

LTC George Franklin “Ben” Aiken American Legion Post 407 El Paso, Texas

Constitution

Adjutant Dennis O’Leary
10-4-2020

Table of Contents

Preamble	3
Article 1 – Name	3
Section 1. Name	3
ARTICLE II – Purpose	3
Section 1. Objective	3
ARTICLE 3 – Nature	3
Section 1. Nature	3
Section 2. Politics	3
Section 3. Rank	3
ARTICLE IV—Eligibility and Membership	4
Section 2 Type of Membership	4
Section 4. Application	4
Section 5. Voting	4
Section 6. Number of Posts	4
Section 7. Expulsion	4
Section 8. Restrictions	4
Section 9. Transfers	4
Section 10. Discipline	4
Section 11. Suspended	5
Section 12. Ineligible	5
Article V – Officers	5
Section 1. Administration	5
Section 2. Post Officers	5
Section 3. Nominations	5
Section 4. Elections	5
Section 5. Duties	5
Section 6. Attendance	6
Section 7. Vacancy	6
Article VI – Finance	6
Section 1. Revenue	6
Section 2. Membership Fees	6
Section 3. Department	6
Article VII – Charter Members	6

Section 1. Charter.....	6
Article VIII – American Legion Auxiliary	6
Section 1. Auxiliary.	6
Section 2. Membership.	6
Section 3. Constitution.....	6
Article IX – Amendments	7
Section 1. Adoption.	7
Section 2. Amending.....	7
Section 3. Not Covered.	7
Article X – Real Property	7
Section 1. Real Property	7
Section 2. Buying.....	7
Section 3. Liens.....	7
Section 4. Notifications.....	7
Article XI –Programs	8
Section 1. SAL.....	8
Section 2. Constitution.....	8
Section 3. Cease Sponsorship.	8
Section 4. Legion Riders.....	8
Section 5. Constitution.....	8
Section 6. Director.	8
ARTICLE XII - SOCIAL MEDIA AND THE INTERNET	8
Section 1. Social Media Guidelines.....	8
Section 2. Ownership.....	8

CONSTITUTION OF THE
LTC GEORGE FRANKLIN “BEN” AIKEN POST 0407
EL PASO, TEXAS

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 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 1 – Name

Section 1. Name. The name of this organization shall be the LTC George Franklin “Ben” Aiken Post No. 0407, El Paso, Texas, The American Legion.

ARTICLE II – Purpose

Section 1. Objective. The objects and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and the National and Department Constitution of The American Legion.

ARTICLE 3 – Nature

Section 1. Nature. This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. Politics. The American Legion, Department of Texas, 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. Rank does not exist in The American Legion; no member shall be addressed by his/her military, or naval title in any meeting of this post.

ARTICLE IV—Eligibility and Membership

Section 1. Eligibility. Any person shall be eligible for membership in The American Legion who was or who continues to serve on active duty as a member of the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any government associated with the United States, provided, however, that such service shall have been terminated by honorable separation or discharge. No person shall be entitled to membership, who, being in such service refused on conscientious, political, or other grounds to subject themselves to military discipline or unqualified service.

Section 2 Type of Membership. There shall be no form or class of membership except active membership. Membership shall only be through a Post, and dues shall be paid either annually or for Life. (Paid Up for Life (PUFL))

Section 4. Application. 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 5. Voting. All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 6. Number of Posts. No person may be a member of more than one Post in the American at any one time.

Section 7. Expulsion No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except where such consent has been denied by such Post, they may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 8. Restrictions. Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

Section 9. Transfers. Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article III, Section 5, Department of Texas Constitution and Bylaws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card.

Section 10. Discipline. A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedure for Disciplinary Actions.

Section 11. Suspended. If a member is expelled in a disciplinary proceeding, 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 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 12. Ineligible. Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, by certified mail, return receipt requested, is not eligible for membership in the American Legion.

Article V – Officers

Section 1. Administration. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the Constitution, be under the supervision of a Post Executive Committee which shall consist of at least (2) two members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year. This Post, by its Constitution, may provide for such other standing committees as the business of the organization may require.

Section 2. Post Officers. The officers of this Post shall be a Commander, a First Vice Commander, Second Vice Command, an Adjunct, a Finance Officer, a Judge Advocate, a Historian, a Chaplin, a Sergeant at Arms, a Service Officer, and such other officers as may be deemed necessary by this organization.

Section 3. Nominations. A nominating committee shall be appointed by the Post Executive Committee, who shall report their nomination to the regular monthly meeting 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. Elections. All Officers and Executive Committeemen shall be elected annually, by a majority vote on written ballots, at a Post meeting held not less than (15) days prior to the Department Convention and shall be installed not later than the first regular Post meeting in October following their election. Only those members holding current calendar year membership cards shall have the privilege of voting during the election. They shall hold office until their successors are installed. Any Post Officer or Post Executive Committeeman may be removed for cause by the Post Executive Committee with a (2/3) two-thirds vote of said Committee being necessary to affect such removal. The member shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal of the Post membership at the next regular Post meeting where a quorum is present.

Section 5. Duties. The duties of Officers and Executive Committeemen shall be those usually pertaining to such Officers of Committeemen and as further provided in the By-Laws.

Section 6. Attendance. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and the Post Executive Committee. Failure of any Officer or Executive Committeeman to attend (3) three successive meetings without reasonable having been furnished the Post Commander or Post Adjutant, shall be cause for forfeiture of said office. The Post Executive Committed shall decide when an Officer's failure to attend (3) three successive regular business meetings, without reasonable cause having been furnished to the Post Command or Post Adjutant, shall be cause for forfeiture of said office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Section 7. Vacancy. In case of vacancy in any office for any cause, the said vacancy shall be filled at any regular meeting provided at least (15) days' notice of such election has been given to the members.

Article VI – Finance

Section 1. Revenue. The revenue of this Post shall be derived from annual membership dues and from other such sources as may be approved by the Post Executive Committee and approved by the Post.

Section 2. Membership Fees. The amount of membership fees shall be determined and fixed by the Post.

Section 3. Department. The Post shall pay to Department Headquarters and National annual membership dues within (30) days from receipt thereof for each paid member of the Post.

Article VII – Charter Members

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

Article VIII – American Legion Auxiliary

Section 1. Auxiliary. This Post MAY recognize an auxiliary organization to be known as the Auxiliary Unit of The George Franklin (Ben) Aiken Post N. 407, The American Legion Department of Texas.

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

Section 3. Constitution. The Auxiliary shall be governed by the Constitution and By-Laws of the American Legion Auxiliary to the extent same are not in conflict with the Constitution and By-Laws of the American Legion.

Article IX – Amendments

Section 1. Adoption. This Constitution is adopted subject to the provisions of the National and Department of Texas of Texas Constitutions. Any amendment to said National Constitution of Department of Texas Constitution which is in conflict with any provisions shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. Amending. This Constitution may be amended at any regular Post meeting by a vote of (2/3) two-thirds of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or 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 in writing and read at the preceding regular of said Post; and provided further, that written notice shall have been given to all members at least (15) fifteen 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. Not Covered. Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

Article X – Real Property

(Post currently has NO Real Property, Owned, Leased/Rented)

Section 1. Real Property. Real property owned by the Post may be sold, (After first complying with Article VII, Department of Texas Constitution), leased or otherwise dispose of, where control of said property is involved, at any regular meeting by a vote of (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 Post Executive Committee, if there be a Post Executive Committee, and further after approval by a majority of the Board of Trustees, if there be a Board of Trustees, and read at the preceding regular meeting of the Post, and provided further notice shall have been given all members by mail at least (15) fifteen days in advance of the date when 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 actual voting on the proposal

Section 2. Buying. No real estate owned by the Post or trustee of the Post will be sold or used as collateral for a loan without the approval of the Department of Texas Executive Committee or where time is of the essence the Department of Texas Commander, who shall report said action to the next Department Executive Committee meeting.

Section 3. Liens. Any Post whose real estate becomes encumbered with a lien will notify the Department of Texas Adjunct with (7) seven days of receiving notice of the lien.

Section 4. Notifications. Upon purchasing real estate, the Post will notify the Department of Texas.

Article XI –Programs

Section 1. SAL. This Post may sponsor a Sons of The American Legion Squadron (SAL). Such Squadron, once formed, shall be subject to the rules, regulations and supervision of the Post 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 Nation Executive Committee, The American Legion.

Section 2. Constitution. Said SAL Squadron _____ may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron _____ adopts its own Constitution and By-Laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the American Legion Department of Texas Executive Committee.

Section 3. Cease Sponsorship. Once created, this Post may cease its sponsorship of SAL Squadron _____ for good cause, such as a failure to main a minimum membership, failure to function, participating in activities that are 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.

Section 4. Legion Riders. This Post may sponsor a Legion Riders Chapter. Such Chapter, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

Section 5. Constitution. Said Legion Riders Chapter ___ may adopt its own Constitution and By-Laws subject to approval of same by the Post Executive Committee. Until the Legion Riders Chapter ___ adopts its own and By-Laws, it shall be governed by Post 407 rules and regulations.

Section 6. Director. The Director of the Legion Riders Chapter must be a member of this Post.

ARTICLE XII - SOCIAL MEDIA AND THE INTERNET

Section 1. Social Media Guidelines. The Department Executive Committee shall promulgate Social Media Guidelines that shall set standards for use of social media at American Legion posts, districts, divisions and the department and shall be applicable to members of the American Legion, The Sons of the American Legion and the American Legion Riders. All such members are required to abide by those Social Media Guidelines.

Section 2. Ownership. Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names regarding The American Legion are not owners of those accounts or names but are only acting as agents of the American Legion Posts or The Department.