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CONSTITUTION AND BYLAWS
OF
HAIR & MATTHEWS POST NUMBER 32

THE AMERICAN LEGION
DEPARTMENT OF NORTH CAROLINA

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

- Sec. 1. The name of this organization shall be: Hair & Matthews Post Number 32 of the American Legion, Department of North Carolina.
- Sec. 2. The name of this organization shall never be changed so as to be named in honor of any living person.

ARTICLE II
ORGANIZATION & NATURE

- Sec. 1. The organization of the Post shall be in conformity with the constitution of the North Carolina and the National Department.
- Sec. 2. This post is a civilian organization; membership therein does not affect or increase or decrease liability for military or police service. Rank does not exist in the Legion.
- Sec. 3. This post of 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. No candidate for, or incumbent of, a remunerative elective public office shall hold an office in the Post.
- Sec. 4. Each member should perform his duties as a citizen according to his own conscience and understanding.

ARTICLE III
MEMBERSHIP

- Sec. 1. Any person shall be eligible for membership in Hair-Matthews Post 32 who regularly enlisted, drafted, inducted or commissioned; and who was accepted for and assigned to active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States at some time during the periods between April 6, 1917 – November 11, 1918, December 7, 1941 – December 31, 1946; June 25, 1950 – January 31, 1955; December 22, 1961 – May 7, 1975; August 24, 1982 – July 31, 1984; December 20, 1989 – January 31, 1990; and August 2, 1990 – cessation of hostilities as determined by U.S. Government; all dates inclusive; or who being a citizen of the United States at the time of entry therein, served on active duty in the naval, ground, or air forces of any of the governments allied with the United States during the above listed dates; provided that no person shall be entitled to membership:
- (a) who, being in the said services, during the said periods, refused on conscientious, political, or other grounds to subject himself to military discipline or unqualified service or (b) who, being in such service was separated there from under circumstances amounting to dishonorable status.

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(b) Eligibility of the Merchant Marine is December 7, 1941 through August 15, 1945 and as specified by the National American Legion.

- Sec. 2. There shall be no form or class of membership in the post except an active membership, or such that is recognized by the Department of North Carolina, and dues shall be paid annually, or for life.
- Sec. 3. No person shall be a member at any time of more than one post.
- Sec. 4. No person may be admitted to membership in the Post who has been expelled by any other Post without the consent of the expelling Post, except where such consent has been asked for and denied; the expelled member then may be admitted upon permission from the Department Executive Committee of North Carolina.
- Sec. 5. In conformity with the national and State Constitutions, the minimum membership of the Post shall be fifteen qualified persons.

ARTICLE IV
OFFICERS

- Sec. 1. The post shall elect a Post Commander, a Post First Vice-commander, a Post Second Vice Commander, a Post Finance Officer, a Post Sergeant at Arms, a Post Historian, and a Post Chaplain, and **two at-large members**. The Commander shall appoint a Post Adjutant, and other appointed officers as required.
- Sec. 2. The officers shall be elected at the first regular monthly meeting before the annual Department Convention. Within one week after such elections, the Post Adjutant shall notify Department Headquarters of the names and addresses of elected post officers.
- Sec. 3. The Post Commander, within ten days after entering upon his term of office, shall appoint such officers and committees as he may deem expedient; such officers appointed by the Post Commander shall hold office at the pleasure of the appointing power, and their terms shall expire with the expiration of the term of the Post Commander.
- Sec. 4. All elected officers, except those elected to fill vacancies caused by death, resignation or removal from office prior to the completion of term shall be installed at the first regular monthly meeting following the Department Convention.
- Sec. 5. The Post Commander shall preside over all regular and special meetings, be Chairman of the Executive Committee, appoint all necessary committees, and perform such other duties usually incident to the office of Commander.
- Sec. 6. The Post Vice-commanders shall act as the representative of the Post Commander in all matters referred to him by the Commander and shall, on request of the Commander, or in the event of the Commander's absence, preside over the meetings of the Post Executive Committee or post and shall perform such other duties incident to the office.

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In addition to the duties enumerated herein, the 1st Vice-Commander shall be Chairman of the Membership Committee, and shall be responsible for obtaining membership quotas assigned the Post by Department Headquarters. The 2nd Vice-Commander shall be responsible for patriotic observances of all kinds, in developing Post activities, and in the entertainment features which mark all meetings.

- Sec. 7. The Post Adjutant shall keep the records of the Post and prepare and maintain minutes of all meetings. He shall assist the other officers if help is needed. He shall perform all other duties usually incident to the office of the Post Adjutant.
- Sec. 8. The Post Finance Officer shall be custodian of the finances of the Post, sign all checks disbursing funds of the Post, create an annual budget, and make reports upon the condition of the Post finances at every meeting of the Post.
- Sec. 9. The Post Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the Department Headquarters from time to time.
- Sec. 10. The Post Historian shall collect from year to year all records and data of value and interest to the Post, and shall during the year compile a complete history of the year's activities. He shall also render whatever assistance possible to the National Historian and the Department Historian.
- Sec. 11. The Post Service Officer shall be the claims and rehabilitation expert of the Post and shall be responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law. He serves as Post employment officer, visits those sick in quarters and in the hospital, and assists dependents upon the death of a veteran.
- Sec. 12. The Post Sergeant at Arms shall be the custodian of the colors, the flag etiquette man, and the Post expert on display of the flag and procedures used in operating a meeting. He shall play a lead part in the Post color guard, burial detail, and the other pageantry that is part of the American Legion. He shall also be primarily responsible for welcoming new members at Post meetings, insuring they are introduced and made to feel they are important to the Post. He shall also help supervise the upkeep of the building and grounds.
- Sec. 13. In the event the office of the Post Commander becomes vacant during the year by reason of the death, removal, or dismissal, a Vice-Commander shall thereupon succeed the Post Commander. The Executive Committee shall have the right to fill vacancies for the unexpired terms of all other officers of the Post.
- Sec. 14. All questions affecting the eligibility and conduct of Post Officers shall be referred to and determined by the Executive Committee and their action shall be subject to appeal to the Department Executive Committee.

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- Sec. 15. Any officer of the Post may be removed from office for cause by the affirmative vote of three fourths of the members of the Executive Committee.

ARTICLE V
COMMITTEES

- Sec. 1 The Executive Committee shall consist of the elected and appointed officers of the Post and shall meet at any time at the call of the Post Commander. At least four (4) members must be present to constitute a quorum of the Executive Committee.
- Sec. 2 The Nominating Committee shall consist of at least three (3) members to be appointed by the Post Commander in sufficient time prior to the Department Convention to insure adequate nominations are made in order for the Post to elect required officers.
- Sec. 3. Other committees as deemed necessary for affirmative and cohesive action on the part of the Post shall be appointed by the Commander. All such appointed committees, except the Executive Committee, shall be coordinated by the Vice-Commanders as directed by the Commander.

ARTICLE VI
MEETINGS

- Sec. 1. The regular meetings of the Post shall be held on the third Wednesday night of each month at **7:00 p.m.** A special meeting may be called by the Post Commander whenever in his judgment such a special meeting is necessary.
- Sec. 2 The Post Commander shall be preside over all meetings and in his absence by a Vice-Commander, and such meetings shall be conducted in accordance with Parliamentary Procedure, as set forth in Robert's Rules of Order.
- Sec. 3. Those members of the Post present at any regular meeting of the Post or at any special or called meeting of the Post shall constitute a quorum except for the Executive Committee.

ARTICLE VII
FINANCE & FISCAL

- Sec. 1. The revenue of the Post shall be derived from annual membership dues and from other sources as may be approved by the Post.
- Sec. 2. The amount of the annual dues shall be determined by the Post.
- Sec. 3. The Post dues shall be payable on October 20th of each year in conformity with the National and State Departments.
- Sec. 4. The part of the annual dues belonging to national and state department headquarters shall be transmitted by the Post Adjutant within thirty days after receipt.

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- Sec. 5. The Executive Committee shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial **records** at any time, **but at least once a year before the annual election of officers.**
- Sec. 6. The Executive Committee shall handle all affairs with regard to any real property owned or maintained by the association; to fix and collect rents and any other matters pertaining to the use and possession of property owned by the association. Upon death or resignation of a committee member, any member of the association in good standing shall be eligible to serve as a committee member upon appointment by the Commander. There shall not be fewer than four (4) or more than **eleven (11)** members of the Executive Committee.
- Sec. 7. The Executive Committee may expend up to \$300.00 per month for Post maintenance, administration and activities. Expenditures greater than \$300.00 must be approved by the membership during a regular meeting. **The commander, at his sole discretion, may expend up to \$100.00 per month for post maintenance, administration and activities. Commander's expenditures over \$100.00 but less than \$300.00 must be approved by the Executive Committee.**

ARTICLE VIII
EXPULSION & SUSPENSION OF MEMBERS

- Sec. 1. Members may be expelled or suspended from the Post only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the legion. All Charges must be made under oath, in writing, by the accusers, and no member in good standing shall lose membership until given a fair trial before the Executive Committee of the Post.
- Sec. 2. The trial of a member shall be held before the Executive Committee of the Post, the Commander presiding, and the rules of evidence shall be governed by the same rules that prevail in the trial of criminal actions in courts of the State. No member can be expelled by the Executive committee except by **majority** vote, including the presiding officer.
- Sec. 3. Any member who has been expelled has the right to appeal to the Department Executive Committee and its action shall be final.
- Sec. 4. Members in arrears four months in payment of dues shall be classed a delinquent, and six months in arrears shall automatically suspend all privileges. Payment of all back dues within the year, together with all additional levies for that year, shall permit reinstatement to active membership.

ARTICLE IX
AMENDMENTS

- Sec. 1. This constitution may be amended at any regular meeting of the Post by an affirmative vote of two thirds of the members present, provided that the proposed amendment shall

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have been submitted in writing at the last preceding monthly meeting of the Post, read to the Post at that meeting and filed with the Post Adjutant, and a copy thereof **transmitted** to the membership of the Post not fewer than ten days prior to the meeting at which it will be voted on.

- Sec. 2. This constitution supersedes any other constitution adopted by this Post and any other amendment ratified by this Post prior to the date of **20 July 2011**.

ACCEPTANCE AND RATIFICATION

Accepted and ratified at the Post regular monthly meeting on **20 July 2011**.

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Donald G. Talbot
Commander

//s//

W. Carter Broadhurst
Adjutant