

**CONSTITUTION  
AND  
BY-LAWS  
OF  
KELLS – GRENNIE POST No. 316  
THE AMERICAN LEGION  
DEPARTMENT OF NEW YORK AND  
BY-LAWS  
OF  
KELLS – GRENNIE MEMORIAL  
BUILDING ASSOCIATION. Inc.**

**Revised by**

**CONSTITUTION & BY-LAWS COMMITTEE**

**Leo D`A Balbach**

**( Co-Chairman**

**Frank J. Rooney**

**Duly approved at a constituted meeting of  
Kells – Grennie Post No. 316, The American  
Legion, Department of New York, held at  
its headquarters, 2750 Amboy Road, Staten  
Island, N.Y., on October 28, 1951.**

**Duly approved by the Judge Advocate of  
The American Legion, Dept. of N.Y.  
November 18, 1953**

# **Kells – Grennie Post No. 316**

The American Legion  
Department of New York

## **CONSTITUTION**

### **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 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 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 I**

#### **NAME**

**Section 1. The name of the organization shall Be EDMUND KELLS – RICHARD GRENNIE POST No. 316, THE AMERICAN LEGION, DEPARTMENT OF NEW YORK.**

### **ARTICLE II**

#### **PURPOSE**

**Section 1 The object and purposes of this Organization shall be to promote and advnce**

**principles as set forth in the foregoing Preamble  
and to carry out the policies and mandates  
of the National State and Country of Richmond  
Organizations of The American Legion.**

**Section 2 To honor and revere the memory of  
our departed comrades Edmund Kells and Richard  
Grennie, who gave their lives in the service of  
their Country, and for whom the Post is names  
and dedicated.**

### **ARTICLE III NATURE**

**Section 1 The American Legion is a civilian  
organization. Membership therein does not effect  
nor increase liability for military or police  
service. Rank does not exist. No member shall be  
addressed by his military or naval title in any  
meeting or convention of The American Legion  
Or of this Post.**

**Section 2 The American Legion be absolutely  
non-political and non-sectarian, 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 any remunerative  
elected public office shall hold and elective office  
or any appointive remunerative office in The  
American Legion or of this Post.**

### **ARTICLE IV ORGANIZATION**

**Section 1 This Post shall consist of individual  
eligible members, which shall have a minimum  
membership of fifteen.**

**Section 2. The Post shall be the judge of its membership, subject to the restrictions of the National, State, and County Richmond Organizations Constitutions and By-Laws, and may Restrict its membership as it so desires.**

**Section 3. This Post shall have a headquarters with a Post office address to which all notices and documents may be sent, and shall be located within the County of Richmond, State of New York.**

**Section 4. The Post shall have a Constitution and By-Laws to govern its affairs, and shall have Officers to be known as: Commander, three Vice-Commanders ( who shall serve with seniority ), Treasurer, Adjutant, Sergeant-at-Arms, Chaplain, Judge Advocate, Historian, Service Officer, and three Trustees, and other officers as may be necessary.**

**Section 5. The Post Treasurer shall be bonded as hereinafter provided. The Post shall subscribe to the Constitution and By-Laws of the National, State, and County Organizations of The American Legion.**

**Section 6. The Post shall meet regularly at least once each month for the purpose of conducting its business affairs, and at such other times as may be necessary on reasonable notice to the membership.**

**Section 7. A quorum to conducts business shall consist of at least eight (8) members.**

**Section 8. On the written request of fifteen or more members the Commander or Adjutant shall call a special meeting.**

#### **ARTICLE V MEMBERSHIP ELIGIBILITY**

**Section 1. Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast**

**Guard or Air Force of the United States and assigned to active duty at some time during either of the following periods: April 6, 1917, to November 11, 1918: December 7, 1941, to September 2, 1945: June 25, 1950, to the date of cessation of hostilities as determined by the United States Government, all dates inclusive, or who, being a citizen of the United States at the time of his entry therein served on active duty in the Armed Forces of any of the Government associated with the United States during either of said periods: provided however, that such service shall have been terminated by honorable discharge or honorable separation or continued honorably after either of said periods.**

**Section 2. No person otherwise eligible shall be entitled to membership who during the aforesaid periods, refused on conscientious, political, or other grounds to subject himself to military discipline or unqualified service.**

**Section 3. No person otherwise eligible shall be entitled to membership who subscribes to the principles of any group opposed to our form of Government.**

**Section 4. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.**

**Section 5. No person shall be eligible for membership in this Post who is a member of another American Legion Post.**

**Section 6. No person who has been expelled by another Post of the American Legion shall be eligible to membership in this Post, without the consent of the expelling Post, except that he may appeal to The Department of New York Executive Committee, as provided in the Constitution and By-Laws of the Department of New York.**

**ARTICLE VI  
MEMBERSHIP**

**Section 1. Application for membership shall be in writing.**

**Section 2. Application shall be submitted to The Post at any regular or duly constituted meeting thereof for consideration and acceptance or rejection.**

**Section 3. Upon rejection of an application for membership, and upon request of the sponsoring member, the Commander shall submit said rejected application to a special committee for further investigation and report. Such committee shall consist of the Membership Chairman and at least two other members in good standing. recommendation shall be made on the basis of the findings of this committee.**

**Section 4. A majority vote of the membership present at a constituted meeting shall decide acceptance or rejection of an applicant.**

**Section 5. Rejected applicants, after action based on Section 3 of this Article, shall not again be reconsidered until after six months have expired from the date of such rejection.**

**ARTICLE VII  
CHARTER MEMBERS**

**Section 1. Members of record in this Post as of August 14, 1919 shall be known as Charter Members.**

**ARTICLE VIII  
OFFICERS**

**Section 1. The Post shall annually elect a Commander, Three Vice-Commanders (who shall serve without seniority, but in order of election) a Treasurer, a Chaplain, and such other officers as may be deemed necessary.**

**Section 2. The offices of Adjutant, Judge Advocate, Service Officer, Historian, and Sergeant-at-Arms shall be annually appointed by the Commander.**

**Section 3. The immediate Past Commander shall automatically become a three-year Trustee, with the immediate preceding Past Commanders becoming two and one year Trustees respectively.**

**Section 4. All Officers shall serve for a period of one year, and or, until their successors have been chosen and installed.**

**Section 5. Any member of this Post in good standing shall be eligible to hold office in this Post, unless and as otherwise provided in The Post By-Laws.**

**Section 6. The Duties of Officers shall be such as are usually incident to such offices, and shall be further provided by the Post By-Laws.**

#### **ARTICLE IX DUES AND FINANCE**

**Section 1. The revenue of the Post shall be derived from the annual membership dues, and from other sources as may be approved by the Post.**

**Section 2. The amount of such membership dues shall be determined by the Post, after notice of per capita tax due to the National Department and County Organizations have been fixed. The minimum dues for individual members of this Post shall be five dollars**

**Section 3. The annual dues shall be collected by the Post Treasurer and transmitted through that officer to the National Department and County Organizations.**

**Section 4. Annual dues shall be payable in advance on October 20<sup>th</sup> of each year, but shall be for the next ensuing calendar year January 1<sup>st</sup> to December 31<sup>st</sup>.**

**ARTICLE X  
TRANSFER OR RESIGNATION  
OF MEMBERS**

**Section 1. Any member in good standing in the Post, who removes therefrom shall be entitled to a Certificate from the Post, stating his membership and the duration therein.**

**ARTICLE XI  
RULES OF ORDER**

**Section 1. Except as otherwise provided, all Post meetings shall be governed by Robert's Rules of Order.**

**ARTICLE XII  
KELLS – GRENNIE MEMORIAL BUILDING'ASSOCIATION, Inc.**

**Section 1. The Post recognizes an association known as " The Kells – Grennie Memorial Building Association, Incorporated."**

**Section 2. Membership in this association shall consist of all members of this Post in good Standing.**

**Section 3. The Association shall be governed by a By-Laws which shall first been approved By this Post.**

**ARTICLE XIII  
AMENDMENTS**

**Section 1. This Constitution may be amended at any regular or duly constituted meeting of the Post, by a two-thirds vote of the membership present thereat, provided that due notice shall have been given the entire membership of the Post at least ten days prior to the convening of the meeting at which the proposed amendment is going to be voted upon.**



**Kells –Grennie Post No. 316**  
**The American Legion**  
**Department of New York**

**BY – LAWS**

**ARTICLE I**  
**DUTIES OF OFFICERS**

**Section 1. COMMANDER: The Post Commander shall be the Executive head of the Post With full power to enforce all the provisions of The National, Department, County, and Post Constitutions and By-Laws. Rules and Regulations, he shall be the presiding officer at all Post meetings and functions, and shall perform such other duties as are usually incident to his office. He shall appoint all necessary committees, and Officers, subject to approval of the Post Executive Committee as shall hereinafter be provided.**

**Section 2. VICE-COMMANDERS: The Post Vice-Commanders shall act as representatives of The Post Commander on a matters referred to them by him and shall on his request preside over meetings and shall perform such other duties as are usually incident to their office.**

**Section 3. ADJUTANT: The Post Adjutant shall be the official secretary of the Post, shall keep the minutes, official seal, and be responsible for the official records of the Post. He shall conduct the correspondence and notify the Post members of regular and special meetings, and shall perform such other duties as are usually incident to such office. He shall also, on the death or resignation of the Commander, be empowered to call a meeting of the Post Executive Committee for the election of a successor and to transact such business as may be necessary during the interim.**

**Section 4. TREASURER:** The Post Treasurer shall be the custodian of all Post funds. He shall sign all checks and otherwise be responsible for the disbursing of the Post funds. He shall make reports upon the condition of the Post Treasury when called to do so by the Post Commander and, or regular meeting of the Post for the transactions of regular business of the Post. He shall furnish a surety bond as hereinafter prescribed. He shall perform such other duties as are usually incident to the office.

**Section 5. CHAPLAIN:** The Post Chaplain shall perform such divine and non-sectarian services as may be necessary from time to time, adhering to such ceremonial rituals as may be prescribed or recommended by The National, Department and County Organizations of The American Legion.

**Section 6. SERGEANT-AT-ARMS:** The Post Sergeant-at-Arms shall maintain order and Discipline at all meetings of the Post and at such other Post functions when necessary. he shall be the custodian and be responsible for the Post Banner and National Colors. He shall assist the Post Commander and other officers in such matters as are usually Incident to his office.

**Section 7. JUDGE ADVOCATE:** The Post Advocate shall act as the legal Representative of the Post and shall advise on all matters pertaining to Rules of Order, Regulations. resolutions, and on provisions contained within the Post Constitution and By-Laws. He shall perform such other duties as are Usually incident to his office.

**Section 8. HISTORIAN:** The Post Historian

Shall keep a record of all matters of interest, happenings, official actions of the Post, and other information in such a manner as will describe the past and present history of the Post, and such other duties that are usually incident to his office.

**Section 9. SERVICE OFFICER:** The Post Service Officer shall keep himself informed on all matters pertaining to legal benefits to veterans and their families. He shall execute and present all claims for said benefits to the agency or agencies of authority in behalf of said claimants and beneficiaries. He shall also act as the Post Welfare Representative in handling indigent persons in whose behalf the Post wishes to act as a benefactor. He shall perform such other duties as are usually incident To his office.

**Section 10. TRUSTEES:** The Post Trustees shall serve as Executive Directors of the Post and shall advise on all matters pertaining to executive procedure, and shall assist any of the officers of the Post when called upon to do so, and shall be Ex-officio members of the Post Executive Committee as shall hereinafter Be provided.

## **ARTICLE II EXECUTIVE COMMITTEE**

**Section 1.** There shall be a Post Executive committee which shall consist of all the duly elected and appointed Officers of the Post. the Post Trustees shall be ex-officio members of this Committee.

**Section 2.** This Committee shall meet within ten days after the annual election of officers For the purpose of organization and to conduct such other business as may be necessary. Thereafter

**The Committee shall meet on the call of the Post Commander. Upon the written request of three Or more members or the Adjutant shall call a meeting.**

**Section 3 A quorum of the Executive Committee shall consist of five (5) people**

**Section 4. All vacancies in any Office of the Post, and, or of this Committee shall be filled by a majority vote of the remaining members of this Committee, and the member so elected shall hold office for the unexpired term of such office.**

**Section 5. A vacancy shall exist when an Officer, or Delegate duly elected or appointed as such shall be absent from his post from a period od time considered detrimental to the best interest of the Post , and or fails to carry our his official duties for a like time without just cause, in which event the Executive Committee shall have power to remove and appoint or elect as above set forth.**

### **ARTICLE III STANDING COMMITTEES**

**Section 1 There shall be the following Standing Committees in this Post: Americanism; Athletic; Audit and Finance; Blood Bank; Budget; Graves Registration; House; Legislation; Membership; Publicity; Service and Welfare; Visiting. Other committees shall be appointed as and when deemed necessary.**

**Section 2. Chairman of the various committees shall be appointed annually by the Post Commander subject to approval of the Post Executive Committee, and said chairman shall serve for the period of one year or until their successors shall have been chosen. chairman shall report in writing on the activities of their committee at each meeting of the Post.**

**ARTICLE IV  
AUDIT AND FINANCE COMMITTEE**

**Section 1. There shall be a Post Audit and Finance Committee which shall audit and examine into the Treasurers accounts at the end of each fiscal year, and at such other times as may be deemed necessary, and said Committee shall report their findings at the next regular of the Post, or at a meeting of Executive Committee duty called for that purpose.**

**Section 2. It shall be the duty of this Committee to see that the Post Treasurer is properly bonded with a good and solvent bonding company or surety company, to an amount to cover the average amount of money handled by the Post in a single year.**

**Section 3. For purposes of Audit, the fiscal year shall begin on July 1<sup>st</sup> of each year.**

**ARTICLE V  
ANNUAL ELECTION**

**Section 1. The annual election of Post Officers shall be held at the second meeting in June each year to be known as Annual Meeting Night.**

**ARTICLE VI  
NOMINATING COMMITTEE**

**Section 1. There shall be a Post Nominating Committee which shall consist of five members. such Committee shall be chosen at the first meeting in April of each year and shall serve until the annual election of officers in June of each year.**

**Section 2. Such Committee shall be elected Pursuant to the following procedure:  
(1) Nominating shall be from the floor of ten members in good standing in the Post (2) written ballot shall then be taken from all members present.**

**(2) The five members receiving the greatest number of votes shall be The Nominating Committee. (4) The individual member of the Committee receiving the greatest number of votes shall be the Chairman of the Committee.**

**Section 3. The duties of this Committee shall be to investigate and select a slate of officers for the Post for the next ensuing year, and shall publish such selections in the Annual Meeting Notice sent to the entire membership.**

**Section 4. This Committee shall in no way infringe upon the right of any individual member of the Post in presenting a candidate or candidates of his own choice from the floor at the Annual Election Meeting.**

#### **ARTICLE VII LIMITATION OF POST MEMBERS**

**Section 1. No individual Legionnaires unless specifically and previously authorized by the proper body shall have the right to speak in the name of the American Legion, or of this Post, or of the National, Department, or County Organizations thereof. his individual action is full and unhampered being that of any American citizen, but he shall not represent such action to be that of any American Legion Organization.**

**Section 2. All matters of State, National or International scope that appeal to Legionnaires, Posts, or Departments may be treated discussed, and acted upon by the Post, provided that such action be submitted for approval through the prescribed American Legion channels to the body having jurisdiction. Exception to this is provided wherein the Legion channel having jurisdiction has mandated a policy on the matter concerned.**

**Section 3. The Post may discuss any action taken by the National, Department or County Organizations and adopt a resolution against any action taken, and request through proper channels that such action be reversed.**

**Section 4. The principles set forth in this Article shall be observed by the Post, and the individual members thereof. A Violation of any of these provisions shall be sufficient cause for investigation and disciplinary action by the proper body.**

#### **ARTICLE VIII**

##### **DISIPLINE OF POST MEMBERS**

**Section 1. Members may be suspended or Expelled from the Post only on the proper Showing of cause. Charges shall be based on 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, and no member in Good standing shall lose his membership until Given a fair trial in such manner and form as prescribed by the Department of New York, American Legion.**

**Section 2. Any member who has been suspended or expelled shall have the right to appeal to the Department Executive Committee. The decision of that body shall be final.**

**Section 3. A member whose dues for the current year have not been paid by February 1<sup>st</sup> shall be classified as delinquent. If dues are paid on or before April 1<sup>st</sup>, he shall be automatically reinstated. If he is still delinquent after April 1<sup>st</sup> he shall be suspended from all privileges. If he is still under suspension on December 31<sup>st</sup> of such year, his membership in this Post shall be forfeited.**

#### **ARTICLE IX**

##### **REINSTAEMENT OF MEMBERSHIP**

**Section 1. Any member delinquent or suspended on account of non-payment of dues may**

Be reinstated by a majority vote of the Post membership, upon payment of the dues for the current year involved. Any member who has forfeited his membership on account of non-payment of dues for one or more years may be reinstated into membership in this Post in the same manner as provided for delinquent or suspended members but such member shall not be entitled to credit for previous years of membership with relation to continuity of membership.

**ARTICLE X  
COUNTY COMMITTEEMEN AND COUNTY  
CONVENTION DELEGATES**

**Section 1. The Post shall annually elect such Committeemen and Alternates to represent The Post at all County Committee Meetings, and Annual County Convention, as may be required pursuant to such proportional representatives provided for in the Constitution and By-Laws of The County of Richmond and Department of New York Organizations.**

**ARTICLE XI  
RULES AND REGULATIONS**

**Section 1. The Post shall have the right to adopt from time to time such Rules and Regulations for conduct of the business of the Post as are not inconsistent with the Constitution and By-Laws of the National, State, or County Organizations.**

**ARTICLE II  
AMENDMENTS**

**Section 1. These By-Laws may be amended at any regular meeting of the Post, provided the method shall conform to the requirements of Article XIII of the Post Constitution.**



**Kells – Grennie Memorial Building  
Association, Inc.**

**BY – LAWS**

**ARTICLE 1  
NAME**

**Section 1. The name of the association shall  
Be “ Kells – Grennie Memorial Building  
Association, Inc.**

**ARTICLE II  
OBJECTS**

**Section 1. The objects for which this Association  
are formed are: (1) To provide a place of  
meeting and recreation for the members of  
Edmund Kells – Richard Grennie Post No. 316.  
The American Legion, Department of New York,  
hereinafter known as Kells – Grennie Post No. 316,  
( 2) The particular objects stated in the Certificate  
Of Incorporation issued to this Association by  
the Department of State, State of New York,  
May 4, 1946, pursuant to Article 13, of the State  
of New York Membership Corporation Law.**

**ARTICLE IV  
MEMBERSHIP**

**Section 1. The membership of this  
Association shall consist of all members  
In good standing in the Kells – Grennie  
Post No. 316, The American Legion.**

**ARTICLE IV  
OFFICERS**

**Section 1. The Officers of this Association  
Shall consist of a President, two Vice-Presidents,  
a Secretary and a Treasurer, and such other  
Officers as may be deemed necessary, who shall**

**be elected annually within one month after the election of the officers of the Kells –Grennie Post No. 316, such election to be voted upon by the membership of Kells – Grennie Post No. 316.**

**Section 2. The Officers and Directors of this Association may select a slate of Officers and Directors for the approval of the membership of Kells – Grennie Post No. 316 at the election meeting, but this selection shall in ways infringe upon the right of any member of Kells –Grennie Post No. 316 in presenting a candidate or candidates of his own choice from the floor at the Election Meeting.**

#### **ARTICLE V DUTIES OF OFFICERS**

**Section 1. The duties of the President shall be to preside at all meetings of this Association, and to perform such other duties as are usually Incident to the office, and to appoint such committees as may be deemed necessary.**

**Section 2. The Vice-Presidents shall serve in the order of their seniority and shall perform all the duties of the President in the event of his death, absence, or inability to act, and such other duties usually incident to the offices.**

**Section 3. The Secretary shall be the custodian of all the records and papers of this Association and shall take the minutes of all meetings of the Association and shall perform all other duties incident to the office.**

**Section 4. The Treasurer shall be the custodian of all the funds of the Association and shall deposit same in bank designated by the Board of Directors. He shall perform all other duties usually incident to the office.**

**ARTICLE V  
BOARD OF DIRECTORS**

**Section 1. The Board of Directors of this Association shall consist of twelve members.**

**Section 2. They shall be elected and shall hold office in the same manner and for the same term as the Officers of this Association as provided for in these By-Laws.**

**Section 3. The duties of the Board of Directors shall be to manage and direct all affairs and business of this Association.**

**Section 4. Meetings of the Board of Directors shall be held quarterly and special meetings may be called by the President, or upon written request of three members of the Board of Directors. At least three days written notice of all meetings shall be given each member of the Board.**

**Section 5. A quorum to transact business shall consist of seven (7) members of the Board of Directors and Officers.**

**Section 6. The newly elected Commander and Treasurer of Kells – Grennie Post No. 316 shall automatically become two of the twelve members of the Board of Directors.**

**ARTICLE VI  
MEMBERSHIP MEETINGS**

**Section 1. Meetings of the entire membership of this Association shall be held at the request of the Board of Directors, or on the initiative of the President, or at the written request of 25 or more members of Kells – Grennie Post No. 316. At least ten days' notice of all such meetings shall be given to each member in good standing.**

**Section 2. A quorum for membership meetings shall be twelve (12) members.**

**ARTICLES VII  
RULES AND REGULATIONS**

**Section 1. The Association shall the right  
To adopt from time to time such Rules and  
Regulations for the conduct of business of the  
Association.**

**Section 2. Except as otherwise provided all  
meetings shall be governed by Robert's  
Rules of Order.**

**ARTICLE VIII  
AMENDMENTS**

**Section 1. These By-Laws may be amended at any  
time in the following manner: The proposed  
amendment shall be delivered in writing to the  
Secretary. Thereupon the President shall direct  
the Secretary to send a written copy of the  
proposed amendment to each member of the  
Association at least ten days prior to the date  
set for a meeting for action thereon. Two- thirds  
vote of the members present at such meeting  
shall be necessary to approve of proposed  
amendment. If the proposed amendment is  
approved, it shall then be recommended to the  
entire membership of Kells – Grennie Post No. 316  
by the President in the same manner as prescribed  
in Article VI, Section 1. of these By-Laws.**