

# CONSTITUTION OF LLOYD GRUBBS POST 49 THE AMERICAN LEGION Revised 4/28/2011

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## PURPOSE

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 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 this organization shall be "Lloyd Grubbs Post No. 49 a, The American Legion, Department of Texas. The charter of incorporation was filed in the office of the Secretary of the State of Texas under Charter No. 105711. The supplemental charter issued by the National American Legion is hereby adopted as the charter of this Post. Art. Of Incorporation was February 8, 1951.

## ARTICLE II— OBJECTS

**Section 1.** The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing purpose, 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 or increase liability for military 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 promoting or retarding 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 and meeting of this Post.

## ARTICLE IV - MEMBERSHIP

**Section 1.** Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion, The Department of Texas, and as further stated in this Constitution and By-Laws.

**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.

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**Section 3.** All applications for membership in this Post shall be meeting following the making of application, and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If a majority or more Post Executive Committeemen cast their vote against the acceptance at such application, then such application shall be recorded as rejected.

**Section 4.** Any member of this Post may be expelled for cause by two-thirds (2/3) vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial is had upon the same, under the rules and regulations of the Department of Texas and the Uniform Code of Procedure of the Department of Texas, and ARTICLE IV, National By-Laws of The American Legion.

**Section 5.** If the accused is convicted, his membership is suspended until his final appeal is heard and a decision is rendered, and if he is expelled by the decision, he shall not be eligible for membership in this Post for one (1) year from the date of expulsion, and then only in the event his application for reinstatement is approved in the manner in which memberships are approved in this Post.

**Section 6.** No person who has been expelled by a Post of The American Legion shall be admitted to membership in this Post, without the consent of the expelling Post, until after a year has elapsed since their expulsion, and then only in the event their application for reinstatement is approved in the manner in which memberships are approved at this Post.

### 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 two (2) members in addition to the Officers 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 immediate Past Commander shall hold a seat on the Executive Committee with all rights thereto.

**Section 2.** The officers of this Post shall be a Commander, a 1st Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Sergeant at Arms, a Service Officer, and other such officers as may be deemed necessary by this organization.

**Section 3.** A nominating committee shall be appointed by the Executive Committee, who shall report their nominations to the regular monthly meeting next preceding the annual election of officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

**Section 4.** All Officers and Executive Committeemen, except for the immediate Past Commander seat, shall be elected annually, by majority vote on written ballots, at a Post meeting held not less than fifteen (15) days prior to the Department Convention (Article V. Section 4, Department Constitution), and shall be installed not later than the first regular Post

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meeting in October following their election. Only those member holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed or as otherwise provided. Any Officer or Executive Committee may be removed for cause by the Executive Committee, a two-thirds (2/3) vote of said committee being necessary to effect such removal.

**Section 5.** The cues of Officers and the Executive Committeemen shall be those usually appertaining to such Officers and Committeemen and as further provided in the By-Laws.

**Section 6.** Officer and Executive Committeemen are expected to attend the regular meeting of the Post and Executive Committee. Failure of any Officer or Executive Committeeman to attend three (3) successive meetings, without reasonable cause having been furnished to an Officer in good standing, shall be cause for forfeiture of said office The Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings has forfeited his right to continue in office, when or whether to declare such office vacant.

## ARTICLE VI — FINANCE

**Section 1.** The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues, and from other such sources as may be approved by the Executive Committee and sanctioned by the Post.

**Section 2.** The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by this Post.

**Section 3.** The Post shall pay to Department Headquarters, the National and Departmental annual membership dues not less than thirty (30) days from receipt thereof for every member of the Post.

## ARTICLE VII— CHARTER MEMBERS

**Section 1.** Members who join this Post prior to the issuance of charter shall be known as "Charter Members".

## ARTICLE VIII— AMERICAN LEGION AUXILIARY

**Section 1.** This Post recognizes an Auxiliary organization to be known as the Auxiliary Unit of Lloyd Grubbs Post No. 49, The American Legion.

**Section 2.** Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion.

## ARTICLE IX - AMENDMENTS

**Section 1.** This Constitution is adapted subject to the provisions of the National Constitution of the American Legion and of the Constitution of The American Legion Department of Texas. Any amendment to said National or Department Constitution which is in conflict with any

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provision 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 a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Executive Committee in session and approved by it; or if rejected, in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members at such meeting a proposal to amend the Constitution will be voted upon.

### **ARTICLE X - REAL PROPERTY**

**Section 1.** Real property owned by this Post may be sold, leased or otherwise disposed of, with control of said property is involved, at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting, provided that the shall have been submitted in writing, after approval by a majority of the Executive Committee and further after approval by a majority of the Board of Trustees, and read at a preceding regular meeting of the Post, and provided further that notice shall have been to all members by mail at least fifteen (15) days in advance of the date when such amendment is to be voted upon and that notice is given in the local press and read and it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.