Headquarters.

Article Eight (Executive Committee)

Section 1.

The administrative affairs of the Post shall be under the supervision of the Executive Committee which shall consist of all elected Officers, and at least three members (non officers) nominated from the floor. Executive Board meetings shall be called by the Commander not less than ten days after the Installation of Officers and thereafter not less than once a month. The committee shall conduct all business of the Post in interim between meetings.

“Exception”: Emergency repairs will be handled by any Officer as needed and will not require approval of membership. Contractors retained by the Post must have State required licenses and insurance coverage, and must be able to obtain any necessary Government permits.

Section 2.

The Post shall meet, once each month, on the first Wednesday. Five Officers and ten (10) members shall constitute a quorum to conduct business.

Article Nine (Use of Post Home)

Section 1.

The use of the Post home shall not be abused. Use of the Post home may be arranged through the 2nd Vice-Commander in accordance with the approved Post contract. Any deviation from the contract must be approved by the Executive Committee. Wall-Rives Unit #58, American Legion Auxiliary is exempt from all provisions of this Article.

Article Ten (Transfers)

Section 1.

The transfer of any member of the American Legion from or to this Post shall take effect upon proper notice to the Department Adjutant, subject to his approval.

Article Eleven (Auxiliary)

Section 1.

This Post recognizes an Auxiliary Unit to the Post known as Wall-Rives Unit #58 – The American Legion Auxiliary.

Article Twelve (Amendments)

Section 1.

This Constitution may be amended at any regular meeting of the Post by a two thirds vote of those members attending such meeting provided that written notice has been sent to all members setting forth the action to be taken at such meeting. Notice shall be given at least ten days prior to the date such action is to be taken.

Article Thirteen (Sale of Post Property)

Section 1.

The sale of ALL or any PART of Post 58 property will require the following. Notifications of intent of sale will be as follows and before defined property is put on the market for sale:

- a) Requires 60% approval of Executive Committee and Post members.**
- b) Requires approval of Executive Committee before notification to membership giving reason for sale.**
- c) Members will be notified at regular monthly meeting, by news letters and by letters to members per reference to Department of Florida Constitution and Bylaws Article XI, Section 20.**
- d) Members who are unable to attend a regular meeting for a final vote, must reply by mail.**
- e) All that do not respond by either being at the regular meeting or by regular USPS mail, will be considered in favor of the vote.**
- f) The Department of Florida will be notified within 30 days of Post's intention to sell property and that 60% of all Post membership have approved of the sale and reason for sale of property.**

Article Fourteen (Authority)

Section 1.

Article X, Section 18 of the Department Constitution states, Each Post shall use and follow The American Legion Post Officers Guide in conducting its meetings, initiation of members, and other ceremonies prescribed therein.

Passed by the Executive Committee, Approved by the Post on:

11-4-15, 2015
Date

Gladys Murphy
Post Commander

Approved by The Department of Florida: this November 17, 2015
Date

Copy of this approved document (pages 1-8 inclusive).

Approved

Pursuant to the applicable provisions of the Department of Florida Constitution,
the forgoing Constitution of Wall-Rives American Legion Post 58 has been
reviewed and approved this November 17, 2015
Date

Gary D. Sletten
Department of Florida Judge Advocate

Jim Kauer
Department of Florida Commander

End of Document