

THE AMERICAN LEGION
CROSBY POST 658
CROSBY, TEXAS
CONSTITUTION
OF CROSBY POST 658 CROSBY, TEXAS

PURPOSE

The purpose of this organization is to foster and to 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 safeguard and transmit to posterity the principles of justice; freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness; to maintain law and order; a representative form of government, and to uphold and defend the Constitution of the United States and of the State of Texas.

ARTICLE I – NAME

Section 1. The name of the organization shall be Crosby Post No. 658, The American Legion, Department of Texas. The charter of incorporation was filed in the office of the Secretary of State of Texas under Charter No. 644996. The Supplemental charter issued by the National American Legion is hereby adopted as the charter of this Post.

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 purpose, 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. The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles, nor for the promoting or retarding 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, and the Constitution and By-Laws of The American Legion, The Department of Texas, and as further stated in this Constitution and By-laws.

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 in a post 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 or more of the Post Membership cast their vote against acceptance of such application then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from date of such rejection.

Section 4. Any Member of this Post may be expelled for cause by two-thirds (2/3) vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial is had upon the same, under the rules and regulations of the Department of Texas, and Article IV, By-laws, National Constitution.

Section 5. If the accused is convicted, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

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, until after a year has elapsed since his/her expulsion, and then only in event his/her application for reinstatement is approved in the manner in which membership are approved in this Post.

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 supervision of an Executive Committee which shall consist of five (5) members in addition to the Officers and immediate Past Commander of the Post, each with one vote. 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) Vice Commanders, an Adjutant, a Finance Officer, a Judge Advocate, a Post Historian, a Post chaplain, a Sergeant at Arms, a Service Officer, a Post Child Welfare Officer and such other Officers as may deemed necessary of this organization.

Section 3. A nominating committee shall be appointed by the Executive Committee, who shall report their nominations to the regular meeting next preceding the annual election of officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

Section 4. All Officers, and Executive Committeemen, except Adjutant, shall be elected annually on written ballots except when only one candidate is running, vote may be by voice. The Commander shall have the right to choose the person he wants as Adjutant for his term of office. A member may hold only one elected office at a time in Post 658. All Officers must receive a majority vote or a runoff will be taken for the top two. A majority vote will not be necessary for Executive Committeemen elected. The election will be held at a Post Meeting not less than fifteen (15) days prior to the Department Convention (article V, Section 4, Department Constitution), and shall be installed not later than first regular Post meeting in October following their election. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed. Any Officer or executive Committeemen may be removed for cause by the Executive Committee, a two thirds (2/3) vote of said Committee being necessary to effect such removal.

Section 5. The term of the Commander shall be limited to three successive terms. All other Officers can succeed themselves without limit.

Section 6. The duties of Officers and the Executive Committeemen shall be those usually appertaining to such Officers or Committeemen as further provided in the BY-Laws.

Section 7. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Executive Committee. Failure of any Officer or Executive Committeemen to attend three successive meetings without reasonable cause having been furnished the Adjutant or Commander, or, failure to show interest in Post business shall be cause for forfeiture of said office. The Executive Committee shall decide when an Officer by his/her failure to attend three successive regular business meetings has forfeited his/her right to continue in Office and when or whether to declare such office vacant. Written notice shall be given to the accused of this meeting.

Section 8. In case of vacancy in any office for any cause, the said vacancy shall be filled at any Executive Committee meeting.

ARTICLE VI – FINANCE

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues, and from other such sources as may be approved by the Executive Committee and sanctioned by the Post. Persons handling moneys belonging to this Post will be authorized by the Executive Committee.

Section 2. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department Headquarters the national and Department annual membership dues not more than 30 days from receipt thereof for every member of the Post.

ARTICLE VII – CHARTER MEMBERS

Section 1. Members who joined this Post prior to the issuance of charter shall be known as Charter Members.

ARTICLE VII – AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Crosby Post Number 658 The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitution and By-laws of the American Legion.

ARTICLE IX – AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Constitution of The American Legion, Department of Texas. Any amendment to said National Constitution or Department Constitution which is in conflict with any provision 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 a vote of two-thirds (2/3) of the Members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Executive Committee in session and approved by it; or is rejected, in whole or in part, it may be taken to a regular Post meeting on a majority report; and 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 be given to all Members at least five (5) 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.

Section 3. Anything not covered by this Constitution shall be governed by the Constitution of the Department of Texas.

ARTICLE X – REAL PROPERTY

Section 1. Real property owned by the Post may be sold, leased or otherwise disposed of, where said property is involved, at any regular meeting by a vote of two-thirds (2/3) of the Post Members attending a regular meeting, provided that the proposal shall have been submitted in writing, after approval by a majority of the Executive Committee and provided further that notice shall have been given all Members by mail at least thirty (30) days in advance of the date such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting of the proposal.

ARTICLE XI – PROGRAMS

Section 1. This Post may sponsor a Sons of The American Legion Squadron. Such squadron, once formed, shall be subject to the rules, regulations and supervision of Post 658 as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

Section 2. Said SAL Squadron 758 may adopt it's own Constitution and By-Laws, subject to approval of same by the Post Executive Committee Comfier. Until SAL Squadron 658 adopts it's own Constitution and By-Laws, it shall be governed by Post 658 rules and regulations, and by the prescribed Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

Section 3. Once created, this Post may cease its sponsorship of SAL Squadron 658 for god cause, such as failure to maintain a minimum membership or at least fifteen (15) Members, failure to function, participating in activities illegal, immoral or opposed to our form of government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post Membership.

THE AMERICAN LEGION

CROSBY POST 658

CROSBY, TEXAS

BY-LAWS TO THE CONSTITUTION

OF CROSBY POST NO. 658 CROSBY, TEXAS

ARTICLE I – NAME

Section 1. The Post existing under these By-Laws is to be known as Crosby Post No. 658, The American Legion, Department of Texas.

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

ARTICLE II – MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Committee which shall consist of five (5) members in addition to the Officers and the immediate Past Commander of the Post, each with one vote and shall be elected annually As provided in Article V, Section 4 of this Constitution and all shall take office immediately upon installation.

Section 2. 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 ten days after the installation of the new Officers. Thereafter the Post Executive Committee shall meet at the call of the Commander at least every other month and as often as said Commander may deem necessary. A twenty four (24) hour notice must be given for an Executive Committee meeting. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more Members of said Post Executive Committee. This meeting must be held within fourteen (14) days of said request and a twenty four (24) hour notice must be given. Nine (9) Members of the Executive Committee shall constitute a quorum thereof.

Section 3. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures in excess of \$150.00 with the exception of regular monthly bills; shall require adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Finance Officer for deposit and accounting purposes, and generally, shall have charge of and be responsible for the management of the affairs of this Post. At the end of each fiscal year and audit committee shall be appointed with the Judge Advocate as Chairman to conduct a complete audit Post records before turning them over to the new Finance Officer.

Section 4. 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 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. All actions of the Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

ARTICLE III – DUTIES OF OFFICERS

Section 1: Duties of 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. He/she 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. He/she shall see that this Constitution and By-Laws is observed. He/she shall perform such other duties as are directed by the Post.

Section 2. Duties of 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 Commander.

Section 3. Duties of the Post Adjutant – The Adjutant shall have charge of and keep a full and correct record of all proceedings of all business meetings, keep such a record at the Department and National Organizations may require, issue membership cards, handle certificate of transfer, render reports of membership annually or when called upon at a meeting and under direction of the Commander, handle all correspondence of the Post. He/she shall comply with Article V, Section 5, Department Constitution.

Section 4. 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 some local banks or banks and shall report once a month to the Post the condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for the raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Commander, as authorized by the Executive committee of the Post. The Post shall furnish such surety bonds in such sum as shall be fixed by the Executive Committee and as set out in the National Constitution and By-Laws.

Section 5 – Duties of Judge Advocate – The Judge Advocate shall supply professional advice in the conduct of the Post business, or to procure proper counsel. He/she shall be the Chairman of any committee concerning the Constitution or By-Laws revision. He/she shall be in charge of the annual audit of the Post financial accounts as set out in Article II, Section 3 of these By-Laws. He/she shall be responsible for the carrying out of disciplinary procedures.

Section 6. Duties of the Post Historian – The Historian shall be charged with the individual records and incidents of the Post and Post members, shall perform such other duties as may properly pertain to the office as may be determined by Post or Executive Committee.

Section 7. Duties of Post Chaplain – The Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine but non-sectarian 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 all times and all meetings and shall perform such other duties as may be from time to time assigned to him by the Commander or Executive Committee. He/she shall have charge of the Post Colors and shall not display or permit them to be displayed without specific authority of the Post commander.

Section 9. Duties of Service Officer – He/she shall comply with the Service officer's Manual and Post Handbook of The American Legion, and recommendations of National And Department Headquarters, and needs of this Post.

Section 10. Duties of Post Child Welfare Officer – The Post child Welfare Officer shall be charged with the welfare of the children of any member of this Post or any Veteran who is in need of assistance in any way. He/she will work closely with Post Service Officer and assist him/her at any time he/she is able.

ARTICLE IV – DELEGATES

Section 1. Delegates and Alternates to a Department, Division or District convention shall be elected by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However; the Post by two-thirds (2/3) vote of members present may authorize the Commander to appoint said delegates. The Post Commander shall immediately upon their election or appointment, designate the chairman.

Section 2. Each duly registered Delegate shall be entitled to one vote. The vote of any absent Delegate shall be cast by the majority of the registered Delegates present from his or her Post. Alternates for Delegates shall have all the privileges of registered Delegates except that of voting. A registered Delegate is one who has received his/her credentials after his/her registration fee has been paid.

Section 3. The Chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the Delegates present, so as to reflect the vote of each Delegate present.

ARTICLE V – DUES FISCAL YEAR

Section 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October of each year for the succeeding year. Following the calendar year, a member becomes delinquent January 1st. If his/her dues are paid on or before February 1st, he/she shall automatically be reinstated. If he/she is still delinquent after February 1st, he/she shall be suspended from all privileges. If he/she is under such suspension on June 30th of such year, his/her membership in the American Legion shall be forfeited. A member so suspended or whose membership has so forfeited may be reinstated to active membership in good standing by a vote of the Post and payment of current dues for the year in which the reinstatement occurs. (National By-Laws Article IV, Section 4.)

Section 2. The newly elected Officers shall be installed at a regular or special meeting, as may be designated by the newly elected Commander, not later than twenty-one (21) days after the annual election of Officers.

Section 3. The Chairman of the Membership Committee may recommend to the Executive Committee the names of members whose dues shall be remitted by the Post with reasons for such recommendations. The Executive Committee shall have the power to approve or reject such recommendations.

ARTICLE VI – POST COMMITTEE APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint such standing committees as he/she deems necessary from time to time. All of such committees shall consist of such Members and the chairman thereof as shall be designated by the Post commander, with the approval of the Executive Committee. The chairman can terminate any one person or persons from standing committee for just cause. Termination will be immediately, pending an Executive Committee meeting, which will be held within fourteen (14) days after termination, if requested by person or persons being terminated.

Section 2. The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and department Headquarters.

Section 3. All standing Committees shall present a set of written rules to the Executive Committee for approval by which they will be governed.

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 its approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE VIII – MEETINGS

Section 1. The regular meetings of the Post shall be held at Post 658 in Crosby, Texas the first and third Thursdays of each month at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and the actions of all Executive Committee meetings since the last regular meeting. Such meeting may be converted into entertainment meetings, as may be deemed advisable by the Officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

Section 2. The regular business meetings of the Post shall be as determined by the Post. Other business or social meetings may be held as directed by the Commander and the Executive Committee.

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 by signed petition of not less than ten (10) of the Members in good standing of this Post delivered to the Commander, requesting a special meeting of the Post, the Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose of the meeting shall not be considered at such meeting. In notices given to the Membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the Membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not related to said notice.

Section 5. At least ten (10) members in good standing shall constitute a quorum at any regular or special meeting of this Post.

ARTICLE IX – NOTICES

Section 1. Every Member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

Section 2. The Post Adjutant shall cause written notice of the annual election to be given at least thirty (30) days prior thereto. This annual election of Officers will be held during the Post meeting held on the First Thursday in June of each year.

ARTICLE X – RULES OF ORDER

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

ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1. This Post shall incur, or cause to be incurred, no liability nor obligations whatsoever which shall subject to liability and other Post, subdivision group of men or women, members of The American Legion, or other individuals, corporation or organization.

ARTICLE XII – AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the Members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Executive Committee in session and approved by it or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report and provided that the proposed amendment shall have been submitted 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 five (5) days in advance of the date when such amendment is to be voted upon, notifying all said Members that at such meeting a proposal to amend the By-Laws is to be voted upon.

Section 2. These By-Laws shall be considered for updating every two (2) years by a By-Laws Committee.

ARTICLE XIII – EXECUTIVE COMMITTEE

Section 1. All properties of this Post shall be entrusted to Executive Committee.

Section 2. Should a Member on the Executive Committee cease to be a Member of this Post passes away or asks to be removed from the responsibilities of the position, the vacancy may be filled by the Executive Committee the same as if he were an Officer of the Post, until the next election.

Section 3. The duties of the Executive Committee shall be to take of all Trust Funds and all properties, real, personal or mixed, the legal title to which is now vested, or may hereafter vest, in the Post, or which may be offered to and accepted by the Post. Real Property owned by the Post may be sold, leased, or otherwise disposed of, where control of said property is involved, at any regular meeting of the Post by a vote of two-thirds (2/3) of the Members of said Post attending such regular meeting provided that the proposal shall have been submitted in writing and read at a meeting of the Executive Committee and approved by a majority of the Executive Committee present and voting, and approved by a majority of those present and voting and provided further that the proposal shall have been submitted in writing and read at the first regular meeting of said Post following action by the Executive Committee; provided further that notice shall have been given to all members by mail at least thirty (30) days in advance of the date when such proposal is to be voted upon, provided further that notices of the proposal have been given publication in area press, radio and bulletin board in The American Legion Home,

notifying the said Members that at such a meeting a proposal to sell, lease, or otherwise dispose of said property is to be voted upon.

Section 4. No changes, alterations or additions to the real property of the Post shall be made without the prior approval of the Executive Committee. Final approval shall be vested in the Executive Committee and the Post.

Section 5. The disposal of control of real property of the Post can only be amended by the same procedures as set forth in the above Section 6 for disposal of control of real property.

ARTICLE XIV – LIFE MEMBERSHIP

Section 1. Names submitted for life membership in this Post shall be presented to the Executive Committee for consideration. If the Executive Committee deems person or persons worthy of a life membership, they shall present it before the body in form of a resolution which shall be read at the two regular meetings proceeding the meeting of the vote, providing that all Members in good standing are notified by mail at least ten (10) days in advance of such a vote. Such notice shall state what is to be voted on.

Section 2. A person that is given and accepts an honorary life membership in Crosby Post 658 must attend at least eight (8) regular meetings of the Post each year and in general show an interest in the operations of the Post in order to remain an honorary life member. The Executive Committee may remove this requirement on a yearly basis for an honorary life member by a two-thirds (2/3) vote if the person is physically or mentally unable to attend.

ARTICLE XV – CLUB ROOM RULES

Section 1. All local, state and federal liquor laws shall be strictly adhered to at all times.