

Constitution of James Harvey Spire Post No. 787

Department of New



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 per cent Americanism; to preserve the memories and incidents of our associations 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 for mutual helpfulness.

ARTICLE I – Name

Section 1. The name of this organization shall be James Harvey Spire Post 787, The American Legion, Department of New York.

The name of this organization shall be James Harvey Spire Post No. 787 The American Legion Onondaga County, Department of New York.

Section 2. The Post Headquarters shall be located at 5575 Legionnaire Drive, Cicero, New York. All notices and documents addressed to the Post shall be sent to these Headquarters.

ARTICLE 11 – Objects

Section 2. The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and departmental Constitutions of the American Legion.

The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing preamble, and the National, Department Of New York, and Onondaga County Committee Constitution and By-laws of The American Legion.

ARTICLE III – Nature

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

This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by their military or naval title in any meeting of the Post.

Section 2. This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

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

Section 4. Each member shall perform his full duty as a citizen according to his own conscience and understanding. **DELETE**

ARTICLE IV – Membership

Section 1. Eligibility to membership in this post shall be as prescribed in the National Department of New York, and the Onondaga County Constitution of The American Legion.

An Individual is eligible for membership in The American Legion only if the individual – (1) had served in the Armed Forces of (A) The United States at any time during – (i) the period of April 6, 1917, through November 11, 1918; or (ii) anytime after December 7, 1941’ or (B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of The United States when the individual entered that service; and (2) was honorably discharge or separated from that service or continues to serve honorably during or after that period of time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods, provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except an active membership.

Section 3. Application for membership shall be made in writing under such regulations as may from time to time be proscribed by the Post Executive Committee.

Application for membership shall be made in writing by completing the American Legion Application for Membership. All applications for membership accompanied by service discharge papers and the Post’s annual dues shall be submitted to the Membership Committee, who shall verify membership eligibility.

Section 4 No person who is a member of another Post may be a member of this Post.

Section 4. Any member of this post may be expelled only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty or other conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accuser or accusers, and no member in good standing shall lose his membership until given a fair trial. A member may be expelled only after a two-thirds vote of the Executive Committee. On suspension of a member for cause, he/she will lose all the rights and privileges enjoyed by a member in good standing for the period of the suspension.

Section 5. Members may be suspended or expelled from this Post of The American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers. No member in good standing shall lose their membership until given a fair trial in such manner and form as The Department of New York By-Laws and Department Executive Committee shall prescribe. This action shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of this Post as a member, upon the grounds of their ineligibility to membership either in the Post, or in The American Legion.

Section 5. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee in the manner prescribed by the Committee. The decision or action taken by the Committee shall be final.

Section 6. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee in the manner prescribed by said Committee. The decision of the Department shall be final.

Section 6. No person who has been expelled by a post shall be admitted to membership in another post without the consent of the expelling post, except that where such consent has been asked for and denied by such post, he/she may then appeal to the state Executive Committee of the department of the expelling post for permission to apply for membership in another post, and shall be ineligible for membership until such permission is granted.

Section 7. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to The National Headquarters within (30) days, 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 has been denied by such Post, they may then appeal to the Department Executive Committee for permission to be admitted to membership in the Post and they shall be ineligible for membership until such permission is granted.

Section 8. A member who has been expelled or suspended from this Post for any cause other than non-payment of dues may be reinstated to the membership by a two-thirds vote of the Executive Committee and a majority vote of the Post; provided, however, that they shall make payment of any arrears in their dues from the time of the expulsion or suspension, and also other regular dues which have been payable in the interval between their expulsion or suspension and their reinstatement.

Section 9. Any member in good standing desiring to transfer from this Post to another Post is entitled to a verification from this Post stating their membership therein and duration thereof, and the date to which their dues are paid.

ARTICLE V – Officers

Section 1. The administrative affairs of this post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of the officers and trustees of the post. The term of office of members of the Executive Committee shall be for one (1) year. This post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

The Administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in the By-Laws of the Post, shall be under the supervision of an Executive Committee which shall consist of 13 members, to be known as Executive Committee Members.

Section 2. The officers of this post shall be a commander, first, second and third vice commanders, and adjutant, a finance officer, a post historian, a post chaplain, post service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated by a nominating committee or from the floor prior to the annual election.

The elective Officers of this Post shall be a Commander, three Vice-Commanders, an Adjutant, Treasurer, Chaplain, Historian, Service Officer, Sgt-at-Arms and three Trustees. The elected term of office is one year and they shall hold office until their successors are duly installed or as otherwise provided.

Section 3. All officers shall be elected annually during the month of May and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

The Executive Committee will appoint a Nominating Committee Chairperson at the February General Membership meeting. The nominating committee must report at the first general meeting in the month of March to nominate its' slate of officer recommendations. During March and April meetings, the floor will be open for nominations from active members who may nominate themselves or others. All nominees must certify either by voice at the meeting or in writing to the Executive Board that they accept the nomination and will serve if elected. Members may not simultaneously run for more than one elected officer position at a time. All officer nominations end at the adjournment of the April General Membership meeting and elections will be held at the May General Membership meeting.

ARTICLE V (continued)

Section 4. The Executive Committee will appoint a Nominating Committee Chairperson not later than the February General Membership meeting. The nominating committee must report at the first general meeting in the month of March to nominate its' slate of officer recommendations. During March and April meetings, the floor will be open for nominations from active members who may nominate themselves or others. Members may not simultaneously run for more than one elected officer position at a time. All nominees must certify either by voice at the meeting or in writing to the Executive Board that they will accept the nomination and will serve if elected. All officer nominations end at the adjournment of the April General Membership meeting. **DELETE**

Section 4. No person shall be eligible for re-election to the office of commander for more than four (4) consecutive years.

Section 5. Every member of this post in good standing shall be eligible to hold office in this post.

Section 6. The duties of officers and the executive committeemen shall be those usually appertaining to such officers as committeemen and as further provided in the By-Laws.

Section 7. Vacancies in any post offices shall be filled by the Executive Committee for the unexpired terms, provided, however, that in filling a vacancy in the office of the Commander, the appointment shall be made from the three (3) elected Vice Commanders in order of precedence.

Section 8. The Finance Officer shall give bond, which shall be approved by the Executive Committee. Bond must cover a sum of twice the amount in his custody. In any case, the minimum bond will be for a sum of \$2,500. The cost of the bond will be paid out of post funds.

ARTICLE VI – Finance

Section 1. The revenue of this post shall be derived from annual membership dues and from such other sources as may be approved by the post Executive Committee.

The revenue of this Post shall be derived from membership or initiation fees from annual membership dues and from such other sources as may be approved by the Post.

Section 2. The amount of such annual post dues shall be fixed and determined annually as set forth in the Post By-Laws.

The minimum annual dues of individual members of the Post shall be in an amount as determined from time to time by the Post membership, pursuant to Article V, sections, 1-4 of the Post By-Laws and in addition thereto, any per capita amount charged by any intermediate body between the Post and Department of New York.

Section 3. The Post shall expeditiously collect the annual dues for its members and shall pay to The American Legion, Department of New York such amount due to the National, Department, District and County Organizations. The Post will pay the annual dues for all Post 787 Past Commanders and for Post Members who have reached 41 consecutive years as a Legion member for as long as they are members of Post 787.

The Post shall expeditiously collect the annual dues for its members and shall process said dues and any per capita amounts due to the National, Department, District and/or County Organizations in accordance with Article X, sections 1-3 of the Department of New York Constitution. The Post will convey Honorary Life Member status and will pay the annual dues

for all Post 787 Past Commanders as long as they are members of Post 787. The Executive Board, at their discretion and with a majority vote, may select other members of this Post for Honorary Life status.

Section 4. All monies received in any manner specifically for welfare purposes of any nature by this post shall be deposited in a duly authorized banking institution, and none of such monies shall be withdrawn except for welfare purposes and upon draft signed by two authorized signatories of the Post Finance Committee appointed by the Executive Committee.

All moneys received in any manner for welfare purposes of any nature by the Post shall be deposited in a duly authorized banking institution and none of such moneys shall be withdrawn except for welfare purposes and, upon draft signed by the Treasurer of the Post and at least one other member thereof duly elected for that purpose.

Section 5. All Post officers, employees and volunteers having custody of funds and negotiable instruments shall give adequate fidelity/crime insurance approved by and at the expense of the Post Executive Committee.

Section 6. No member of this post shall solicit another post or county organization for purposes of financial aid or relief.

ARTICLE VII – American Legion Auxiliary

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of James Harvey Spire Post No. 787, The American Legion

The Post recognizes an auxiliary organization known as The American Legion Auxiliary Unit of James Harvey Spire Post No. 787 The American Legion, Department of New York.

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

Membership in the said Auxiliary Organization shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by this Department of The American Legion.

ARTICLE VIII – SONS OF THE AMERICAN LEGION

Section 1. This Post recognizes a Sons of The American Legion Organization known as the Sons of The American Legion Squadron of James Harvey Spire Post No. 787 The American Legion, Department Of New York.

Section 2. Membership in the Sons of The American Legion shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by The Department of New York Executive Committee.

ARTICLE IX – Amendments

Section 1. This Constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the department Constitution of the department of New York, The American Legion. Any amendment to said national Constitution or department Constitution which is in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular post meeting by vote of two-thirds of the members of said post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and providing, further, that written notice shall have been given to all members at least sixty (60) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the Post, and provided further that written notice, including a copy of the proposed amendment shall have been sent to all members at least ten days in advance of the date when such amendment is to be voted upon.

Section 3. Any amendments or changes to this Constitution shall not take *(effect)* until first having been approved by the Onondaga County Committee and the Department Executive Committee.

Attested as a true and correct copy of the Constitution of this post as of this date: November 16, 2017

Butch Auchterlonie
Post Adjutant
James Harvey Spire Post 787