

POST 412 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 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 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 **American Veterans Memorial Post 412 Inc**, The American Legion, Department of Florida.

ARTICLE II

OBJECTS

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 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 nonpolitical 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 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.

Section 4. Any member of this Post may be disciplined upon showing of properly sworn charges per the Department Rules Governing Trials and Rules Governing Appeals.

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 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 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 state 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 of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of two (2) 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 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, two (2) or more vice-commanders, an adjutant, a finance officer, a Post historian, a Post chaplain, Post service officer, a sergeant-at-arms, a Post judge advocate, 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. All officers and executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. **Any officer of the Post may be disciplined or removed from office upon showing of properly sworn charges per the Department Rules Governing Trials and Rules Governing Appeals.**

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 the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

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 the Post.

ARTICLE VII CHARTER MEMBERS

Section 1. **Members who joined this Post prior to October 31, 2019 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 of American Veterans Memorial Post 412, The American Legion.

Section 2. Membership in the Auxiliary Unit 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 the Sons of the American Legion Squadron of American Veterans Memorial Post 412, The American Legion.

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

ARTICLE X AMERICAN LEGION RIDERS

Section 1. This Post recognizes an American Legion Riders organization to be known as the American Legion Riders Chapter of American Veterans Memorial Post 412, The American Legion.

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

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 Florida, The American Legion. Any amendment to said National Constitution or Department Constitution which conflicts 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 the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, 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.

**ARTICLE XII
EFFECTIVE DATE**

Section 1. This Constitution was adopted by a two-thirds (2/3) vote of the members present at a regular Post meeting held 10/15/2019.

Section 2. This Constitution shall not go into effect until it is duly approved by the American Legion Department of Florida, as provided for in the Department of Florida By-Laws.

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William A. Musto
Commander

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Jennifer Hernandez
Adjutant

POST 412 BY-LAWS

ARTICLE I NAME

Section 1. The Post existing under these By-Laws is to be known as **American Veterans Memorial Post 412 Inc**, The American Legion, Department of Florida.

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

ARTICLE II MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Committee of Post members, to be known as the "Executive Committee."

Section 2. The Executive Committee shall consist of two (2) elected members in addition to the elected officers of the Post and together with the other officers of this Post shall be elected annually not more than sixty (60) days nor less than ten (10) days prior to the Department Convention and take office at the meeting next following that of the election. All elections of officers and executive committee persons 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 appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the 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 10 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, a majority of the members of the committee shall constitute a quorum thereof.

Section 2. **The Post Executive Committee is further charged with hiring employees, authorizing and approving all expenditures, requiring adequate bonds from those with custody of Post funds, hearing reports of Post committee chairs, and providing oversight of the affairs of this Post. Delegation of these functions to the executive committee is in no way intended to usurp the powers of the membership through regular Post meetings. Rather, this allows the routine**

operational affairs of the post to be handled outside of Post meetings.

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. The commander 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. The commander shall perform such other duties as directed by the Post.

Section 2. *Duties of First Vice-Commander.* The 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. He/she shall be the Chairman of the Membership Committee. In the event of the absence or disability of the First Vice-Commander to assume the Office of Commander, then the Commander shall call upon the Second Vice-Commander to assume the Post Commander's duties.

Section 3. *Duties of Second Vice-Commander.* The Second Vice-Commander shall oversee all Post entertainment and will assist the Commander with special events relative to Post activities. He/she shall have the responsibility of hiring bands and other entertainment. He/she shall coordinate all Post Legion activities with the House Committee, Sons of the Legion (S.A.L.) Squadron, American Legion Riders Chapter, and American Legion Auxiliary Unit relative to scheduled use of the facilities. The Second Vice-Commander shall be chairman of the Entertainment 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 Organizations 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/Treasurer.* The finance officer/treasurer 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 may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The finance officer/treasurer shall sign all checks disbursing the monies of the Post **ensuring that there are two (2) signatures on each Post check** and 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 with the individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post 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 nonsectarian 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 meetings and

shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

Section 9 *Duties of Judge Advocate*. The Post Judge Advocate shall supply professional advice in the conduct of Post business when called upon by the Commander and to conduct hearings and trials in accordance with Department of Florida directives.

Section 10 *Duties of Post Service Officer*. The Post Service Officer shall be responsible to bring to the attention of all veterans and their dependents the rights and benefits granted to them by law. He/she shall obtain information from government, service organizations, Legion publications and other sources to assist veterans and their dependents in dealing with full-time professional representatives acting in their behalf.

Section 11 *Duties of Post Quartermaster*. Quartermaster shall be responsible to maintain an accurate inventory of all American Legion merchandise, sales receipts and invoices, provide a detailed report to the membership during regular monthly meetings. All monies collected above \$50.00 change fund shall be promptly turned over to Finance Officer for deposit. Ensure an adequate supply of authorized American Legion merchandise is on hand for sale.

Section 12 *VACANCIES*. In the event of a vacancy in the Post Commander, the order of succession, at their option, shall be the First Vice-Commander and then the Second Vice-Commander. Vacancies in other offices shall be filled by appointment of the Commander with concurrence of the Post Executive Committee.

ARTICLE V DELEGATES

Section 1. Delegates and alternates to a Department convention shall be selected and voted upon by the Post at a regular meeting of the Post to be held at least 20 days prior to the date of such convention.

ARTICLE VI APPOINTMENTS

Section 1. The Post commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion, American Legion Riders, and Visiting or VAVS. Such standing committees shall consist of such members, and the chair 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. *Ceremonials Committee*. The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The committee also concerns 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.* 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 and in coordinating services and agencies in the community for the above purposes. To 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 local employment programs, Veterans' preference, government employment and re-employment rights.

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

Section 7. *Foreign Relations.* This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8. *Graves Registration and Memorial Committee.* The duties of this committee involve recording of grave sites and complete information on veterans' 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 quarters promotion of club advantages and arrangement for social activities.

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.

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 service 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 the 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 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. *American Legion Riders Committee.* This committee shall have supervision over the operations of the Post's chapter of The American Legion Riders.

Section 17. *Visiting or VAVS Committee.* This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Section 18. *House Committee.* The House Committee shall supervise the operation of all facilities of the Post and shall be responsible for the administration and maintenance of all real property, including property and liability insurance. The House Committee, through the Club Steward, will be responsible for ordering, storing, and accounting for all food, beverages, and supplies used by the Post except those items purchased by the subsidiary organizations of the Post.

Section 19 *Entertainment Committee.* The Second Vice-Commander will be chairman of the Entertainment Committee, whose duties are outlined in Article IV, Section 3 of these By-laws.

Section 20 *QUORUM.* A quorum for all committees shall be a majority of the duly elected or appointed active members of that committee.

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 copy of same shall be forwarded to the Department headquarters for 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 club room on the third Tuesday of each month, at which may be transacted such business as may properly be brought up for action. Seven (7) members shall constitute a quorum for general meetings.**

Section 2. The Executive Committee meeting of the Post shall be held at the club room on the second Tuesday of each month, at which may be transacted such business as may properly be brought up for action; a majority of the officers of the Committee shall constitute a quorum for said meeting.

Section 3. 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 4. Upon the written request of ten (10) members, the committee shall call a special meeting of the Post.

ARTICLE IX NOTICES

Section 1. Every member shall furnish the Post adjutant with an address for mailing and an email address for communications between the Post and said member.

Section 2. The Post adjutant shall cause notice of the annual election to be given at least two

weeks prior thereto.

**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
LIMITATIONS OF
LIABILITIES**

Section 1. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

**ARTICLE XII
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 next preceding regular meeting of said Post; and, provided, further, that written notice shall have been given to all members at least 15 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.

**ARTICLE XIII
EFFECTIVE DATE**

Section 1. These By-Laws were adopted by a two-thirds (2/3) vote of the members present at a regular Post meeting held 10/15/2019.

Section 2. These By-Laws shall not go into effect until they are duly approved by the American Legion Department of Florida, as provided for in the Department of Florida By-Laws.

X

William A. Musto
Commander

X

Jennifer Hernandez
Adjutant