

# *Constitution of James Harvey Spire Post No. 787*

## *Department of New York*



### **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.

### **ARTICLE II – 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.

### **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.

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.

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

## **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.

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.

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. 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. 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.

## **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.

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.

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.

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.

Section 5. No person shall be eligible for re-election to the office of commander for more than four (4) consecutive years.

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

Section 8. 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 9. 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.

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

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.

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.

Section 5. 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.

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

**ARTICLE VIII – 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.

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