

This updated form approved by American Legion Department of New York, Executive Committee on January 23, 2021.

CONSTITUTION OF THE AMERICAN LEGION DEPARTMENT OF NEW YORK

PREAMBLE

For God and Country, we associate ourselves together for the following purpose:
To uphold and defend the Constitution of The United States of American; 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 The American Legion, Department of New York.

ARTICLE II

Nature

Section 1. The American Legion, Department of New York is a civilian organization. Membership therein does not affect nor increase liability for military or police service. Rank does not exist. No member shall be addressed by their military or naval title in any convention or meeting of The American Legion, Department of New York.

Section 2. The American Legion, Department of New York shall be non-political 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. Each member shall perform their full duty as a citizen according to their own conscience and understanding.

ARTICLE III

Eligibility

Section 1. An individual is eligible for membership in The American Legion only if the individual – (1) has served in the Armed Forces of (A) the United States at any time during – (i) the period of April 6, 1917, through November 11, 1918; or (ii) anytime after December 7, 1941; or (B) a government associated with The United States Government during a period or time referred to in subsection (A) of this section and was a citizen of The United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except an active membership. National and Department dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one post.

Section 4. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to the National Headquarters within thirty (30) days shall be admitted to membership in another Post without the consent of the expelling Post except that where such consent has been asked for and denied by such Post, each person may then appeal to the Department Executive Committee for permission to be admitted to membership in another Post and shall be ineligible for membership until such permission is granted.

ARTICLE IV

Department Convention

Section 1. The time and place of the Annual Convention shall be determined by the Department Executive Committee, which shall have the authority to change such time and place for sufficient reasons to it appearing.

Section 2. The Annual Convention shall be composed of delegates and alternates from each County. Each County shall be entitled to four delegates and four alternates and to one additional delegate and one additional alternate for each two hundred and fifty memberships or the major fraction thereof paid up thirty days prior to the date of the Department Convention. Each County shall be entitled to a total vote equal to the granted under the Department Constitution and By-Laws regardless of the number of delegates present provided a majority of the delegates to which the County is entitled be present. Each County shall be entitled to its authorized delegate and alternate Convention representation and voting strength provided the County Organization has

paid in advance of such Convention the registration fees as fixed by the Department Executive Committee for all of its delegates and such of its alternates as it may desire to register.

Section 3. The delegates to the Department Convention and the alternates shall be chosen by each County at a County Convention held at least 15 days prior to the Department Convention. Each County Committee shall provide the method of election of the delegates and alternates from its County in such manner that each Post in the County has a proportionate voice in their election such proportion to be on the same basis as that of the Post representation on the County Committee.

Section 4. All Past Department Commanders while in good standing in their respective Posts in this Department shall be life delegates to all Department Conventions with vote to be exercised by them with their respective Counties.

Section 5. A quorum shall exist at a Department Convention when there are present thirty-two (32) or more Counties partially or wholly represented.

ARTICLE V

Department Officers

Section 1. The Department Convention shall elect a Department Commander, five Department Vice Commanders who serve without seniority, and a Department Treasurer.

Section 2. No person shall be eligible for re-election for the office of Department Commander.

Section 3. All elective officers shall serve until the adjournment of the succeeding Department Convention following their election and thereafter until their successors are chosen.

Section 4. The Department Executive Committee at its first meeting following the Department Convention, upon the nomination of the Department Commander, shall appoint, the Department Adjutant, Department Judge Advocate, Department Chaplain and the Department Historian, such officers to hold office at the pleasure of the appointing power.

Section 5. Vacancies in any Department offices shall be filled by the Department Executive Committee for the unexpired terms provided, however, that in filling a vacancy in the office of the Commander the appointment shall be made from among the five Vice Commanders.

Section 6. All Department officers having custody of funds shall give adequate bonds which shall be approved by the Department Executive Committee.

Section 7. The Department Adjutant, Treasurer, the Chair of the Finance Committee and such other officers and/or Department employees having custody of funds as determined by the Department Executive Committee shall be bonded each year in an amount determined by the Department Finance Committee and approved by the Department Executive Committee in

accordance with Article VI, Section 1, of National By-Laws. The expense of such bonds shall be paid by the Department of New York.

ARTICLE VI

Department Executive Committee

Section 1. Between the Department Conventions, the administrative power of the Department shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, five (5) Department Vice Commanders, the Department Treasurer, the National Executive Committee member and a District Commander from each of the first ten Judicial Districts as established by the Constitution of the State of New York described in Article VII hereof. The Department Executive Committee shall provide for the employment of such subordinate officers and employees as may be needed for the administration of the affairs of the Department and prescribe their duties and emoluments.

Section 2. The Department Adjutant, Department Judge Advocate, Department Historian, Department Chaplain and one District Vice Commander so elected from each of the said Judicial Districts shall be members of the Department Executive Committee without vote. All Past Department Commanders while in good standing in their respective Posts in the Department of New York shall be members for life of the Department Executive Committee without vote.

ARTICLE VII

District Organization

Section 1. There shall be a District Organization in each Judicial District Established by the Constitution of the State of New York except the 10th and 11th Judicial Districts, which Judicial Districts shall comprise one District and each District Organization shall consist of a District Commander, District Vice Commander, District Adjutant and such other officers and Committees as may be appointed by the District Commander or prescribed by the Department Constitution and By-Laws, the District Constitution and By-Laws, or Department Executive Committee. The Eleventh and Twelfth Judicial Districts and all Judicial Districts hereafter created shall be part of a District consisting of all Counties making up the original Judicial District out of which they were created.

Section 2. The delegates from each District to the Department Convention shall annually elect a District Commander and a District Vice Commander who shall hold office for a term of one year and until their successors are elevated and qualify, provided, however, that no person shall be elected to the office of District Commander who is a member of a Post of the same County Organization as their immediate predecessor. The retiring District Commander shall be Chair of the delegates to the Department Convention from their District and immediately at the close of the Convention the newly elected District Commander shall become a member of the Department Executive Committee to succeed the retiring District Commander. In case of the death, disability or resignation of the District Commander the District Vice Commander shall take their place as a member of the Department Executive Committee and shall assume their

duties in all capacities, except that in case of the disability of the District Commander the District Vice Commander shall take their place only until such disability ceases.

Section 3. Each District Organization may have a District Constitution and By-Laws, which, together with any subsequent amendment thereto, must be approved by the delegates to the Department from said District, and also be approved by the Department Executive Committee before becoming effective.

Section 4. The Department Executive Committee may at any time prescribe such further provisions as it deems advisable to all District Constitution and By-Laws provided that they not be inconsistent with the Department Constitution and By-Laws. The District Organization shall thereupon forthwith adopt the additional provisions so prescribed.

ARTICLE VIII

County Committee

Section 1. There shall be a County Committee in each County which shall consist of one member from each Post in said County and at least one additional member for each additional one hundred members or major fraction thereof.

Section 2. Each County Committee shall elect at a County Convention held at least 15 days prior to the Department Convention, a commander, one or more Vice Commanders, a Treasurer, and Executive Committee of as many members as may be deemed desirable and elect or appoint an Adjutant.

Section 3. The method of election of all such officers shall be such that each Post in the County has a proportionate voice in their election, such proposition to be on the same basis as that of the Post representation on the County Committee.

Section 4. Each County Committee shall have a County Constitution and By-Laws, which together with any subsequent amendments thereto, shall be approved by the Department Executive Committee before coming effective.

ARTICLE IX

Local Unit

Section 1. The local unit shall be termed the Post, which shall have a minimum membership of fifteen.

Section 2. Those who desire to form a Post shall submit to the County Committee of the County in which they intent to make their headquarters an application for a Charter properly executed by the proposed Charter members. If approved by the County Committee such application shall be forwarded to the Department Executive Committee. Upon further approval of said application by the Department Executive Committee the Charter will be issued by the

National Adjutant and shall be countersigned by the Department Commander and the Department Adjutant.

Section 3. Each Post shall have a Post Constitution and By-Laws, which, together with any subsequent amendments thereto, shall be approved by the Department Executive Committee before taking effect.

Section 4. The Department Executive Committee may at any time prescribe such further provisions as it deems advisable to any post Constitution and By-Laws. The Post shall thereupon forthwith adopt the additional provision so prescribed.

Section 5. Post Charters may be revoked, cancelled or suspended by the Department Executive Committee with the approval of the National Executive Committee, and may be suspended or cancelled as provided in the Department By-Laws pursuant to and conformity with the procedure prescribed by National Executive Committee; pursuant to Sec.1 of Article III of the National By-Laws.

Section 6. No Post shall be named after any living person.

ARTICLE X

Dues

Section 1. The annual dues due to the National, Department, District, and County Organizations shall be collected by each Post and expeditiously forwarded to the Department Organization of The American Legion. Annual dues forwarded to the Department shall be an amount payable to the Department as approved by a previous Department Convention in addition to whatever amount is required to be paid to the National, District, and County Organization on account of its members; of this sum, an amount will be determined by a previous Department Convention mandate and that sum to be place in the Department Veteran Affairs and used for that purpose only. The Department Organization shall pay to the National, District, and County Organizations whatever sum is required for each Post shall be the amount as hereinabove required by the National and Department Organizations, and in addition thereto, any amount charged as dues by an intermediate body between the Post and the Department of New York. The Department Organization shall expeditiously forward to the District and County Organizations whatever sum is required for each individual member transmitted by their respective intermediate organization.

Section 2. All annual dues shall be payable in advance on August 20th of each year for the succeeding calendar year and in any event, shall be due by January 1st of each year.

Section 3. Nothing contained herein shall prevent a District Organization from collecting sums due to it by reason of membership from the County Organizations of which it is composed, in which case the Department Organization shall not be responsible for such sums.

ARTICLE XI

Change of Residence

Section 1. Any member in good standing in a Post in the Department, moving from one's Post to any other Post shall be entitled to a verification from their previous Post stating their membership therein and duration thereof, and the date to which their dues are paid.

ARTICLE XII

American Legion Auxiliary

Section 1. The American Legion, Department of New York recognizes an auxiliary organization known as "The American Legion Auxiliary, Department of New York."

Section 2. Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion, and to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of The United States during any of the following periods: April 6, 1917 to November 11, 1918; and anytime after December 7, 1941; or who, being citizens of The United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with The United States during any of said periods, and died in the line of duty or after honorable discharge; and to those women who of their own right and eligible for membership in The American Legion.

Section 3. The American Legion Auxiliary shall be governed in this Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by this Department of The American Legion.

ARTICLE XIII

Amendments

Section 1. This Constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat provided that the proposed amendment shall have been submitted through the Department Adjutant to the several County Committees and Posts by mailing same to them at least sixty days prior to the convening of the next Department Convention; and provided further it may be amended by unanimous vote at any Convention without notice.

Section 2. It shall also be amended from time to time by the Department Executive Committee whenever and in so far necessary to conform changes hereafter made in the National Constitution.

BY-LAWS
Of
THE AMERICAN LEGION
DEPARTMENT OF NEW YORK

ARTICLE I

Duties of Officers

Section 1. Department Commander: The Department Commander shall be the executive head of The American Legion with full power to enforce the provisions of the Department Constitution, Department By-Laws, and the will of the Department Convention. The Department Commander shall be the Chair of the Department Convention and the Department Executive Committee. The Department Commander shall appoint all necessary Committees, subject to the ratification of the Department Executive Committee and shall preform such other duties as are usually incident to the office.

Section 2. Department Vice Commanders: The Department Vice Commanders shall act as representatives of the Department Commander on all matters referred to them, and shall, on The Department Commanders request, preside over the meetings of the Department Convention or Department Executive Committee, and preform such other duties as are usually incident to the office.

Section 3. Department Adjutant: The Department Adjutant shall give notice of all Department Conventions and of all meetings of the Department Executive Committee, shall conduct the correspondence and keep the records of the Department Organization, including lists of names, serial numbers and addresses of all Posts in the Department of New York, and lists of members officers and Committee members of their election and subject to the direction and control of the Department Executive Committee and the Department Commander shall have general charge of and supervision over Department Headquarters and all paid personnel of the Department, and shall preform such other duties as are usually incident to the office and shall also be authorized in the event of the death or resignation of the Department Commander to summon the Department Executive Committee for the election of a successor.

Section 4. Department Treasurer: The Department Treasurer shall be the custodian of the funds of the Department Organization and shall make reports upon the conditions of the Department treasury when called for by the Department Commander. The Department Treasurer shall disburse the funds of the Department Organization as directed by the department Executive Committee. All checks are to be signed by the Department Treasurer and countersigned by the Chair of the Department Finance Committee, and in the event of the death or inability of either of these officers, by the Department Commander or the Department Adjutant. All payments for materials, salaries, expenses, and other payments are to be made by check only. A petty cash fund in the amount of \$500.00 is to be maintained for incidental minor expenditures of

Department Headquarters and all withdrawals from this fund are to be accounted for by the Department Adjutant. The Annual Report of the Department Treasurer shall be a factual report of the existing condition of the Treasury. It shall be sufficiently detailed to show to whom disbursements were made and the purpose for the expenditures. This report shall be submitted for printing in the Annual Department Convention Proceedings and a copy of the report shall be kept on file in the Department Headquarters. The report shall be signed and certified by the department Treasurer. The Department Treasurer shall be bonded as provided in Article V, Section 7 of the Constitution and shall perform such additional duties as may be prescribed by the Department Executive Committee.

Section 5. Department Judge Advocate: The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters including the construction and interpretation of the Department Constitution and By-Laws and shall perform such other duties as are usually incident to the office. The Judge Advocate's rulings to District, County and Post inquiries formally and officially made shall be binding until and unless overruled by the Department Executive Committee.

Section 6. Department Chaplain: The Department Chaplain shall perform such Divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and Department Headquarters from time-to-time.

Section 7. Department Historian: The Department Historian shall collect, from year-to-year, all records and data of value and interest for the Department Headquarters of The American Legion and shall compile during their term of office a complete history of the year's activities. The National Historian shall also assist Post Historians and County Historians so as to coordinate and unify the work of these officials and shall have such other duties as the Department Executive Committee shall prescribe.

ARTICLE II

Department Executive Committee

Section 1. Subject to the provisions of the Department Constitution, the Department Executive Committee shall fill any vacancy in the membership of the Committee for the remainder of the unexpired term.

Section 2. The Department Executive Committee shall meet at regular periods or upon reasonable notice at the call of the Department Commander. The Department shall call a meeting of the Department Executive Committee upon the written request of ten or more members of the Executive Committee whether they be voting or non-voting members. Meetings so requested by Members of the Executive Committee must be scheduled within ten days of filing the request with the Commander.

Section 3. In the event that a District Commander of the Department Executive Committee is unable to attend a meeting of that Committee, the District Vice Commander shall serve.

ARTICLE III

Department Standing Committees

Section 1. There shall be the following Department Standing Committees: Americanism, Back to God, Baseball, Blood Donor, Bowling, Children & Youth, Constitution & By-Laws, Contest Advisory & Awards, Convention, Education & Scholarship, Employment, Energy & Conservation, Finance, Foreign Relations, Golf, Homeland Security & Civil Preparedness, Junior Shooters Sports, Law & Order, Legionnaire of The Year, Legislative, Membership, MIA/POW, National Security, Oratorical, Protocol Consultant, Public Relations, Scouting, Sons of The American Legion, Special Projects, Veteran Cemetery, Veteran Services, and such other Standing or special Committees as determined by the Department Executive Committee. Each Standing Committee, with the exception of the Finance Committee, will consist of a Chair, Vice Chair, and one member from each of the ten Districts. All committee appointments, except Finance Committee, shall be made by the Department Commander for a term of one year and approved by the Department Executive Committee. Each Committee shall perform such duties and exercise such power as may be directed by the Department Commander or the Department Executive Committee. Additionally, it shall be the duty of the Finance Committee to examine and audit the Treasurer's accounts at the end of each fiscal year and such at such other times as may be directed by the Department Commander or the Department Executive Committee. All Committees shall submit written reports of their activities and programs to the Department Headquarters Office.

Section 2. All such Standing Committees shall keep regular minutes of their transactions and cause them to be recorded in a book kept for that purpose and shall report the same to the Department Executive Committee when called for.

Section 3. Notwithstanding the provisions of Section 1 of this Article, the Department Executive Committee when called for:

- A. Shall appoint a Finance Committee of 11 members consisting of one representative from each District and a Chair to be nominated annually by the incoming Commander and approved by the Department Executive Committee. 50% of the District representatives shall serve two years, and the other 50% one year.
- B. In addition to the Finance Committee, the Department Executive Committee shall appoint an Investment Committee consisting of three members, one-third to hold office for one year, one-third for two years, and one-third for three years.

ARTICLE IV

Department Convention

Section 1. The annual meeting of The American Legion, Department of New York shall be a Convention called pursuant to the provisions of the Department Constitution.

Section 2. County Organizations shall be notified by the Department Adjutant sixty days in advanced of the time and place of such Department Convention. Each County Adjutant shall, in turn, notify the Posts within their County within ten days after the receipt of such notice from the Department Adjutant.

Section 3. Alternates shall have the privilege of voting on the floor of the Convention only in the event of the absence or disability of the regular delegates, but they shall have all other privileges, including the right of serving on Committees.

ARTICLE V

Representation National Organization

Section 1. The Department Organization shall be represented on the National Executive Committee of The American Legion by one member and one alternate to be elected at the Annual Department Convention and to hold office for two years from the time of the Annual National Convention immediately following their election or until their successors are chosen.

Section 2. The Department Organization shall be represented at National Convention of The American Legion by five delegates-at-large and five alternates-at-large and one additional delegate and one additional alternate for each one thousand memberships paid up to the National Treasurer thirty days prior to the date of the National Convention all of whom shall be elected at the Annual Department Convention.

ARTICLE VI

Membership

Section 1. Membership in The American Legion, Department of New York shall be acquired only by affiliation with a Post within its jurisdiction.

Section 2. The Membership of the Department shall be organized into Posts as prescribed in the Department Constitution.

Section 3. Only people eligible for membership in The American Legion shall be members of this Department or any Post within its jurisdiction.

Section 4. Each applicant for membership must enroll in The American Legion and pay their dues to the Post in this Department to which they applied before becoming a member in The American Legion, Department of New York or in any Post of This Department.

ARTICLE VII

Posts

Section 1. Each Post shall be the judge of its own membership, subject to the restrictions of the National and Department of New York Constitution and By-Laws, respectively, and may restrict its membership as it desires, subject to the approval of the County Committee of the County in which it is located, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become a member of The American Legion.

Section 2. Each Post shall have headquarters with a Post Office address to which all notices and documents may be sent. It shall be the duty of the Post at time of application for a charter or at any time of changing its headquarters to notify its County Organization of such address and all notices and documents shall be held to have been duly sent to or served upon such Post when mailed to it at the address so furnished, any notice or document shall be held to have been duly served upon a Post if the same is mailed to it at the address of its Commander or Adjutant or other members signing the application for charter.

Section 3. Each Post shall have a Constitution and By-Laws to govern its affairs and shall have officers to be known as Commander, three Vice Commanders, an Adjutant, a Treasurer, and an Executive Committee. The Treasurer shall be bonded. The Post shall subscribe to the Constitution, By-Laws, and Regulations of its County Organization and of this Organization and shall not incur any obligation in the name of any other Post, subdivision, organization, branch, committee, or group of members of The American Legion.

Section 4. Posts shall submit copies of their Constitution and By-Laws and all amendments thereto through their respective County Organization for approval of the Department Organization.

Section 5. All monies received in any manner for welfare purposes of any nature by a Post or County Organization shall be deposited in a duly authorized banking institution and none of such monies shall be withdrawn except for welfare purposes and upon draft signed by the Treasurer of the Post or County Organization and at least one other member thereof duly elected for that purpose.

Section 6. No Post shall solicit another Post or County Organization for purposes of financial aid or relief. Violation of this section shall be grounds for revocation or suspension of its Charter.

Section 7. All Posts shall elect and install their officers for the current year of The American Legion no later than the month of June preceding the official start of that year.

ARTICLE VIII

County Organization

Section 1. The County Organization shall be that prescribed in the Department Constitution.

Section 2. Upon organization each Post shall elect its member or members of the County Committee and thereafter as its membership increases shall elect such additional member or members of the County Committee as it is entitled to under the Department Constitution and shall certify to the County Committee over the signature of its Commander and Adjutant the number of its individual paid in members entitling it to such additional representation.

Section 3. The County Organization shall pass upon each application for the charter of a Post in its County and upon the proposed Constitution and By-Laws of each such Post. It shall adopt a Constitution and By-Laws for its own government. In addition to the officers provided for a County Organization by the Department Constitution, each County Organization shall have an Executive Committee comprised of as many members as may be deemed desirable, including said officers, which shall have power to act in the interim between meetings of the County Committee.

Section 4. It shall be the duty of the County Organization to see that Posts are properly organized and conducted in each city, town, and village in its County.

Section 5. Where appropriate, each County Organization shall provide the same committee structure as outlined for the Department of New York as provided in Article III, Section 1 of the By-Laws of the Department of New York.

Section 6. The County Treasurer shall give a surety bond, approved by the County Executive Committee, to cover double the average amount of money handled in a single year.

Section 7. All payments to be made to the County Organization shall be made to the County Treasurer.

Section 8. Each County Organization may pay from the funds in its hands all necessary and actual travel fares for its delegates to all Annual Department Conventions as well as the necessary actual lodging expenses of such delegates while in actual attendance at such Conventions; the method of payment to be prescribed by each County Organization.

Section 9. No County Committee shall solicit for any purposes from any other County Committee nor from any Post outside its own County.

ARTICLE IX

District Organization

Section 1. The District Organization shall be that prescribed in the Department Constitution.

Section 2. In addition to the duties Prescribed by the Department Constitution, the District Commander shall preside at all District Caucuses, Conventions and other District meetings in their District, shall maintain liaison between the Department and the County Organizations in their District as may from time-to-time be required by the Department Commander or the Department Executive Committee and, when called upon, shall report to the Department Commander and the Department Executive Committee as to the condition of the District and County Organizations and Posts located therein.

Section 3. Where appropriate each District Organization shall provide the same committee structure as outlined for the Department of New York as provided in Article III, Section 1 of the By-Laws of the Department of New York.

Section 4. Subject to the provisions of the Department Constitution, the District Vice Commander shall in the event of the death, disability, resignation or absence of the District Commander, preside at District meetings, Conventions and Caucuses assume all the duties of that office and also perform such duties from time-to-time as may be prescribed by the District Commander or the Department Executive Committee.

ARTICLE X

Discipline of Posts: Revocation, Cancellation, and Suspension of Charters

Section 1. The Department Executive Committee may suspend, cancel, or revoke a Post Charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation, or revocation. The action taken by the National Executive Committee, upon appeal, shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary, shall, upon order of the Department Executive Committee, surrender its Charter for cancellation. Upon failure to surrender such Charter, immediate steps may be taken for its revocation, suspension, or cancellation.

Section 3. Upon revocation, cancellation, or suspension of the Charter of the Post of The American Legion, said Post shall immediately cease operations, and upon revocation or cancellation shall turn over its Charter to its Department Commander or Department Executive Committee who are authorized, empowered, and directed by and through its duly authorized

agent to take possession, custody, and control of all the records, property, and assets of said Post; provided, however, that nothing herein shall be construed as requiring any Department to take over or assume any financial responsibility as to such property. Said Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 4. In taking action pursuant to this Article, the Posts, Bodies, and Officers of the Department shall be governed by the uniform code defining the procedure to be followed in the revocation, cancellation, or suspension of Post Charters and, providing for a method of appeal; said code having been adopted by the National Committee pursuant to Section 4 of ARTICLE III of the National By-Laws as the same may be from time-to-time amended pursuant to the authority of said section.

ARTICLE XI

Discipline of Post Members

Section 1. A Post may suspend or expel a Post member from the American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion. All charges must be made under oath, in writing, by the accusers. No member in good standing shall lose their membership until given a fair trial in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe. This section shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of a Post as a member upon the grounds of their ineligibility to membership either in the Post or in The American Legion.

Section 2. Any Member who had been suspended or expelled has the right of appeal to the Department Executive Committee in the manner prescribed by the said Committee, The decision of the Department shall be final.

Section 3. A member whose dues for the current year have not been paid by January 1st shall be classes as delinquent. If dues are paid on or before February 1st the member shall be automatically reinstated. If the member is still delinquent after February 1st the member shall be suspended from all privileges. If the member is still under such suspension on June 1st of such year their membership in The American Legion shall be forfeited. A Member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs; however, that the Posts, Departments, and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with references to former members who have been prevented from the payment of dues by reason of active military service.

ARTICLE XII

Limitation of Jurisdiction of Post Members, Posts, Counties, Districts, and Department

Section 1. No Individual Legionnaire, unless specially, previously authorized by the proper body, shall have the right to speak in the name of The American Legion, Department of New York, or any Post of The American Legion. Their individual action is full and unhampered, being that of an American citizen, but they shall not present such action to be that of any Legion Organization.

Section 2. All matters of state, national, or international scope that appeal to Legionnaires, Posts or Departments may be treated, discussed, and acted upon by any unit of The American Legion, provided however, that such action shall be submitted for approval through the prescribed channels of The American Legion to the body having jurisdiction thereof.

Section 3. A Post or County Organization may discuss the action taken by the Department or National Organization and adopt a resolution protesting against any action taken by the Department or National Organization and request, through channels, that such action be reversed.

Section 4. The principles set forth in this Article shall be observed by all Legionnaires, all Posts, all District and County Organizations, and by this Department. A violation of any of the provisions of this Article by a Legionnaire, Post, County or District Organization shall be sufficient cause for investigation and disciplinary action by the Department Executive Committee, and in case of a Legionnaire, by their Post of membership.

ARTICLE XIII

Monies and Collections

Section 1. All Department, District, County, and Post officials who handle American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year. In case of delinquencies of the payment of monies due Department Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement.

The bonds provided by Department and District officials shall be approved by the Department Executive Committee and those provided by County and Post officials shall be approved respectively by the County and Post Executive Committees.

Section 2. The Department Executive Committee shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any District, County, Post or other subdivision within this Department.

ARTICLE XIV

Regulations

Section 1. The Department Executive Committee is authorized to make and publish regulations for the organization, management, and conduct of this Department and of the County, Post and all other Organizations of this Department. Such regulations shall be consistent with the Department Constitution and these By-Laws and shall be complied with by all concerned.

ARTICLE XV

The American Legion Auxiliary

Section 1. The American Legion Auxiliary shall be organized in accordance with the provisions of the National Constitution and shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and approved by the Department Executive Committee.

ARTICLE XVI

Rules

Section 1. The procedures of the Department Convention, the Department Executive Committee or any Department Committee shall be governed by Robert's Rules of Order Newly Revised.

ARTICLE XVII

Amendments

Section 1. All amendments hereto must conform to the requirements of ARTICLE XIII of the Constitution.