

**CONSTITUTION OF
LEYDEN-CHILES-WICKERSHAM
POST No. 1**

**THE AMERICAN LEGION
DEPARTMENT OF COLORADO**

Adopted: 8 March 1977

Amended: 10 May 2011

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state, and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

Name

Section 1. Name. The name of this organization is Leyden-Chiles-Wickersham Post Number 1, The American Legion, Department of Colorado.

ARTICLE II

Objectives and Purposes

Section 1. Civilian Organization. This Post is a civilian organization, and membership therein does not affect or increase liability for military or police service. Military rank does not exist in The American Legion, and no member of this Post shall be addressed by his military or naval title in any of its meetings.

Section 2. Non-Political. This Post is a non-partisan political organization, and it shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office, employment or preferment.

Section 3. Purposes. The purposes of this organization are to receive, hold and express its rights as a regularly constituted Post of The American Legion, a corporation created by an Act of Congress; to support the principles and carry out the precepts expressed in the National

Constitution of The American Legion and the Constitution of the Department of Colorado; to promote the programs of The American Legion; and to carry out the mandates of the National and Department Organization.

ARTICLE III

Membership

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may, from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a simple majority or more members cast their vote against acceptance of said application, such application shall be recorded as rejected. A rejected application shall not be considered until the expiration of six (6) months from the date of such rejection.

Section 4. Any member of this Post may be expelled for cause by a two-thirds (2/3) vote of the membership of this Post in the presence of a quorum in regular or special meeting convened after charges are preferred under oath in writing, and a fair trial had upon the same. Such proceedings shall follow the procedure set forth in the Department Constitution.

Section 5. Any 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 general membership. Such application for reinstatement shall be treated as a new membership in accordance with Section 3 of this Article.

Section 6. 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, he may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV

Governance

Section 1. The legislative power of the Post shall be vested, except as otherwise provided in Article IV, in the members in regular and special meetings of the Post duly assembled; provided however, these legislative powers shall not include the following unless, exercised in conjunction with majority approval of the Post Executive Board.

- (a) the expenditures of Post monies in excess of five hundred dollars (\$500) for any purpose whatsoever.

- (b) the sale, gift or other disposition of Post assets of whatever nature for any purpose whatsoever.

The administrative and financial affairs of the Post shall, except as may be otherwise provided by the Bylaws, be under the general supervision of the Post Executive Board. The Post Executive Board shall determine the Post policies and objectives for each fiscal year.

Section 2. Between meetings of members of this Post, the legislative power shall be exercised by the Post Executive Board.

Section 3. Rules of Order. The proceedings of all regular and special meeting of the Post and of the Post Executive Board shall be governed by Robert's Revised Rules of Order. Special rules of procedure may be adopted at any regular or special meeting of the Post or Post Executive Board by a vote of two-thirds (2/3) of those present in the presence of a quorum.

Section 4. In carrying out its power and authority as set forth in Article IV, Section 1 hereof, the Post Executive Board shall be assisted by the Finance Committee. The composition, duties and responsibilities of said committee shall be as described in the Bylaws of this Post.

ARTICLE V

Officers, Post Executive Board, and Committees

Section 1. The administrative affairs of this Post of The American Legion shall be under the supervision of the Post Executive Board, which shall consist of nine (9) elected members in addition to the Post Commander, the immediate past Post Commander, Senior Vice Commander, two Junior Vice Commanders, and the Finance Officer. The terms of office of members of the Post Executive Board shall be for three (3) years, with the exception of the aforesaid Post Officers who will remain on the Post Executive Board during the period they hold their respective position. The selection of members of the Post Executive Board upon the effective date of this Constitution shall be nine (9) members elected in three groups of three, with three (3) positions elected each year for a term of three (3) years. Any current members elected to terms under the prior terms of this Constitution will retain membership until their term expires.

- a) In addition to the above, all past Commanders of this Post shall be ex-officio members of the Post Executive Board, without vote, unless elected as a member of the Post Executive Board.
- b) This Post, by its Bylaws may provide for such other committees as the Post operations and activities may require.

Section 2. The officers of this Post shall be a Commander, a Senior Vice Commander, two Junior Vice Commanders, an Adjutant, a Finance Officer, a Service Officer, a Chaplain, an Historian, a Judge Advocate, and a Sergeant-at Arms, and such other officers as may be deemed necessary by this organization, who shall be nominated (with the exception of the appointive offices of Adjutant, Service Officer, Judge Advocate and Chaplain) at the general membership meeting proceeding the annual election.

Section 3. Tenure and Re-Election. All officers (with the exception of the Adjutant, Service Officer, Judge Advocate and Chaplain) shall be elected annually as prescribed by this Constitution, and in the Bylaws, and they shall hold office until their successors are duly installed or as otherwise provided.

Section 4. Removal of Officers. The Post Executive Board, subject to the action of the Post as is hereinafter provided, may suspend or remove from office any officer of the Post upon charges of disloyalty, neglect of or unfitness of duty, dishonesty or other conduct unbecoming a member of The American Legion. All charges must be in writing and under the oath of the accuser, shall be served personally or by mail, addressed to the accused's last known residence, at least five (5) days before the trial, and service shall be complete upon mailing. Trial shall be had at a regular or special meeting of the Post Executive Board. The accused shall have the right to defend in person or by counsel, to confront the witnesses against him and to provide evidence in his own behalf. Charges shall be filed with the Adjutant, or if he be the accused, with the Commander, and the Adjutant or the Commander, as the case may be, shall promptly serve the charges upon the accused, and shall promptly call and he is hereby given the power to call, a meeting of the Post Executive Board to hear said charges or, if a regular meeting is soon to be held, he may fix the hearing at the time of such regular meeting. If the accused be a member of the Post Executive Board, he shall be disqualified to participate as a member of the Post Executive Board of the hearing. If two-thirds (2/3) of the members of the Post Executive Board present in the presence of a quorum shall declare the accused guilty, the Post Executive Board shall, by a majority vote of those present in the presence of a quorum and at the same meeting, will:

- a) If the Officer's position was normally elected by the Post General Membership, including those appointed by the Commander to fill elected vacancies, the Post Executive Board will make a recommendation of suspension or removal from office. Such recommendation shall be reported to the Post at its next regular meeting and the Post shall, at such meeting, and after such debate as the meeting determines is desirable, by a majority vote of those present in the presence of a quorum impose the same, or greater or lesser punishment or may acquit the accused.
- b) If the Officer's position is by appointment, the removal requires only the recommendation of the appointing authority, usually the Commander, and approval of the Post Executive Board.

At the meeting of the Post Executive Board at which and during the time charges are heard, and at the meeting of the Post, during the time when the recommendation of the Post Executive Board is under consideration, the presiding Officer shall be a member of the Post, to be designated by the Post Executive Board, who is skilled in legal and parliamentary procedure.

Section 5. Removal of Post Executive Board Members. Any member of the Post Executive Board may be removed for inefficiency, which includes unexcused absences from Post and/or Post Executive Board meetings, by the Post Executive Board; a two-thirds (2/3) vote of members

of the Post Executive Board present, in the presence of a quorum, being necessary to effect such removal.

Section 6. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 7. The duties of officers and the members of the Post Executive Board shall be those usually pertaining to such officers and committeemen and as further provided in the Bylaws.

Section 8. Vacancies in all elective offices for any cause shall be filled by the Commander with the approval of the Post Executive Board, and a person so appointed shall hold office until the next annual election. A vacancy in the office of Judge Advocate shall be filled by the Commander. In the absence of a Commander, the Post Executive Board shall fill the vacancy.

ARTICLE VI

Finance

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues, life-time membership dues, gifts, bequests, and from such other sources as may be approved by the Post Executive Board.

Section 2. The amount of such membership or initiation fees and the amount of such annual dues shall be fixed and determined by the Post Executive Board and approved by the General Membership at a regular Post meeting.

Section 3. The post shall pay to Departmental Headquarters, the National and Departmental annual per capita assessment for every member of the Post.

ARTICLE VII

American Legion Auxiliaries

Section 1. This Post recognizes an auxiliary organization to be known as the Leyden-Chiles-Wickersham Auxiliary Unit No. 1, The American Legion.

Section 2. This Post further recognizes an Auxiliary Organization to be known as the Leyden-Chiles-Wickersham Squadron No. 1, The Sons of The American Legion.

ARTICLE VIII

Meetings, Minutes and Quorum

Section 1. The Post Executive Board shall meet at the Post home on a day and time as set forth in the Bylaws. Minutes of the meetings shall be kept. A quorum shall consist of not less than seven (7) members as set forth in the Bylaws. No member or guest shall be allowed to bring alcoholic drinks into the meeting room.

Section 2. Regular meetings of the Post shall be held on the day and time as set forth in the Bylaws. Post meetings shall be conducted within a two (2) hour period of time, after which the Commander or other presiding officer shall close the meeting, unless a majority of Post members present vote to extend the time of the meeting. No member or guest shall be allowed to bring alcoholic drinks into the meeting room.

Section 3. Special meetings of the Post shall be held at the Post home upon call of the Commander, the Post Executive Board, or upon request, in writing, submitted by twenty-five (25) members to the Commander or Adjutant. No member or guest shall be allowed to bring alcoholic drinks into the meeting room.

Section 4. A quorum at regular or special meetings of the Post shall be fifteen (15) members.

Section 5. Minutes shall be taken, by a person assigned by the Chairman, and maintained by the Adjutant of each Post Executive Board meeting; each regular or special meeting of the post; and the respective minutes shall be read at the next meeting of the Post Executive Board, and the regular or special meetings of the Post, unless a motion to dispense with the reading of the minutes is passed. In the absence of the Adjutant, the Commander or other presiding officer will select the person to present the minutes of such meeting.

ARTICLE IX

Amendments

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

Section 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds (2/3) of the members of said Post attending such regular meeting, in the presence of a quorum, providing that the proposed amendment shall have been submitted, in writing, and signed by ten (10) members in good standing and public posting after the proposed amendment is read at a regular meeting of the Post. A synopsis of the proposed amendment and a statement that it will be voted on at the first regular meeting of the Post following publication shall be publically posted.

ARTICLE X

Official Publication

Section 1. The official publication of the Post (THE REVEILLE) shall be published and provided to members of the Post by publically posting on the Post bulletin board; and/or uploaded to the Post website; and/or delivered to the membership by such new means as may become available and at the discretion of the members.

ARTICLE XI

Effective Date and Enabling Provisions

Section 1. This Constitution shall become effective upon approval by the General Membership as described above.

Section 2. All provisions of articles of previous Constitutions and/or Bylaws of this Post will be null and void upon the effective date of this Constitution, except where specifically provided for in this Constitution.

Section 3. All known motions and/or authorizations duly recorded in the minutes of this Post General Membership, the Post Executive Board, or Committees, under the previous Constitution and Bylaws were considered during this base line review. Properly executed changes such as addition of the Personnel Committee were incorporated in this revision. All other actions that could not be shown to have been fully executed as a change to this Constitution were considered on their own merit.

ARTICLE XII

Constitution Documentation Control

Section 1. In order to ensure the Post Executive Board, Committees, and all Post Members are accessing the most current version of the Post Constitution, a documentation control page will be the last page of the official Post Constitution document. It will contain a document version number. That number will begin as one (1), with the approval of the General Membership, of the changes made to the Post Constitution document in May of 2011. It will be incremented by one (1) each time a subsequent revision/modification is made to any portion of the Post Constitution documentation.

Section 2. The version number will be entered at the bottom of each page of the Post Constitution document and must be the same number on each page and in agreement with the version number on the document control page.

Section 3. The Post Adjutant will be responsible for the maintenance of the Post Constitution document and the accuracy of version control. No modifications shall be made to the Post Constitution document except as a result of a motion and approval of the General Membership, as documented in the minutes of the General Membership meeting.

Section 4. The Post Executive Board will review all updates of this document and certify all changes, deletions, or modification are consistent with the actions approved by, and documented in the minutes of, the General Membership. The Post Commander and Adjutant will sign the document control page following the Post Executive's Board's certification.

Documentation Control Page

Version Number	Date	Summary of Change
1	10 May 2011	Baseline review and changes throughout the entire document. Changes presented to the General Membership on 12 April 2011 and accepted at the General Membership meeting on 10 May 2011. Changes include, but are not limited to, size and composition of boards and committees, quorums, organizational alignment, procedures, grammar and spelling, and the additional of addition of a documentation control page. Total pages: 8

This document was certified by review of the Post Executive Board, following approval of the General Membership.

Trudi Plimpton
Adjutant

Al Taylor
Post Commander