

**CONSTITUTION AND BY-LAWS**  
**American Legion Shaw-May Post 38, Roanoke Rapids, N.C., Inc.**  
**Department of North Carolina**  
**Roanoke Rapids, North Carolina**

Be it known that any previous Constitution and By-Laws of The American Legion Shaw-May Post 38, Inc. Department of North Carolina, are hereby rescinded and are null and void.

**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 All 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 Legion Shaw-May Post 38, Roanoke Rapids, N.C., Inc., Department of North Carolina

**Article II – Objects**

Section 1. The objects and purposes of this American Legion 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 American Legion 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 political 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 American Legion Post.

#### **Article IV – Membership**

Section 1. Eligibility to membership in this American Legion 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 American Legion Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next American Legion Post meeting following the making of such application, and shall at such meeting be accepted, rejected or referred for further investigation and consideration. If one-third or more members present cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

Section 4. Any member of this American Legion Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing and a fair trial had upon the same per the Constitution and Bylaws of The American Legion Department of North Carolina, Inc.

Section 5. A member who has been expelled or suspended from this American Legion Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in American Legion 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 an American Legion Post shall be admitted to membership in this American Legion Post, without the consent of the expelling American Legion Post, except that where such consent has been asked for and denied by such American Legion Post, he may then appeal to the state Executive Committee of the American Legion Department of North Carolina,

Inc. of the expelling American Legion Post for permission to apply for membership in this American Legion Post, and shall be ineligible for membership until such permission is granted.

## **Article V – Officers**

Section 1. The administrative affairs of this American Legion 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 newly elected officers as members in addition to the outgoing Commander of the American Legion Post. The term of office of members of the Executive Committee shall be for one year. This American Legion 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 American Legion Post shall be a commander, a 1st vice commander, a 2nd vice commander, an adjutant, a finance officer, a American Legion Post historian, a American Legion Post chaplain, American Legion Post service officer (if certified and approved), American Legion Post parliamentarian and at least two sergeants-at-arms as determined by the Post Executive Committee, who shall be nominated from the floor at the meeting preceding the annual election. If a Post has a member who is a licensed NC lawyer with the NC state bar, and provides his license number, then that post may have a judge advocate.

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 or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said Executive Committee being necessary to affect such removal.

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

Section 5. The duties of officers and the executive committeemen shall be those usually appertaining to such officers or committeemen and as further provided in the By-Laws.

## **Article VI – Finance**

Section 1. The revenue of this American Legion Post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the American Legion Post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual American Legion Post dues shall be fixed and determined by this American Legion Post members at the annual meeting.

Section 3. The American Legion Post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the American Legion Post within thirty days of the receipt of said dues.

Section 4. There will be an annual audit of the American Legion Post Finance Officer accounts and all committees having bank accounts. The audit will be conducted in January (or at a change of Finance Officer) by one member of the Executive Committee, one member from general membership and custodian of said account (Finance Officer or Committee Chair). The American Legion Post Commander may assign a member in good standing to assist whom may have prior auditing experience. These audits include the Legion Riders, Legion Baseball, Legion Softball, Sons of the American Legion, Membership, and any other committee.

Section 5. All committees having a bank account will provide a monthly reconciliation of income and expenses reports to the Finance Officer. The Finance Officer will report these reconciliations to the general membership, along with a report of the general fund, at the monthly general meeting. The finance officer will provide a format for the report. The finance officer shall have access as a signature on such account and all banking accounts will be mailed to the post address to the attention of the finance officer. All members who have access to the post banking accounts, cash or any security or funds shall be bonded in the amount determined by the American Legion Post executive committee.

## **Article VII – American Legion Auxiliary**

Section 1. This American Legion Post recognizes an auxiliary organization to be known as the Auxiliary Unit of American Legion Shaw-May Post 38, Roanoke Rapids, N.C., Inc. The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the national Constitution of the 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 of the department Constitution of The American Legion Department of North Carolina, Any amendment to said national Constitution or Department Constitution which is in conflict 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 American Legion Post meeting by vote of two-thirds of the members of said American Legion Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said American Legion Post, and providing, further, that written notice (mail or electronic) shall have been given to all members, the department commander, department adjutant, the department judge advocate, the division commander and the district commander at least 60 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.

Approved by the Department Executive Committee at a meeting July 22, 2023 at a meeting held in Clemmons NC.

# **AMERICAN LEGION POST BY\_LAWS**

## **Article I**

Section 1. The American Legion Post existing under these By-Laws is to be known as American Legion Shaw-May Post 38, Roanoke Rapids, N.C., Inc., Department of North Carolina.

Section 2. The objects of this American Legion Post are set forth in the Constitution.

## **Article II – Management**

Section 1. The government and management of the American Legion Post is entrusted to an Executive Committee of members to be known as the “Executive Committee”, which is the elected board of directors of this incorporation.

Section 2. The Executive Committee shall consist of officers of the American Legion Post and at least the immediate Past Commanders as determined by the Post Executive Committee. Officers of this American Legion Post shall be elected annually at the May meeting and take office at the meeting next following that of the election. All elections of officers shall be by verbal vote 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 American Legion Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the post executive committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his American Legion Post for a continuous period considered detrimental to the interest of the American Legion Post by the Executive Committee.

## **Article III – American Legion Post Executive Committee**

Section 1. The American Legion Post Executive Committee shall meet for organization and such other business as may come before it at the call of the American Legion Post commander within 10 days after the installation of the new officers. Thereafter the American Legion 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 American Legion Post Executive Committee upon the joint written request of three or more members of said American Legion Post Executive Committee. Fifty one percent of the members of the executive committee shall constitute a quorum thereof.

Section 2. The American Legion Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of American Legion Post funds; shall hear the reports of American Legion Post committee chairmen; and, generally, shall have charge of and be responsible for the management of the affairs of the American Legion Post.

#### **Article IV – Duties of Officers**

Section 1. Duties of American Legion Post Commander. It shall be the duty of the American Legion Post Commander to preside at all meetings of the American Legion Post and to have general supervision over the business and affairs of the American Legion Post, and such officer shall be the chief executive officer of the American Legion Post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the American Legion Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting. He shall perform such other duties as directed by the American Legion Post.

Section 2. Duties of the Vice Commanders. The Vice Commanders shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by, the American Legion Post Commander. A partial list of the duties of the Vice Commanders are specified in the Officer's Guide and Manual of Ceremonies.

Section 3. Duties of American Legion 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 American Legion Post.

Section 4. Duties of the Finance Officer. The Finance Officer of the American Legion 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 American Legion Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the American Legion Post. He shall sign all checks disbursing the moneys of the American Legion Post. The Executive Committee will determine the amount of Surety Bonds required.

Section 5. Duties of American Legion Post Historian. The American Legion Post Historian shall be charged with the individual records and incidents of the American Legion Post and American Legion Post members and shall perform such other duties as may properly pertain to the office as may be determined by the American Legion Post or the Executive Committee.

Section 6. Duties of American Legion Post Chaplain. The American Legion Post Chaplain shall be charged with the spiritual welfare of the American Legion Post comrades and will offer divine but non-sectarian 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 7. Duties of American Legion Post Judge Advocate. The Post Judge Advocate shall advise and council the Post Officers and the Post Executive Committee on all matters and shall perform such other duties as are usually incident to the office. On any legal matters, the Post Judge Advocate shall immediately contact the Department Judge Advocate for assistance.

Section 8. Duties of sergeants-at-arms. The sergeants-at-arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to them by the American Legion Post Executive Committee.

Section 9. Duties of committee chairman having a checking account. They shall report once a month to the Finance Officer the condition of the finances of their committee and shall provide copy of all bank account statements. The American Legion Post finance officer shall be an authorized signatory on all committees' financial accounts.

## **Article V – Delegates**

Section 1. Delegates and alternates to a department convention shall be elected by voice vote by the American Legion Post at a regular meeting of the

American Legion Post to be held at least 20 days prior to the date of the convention.

## **Article VI – Appointments**

Section 1. The American Legion Post commander, immediately upon taking office, shall make a recommendation to the post executive committee for the appointment of the following standing committees as deemed necessary with approval of American Legion Post executive committee: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Sports, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion, Visiting or VAVS and a Legion Riders committee. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the American Legion 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 ensure 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. 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 American Legion Post Economic Committee is primarily Concerned with local employment programs, Veterans preference, government employment and reemployment 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 American Legion Post funds. The Finance Officer is the chairman of the Finance Committee.

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 veteran's burial in cemeteries assigned to the American Legion 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 shall have charge of all matters pertaining to the care of the American Legion Post quarters, promotion of club advantages and arrangement for social activities. The 2nd vice commander is the chairman of this committee.

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 American Legion Post, including the procuring of new members, reinstatements, and eligibility of members. The 1st Vice commander is the Chairman of this committee.

Section 12. Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, department and national Legion news service and by local publicity of American Legion 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 governments, employment, relief, etc. The American Legion Post Services officer is the chairman of this committee.

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 to 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 American Legion Post's squadron of the Sons of The American Legion. With the American Legion Post exec comm having final authority.

Section 16. Visiting or VAVS 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. The American Legion Post Chaplin is the chairman of this committee.

Section 17. The Legion Riders Committee, if the post so recognized this program, shall work with, coordinate and shall supervise all matters pertaining to this program.

## **Article VII – Resolutions**

Section 1. All resolutions of state or national scope presented to this American Legion Post by a member or reported to this American Legion Post by a committee shall merely embody the opinion of this American Legion Post on the subject and copy of same shall be forwarded to the department headquarters for its approval before and publicity is given or action other than mere passage by the American Legion Post is taken.

## **Article VIII – Meetings**

Section 1. The regular meetings of the American Legion Post shall be held at the 717 American Legion Road, Roanoke Rapids NC, 27870 on the first Monday 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 American Legion Post.

Section 2. The American Legion Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the American Legion Post at any time upon ten days written and/or electronic notice to all members of this American Legion Post.

Section 3. Upon the written request of 5 members, the committee shall call a special meeting of the American Legion Post upon ten days written and/or electronic notice to all members of this American Legion Post..

Section 4. 5% of the members shall constitute a quorum.

### **Article IX – Notices**

Section 1. Every member shall furnish the American Legion Post adjutant with his or her address for mailing purposes along with their e-mail addresses and telephone numbers.

Section 2. The American Legion Post adjutant shall cause notice of the annual election to be given at least four weeks prior thereto.

### **Article X – Rules of Order**

Section 1. All proceedings of this American Legion Post shall be conducted under and pursuant to Robert’s Rules of Order, except as herein otherwise provided.

### **Article XI – Limitations of Liabilities**

Section 1. This American Legion Post shall incur, or cause to be incurred, no liability nor obligations whatever which shall be subject to liability any other American Legion Post, subdivision, group of men, 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 American Legion Post meeting by a vote of two-thirds of the members of said American Legion 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 American Legion Post: and, Provided, Further, That written notice shall have been given to all members at least 60 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, and notice also provided to the Department Adjutant, Department Judge Advocate, Division Commander and District Commander.

Section 2. A pandemic poses difficult American Legion Post management decisions for volunteer organizations like The American Legion and the membership they serve. The Executive Committee is there to make those decisions as the Board of Directors when the general membership is in a Stay-at-Home Pandemic. In absence of general membership meetings to vote on motions that may require a vote of the post membership, this committee acts with full authority on all major and minor repairs, appointments, future activities of the American Legion Post and votes to represent the members on any financial expenditures of the American Legion Post.

This Constitution and By-Laws are hereby ratified on this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
Commander, Walter Fightmaster

Signed: \_\_\_\_\_  
Adjutant, James Bozzard

Witnessed By: \_\_\_\_\_ Title: 1<sup>st</sup> Vice Commander

\_\_\_\_\_ Title: 2<sup>nd</sup> Vice Commander