

**CONSTITUTION
AND
BY-LAWS
Of
THE AMERICAN LEGION
POST 320**

SPOTSYLVANIA, VIRGINIA

Pending Revision

August 3, 2009

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**CONSTITUTION
OF
Spotsylvania Post 320
Department of Virginia
THE AMERICAN LEGION
Adopted in Regular Meeting
at
POST HOME
at
AMERICAN LEGION POST 320**

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 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 aristocracy 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 this organization shall be Spotsylvania Post 320, DEPARTMENT OF VIRGINIA, 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 Departmental constitutions or the American Legion.

ARTICLE III

Nature

Section 1. This post is a civilian organization and membership therein does not increase or diminish liability for military police service.

Section 2. This organization shall be absolutely non-political and non-sectarian and shall not be used for the dissemination of partisan principles for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in the American Legion and no member shall be addressed by his military title in any meeting of this post unless member is on active duty.

ARTICLE IV

Membership

Section 1. Eligibility to membership in this Post shall be as determined by the membership of the post, consistent with the provisions of the National constitution of the American Legion.

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

Section 3. All applications for membership shall be acted upon at the next regular meeting following the making of such application and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If the majority of the members present at such meeting shall cast their vote against acceptance of said application, then such application shall be recorded as rejected. The petition of the rejected application shall not be considered until after the expiration of six months from the date of the previous rejection.

Section 4. Any members of this post may be expelled for cause and/or restored to membership, and any former member of any other Post may be admitted to membership in this Post in accordance with the

procedure and under the provisions of the by-laws of the Department of Virginia and the national by-laws, The American Legion.

Section 5. Voting privileges on any question before the Post shall be limited to members in good standing. A member in good standing is one who has been duly accepted for membership and who, under Article IV, Section 4 of the national By-laws, has not been suspended or who has not forfeited membership for non-payment of dues.

ARTICLE V

Officers

Section 1. The administrative affairs of this post shall be under the supervision of an Executive Committee which shall consist of five (5) members, in addition to the junior past Commander and the following elected officers of the post; Commander, First Vice-commander, Second Vice-commander, Third Vice-commander, Adjutant and Finance Officer. The terms of the members of the Executive Committee shall be for one 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, a First Vice-commander, Second Vice-commander, Third Vice-commander and adjutant, assistant adjutant, finance officer, Post Historian, Post Chaplain, Judge Advocate, Service Officer, Athletic Officer, Sergeant-at-Arms, assistant Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization, who shall be nominated by a nominating committee and from the floor at the regular May meeting each year and elected at the regular June meeting each year. No nomination for office shall be entered on election night except on written petition of at least ten (10) members in good standing of the Post. No member shall at any given time be a nominee for more than one of the elective offices. Duly elected officers shall be installed in their respected officer at least ten (10) days prior to the Department Convention.

Section 3. The five Executive Committeemen shall also be elected and shall take office at the time above provided for the elective officers of the Post, and all officers and Executive Committeemen shall hold office until their successors are duly installed or as otherwise provided herein. Any officer or Executive Committeemen may be removed from office for inefficiency by a two-thirds vote of the members voting at any regular post meeting.

Section 4. The Board of Directors shall consist of five members, one being the Post Commander, the other four elected by membership vote in March of each year.

Section 5. Every member of this Post in good standing shall be eligible to hold office in this Post, except as otherwise provided herein.

Section 6. The duties of the officers and the Executive Committee shall be those usually pertaining to such officers and Executive Committee and as further provided in the by-laws.

Section 7. Upon incorporation of the Post, the title to all real and personal property shall vest in the Post in its corporate capacity, and management and control thereof shall be vested in the Board of Directors of the incorporated Post. The Board of Directors, elected in March each year, shall hold office at the pleasure of the Post. Sales and encumbrances of real property shall be made only after two-thirds of the

members present at a regular meeting of the Post on a resolution to sell or encumber real estate, provided that written notice of any proposed acquisition, encumbrance, and/or disposition of real property by this Post shall be given to all members at which the proposed action is submitted in writing at least 20 days prior to the regular meeting at which the vote is to be taken on the proposed action.

ARTICLE VIII

Amendments

Section 1. This constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Departmental Constitution of the Department of Virginia, the American Legion. Any amendment to said National 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, and the by-laws adopted pursuant thereto, may be amended at any regular post meeting by two-thirds vote of the members of the post attending such regular meeting; provided, that the proposed amendment shall have been submitted in writing and read at next preceding regular meeting of the Post and, provided further, that written notice, with the proposed amendment, shall have been given to all members of this post at least twenty (20) days in advance of the date when such amendment is to be voted upon, informing said members that at such meeting a proposal to amend this constitution and/or by-laws is to be voted upon.

BY-LAWS
of
SPOTSYLVANIA POST 320
DEPARTMENT OF VIRGINIA
THE AMERICAN LEGION

ARTICLE I

Name

Section 1. The Post existing under these by-laws shall be known as Spotsylvania Post 320, DEPARTMENT OF VIRGINIA, THE AMERICAN LEGION.

ARTICLE II

Management

Section 1. The government and management of this Post is entrusted to an Executive Committee of the junior Past Commander and the following elected officers of the Post: Commander, First Vice-commander, Second Vice-commander, Third Vice-commander, Adjutant, Service Officer, and Finance Officer, who shall take office as provided in the constitution of the Post and additional members as appointed by the Post Commander at his discretion.

Section 2. All elections of officers except the junior past Commander, may be by ballot and the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by the majority vote of the remaining members of the Executive Committee, and a person so elected shall hold office for the unexpired term of the members of the Executive Committee or Post officer who he succeeds. A vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

ARTICLE III

Post Executive Committee

Section 1. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers; thereafter (30) days, and as often as the Commander deem necessary.

The Commander shall call a meeting of the Executive Committee upon the joint written request of three or more members of the Executive Committee. Members present at the Executive Committee shall constitute a quorum.

Section 2. The Post Executive Committee shall require adequate bonds from all persons having custody of post funds and generally, shall have charge of and be responsible for the management of the affairs of the Post.

ARTICLE IV
Duties of Officers

Section 1. Duties of Post Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and the Executive Committee and to have general supervision over the business and affairs of the Post, and such officer shall be the Chief Executive of the Post. He shall appoint all standing and special committees, except as otherwise provided herein. He shall, ex-officio be a member of all committees of the Post. He shall make an annual report covering the business of the Post for the year and make written recommendations for the ensuing year which shall be read at the annual installation meeting of the Post. He shall make, or cause to be made, by the Adjutant, the report of the recommendations of the Executive Committee at the next regular meeting of this Post.

Section 2. Duties of the Vice-commanders: The Vice-commanders, in the order of their rank, shall assume and discharge the duties of Commander in the absence or disability of, or when called upon by, the Post Commander. They shall act upon all matters referred to them by the Post and shall perform such other duties as usually incident to their respective offices. The general areas of responsibility of the first, Second, and Third Vice-commanders shall be membership, publicity and public relations, and club operations, respectively.

Section 3. Duties of the Post Adjutant: The Adjutant shall have charge of and keep a full and correct record of the proceedings of all meetings, keep such records as the Departmental and National organizations may require, render reports of memberships annually or when called upon at a meeting, and, under the direction of the Commander, handle all correspondence of the Post.

Section 4. Duties of the Assistant Adjutant: The Assistant Adjutant shall aid in the record keeping and administrative activities of the Post as directed by the Post or the Executive Committee.

Section 5. Duties of the Finance Officer: The Finance Officer shall be responsible for all Post finances and shall act as Chief Financial Agent of the Post. He shall manage the Post Bank accounts and shall report monthly to the Post on the financial conditions of the Post.

Section 6. Duties of Post Historian: The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may be determined by the Post or Executive Committee.

Section 7. The duties of Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the events of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 8. Duties of the Judge Advocate: the Judge Advocate shall be the legal advisor of the Post Commander, the Post and the Executive Committee and shall interpret this Post's constitution and by-

laws and rule on such other matters as may be required of him by the Post Commander, the Post or the Executive Committee.

Section 9. Duties of Service Officer: The Service Officer shall render service to comrades of World War I and II or to those who performed service at any other time in the Armed Forces of the United States Government, in matters of hospitalization, in the prosecution of just claims against the United States or State governments for disability and death compensation or pensions, in matters pertaining to insurance under legislation of the Congress of the United States, etc. He shall also assist and direct the post in service to the community by cooperating with other welfare organizations.

Section 10. Duties of Sergeant-at-Arms and Assistant Sergeant-at-Arms: The Post Sergeant-in-Arms shall preserve order at all meetings and shall perform other duties as may be, from time to time, assigned him by Post Commander. He shall be assisted in the performance of his duties by the Assistant Sergeant-at-Arms.

Section 11. All other post officers shall perform such duties as are usually assigned by the Post, the Executive Committee or the Post Commander and which are usually incident to their respective offices.

ARTICLE V

Delegates

Section 1. Delegates and alternates to the Departmental Convention may be elected by ballot of the members present at a regular meeting of this Post held at least thirty (30) days prior to the date of such Departmental Convention.

Section 2. The Post may instruct the delegates how to vote the first ballot.

ARTICLE VI

Appointments

Section 1. The following standing committees of this Post are hereby established with Chairmen as indicated:

COMMITTEE

Membership
Publicity and Public Relations
Club Operations
Programs (Social and Special Events)
Finance
Colors and Ceremonial
Rehabilitation and Service
Legal
Americanism
Athletics
Buildings and Grounds

CHAIRMAN

The First Vice-Commander
The Second Vice-Commander
The Third Vice-Commander
Appointed by Post Commander
The Finance Officer
The Commander of the ceremonial unit
The Service Officer
The Judge Advocate
The junior past Commander
The Athletic Officer
Appointed by the Post Commander

Awards
Nominating

Appointed by Post Commander
Board of Directors

Section 2. In addition to the Chairman, the membership of each standing committee may consist of at least two members in good standing who shall be appointed by the Post Commander, immediately upon his taking office each year, subject to approval by the Post, and provided that the Chairman of such standing committee shall as set forth in Section I of this Article. The Commander shall post a list of all appointed committees in the meeting hall of the Post.

Section 3. Additional standing committees may be appointed by the Post Commander upon the recommendation of the Executive Committee and approved by this Post.

Section 4. Such special committees shall be appointed by the Commander as this post may from time to time authorize.

Section 5. Any member of this Post in good standing may be appointed to serve on one or more committees.

Section 6. Membership Committee: the Membership Committee shall have charge of all matters pertaining to arranging and conducting, or coordinating, the Post's social and/or special events.

Section 7. Program Committee: The Program Committee shall have charge of all matters pertaining to arranging and conducting, or coordinating, the Post's social and/or special events.

Section 8. Publicity and Public Relations Committee: the Publicity and Public Relations Committee shall be charged with the promotion of public support of the Legion's program by establishment of proper contact with the American legion magazine, departmental and National Legion news service and by local publicity of the Post's program and activities, and the publication of post news media, provided, however, that all resolutions and actions of this Post shall be confidential and not subject to publication except when authorized by the Post and through the Officers designed by the Post to handle publicity. And, provided further, that no Officer or member of this Post shall cause anything to be published which is not in accord with the expressed policies of this Post.

Section 9. Club Operations: the Club Operations Committee shall be charged with the responsibility of operating and managing the Club and Post Home facilities.

Section 10. Finance Committee: The Finance Committee shall be charged with the administration of the fiscal policy, preparation of the budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Section 11. Colors and Ceremonial Committee: The Colors and Ceremonials unit shall be charged with the responsibility of arranging and conducting all public and/or private ceremonial functions, dedications, funerals, Color ceremonies, etc., in which this Post may participate. Membership and government of the unit shall be determined by a majority of the members of the unit.

Section 12. Rehabilitation and Service Committee: The Rehabilitation and Service Committee shall supervise all matters pertaining to service to and comrades in the prosecution of all just claims against the United States or State governments, employment, relief, etc., and with the visiting and comforting of

members and their families when sick or bereaved and with visiting ex-service men and women in nearby hospitals.

Section 13. Legal Committee: The Legal Committee shall be charged with the legal supervision of Post affairs.

Section 14. Americanism Committee: The Americanism Committee shall be charged with the inspiration of Patriotism and good citizenship by arrangements of proper observation of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, Americanization of aliens; combating un-American propaganda by education of the general public in American ideas through public forums; activities for community and civic betterment; and coordinating the Post's youth and school activities.

Section 15. Athletics Committee: The Athletics Committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic team, recreation, etc., and by cooperation and support in general recreational and athletic program of the community.

Section 16. The Board of Directors may act as a nominating committee or appoint a nominating committee.

Section 17. Building and Grounds Committee: The Building and Ground Committee shall be charged with the responsibility for the construction and the maintenance in good order of the Post's Real and Personal properties.

Section 18. All committees shall perform the duties usually required of them and shall perform such additional duties as may be assigned them by this Post or the Post Commander, but no committee shall be required to perform the duties properly belonging to another committee.

ARTICLE VII

Meetings

Section 1. The regular meeting of this Post shall be held in Spotsylvania, Virginia, on the first Tuesday in each month, unless otherwise designated by the Executive Committee, in which event all members shall be duly notified by the Adjutant of the time and place of each meeting. There shall be transacted at all regular meetings of this Post such business as may properly be brought before it for action, and such meetings may be converted into entertainment meetings as may deemed advisable by the Executive Committee.

Section 2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of this Post at any time. Prior notice to all members is required to have a special meeting.

Section 3. Upon the written request of ten (10) percent of the membership of the Post, the Executive Committee shall call a special meeting of this Post.

Section 4. Nine (9) members of this Post shall constitute a quorum at any regular or special meeting of the Post.

Section 5. The annual meeting of the Board of Directors of Spotsylvania Post 320, Department of Virginia, The American Legion, shall be the first Tuesday in the month of June of each year.

ARTICLE VIII

Notices

Section 1. Every member shall furnish the Post Adjutant his or her address for mailing purposes and provide telephone numbers.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto.

Section 3. Notice, when required under this Constitution and By-Laws, shall be deemed sufficient when said Notice is deposited in an approved depository of the Post Office on a date prior to the commencement of the period specified for said Notice.

ARTICLE IX

Rules of Order

Section 1. All proceedings of this Post and all meetings of the Executive Committee shall be conducted under and pursuant to Robert's Rules of Order Revised, except as otherwise provided herein.

ARTICLE X

Limits of Liabilities

Section 1. This Post shall not incur, nor cause to be incurred any liability or obligation whatsoever which shall subject to liability any other Post, Subdivision, group of men or women, members of the American Legion, or other individuals, corporations or organizations.

ARTICLE XI

Effective Date

Section 1. The foregoing Constitution and By-Laws adopted pursuant thereto shall be effective immediately upon adoption, except as to Officers therefore elected and all acts of any nature theretofore consummated or duly authorized to be accomplished.

Constitution and By-Law Committee

Post Commander: _____

Post Adjutant: _____

HOUSE RULES

CATEGORIES

The term working member for Post 320 will consist of trustees, lifetime members sponsored by Post 320, and any member who substantially assist the Post in money-making activities, maintenance, or program activities.

1. Working Post and Auxiliary members – Main Hall use at no cost, except the house committee established clean-up fee. This Hall use is for personal family use only (i.e. weddings, family reunions, birthdays, etc.) Commercial ventures, office parties, and membership in other groups desiring use of the Hall require full hall rental charge.
2. Non-working Post and Auxiliary members –These will pay one-half (1/2) of the established rental fee, as determined at the time of sign-up. The additional established clean-up fee is required. This category determined by rules provided by the Post Judge Advocate, and as approved by the Post membership. As in paragraph 1 above, this is for personal family use only.
3. Regular rentals – Also in this category are any hardship approved benefit functions that are granted, donated Hall use as approved by the Post's membership meeting action. If any ABC license is needed, the using organization or individual must pay the ABC fees upon application. The clean-up fee is required to be paid for this category.
4. Non-profit organization use – Can be either a donated use as authorized by Post membership meeting vote, or hardship type function in which the funds are directly applied to help an individual or organization. No benefits for fund raising will be authorized to merely boost unit treasuries. A specific charitable project must be the reason for a donated use. (Group examples: Boy scouts/Lions/etc.) Clean-up fee is required.
5. Supporting organizations – These groups, profit or non-profit, render services to Post 320 (Sheriff's Department/Fire Department/Rescue Squad). They may be granted use of the main Hall or property for their own group social function/meetings. Any fund raising use requires Post 320 vote to be a donated use. Groups to pay ABC fee if required for their event. Clean-up fee must be paid.
6. (Amended vote by Post on August 1, 1989 meeting) – Any of these rules may be waived by vote of the general membership at a regular meeting.

WORKING/NON-WORKING MEMBER DESIGNATIONS

A three-man committee consisting of the current Post Commander, immediate Past Commander, and House Committee Chairman, are designated to monitor and make decisions concerning working members designation.

DUTIES:

1. Prepare a list of working members for house committee use.
2. Make decisions concerning a member who feels he is a working member but is not on the list, and approve Hall use if they feel he meets working member requirements.
3. Bring to the membership any member's request for working member privileges that has to be denied by the three-person committee.
4. This committee has the power to approve working member privileges for a member if they feel refusal will be detrimental to the Post, and the requested designation date is prior to a regular meeting date.

Working committee approved on June 29, 1988.

Membership approved at regular Post meeting, July 5, 1988.

HALL USE: RULES

Memorandum for Record:

To: All Members, American Legion Post 320, Spotsylvania County, Virginia

Copy: Posted in Legion Hall

Notes: Rules for All Members Post 320 for use of card key Honor system will be expected of each member and guest who may from this date and any future date desire to make use of American legion Building Post 320 located on Brock Road, Spotsylvania County, Virginia and other than REGULAR STATED COMMUNICATIONS.

1. Any member who desires to use Lodge Hall by use of card key will be held responsible for the following: ALL MEMBERS & GUEST MUST SIGN THE LEDGER (TIME IN) Visit OR Work.
 - A. Any member who may enter the building in question with a guest will be responsible for the guest and their actions.
 - B. At no time will there be any dirty knives, forks, spoons, cups, dishes, etc. left in the sink, on the tables or on the bar. Any and all items used will be cleaned and put in their proper places.
 - C. Should pots, pans, stove, bar or tables be used by any member or guest, each object and item will be cleaned and placed or returned to its proper location.
 - D. At no time will lights, television, heat, or air conditioning be left on other than normal condition. (NOTE – IN WINTER MONTHS THE HEAT WILL ALWAYS BE LEFT AT 50 degrees).
 - E. Bathrooms and General Area in local Legion Hall must be left clean, No Paper, empty bottles, cigarette butts, etc. will be left on the floor. (NOTE: ASH TRAYS SHOULD NOT BE EMPTIED BECAUSE OF POSSIBLE FIRE CONDITIONS PER USUAL PRACTICE)
 - F. Other than such items that may belong to a Legion member, no food, materials, utensils or other items may be removed from the Legion Building Post 320 without proper authority. (NOTE: AUTHORITY TO MEAN ACTION TAKEN BY MEMBERSHIP VOTE)
 - G. No teenagers will be allowed in Meeting Hall unless in the presence of their Parents, or legal guardian or with members of Post 320.

NOTE: THERE WILL BE NOTHING IN THIS MEMO TO ALTER OR CHANGE THE EXISTING HOUSE RULES NOW IN EFFECT AND POSTED IN THE MEETING HALL AT POST 320 ON THE BULLETIN BOARD.

2. ANY MEMBER WHO DOES NOT COMPLY WITH THE ABOVE WILL SUBJECT THEMSELVES TO A REVIEW BY THE HOUSE COMMITTEE AND POSSIBLE LOSS OF USE OF DOOR KEY CARDS AND USE OF THE HALL OTHER THAN AT REGULAR STATED LEGION ACTIVITIES.

3. OTHER MISUSE OF BUILDING POST 320 AMERICAN LEGION. MEMBERS MAY ALSO SUBJECT THEMSELVES TO OTHER ACTION BY VOTE OF POST MEMBERS IN COMPLIANCE WITH EXISTING RULES CONSTITUTION AND BY-LAWS STATE AND NATIONAL.

VOTED ON AND APPROVED BY POST 320 AMERICAN LEGION DEPARTMENT OF VIRGINIA ON DECEMBER 1, 1981.

POST COMMANDER: _____

PST ADJUTANT: _____

NOTES

Hall Use Rules (Paragraph F) was revised at the regular monthly meeting on June 7, 1994 as follows:

After discussion it was determined that responsible working members may sign out and borrow tables and chairs with the advanced approval by House Committee members.