

Constitution and By-Laws

James B. Whipple, Post 86

3rd District – Department of Connecticut

The American Legion

Wilton, Connecticut

September 11, 2019

Constitution and By-Laws of James B. Whipple Post 86

Preamble

For God and Country, we associate ourselves 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 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 goodwill on earth

To safeguard and transmit to posterity the principles of justice, freedom and democracy

To consecrate and sanctify our comradeship by our devotion of mutual helpfulness

Article I – Name

 Section 1. The name of the organization shall be **James B. Whipple, Post 86**, Department of Connecticut, The American Legion.

Article II – Objectives

 Section 1. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble and the National and Department Constitutions of The American Legion.

Article III – Nature

 Section 1. This Post is a civilian organization and membership therein does not affect nor increase liability for military or police service.

 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. No Candidate for nomination or election to, or no incumbent of, remunerative elective public office, shall hold any elective office or any appointed or remunerative office in this Post of The American Legion, provided that members of the Post standing committees shall not be affected.

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Section 3. Rank does not exist in The American Legion. No member shall be addressed by their current or former military rank in any official function of this Post.

Article IV – Membership

 Section 1. Eligibility for membership in this Post shall be as prescribed by Public Law 116-35, the LEGION Act, effective July 30, 2019.

 Section 2. Application shall be made in writing, or online, on the standard Membership Application forms of The American Legion which are furnished by the Department of Connecticut or National.

 Section 3. The Post Membership Chair shall accept applications and payments for prospective members, and notify by email, all members in good standing, of said application. If no objection to said application is made to the Post Membership Chair within seven (7) days, said application will be processed as determined by The Department of Connecticut. A rejected application shall not again be considered until after the expiration of six (6) months from the date of such rejection.

 Section 4. Any member of this Post may be expelled for cause per Article IX of the Department of Connecticut Constitution and By-Laws.

 Section 5. A member who has been expelled from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in the Post meeting and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by the Post shall be admitted to another Post without the consent of the expelling Post, except where such consent has been asked for, and denied by such Post, they may then appeal to the Department Executive Committee 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 a Post Executive Committee which shall consist of two (2) members, in addition to the officers of the Post. The term of office of the members of the Post 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.

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Section 2. The elected officers of this Post shall be a Commander, a Senior Vice Commander, a Junior Vice Commander, an Adjutant, a Finance Officer, an Historian, a Chaplain, a Service Officer, a Sergeant-at-Arms, and Judge Advocate, and two (2) Executive Committee Members, and who shall be nominated by a nomination committee which shall be appointed by the Commander. The Nominating Committee shall nominate these officers in May of each year. During the June meeting of the Post, other nominations will be accepted from the membership. The annual election of officers shall take place during the June Post meeting. Officers elected shall take office on or before the regularly scheduled July meeting of members, and the oath of office shall be administered at the time of election by a current or Past Commander in good standing of the Post, District or Department. They shall assume the duties of their respective offices immediately.

 Section 3. All officers and executive committee members shall be elected annually, as provided in Section 2, above, and they shall hold office until their successors are duly installed, or as otherwise provided. Any officer or executive committee members may be removed for inefficiency by the Post Executive Committee, a two-thirds vote of said committee being necessary to affect such removal.

 Section 4. Installation of Post officers shall take place at the pleasure of the newly elected Commander and shall be held prior to November 1. Officers shall be installed by any Department or District Officer or any person duly authorized by the Department or District Commander.

 Section 5. The authorized Installing Officer shall be responsible for the filing of the names and addresses of the Post Officers with the Department and District Adjutants immediately after the installation.

 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 committee members shall be those usually appertaining to such officers or committee members and as further provided by the By-Laws of this Post.

 Section 8. The Post commander shall, upon written request of an elected officer, stating the need for an assistant, appoint an assistant to said requesting officer.

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Article VI – Finance

 Section 1. The revenue for 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 Executive Committee.

 Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be thirty-five dollars ($35.00) per annum. Any increase of this amount will be approved following a two-thirds vote of the membership present and voting during a regular meeting of this Post.

 Section 3. The Post shall pay to the Department Headquarters the Department and National annual membership dues for every member of the Post.

Article VII – Charter members

 Section 1. Members who joined this Post prior to October 15, 1920, the date of the issuance of the Post Charter, shall be known as Charter Members.

Article VIII – The American Legion Auxiliary

 Section 1. This Post will recognize any future approved formation of an auxiliary organization, to be known as The Auxiliary Unit of James B. Whipple Post 86, Department of Connecticut, The American Legion.

 Section 2. Membership in the Auxiliary shall be prescribed by the National Constitution of The American Legion Auxiliary.

Article IX – The Sons of The American Legion (SAL)

 Section 1. This Post will recognize any future approved formation of a SAL Squadron, to be attached and under the jurisdiction of the Post Supervisory Committee, to be known as The Sons of The American Legion, Squadron No. 86.

 Section 2. Membership in The Sons of The American Legion shall be as prescribed by the National Constitution of The Sons of The American Legion.

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Article X – 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 Connecticut, 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 a regular Post meeting by a vote of two-thirds of the Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing, and read at the next regular meeting of the Post, and providing further, that written notice shall have been given to all members at least ten (10) 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.

 Section 3. This Constitution is considered adopted, following adoption by the Post membership and the Post Executive Committee.

 Section 4. This Constitution by its adoption supersedes any and all Constitution[s] previously adopted or in existence and becomes effective on September 11, 2019.

 Constitution and By-Laws Committee

Bill Glass, Chairman Approved by Committee: August 13, 2019

 Tom Moore Adopted by Post: September 10, 2019

 Don Hazzard Effective Date: September 11, 2019

 Bing Ventres

 Henry Boucher

 Sean McNeil

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