APPLETON POST 38 BYLAWS
THE ONEY JOHNSTON-EDWARD BLESSMAN POST #38
OF THE AMERICAN LEGION DEPARTMENT OF WISCONSIN

CONSTITUTION

PREAMBLE
The Preamble of this Post shall be the same as the National 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 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 goodwill 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 The Oney Johnston-Edward Blessman, Post 38, of the American Legion, Department of Wisconsin.

SECTION 2 Located in the vicinity of Appleton, Outagamie County, Wisconsin.

ARTICLE II - OBJECTIVES

SECTION 1 The objectives and purpose of this Post shall be to promote the principles and policies as set forth in the Preamble, as outlined in the four pillars of the American Legion, and the National and Departmental Constitutions of The American Legion. The four pillars are Veteran Affairs and Rehabilitation, National Security, Americanism, and Children and Youth.

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 The American Legion shall be non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office. Members of the American Legion Post 38 can identify themselves as a member in their political campaign literature but cannot claim endorsement or support of Post 38 or the American Legion. Member are not to wear American Legion attire/uniform at a political event.

SECTION 3 Rank does not exist in The American Legion; no member shall be addressed by his military rank or title in any meeting of this Post. No member shall wear any reference to rank on any American Legion attire/uniform.

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 a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

ARTICLE V – DISCIPLINE

SECTION 1. Officers: The Post Executive Committee shall have full power to suspend or remove from office for inefficiency, neglect of duty, misconduct in office, or other good cause shown, any elective or appointive officer of the Post after a fair and impartial hearing on written charges brought against such officers. Notice containing a statement of the charges shall be given the officer at least ten (10) days prior to the date fixed therein for said hearing. Said hearing shall be conducted pursuant to such rules and regulations as the Post Executive Committee shall prescribe. After the filing of such charges, the Post Commander may at once, if he/she deems advisable, temporarily suspend any such officer pending the hearing of said charges. He/she shall also have power to call a special meeting of the Executive Committee or Post to fill any vacancy caused by any such suspension. Upon the hearing of said charges, no officer shall be removed unless two-thirds of the Executive Committee at such meeting shall vote in favor of the removal. Any officer who shall be removed or suspended by the Executive Committee shall have the right to appeal to the next Department Convention by giving notice in writing to the Department Adjutant within ten (10) days after such removal or suspension. It shall then be the duty of the Department Adjutant to bring such appeal to the attention and vote of the Convention.

SECTION 2. Members: Members may be suspended or expelled from The American Legion and/or Post 38 only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and 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 removed from the Post until given a fair trial by this Post, in such manner and form as the Bylaws and Executive Committee shall prescribe.

(a) Any member who has been suspended or expelled has the right of appeal to the Department Convention, according to the provisions of the Bylaws of the Department. The decision of the Department shall be final.

(b) A member whose dues for the current year have not been paid by January 1, shall be classified as delinquent. If his dues are paid on or before February 1, he/she shall be automatically reinstated. If he/she is still delinquent after February 1, he/she shall be suspended from all privileges. If he/she is still under suspension on June 30 of such year, his 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 the reinstatement occurs. The Post, at its option,

may also require a member whose membership has been so forfeited to pay one year's arrears in dues as a condition precedent to reinstatement.

SECTION 3. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the Department Executive Committee of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE VI - OFFICERS

SECTION 1 The administrative affairs of Post 38 of the American Legion shall, except as otherwise provided by the Bylaws, be under the supervision of an Executive Committee which shall include three (3) members elected at large from the Post membership, in addition to the Officers of the Post. The term of office for members of the Executive Committee shall be for one (1) year unless other term lengths are listed in the Bylaws. 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 Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Adjutant, Service Officer, Sergeant-at-Arms and such other officers as may be deemed necessary by Post 38, the Department of Wisconsin or the National American Legion.

SECTION 3 All officers of this Post will be elected annually unless other term lengths are listed in the Bylaws; they shall hold office until their successors are duly installed or as otherwise provided. Appointed officers are subject to the approval of the elected members of the Executive Committee by a majority vote.

SECTION 4 All elected or appointed officers (includes all members of the Executive Committee) will verify their eligibility at the time of election and/or appointment.

SECTION 5 Every member of this Post in good standing shall be eligible to hold office in this Post.

SECTION 6 The duties of officers and members at large shall be those usually pertaining to such officers and members-at-large and as further provided in the Bylaws.

SECTION 7 The Post Commander shall preside over all official business and official meetings and including all Executive Committee meetings, and in his/her absence, the First Vice Commander shall preside.

ARTICLE VII - STANDING COMMITTEES

SECTION 1 The Post Commander, immediately upon taking office each year, shall appoint the standing committees and the chairperson of each as listed in the Bylaws.

SECTION 2 The Commander must leave at least one existing member of the committee on the committee where one exists or as provided by the Bylaws.

SECTION 3 The duties of the committees shall be those usually pertaining to such committees and as further provided in the Bylaws. The Committee chairperson is responsible for seeing that the duties are carried out and the Executive Committee is to receive regular reports concerning the activities of the committee.

ARTICLE VIII - 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 that are in conformance with all local, state and federal laws, codes and ordinances in compliance with all articles of the Constitution and Bylaws of the American Legion and the American Legion, Department of Wisconsin.

SECTION 2 The amount of such membership dues shall be fixed and determined by the Post. The annual dues shall be set at least at Five (5) dollars greater than dues paid to Department and National.

SECTION 3 The Post shall pay to Department headquarters the National and Department annual membership dues for every member of the Post.

SECTION 4 On all Post activities, an inventory will be made of all stock at the end of each quarter. An audit will be given at the end of each fiscal year showing the inventory, including inventory at the beginning of the fiscal year, and total inventory at the end of the Post 38, Legion year.

SECTION 5 All Post activities shall be subject to an audit at any time the Executive committee feels an audit is necessary and needed. An Annual Audit shall be conducted at the end of the year and the results shall be reported to the Post Membership for acceptance and approval. Further directions concerning the Finance Officers annual audit shall be outlined in the Bylaws.

SECTION 6 The Post shall have a Finance and Budget Committee. This Committee will prepare and submit to the Post Executive Board an Annual Budget for the Post. Preliminary approval rest with the Executive Committee then it is presented to the Post Membership for final approval.

SECTION 7 All monthly income/expenditures and the budget status shall be shown on the monthly finance report provided by the Finance Officer and reported at the Executive Committee meeting and included in the Executive Committee report to the Post Membership.

ARTICLE IX - THE AMERICAN LEGION AUXILIARY

SECTION 1 This Post recognizes an Auxiliary Organization to be known as the Auxiliary Unit #38, Post 38, Department of Wisconsin, The National American Legion.

ARTICLE X – SONS OF THE AMERICN LEGION

SECTION 1 This Post authorizes the formation of a Sons of the American Legion Squadron #38 based on the National Constitution and Bylaws and Bylaws of the Sons of the American Legion. A Post appointed committee shall oversee and supervise all activities of the Squadron.

SECTION 2 Membership in the Sons of the American Legion shall be as prescribed by its National Convention.

SECTION 3 The Department of Wisconsin American Legion shall govern the Sons of The American Legion by such rule and regulations proscribed by the National Convention and approved thereafter by the Department of Wisconsin, the American Legion.

ARTICLE XI - AMENDMENTS

SECTION 1 This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Constitution of the Department of Wisconsin. Any amendments to said National Constitution or Department Constitution, which conflicts with any provision hereof, shall be regarded as automatically repealed 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 (2/3) of the members of said Post attending such regular meeting. Providing that the proposed amendment shall have been submitted in writing and read at two consecutive regular Post meetings and then read for a third time at the third consecutive Post meeting and voted on at that time. Further, that written notice shall have been given to all members at least ten (10) 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 on. Notification shall be sent by USPS mail or by electronic mail to the last known address of each member. Notification shall also be posted on the Post bulletin board, listed in the Post newsletter and shown on the Post Website and on existing Social Media used by the Post.

APPROVED January 15, 2018

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