

**CONSTITUTION OF  
CHAPEL HILL POST NO. 6,  
AMERICAN LEGION, INCORPORATED**

**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 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, and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.**

**ARTICLE I – Name**

Section 1. The name of this organization shall be Chapel Hill Post 6, American Legion, Incorporated.

**ARTICLE II – Objects**

Section 1. The object 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.

**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.

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 using an approved American Legion membership form as provided by the National Department. A copy of an approved discharge or certificate from a commanding officer (for active duty personnel) along with the original will be submitted to a member of the membership committee. The copy will be compared with original and the copy and original will be shown to at least three members of the Membership Committee. The original of the discharge certificate will then be returned to the applicant. The Committee will make recommendation for acceptance, rejection, or further investigation. The copy of the discharge certification or the original of a Commander's certificate will be attached to the minutes of the meeting at which the application was made and will become a permanent record of the post. A new applicant may not sit in a meeting until acted upon at the next regular meeting.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of the application, and shall at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members present vote against the application, then such application shall be recorded as rejected. A rejected application, may not be reconsidered until a six month period has expired following the rejection.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Post Executive Committee after charges are preferred under oath in writing and a fair trial has been conducted by the Post Executive Committee.

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in any regularly scheduled Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by another Post may be admitted to membership in this Post, without the consent of the expelling Post. If such consent has been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department 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 V – Officers

Section 1. The administrative affairs of this Post shall, except as may be provided for in the Post By-Laws, be under the supervision of the Post Executive Committee which shall consist of the elected officers and past commanders of the Post. This Post, by its By-Laws may provide for such standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, three Vice Commanders, an Adjutant, a Finance Officer, a Historian, a Service Officer, a Judge Advocate, one or more Post Chaplains and one or more Sergeants-at-Arms, and such other officers as may be deemed necessary by this organization. The designated officers of Chapel Hill Post 6, American Legion,

Incorporated shall be as follows: The Commander shall serve as President of the Corporation, the 1<sup>st</sup> Vice-Commander as Vice President, the Adjutant as Secretary, the Finance Officer as Treasurer, and all other qualified members of the Executive Committee as Trustees.

Section 3. All officers shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or committee chairman may be removed by the Post Executive Committee as provided for in the Post By-Laws. Those to be elected are as follows: Post Commander, 1<sup>st</sup> Vice Commander, 2<sup>nd</sup> Vice Commander, 3<sup>rd</sup> Vice Commander, Adjutant, Finance Officer, Service Officer, Judge Advocate, Historian, Chaplains, Sergeant-at-Arms. All others to be appointed by the incoming Commander.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. The duties of officers and committee chairmen shall be as outlined in the Post By-Laws and as suggested by the American Legion Officers Guide.

#### **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 sources as may be approved by the Post Executive Committee.

Section 2. The amount of such membership or initiation fee, if any, and the amount of annual Post dues shall be determined and fixed by the Post Executive Committee.

Section 3. The Post shall pay to the Departmental Headquarters the National and Departmental membership dues for every member of the Post.

#### **ARTICLE VII – American Legion Auxiliary**

Section 1. This Post recognizes an auxiliary organization to be known as Chapel Hill Post No. 6, American Legion Auxiliary.

#### **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 North Carolina, The American Legion. Any amendment to said National Constitution or ✓ Departmental Constitution which is in conflict with any provision herein shall be regarded as automatically repealing or modifying the provision 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 of the members present or attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the previous 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.

March 3, 2003 The proposed amendment to the Constitution was approved by the Executive Committee as they now read. Those present at the meeting were Al Hackney - Commander, Dan Murphy - 1<sup>st</sup> Vice Commander, Delos O'Daniel - 2<sup>nd</sup> Vice Commander, David Goldstein - 3<sup>rd</sup> Vice Commander, Bud Hampton - Historian, Sam Taylor - Sgt- at-Arms, Nick Ladd - Finance Officer, Tom Chegash - Judge Advocate, and Bob Patton - Adjutant.

May 13, 2003 The Amendment to Article V – Officers Section 2 were unanimously approved according to the requirements as specified in Article VIII, Section 2 of the Constitution on May 13, 2003 at the regular Chapel Hill Post No. 6, American Legion Incorporated monthly meeting after a motion was made by Alfred Meyer and seconded by both Delos O'Daniel and Thomas Chegash. Alvin B. Hackney, Commander.

Constitution as it now reads effective May 13, 2003

**BY-LAWS  
CHAPEL HILL POST 6  
AMERICAN LEGION, INCORPORATED**

**ARTICLE I - General**

Section 1. The Post existing under these By-Laws is to be known as Chapel Hill Post 6, American Legion, Incorporated.

Section 2. The objects of this Post are as set forth in the Constitution. The use of the word "he" in these By-Laws means he or she.

**ARTICLE II - Management**

Section 1. The government and management of the Post is entrusted to an Executive Committee. The Executive Committee is to be made up of the elected officers and past Commanders of the Post.

Section 2. The officers of the Post shall be elected annually at the May meeting and shall take office at the July meeting. A Nominating Committee of four active members will be appointed by the Post Commander in January. The Nominating Committee will make their nominations known to the membership at the April meeting. Nominations will be accepted from the floor at the April meeting and a list of the nominees will be sent to all members prior to the election in May. Elections will be by secret, written ballot or if there is no opposition, the said nominee may be elected by voice or show of hands, and those persons receiving the highest number of votes from those members present shall be elected to their respective office or offices for which they are candidates. Elected officers are as follows: Commander, 1<sup>st</sup> Vice Commander, 2<sup>nd</sup> Vice Commander, 3<sup>rd</sup> Vice Commander, Adjutant, Finance Officer, Judge Advocate, Service Officer, Historian, Chaplains, Sergeant-At-Arms. All others are to be appointed by the incoming Commander.

Section 3. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or office whom he succeeds. A vacancy shall exist when a member or officer is absent from the post for a continuous period of time 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 annually for organization and such other business as may come before it at the call of the Commander within 10 days after the installation of new officers. Thereafter the Post Executive Committee shall meet at the call of the Commander at least every four months and/or as often as the 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 and the members present shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall hire such employees as may be necessary, shall authorize and approve the method and criteria for all expenditures, shall require adequate bonds from all persons having the custody of Post funds, shall hear the reports of Post committee chairmen, shall have an annual financial report prepared, approved, and reported to the general membership, and generally, shall have charge of and be responsible for the management of the affairs of the Post.

Section 3. The minutes of each Post Executive Committee meeting will be read and approved at the next regular Post meeting.

#### ARTICLE IV - Duties of Officers

Section 1. **Duties of the 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 will be the Chief Executive Officer of the Post. He shall approve all orders directing the disbursement of funds. He shall have prepared an annual written report, in the form recommended by the department covering the business of the Post for the year, and recommendations of the ensuing year. This report shall be read at the July meeting by the outgoing Post Commander prior to the installation of new officers and a copy shall be forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post.

Section 2. **Duties of 1<sup>st</sup> Vice Commander.** The 1<sup>st</sup> Vice Commander shall assume and discharge the duties of the office of Commander in the absence of or disability of the Commander, or when called upon to do so by the Post Commander. He shall be responsible for overseeing the membership program of the Post. He shall appoint five to the Membership Committee and be Chairman of the Membership Committee. The 1<sup>st</sup> Vice Commander shall oversee such other Post and committee activity as the Commander directs.

Section 3. **Duties of the 2<sup>nd</sup> Vice Commander.** The 2<sup>nd</sup> Vice Commander shall assume and discharge the duties of the office of Commander in the absence of or disability of the Commander and 1<sup>st</sup> Vice Commander. He will be responsible for Post activities and functions. He shall be Chairman of the Ceremonial Committee. The 2<sup>nd</sup> Vice Commander shall oversee such other Post and committee activity as the Commander directs.

Section 4. **Duties of the 3<sup>rd</sup> Vice Commander.** The 3<sup>rd</sup> Vice Commander shall assume and discharge the duties of the office of Commander in the absence of or disability of the Commander, 1<sup>st</sup> Vice Commander, and 2<sup>nd</sup> Vice Commander. He will be responsible for Post activities and functions. He shall be Chairman of the Building and Grounds Committee. The 3<sup>rd</sup> Vice Commander shall oversee such other Post and committee activity as the Commander directs.

Section 5 **Duties of the 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, keep track of and render reports of membership as required, and under the direction of the Commander, handle all correspondence of the Post.

Section 6. **Duties of the Service Officer.** It is the duty of the Service Officer to look after the welfare of Veterans in the Post and community. He reports on members who are ill or have died. He is responsible for bringing to Veteran's attention their rights and benefits granted by law. He serves as Chairman of the Veterans Affairs and Rehabilitation Committee.

Section 7. **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 appropriate financial institutions. He shall report on the financial condition of the Post at each regular meeting of the Post and to the Executive Committee when they meet. He serves as Chairman of the Finance Committee. He makes recommendations on the raising or investing of funds to the Executive Committee. He shall, along with the Commander, sign all checks disbursing the money of the Post. He shall furnish such surety bonds in such sums as shall be fixed by the Executive Committee.

Section 8. **Duties of the Judge Advocate.** The Judge Advocate gives the Post legal advice. He advises on the proper conduct of Post business and recommends hiring legal counsel. He serves as Chairman of the Post Legal Committee which audits the Post's finances in June of each year and more often if thought necessary. He has prepared the annual financial audit report which assures the membership that all funds have been properly handled.

Section 9. **Duties of the Post Historian.** The Post Historian will maintain a record of the Post's activities in the form of an annual scrapbook containing pictures, newspaper clippings, and printed materials. He will be Chairman of the Post Public Affairs Committee and will act as the Post Public Affairs Officer. He will coordinate all publicity and news coverage. He will perform such other duties as may properly pertain to the office as determined by the Post Commander or Executive Committee.

Section 10. **Duties of the Post Chaplain(s).** The Post Chaplain(s) shall be charged with providing spiritual assistance for his comrades of the Post. The Post Chaplain(s) will offer divine but non-sectarian service in the event of dedications, funerals, public functions, and on other such occasions. He will offer appropriate prayers for all Post activities and will adhere to such ceremonial rituals as are recommended by the Department or the National Organization.

Section 11. **Duties of the Sergeant(s)-at-Arms.** The Sergeant(s)-at-Arms shall preserve order at all meetings. "You are the sentinel or tyler, the outer guard of this Post. You will guard especially against the loss of one of The American Legion's greatest possessions -- our deep and abiding spirit of comradeship. You will learn the identity of and introduce to the Commander all visiting comrades and guests of the Post. You are responsible that no one shall remain a stranger in our midst. Be ready at all times to assist your Commander. Into your hands is given charge of

the stand of colors which you will properly display at all Post meetings and on ceremonial occasions” The Sergeant(s)-at-Arms should know how to arrange the meeting hall and should assist the Post Commander and Adjutant in the preliminary arrangements for the meeting. He should play a leading part in the Post Color Guard, burial detail, and the other pageantry that is a part of The American Legion. The Chief Sergeant-at-Arms is to be Chairman of such a committee, and shall perform such other duties as may be assigned by the Post Commander or Executive Committee.

#### **ARTICLE V - Delegates**

Section 1. Delegates and Alternates to a Department Convention shall be nominated from the floor and elected by the Post membership at a regular meeting of the Post at least 30 days prior to the Convention.

#### **ARTICLE VI - Appointments**

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonial, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion, Visiting, Building and Grounds, and Legal. Such standing committees shall consist of such members, and the Chairman thereof, as shall be designated by the Post Commander.

Section 2. **Americanism Committee.** The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. **Ceremonial Committee.** The principal duty of the Ceremonial Committee is to insure that all new members are properly initiated. The Committee must also concern itself with proper presentation of other rituals outlined in the Manual of Ceremonies – burial detail and the wearing of Legion regalia.

Section 4. **Children and Youth Committee.** The Children and Youth Committee shall be charged with aid and service to children of Veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions, coordinating services and agencies in the community for the above purposes. The Committee will act as intermediary for the needy child of a Veteran in obtaining the fulfillment of the Legion’s pledge that “no child of a war Veteran shall be in need of the necessities of life” and “a square deal for every child.”



Section 5. **Economic Committee.** The Post Economic Committee is primarily concerned with tracking local Veterans employment programs and Veterans preference, employment, and reemployment rights.

Section 6. **Finance Committee.** The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget and supervision of the receiving, disbursing and accounting of all Post funds.

Section 7. **Foreign Relations Committee.** The Foreign Relations Committee undertakes activities and programs which will expose foreign nationals to the American way of life.

Section 8. **Graves Registration and Memorial Committee.** The Graves Registration and Memorial Committee record grave sites and complete information on Veteran's burial in cemeteries assigned to the Post. Special assistance can be given the Service Officer in providing flags, headstones, or proper interment in national cemeteries.

Section 9. **House and Entertainment Committee.** The House and Entertainment Committee is responsible for proposing and arranging the Post social activities and events, and shall be chaired by the 2<sup>nd</sup> Vice Commander.

Section 10. **Legislative Committee.** The Legislative Committee needs to have a knowledge of what is going on in Congress – what we favor or oppose, and should be ready to initiate action in support of our position when requested by the National or Department organization.

Section 11. **Membership Committee.** The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members, and be chaired by the 1<sup>st</sup> Vice Commander.

Section 12. **Public Relations Committee.** The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department and National Legion news services, and by local publicity of Post programs and activities.

Section 13. **Veterans Affairs and Rehabilitation Committee.** The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 14. **Security Committee.** The Security Committee shall work with and coordinate Legion efforts with Local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in

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every way be active in community activities for the defense of the nation and the security of the American home.

Section 15. **Sons of the American Legion Committee.** This committee shall have supervision over the operations of the Post's Squadron of the Sons of the American Legion.

Section 16. **Visiting Committee.** This Committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals, and shall be chaired by the Service Officer

Section 17. **Building and Grounds Committee.** The Building and Grounds Committee shall oversee the maintenance, improvement and upkeep of all buildings and properties of this Post. They shall oversee the obtaining of goods and services needed to maintain the building and grounds not to exceed \$500.00, unless approved by the Executive Committee. This Committee will be chaired by the 3<sup>rd</sup> Vice Commander.

Section 18. **Legal Committee.** The Legal Committee will review all proposed contracts, rental agreements, and other such documents and issues, and will present a recommendation for additions, deletions, and/or changes to the Post Executive Committee. This Committee shall be chaired by the Judge Advocate.

**ARTICLE VII - Resolutions**

Section 1. All resolutions of 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 a copy of the same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action is taken other than mere passage by the Post.

**ARTICLE VIII - Meetings**

Section 1. The regular meeting of the Post shall be held at the Chapel Hill American Legion Post 6 at 8:00 PM on the second Tuesday of each 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 the power to call a special meeting of the Post at any time.

Section 3. Upon the written request of five Post members, the Commander shall call a special meeting of the Post, with due notice to all members in the local area.

Section 4. The members present at any meeting shall constitute a quorum. As an exception, a called, special meeting of the Post's general membership shall require ten percent of the members to be present to constitute a quorum.

#### **ARTICLE IX - Notices**

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant or his representative shall mail the notice of the annual election listing the proposed candidates to each member at least two weeks prior to the May meeting.

#### **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 herein otherwise provided.

#### **ARTICLE XI - Amendments**

Section 1. These By-Laws 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 preceding regular meeting of said Post, and, provided further, that written notice, with a copy of the proposed changes included, shall have been mailed to all members at least thirty 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 By-Laws is to be voted upon.

October 18, 1919 The Model Constitution and By-Laws were adopted after a motion by Carl T. Durham. (Motion carried.) Henry V. Koonts, Commander.

No date, 1922 The constitution and By-Laws were amended as they now read after a motion from H.D. Stroud and seconded by L.J. Pippis. (Motion carried.) Henry A. Whitfield, Commander.

March 3, 2003 The proposed amendments to the By-Laws were approved by the Executive Committee as they now read. Those present at the meeting were Al Hackney - Commander, Dan Murphy - 1<sup>st</sup> Vice Commander, Delos O'Daniel - 2<sup>nd</sup> Vice Commander, David Goldstein - 3<sup>rd</sup> Vice Commander, Bud Hampton - Historian, Sam Taylor - Sgt-at-Arms, Nick Ladd - Finance Officer, Tom Chegash - Judge Advocate, and Bob Patton - Adjutant.

May 13, 2003 The Amendments to Article II - Management, Section 2 and Article IV - Duties of Officers, Section 4 and Section 17 were unanimously approved according to the requirements

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as specified in Article XI, Section 1 of the By-Laws on May 13, 2003 at the regular Chapel Hill Post No. 6, American Legion Incorporated monthly meeting after a motion was made by Alfred Meyer and seconded by both Delos O'Daniel and Thomas Chegash. Alvin B. Hackney, Commander.

By-Laws as they now read effective May 13, 2003