

Revised: January 2022

**Florissant Valley Memorial American Legion Post 444, Inc.**

**The American Legion Department of Missouri, Inc.**

**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 percent Americanism; to preserve the memories and incidents of our association in all Wars; to inculcate a sense of individual obligations 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 Florissant Valley Memorial American Legion Post 444, Inc., The American Legion, Department of Missouri, Inc., a not-for-profit organization. Hereafter may be referred to as the "Post".

**Article II — Allegiance**

**Section 1:** This Post is an inseparable part of The American Legion, and the National Constitution thereof shall be the Supreme Law of the Post.

**Article III — Objects and Purpose**

**Section 1:** The objects of Florissant Valley Memorial American Legion Post 444, Inc., The American Legion, Department of Missouri, Inc. shall be as herein before set out in the Preamble. The purpose of the corporation of the Florissant Valley Memorial American Legion Post 444, Inc., The American Legion, Department of Missouri, Inc., shall be responsible for tangible assets of the Post regardless of their nature, purpose and be responsible for approved Post activities which may be conducted at sites on other than Post property; and to be responsible for any and all purposes incidental or necessary thereto the carrying out of the activities of the Post. The

Corporation shall have perpetual existences and shall not be used for business or political purposes or for pecuniary profit of its members.

## **Article IV — Nature**

**Section 1:** This Post is a civilian organization; membership herein does not affect nor increase liability for military or police service. Rank does not exist in this Post, and no member shall be addressed by their military title/rank in any meeting of the Post.

**Section 2:** This Post 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.

**Section 3:** No candidate for, nor incumbent of; any remunerative elective public office shall hold any office in the Post, and the declaration of candidacy for such public office by any person who is an officer of this Post shall automatically operate to vacate their office in this Post, and the same shall be filled hereinafter provided.

**Section 4:** Each member of this post shall perform their full duty as a Citizen according to the dictates of their own Conscience and Understanding.

## **Article V — Membership**

**Section 1:** Membership in this Post shall be as prescribed by the National Constitution of the American Legion: Any person shall be eligible for membership in this Post who was regularly enlisted, drafted, inducted or commissioned, and who was accepted for and assigned to active duty in the Armed Forces of the United States at the time during the periods set by the Congress of the United States for membership in the American Legion, or who, being a citizen of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during all Wars; provided that no person shall be entitled to membership (a) who being in the Armed Forces of the United States during said period refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service, or; (b) who being in such service was separated there from under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable status.

**Section 2:** Application for membership shall be made by the appropriate application form as supplied by the National American Legion Headquarters.

**Section 3:** All applications for membership must be submitted to and reviewed by the First Vice Commander for his/her action. The recommended action must then be submitted to the membership for their approval or referred to the Executive Committee for further investigation and consideration. A Rejected application shall not again be considered until after the expiration of one year from the rejection thereof.

**Section 4:** There shall be no form of Membership except an active membership.

**Section 5:** The Post shall be the judge of the qualifications of its members.

## **Article VI — Disciplinary Procedures**

**Section 1:** The Post by a two-thirds vote of its members present and voting, may remove any Officer or Delegate to the 10th District, Inc., for cause, or suspend or expel any member of the Post upon charges based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of The American Legion. All charges shall be made under oath and in writing. The accused shall be accorded a full and fair trial according to the rules and regulations recommended or required by the National Organization of The American Legion or the Department of Missouri, Inc., or both such organizations. The accused shall have the right to appeal by filing their reasons therefore with the Department Adjutant within thirty (30) days following the final action by the Post in accordance with Departmental and National Regulations

**Section 2:** The Post, by a two-thirds vote of its members present and voting, may reinstate any member who has been expelled or suspended; provided, however, that they shall make payment of any and all arrears in their dues at the time of their expulsion or suspension, and also the "payment" of any other regular dues which have been payable in the interval between their expulsion or suspension and their reinstatement.

**Section 3:** No person who has been expelled by any Post shall be admitted to this Post without the consent of the expelling Post, except that where such has been asked for and denied by such Post, they may appeal to the Post Executive Committee for permission to apply for membership in this Post, but shall not be eligible for membership in the Post until such permission is granted by the Post Executive Committee.

## **Article VII— Officers and Corporate Directors**

**Section 1:** The Officers of the Post shall be; Commander, First Vice-Commander, Assistant First Vice-Commander, Second Vice-Commander, Assistant Second Vice-Commander, Adjutant, Assistant Adjutant, Finance Officer, Assistant Finance Officer, Post Historian, a Chaplain, Service Officer, Assistant Service Officer, Judge Advocate, Sergeant-at-Arms and Assistant Sergeant-at-Arms. The Corporation shall have four (4) officers, three (3) directors and one (1) registered agent with the State of Missouri. The officers of said Corporation shall be a President, President Secretary, and Treasurer. The Post Commander shall serve as the President; the Post Adjutant shall serve as the Secretary; and the Post Finance Officer shall serve as the Treasurer.

**Section 2:** All candidates for offices of the Post shall be orally nominated from the floor at any of the three business meetings prior to the annual election date. They shall be elected by secret written or printed ballot, or by oral or hand vote when the position is uncontested. In all cases a plurality only shall be necessary to be elected. The date of the annual election shall be fixed by

the Post, subject to the rules and regulations and requirements of the National and Department Organizations. However, this annual election date shall be held at least thirty (30) days, but not more than sixty (60) days prior to the department convention.

**Section 3:** A quorum of post members is required for officer elections.

**Section 4:** All Officers shall be elected annually and shall hold office for one year or until their successors are duly and regularly elected and installed. All delegates to the 10th District, Inc., shall be elected annually and shall hold their delegate status for one year or until their successors are duly elected. The number of delegates shall be based on the current formula in effect at the time of election as determined by the American Legion, Department of Missouri Inc., and the National Organization.

**Section 5:** All officers shall assume their respective duties immediately after the installation of the Post Officers at the date of installation fixed by the Post in accordance with the requirements of the American Legion, Department of Missouri, Inc., and the National Organization. All Delegates to the 10th District, Inc., shall assume their respective duties immediately upon their election.

**Section 6:** The Post may, in addition to the Executive Committee, provide for such other standing committees as the business of the Post may require, and they shall be constituted as the Post may direct. The members of the standing committees shall be appointed by the Post Commander, unless otherwise specified in the By-laws, by and with the advice and consent of the Executive Committee. The members of all other committees not specified in the By-laws shall be appointed by the Commander

**Section 7:** Every member of the Post in good standing shall be eligible to hold any office in the Post unless otherwise prohibited by the Constitution or By-laws of the American Legion including post, state and national.

**Section 8:** Any vacancy existing in any office of the Post or in the Delegates to the 10th District, Inc., shall be filled by oral nominations and a plurality vote at a regular business meeting of the Post. The person so elected shall fill such vacancy for the unexpired term of the member or the officer whom he succeeds

**Section 9:** The minutes of all Executive Committee meetings, regular Post meetings, special Post meetings, and Corporate Director meetings shall be the official record of the Post.

## **Article VIII— Executive Committee**

**Section 1:** The government and management of this Post is entrusted to an Executive Committee, except as otherwise provided by the Constitution and By-laws. It shall be the duty of the Executive Committee to execute and carry into effect all the provisions and requirements of The American Legion, the Department of Missouri, Inc., and the Post.

**Section 2:** The Executive Committee shall consist of the immediate Past Commander, Commander, First Vice-Commander, Second-Vice Commander, Finance Officer, Adjutant, Chaplain, Service Officer, Sergeant-at-arms, Historian, Judge Advocate, and the President of the House Committee.

**Section 3:** The Executive Committee shall meet for organization and such other business as may come before it within 15 days after the installation of the new Officers. Thereafter the Executive Committee shall meet at the call of the Post Commander, or any two members may issue a call. Five (5) members of the Committee shall constitute a quorum to do business.

**Section 4:** A newly "elect" Executive Committee will meet within thirty days (30) prior to installation, for purposes of; approval of Post Committees and recommended budget.

**Section 5:** The Executive Committee shall review and recommend approval or disapproval of expenditures in excess of the amount set by the Standing Rules and/or Committee By-laws made by motion from the floor at any regular or special meeting, except those expenditures previously approved in the budget. It shall provide adequate surety bonds of all persons handling Post funds. They shall select and administer all personnel providing services to the Post. It shall be responsible for the management of the affairs of the Post, provided that actions of the Committee shall be subject to ratification or rejection by the Post membership at its next business meeting; and that whatever motion is voted down, no further discussion of that motion or a substantially similar motion shall be allowed for a period of one (1) year or until newly elected Post officers are installed.

## **Article IX - Finance**

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

**Section 2:** The amount of annual Post dues shall be fixed by the Post subject to the Departments requirements.

**Section 3:** The Post shall pay to the American Legion, Department of Missouri, Inc., such dues for each member as are required by the Department and National Organizations.

**Section 4:** The Post shall pay to the District any per capita assessments levied by the 10th District, Inc

## **Article X — Charter Members**

**Section 1:** Members who joined this Post prior to the issuance of its Charter shall be known as Charter Members.

## **Article XI — American Legion Auxiliary**

**Section 1:** The Post recognizes an auxiliary organization to be known as the Unit of Florissant Valley Memorial American Legion Post 444, Inc.

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

## **Article XII — Sons of the American Legion**

**Section 1:** The Post recognizes a program known as the Sons of the American Legion of Florissant Valley Memorial American Legion Post 444, Inc.

**Section 2:** Membership in the Sons of the American Legion shall be as prescribed by the National Constitution and By-laws of The American Legion.

## **Article XIII — American Legion Riders**

**Section 1:** The Post recognizes a program of the American Legion known as American Legion Riders of Missouri.

**Section 2:** Membership, organization, program rules and regulations are as spelled out in the program Constitution and By-laws, not be in conflict with National, state or District Constitution and By-laws.

## **Article XIV - Amendments**

**Section 1:** Changes to the Constitution and By-laws of the Post may be recommended by any member. Recommended changes will then be reviewed by the Constitution and By-Laws Committee. The Constitution and By-Laws Committee recommendations will then be published in the Post Newsletter at least a month before the established vote date. Also, they will be posted on the Post Web site, as well as being read at two (2) meetings prior the announced vote date. A two-third (2/3) vote in favor the Constitution and By-Laws Committee recommendations is required for passage.

**Section 2:** All amendments to the Post Constitution, the Post By-laws and the Standing Rules shall be in effect immediately after the adjournment of the Post meeting at which they were adopted, unless otherwise provided in the amendments.

## **Article XV - Annual Dues Information**

**Section 1:** Any member, whose dues for the current year have not been paid by January first, shall be classed as delinquent. If the dues are paid on or before February first, the member shall be automatically reinstated. If the member is still delinquent after February first, the member shall be suspended of all privileges. If the member is still under such suspension on December thirty-first of such year, membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which reinstatement occurs. Provided, however, that the Posts, Departments and National Organization may waive the provisions thereof, upon payment of dues for the year in which reinstatement occurs, with reference in former member who have been prevented from the payment of dues by reasons of active military service.