



**THE AMERICAN LEGION  
CRISWELL-ROBINSON  
POST 71  
CONSTITUTION & BYLAWS**

**AS ADOPTED Month, Day, Year  
Post 71 Membership Meeting  
Cabot, AR**

## COVER PAGE

**This cover page shall be signed by each voting member of the Post Executive Committee upon acceptance of and by the Post membership by a vote in accordance with the bylaws. It shall be dated as to its acceptance by said committee and shall not be presented to Department Arkansas without said signature page.**

Office	Print Name	Signature
Commander	Joe McGloflin	
1 <sup>st</sup> Vice Commander	Joe Bania	
2 <sup>nd</sup> Vice Commander	William Kernan	
Adjutant	Charles Eick	
Finance Officer	Jeff Rauber	
Service Officer	Allen Miller	
Chaplain	Richard Liles	
Executive Committee Person	Art Mason	
Executive Committee Person	Susie Goebel	
Executive Committee Person	William Weaver	

# CONSTITUTION OF AMERICAN LEGION POST 71 DEPARTMENT ARKANSAS

## CONSTITUTION OF Criswell-Robinson POST NO. 71 DEPARTMENT OF ARKANSAS

### 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 All 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 this organization shall be Criswell-Robinson Post No. 71 The American Legion, Department of Arkansas.

### 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 preamble, and the national and departmental Constitutions of The American Legion and to in all cases keep the 4 Pillars of The American Legion at the forefront of this Post.

### Article III -- Nature

**Section 1** This Post is a civilian organization and membership therein does not affect or 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. The promotion of any individual candidate or person or party is not allowed in the Post. If an incumbent or candidate for any office is invited to speak, then all persons shall be invited also to speak.

**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.

#### **Article IV -- Membership**

**Section 1.** Eligibility to membership in this Post shall be as prescribed by the national Constitution of The American Legion.

**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.

**Section 3.** All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If 5 or more members cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection. An individual requesting re-instatement, after being expelled, may be re-instated with the concurrence of the Executive Committee and approval of the membership by three-fourths vote of the members and in good standing present at the membership meeting.

**Section 4.** Members may be suspended or expelled from membership in The American Legion upon proper showing of cause by a three-fourths vote of the membership of the Post present and voting. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or 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 be suspended or expelled from membership until given a fair trial by the Post. Any member who has been suspended or expelled pursuant to this section and the procedure provided by the local Post, shall have the right to appeal such suspension or expulsion to the Department Executive Committee. The decision of the Department Executive Committee shall be final.

**Section 5.** Any member of This Post that has been suspended or expelled from membership of The Post can at a later time decided by the Executive Committee be considered for re-instatement in some circumstances as determined by the Executive Committee.

#### **Article V -- Officers**

**Section 1** The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the Bylaws, be under the supervision of an Executive Committee which shall consist of no more than 5 members in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one year. This Post, by its bylaws, 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 vice commander, 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 from the floor at the meeting preceding the annual election.

**Section 3.** Annual Post elections shall be held at a regular meeting not more than sixty days nor less than fifteen days prior to the Department Convention, and said Post Officers shall be installed prior to the Department Convention. All vacancies in Post officers shall be filled in a manner to be determined by the Post bylaws and shall hold office for the unexpired term. Each Post Finance Officer shall be bonded for twice the amount of the funds likely to come under his control. No bond is to be less than \$200. The manner and time of nominations and elections shall be decided by the Post Bylaws of Post 71, pursuant of the Executive Committee.

**Section 4.** Every member of this Post whom is a member in good standing and eligible to be a member of the American Legion shall be eligible to hold office in Post 71.

**Section 5.** The duties of officers and the executive committeemen shall be those usually pertaining to such officers or committeemen and as further provided in the Bylaws and or Policy Manual of Post 71

**Section 6.** Any officer of this Post may be removed from office for just cause by three-fourths vote of the membership of the Post present and voting: Provided, written charges against any such officer are first made under oath in writing by five members and filed with the Adjutant or Commander, and thirty days= notice thereof in writing is first given to said officer before such vote for removal from office shall be taken; and provided further that fifteen days= notice of such hearing shall be given to each member in good standing in this Post. The accused shall be given the right to appear at said hearing in person and by counsel and present his defense to said accusation.

## **ARTICLE VI -- Finance**

**Section 1.** The revenue of 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 fixed and determined by this Post.

**Section 3.** The Post shall pay to departmental headquarters the national and departmental annual membership dues for every member of this Post.

## **Article VII -- Charter Members**

**Section 1.** Members who joined this Post during and after December 27, 1927 (or members who joined 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 71** of **Criswell-Robinson** Post No.71The American Legion.

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

## **Article IX – Sons Of The American Legion**

**Section 1.** This Post recognizes an auxiliary organization to be known as Squadron **71** of **Criswell-Robinson** Post 71 of The American Legion.

**Section 2.** Membership in The S.A.L. shall be as prescribed by the National Constitution of the Sons Of The American Legion.

Section 3. The S.A.L. charter and by-laws shall require the approval of the majority vote of the Post 71 Executive Committee.

## **Article X – Legion Riders**

**Section 1.** Post 71 shall recognize the American Legion Riders Chapter 71 and its membership shall be determined by that of National, Department and the Chapter 71 members.

## **Article XI – 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 Arkansas 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 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 30 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.

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POST 71 DRAFT BYLAWS 9-2020

# POST BYLAWS OF CRISWELL-ROBINSON AMERICAN LEGION POST 71

## Article I - Name

**Section 1.** The Post existing under these Bylaws is to be known as Criswell-Robinson Post No. 71, The American Legion, Department of Arkansas.

**Section 2.** The objects of this Post are as set forth in the Constitution.

## Article II -- Management

**Section 1.** The government and management of the Post are entrusted to a Committee to be known as the Post Executive Committee (PEC.) or simply as the Executive Committee.

**Section 2.** The Post Executive Committee shall consist of no more than 5 members in addition to the officers of the Post and together with the other officers of this Post shall be elected and/or appointed and take office at the meeting next following that of the election. All elections of officers and executive committeemen shall be by ballot and the candidate or candidates receiving 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 a majority vote of the remaining members of the committee, and a person so elected shall hold office for the unexpired term of the member of the committee or officer whom 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 Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within 14 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander at least every month and as often as said commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee, upon the joint written request of three or more members of said Post Executive Committee, 2/3 members of the committee shall constitute a quorum thereof.

**Section 2.** The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairman; and generally, shall have charge of and be responsible for management of the affairs of this Post. The PEC may also approve to the Finance Officer, the ability to pay expenses that are considered "The Cost Of Doing Business" without the expressed consent of the Committee. The "Cost Of Doing Business" shall be detailed and described in the Post Policy Manual as dictated by the Post Executive Committee.

**Section 3.** The Executive Committee shall authorize to the Commander a expenditure amount to be determined by the Committee. This amount shall be then placed into the Post Policy Manual.

#### **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 to have general supervision over the business and affairs of The Post, and such officer shall be the chief executive officer of the Post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the department adjutant. He shall perform such other duties as directed by the Post.

**Section 2. *Duties of First Vice Commander.*** The First Vice Commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the Post Commander. The First Vice Commander shall also perform duties as assigned by the Commander and/or the Executive Committee.

**Section 3. *Duties of Second Vice Commander.*** The Second Vice Commander shall assume and discharge the duties of the office of commander in the absence or disability of the Commander or First Vice Commander, or when called upon by the Post Commander. The Second Vice Commander shall also perform duties as assigned by the Commander and/or the Executive Committee.

**Section 4. *Duties of Post Adjutant.*** The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national organization may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the Post.

**Section 5. *Duties of the finance officer.*** The finance officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He shall sign all check disbursing the moneys of the Post. They shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee.

**Section 6. *Duties of Post Historian.*** The Post Historian shall be charged documenting Post activities from an historical view point and shall perform such other duties as may properly pertain to the office as may be determined by the Post Commander or the Executive Committee.

**Section 7. *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 event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

**Section 8. *Duties of Sergeant-at-Arms.*** The sergeant-at-arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the Post Executive Committee. The sergeant-at-arms shall be responsible for the physical Post including setting the Post for called meetings, maintaining the key-log for persons having keys to the Post and any other duties as defined by the Executive Committee pertaining to the operation of the Post physical plant.

**Section 9. *Duties of Post Service Officer.*** The Duties of the Post Service Officer calls for a competent and dedicated person. The member is preferably one who can serve indefinitely, and should have a deep interest in fellow veterans, the Post, and community. If the Service Officer is readily available to those needing assistance, it will be helpful. The Post Service Officer can aid in coordinating the support of the Post with the national effort. The Service Officer shall work to help Veterans with VA paperwork and application, Veterans and their families in Financial Need and other areas as stipulated by Said Officer and Post Executive Committee.

**Section 10. *Duties of Public Relations Officer.*** The Public Relations Officer has the responsibility of maintaining an informational flow of the events of American Legion Post 71. They should be notified always about any upcoming events being held to the public by the Post in the Community and to also keep Department Arkansas apprised of any events happening as well. They should maintain a relationship with the Department Arkansas Public Relations Officer and also a communication line with the National American Legion Public Relations Office as well.

**Section 11. *Duties of Judge Advocate:*** The Judge Advocate shall advise the Post officers and the Post Executive Committee on all legal matters, including the interpretation of the National and Department Constitutions and By-Laws, and shall perform such duties as are usually incident to the office.

**Section 12. *Duties of Executive Committee Persons.*** The Executive Committee Persons are a unique set of Elected officials of the Post. They are charged with being the “watchdogs” over the Post and the Entire Executive Committee set of Elected and Appointed Officers and to ensure that in all cases, the Post and its operations reflect the spirit and the Constitution and Bylaws of The American Legion, of National, Department Arkansas and its Own Constitution and Bylaws and to guide and work directly with the Post Commander to ensure that this is done. The Post Executive Committee Persons shall have a term of office of 3 years and are staggered in such manner as to have one of each of the members positions up for election each year, thus keeping a continuity of knowledge intact at the Post.

## **Article V -- Delegates**

**Section 1.** Delegates and alternate Delegates shall be set as directed by the Executive Committee prior to the Annual Department Convention and shall be elected or assigned in accordance with the Policy of The Executive Committee.

**Section 2.** The Delegates shall be chosen in accordance with Article V; Section 1 at least 15 days prior to the Department Convention and the Adjutant of the Post shall submit this list of names to Department in accordance with the Policy of Department Arkansas for said submission of Delegate Names.

**Section 3.** The Post shall authorize the payment of all delegates to Department Convention in accordance with the current Policy of Department Arkansas with regard to the amounts to be paid.

**Section 4.** The Number of Delegates shall be decided by the Department of Arkansas for the Annual Department Convention of The American Legion.

#### **Article VI -- Appointments**

**Section 1.** The Post Commander, shall in a reasonable time period upon taking office each year, shall appoint the following standing committees: Americanism, Security, Financial, Legislative, and Children & Youth and submit the list of names for each to the Executive Committee. Other Committees shall be set during the year as deemed needed and/or necessary by the Commander and/or the Post Executive Committee.

**Section 2.** All Committees shall, after each meeting of said committee, report its results/findings to the Post Adjutant for submission to the permanent record of The Post and shall be done in a timely manner to ensure that such meetings are documented.

**Section 3.** Each Committee shall, report also its results/findings to the PEC during either its normal meeting times or if needed, as called by the Post Commander, in special session as needed.

#### **Article VII -- Resolutions**

**Section 1.** All resolutions of Post, State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall if pertaining to State or National be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

#### **Article VIII -- Meetings**

**Section 1.** The regular meeting of the Post shall be held at the Post Home or a location known and conveyed to the membership at least once a month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

**Section 2.** The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

**Section 3.** Upon the written request of 10% of the general membership the Executive Committee shall call a special meeting of the Post.

**Section 4.** Twelve members shall constitute a quorum of Post Membership and a Simple Majority is considered a quorum of the voting members of the Executive Committee.

**Section 5.** The Post Membership Meeting shall be held on the 4<sup>th</sup> Calendar Thursday of Each Month and the Executive Committee Meeting shall be held the Tuesday before said Membership Meeting, with the exception of November. That month there shall be no Business Meeting of the Post but rather it's Annual Thanksgiving Dinner in its stead.

**Section 6.** Motions brought before a regular or special Post meeting shall required approval of a quorum of the members, in good standing, present.

#### **Article IX -- Notices**

**Section 1.** Every member shall furnish the Post Adjutant with his or her address for mailing purposes and submit to the Post Adjutant proof of eligibility in The American Legion in accordance with standardized documents of said proof.

**Section 2.** The Post Adjutant shall cause notice of the annual Post nomination of elected officers 30 days prior to the nomination date during its normal Business Meeting.

**Section 3.** The Post Adjutant shall cause notice of the annual Post Election of Officers 30 days prior to the election on its regular Business Meeting in accordance with the Policy of Post 71.

#### **Article X -- Rules of Order**

**Section 1.** All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as otherwise provided.

#### **Article XI -- Limitations of Liabilities**

**Section 1.** This Post shall incur, or cause to be incurred, no liability nor obligations whatever which shall object to liability any other Post, subdivision, group or persons, members of The America Legion, or other individuals, corporations or organizations.

#### **Article XII – Properties and Assets**

**Section 1.** Real estate properties and assets with a fair-market value as determined by the Executive Committee of greater than \$500 to be disposed of by Post 71 shall be approved at a regular Post meeting or special called meeting as prescribed by the Executive Committee by a vote of two-thirds of all paid members of said post and read into the record at the next regular or special meeting called. Real estate and assets as describe above to be disposed of will only be disposed of provided that the proposed transaction 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 30 days in advance of the date when such transaction is to be voted upon, notifying said members that at such meeting a proposal to obtain or dispose of real estate properties is to be voted upon. The vote in all cases shall be by

secret ballot which shall be a written ballot sent to every Post member under the 30 day notification of the members.

**Section 2.** Assets with a fair-market value as determined by the Executive Committee of greater than \$300 to be obtained by Post 71 shall require the approval of the Executive Committee by a vote of the majority of the Committee members. Assets with a fair-market value greater than \$10,000. shall be obtained provided that the proposed transaction 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 30 days in advance of the date when such transaction is to be voted upon, notifying said members that at such meeting a proposal to obtain assets is to be voted upon. The vote in all cases shall be by secret ballot which shall be a written ballot sent to every Post member under the 30 day notification of the members

**Section 3.** Closure and surrender of The Post Charter shall also follow the rules of Section 1 of this Article.

**Section 4.** If, under Sections 1 and 2 have been properly executed, the Post Commander, or Vice Commander of The Post shall, in Person, submit the Post Charter to Department of Arkansas The American Legion and shall ensure also that the District Commander be informed to properly submit all necessary documents and paperwork to the Department Executive Committee (D.E.C.)

### **Article XIII -- Amendments**

**Section 1.** These Bylaws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting: 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 30 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 Bylaws is to be voted upon.

### **Article XIV – Policy Manual**

**Section 1.** The Post shall make use of and operate the general polices of the Post by use of a Policy Manual.

**Section 2.** The Policy Manual shall be under the review and approval of the Post Executive Committee and is responsible for its contents.

**Section 3.** The Policy Manual shall be considered “*For Internal Use Only*” and by which, shall be kept in the Post but available to the Post Officers and Members upon request to the Post Commander and/or Post Adjutant.

**Section 4.** The Policy Manual shall not require the 30 day Posting to the Membership for review and approval during a normal Business Meeting, however, shall be reviewed by the Executive Committee on at least an annual basis, and that additions, editions, and deletions shall be determined by said P.E.C. during a regular meeting or special called meeting of the Commander for purposes of addressing the Policy Manual.

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