

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA

401 Van Ness, Rm 117
San Francisco, CA 94102-4587

Post No. 783

Direct to:

Post _____

District 29

File

Area 5

Date 1/23/96

Department of California
(MAILING ADDRESS)

Your articles, as submitted have been reviewed and disposed of as follows, by this commission:
ARTICLES RECEIVED:

- () Constitution & By-Laws Approved _____ Disapproved _____
- (X) By-Laws IV Approved Disapproved _____
- () Amendment _____ Approved _____ Disapproved _____

Article IV Section 1
 Article IV Section 3
 Article IV Section 4
 Article _____ Section _____

Article _____ Section _____
 Article _____ Section _____
 Article _____ Section _____
 Article _____ Section _____

REMARKS:

If the Constitution & By-Laws, By-Laws or the Amendments have been marked "Not Approved", please correct your submission by regular Post procedure, to comply with the instructions below and resubmit TWO copies of same to DEPARTMENT HEADQUARTERS at the address on the top of this page. Thank You.

DATED 1/23/96

Russell R. Wood
CONSTITUTION & BY-LAWS
COMMISSIONER AREA 5

The American Legion
Department of California
CONSTITUTION

CONSTITUTION: Stanton Post No. 783

PREAMBLE:

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order to foster and perpetuate a one hundred percent Americanism to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state, and nation; to combat the autoeracy 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

1. The name of this organization shall be: STANTON POST NO. 783, THE AMERICAN LEGION, Department of California, located at: Stanton, California.

ARTICLE II OBJECTS

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

ARTICLE III NATURE

1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in this Post. No member shall be addressed by his military or naval title in any meeting of this Post.

2. This Post shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office, shall hold any elective office or any appointive remunerative office in this Post, provided however, that this provision shall not affect membership on Post, State or National standing or special committee.

3. Each member shall perform his full duty as a citizen.

ARTICLE IV MEMBERSHIP

1. Eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1, of the National Constitution of The American Legion. All Posts shall require official evidence of eligibility with application for membership. A person merely "discharged from the draft" shall not be considered as having served on active duty.
2. There shall be no form or class of membership except active membership and dues shall be paid annually or for life.
3. Candidates for membership in this Post shall make application upon a form prescribed by the Executive Committee of this Post; shall pay therewith the initiation fee and dues for the current fiscal year; and shall furnish official evidence of eligibility.
4. No person may be a member at any time of more than one Post.
5. All applications for membership shall be referred to the Membership Committee, which shall, at each regular meeting of the Post, report upon all applications received during or after the next previous regular meeting. A majority vote of those present and voting shall elect or reject a candidate. There can be no waiting period for reapplication after rejection.
6. No person, who has been expelled by a Post shall be admitted to membership in another Post, without the consent of the expelling Post. He then may appeal to the Department Executive Committee for permission to be admitted membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V OFFICERS

1. The officers of this Post shall be : The Commander; Three Vice Commanders; Adjutant; Finance Officer; Service Officer; Chaplain; Sergeant-At-Arms; Historian; and Judge Advocate.
2. The elective officers of this Post shall be: The Commander; Three Vice Commanders; and Sergeant-At-Arms.
3. The Adjutant; Finance Officer; Chaplain; Historian; Service Officer; and the Judge Advocate shall be appointed each year by the Post Commander with the approval of the Post Executive Committee to serve until their successors are selected for until removed by the Post Executive Committee upon recommendation of the Post Commander. The Commander shall also appoint such Committeemen as otherwise provided for herein.
4. The Assistant Sergeant-At-Arms shall be appointed by the Sergeant-At-Arms.
5. Nominations for officers and Executive Committeemen shall be held during the first regular meeting in May of each year and announcement thereof shall be made by the Adjutant at the

next regular meeting. Elections must be in May or June and at least twenty (20) days prior to the opening of Convention.

6. The elective Post Officers and Executive Committeemen shall be elected for a term of one year at the second meeting in May and shall be installed prior to the first day of September of that year. All elections shall be written, secret ballot and a majority of all votes cast shall be necessary to elect the Commander and Vice-Commanders. The other Officers and the Executive Committeemen shall be elected by a plurality vote.

7. Every member of this Post in good standing shall be eligible to hold office in this Post as provided in Article III, Section 2, of this Constitution.

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

9. All vacancies in the elective offices shall be filled by a secret ballot at a regular meeting following the vacancy, provided that notice of the election be given at the meeting preceding the election.

10. The office of Finance Officer and any other officers and/or positions charged by the Post Constitution and By-Laws with responsibility of handling Post funds shall be bonded under a blanket bond to be purchased from Department Headquarters and billed to the respective Posts at cost.

11. In the event that any Post Officer or member of the Post Executive Committee shall be absent for three consecutive meetings of the Post or the Executive Committee without being excused by the Post Commander, or Executive Committee, such office may be declared vacant by a majority of those present at a regular Post meeting held after a written notice to all members that such vote will be taken. The vacancy so created shall be filled by election or appointment as the office was originally filled.

ARTICLE VI FINANCE

1. No appropriations shall be made without first referring the same to the Finance Committee for report therefrom. All bills shall be referred to the Executive Committee for report. The Executive Committee shall prescribe the form in which the financial records shall be kept.

ARTICLE VII THE AMERICAN LEGION AUXILIARY

1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Stanton Post No.783, The American Legion, Department of California.

2. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion.

ARTICLE VIII AMENDMENTS

1. Proposed amendments to this Constitution must be submitted in writing at a regular meeting of the Post, and read thereat. At the next regular meeting, or subsequently if postponed, the proposed amendment may be adopted by a two-thirds affirmative vote of those present voting.
2. This Constitution and By-Laws shall be amended to conform to any changes in the National or Department Constitution or By-Laws. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.

BY-LAWS

ARTICLE I NAME

1. The Post existing under these By-Laws shall be known as: STANTON POST NO. 783, THE AMERICAN LEGION, Department of California.
2. The objects of this Post are as set forth in the Constitution.

ARTICLE II PROCEDURE

1. Opening and closing of meetings, initiation of new members, and installation of officers, shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions.
2. Robert's Rules of Order, revised, shall govern the conduct of all meetings except as may be otherwise provided in this Constitution and By-Laws.

ARTICLE III MANAGEMENT

1. The administration, government, and management of this Post is entrusted to a committee, to be known as the "Executive Committee."
2. The Executive Committee shall consist of THREE members in addition to the Commander, Vice Commanders, and Adjutant.
3. The Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post, which thereafter shall be approved by the Post before becoming effective.

4; THE COMMANDER, VICE COMMANDERS, AND ADJUTANT SHALL BE CHAIRMAN, VICE CHAIRMAN, AND SECRETARY, RESPECTIVELY, OF THE EXECUTIVE COMMITTEE;

ARTICLE IV MEETING

1; THE REGULAR MEETING OF THIS POST SHALL BE ON THE 2ND- THURSDAY OF EACH MONTH, A PLACE TO BE DESIGNATED BY THE POST;

2; SPECIAL MEETINGS OF THE POST MAY BE CALLED BY THE COMMANDER OR BY THE EXECUTIVE COMMITTEE AND MUST BE CALLED UPON THE WRITTEN REQUEST [10] MEMBERS; NO SPECIAL MEETINGS SHALL BE CALLED UNLESS ANNOUNCED BY THE COMMANDER AT THE REGULAR MEETING PRECEDING OR UNLESS NOTICE BE MAILED TO EACH MEMBER FIVE [5] DAYS PRIOR TO SAID MEETING, STATING TIME AND PLACE OF THE MEETING AND THE SUBJECT TO BE CONSIDERED;

3; A QUORUM AT ALL MEETINGS SHALL CONSIST OF FIVE [5] MEMBERS;

4. The Executive Committee shall regularly meet at least once BEFORE REGULAR MEETING of the Post, at a time and place designated by it. A majority shall constitute a quorum. It may hold such special meetings as it or the Commander may deem advisable, notice thereof being mailed to each member at least seventy-two (72) hours before the time of the meeting, giving time and place of the meeting and the matter to be considered.

5. No member shall take part in any Post meeting or election unless he is in good standing.

6. No member shall be represented or shall vote by proxy. There shall be no vote by absentee ballot.

7. Unless otherwise specified, all notices required to be given by these By-Laws shall be written notices.

ARTICLE V DUTIES OF OFFICERS

1. Duties of Post 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 affairs of the Post, and such Officer shall be Chief Executive Officer of the Post. He shall perform such other duties as directed by the Post.

2. Duties of the First Vice Commander: The First Vice Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the Commander, or when called upon by the Commander. His basic duty shall be that of Membership Chairman. He shall perform such other duties as prescribed by the Post.

3. Duties of the Second Vice Commander: The Second Vice Commander shall assume and discharge the duties of the office of the First Vice Commander in the absence or disability of such officer and shall perform such other duties as directed by the Post. His basic duty shall be that of Chairman of Entertainment.
4. Duties of the Third Vice Commander: The Third Vice Commander shall assume and discharge the duties of the Second Vice Commander in the absence or disability of such officer and shall perform such other duties as directed by the Post. His basic duty shall be that of Hospital Chairman. Duties will include L-1 parties, bed rolling, and assisting the Post Chaplain in his functions.
5. Duties of Post Adjutant: The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings and, under the direction of the Commander, handle all correspondence of the Post.
6. Duties of Finance Officer: The Finance Officer shall be charged with the custody of the funds of the Post. He shall keep its accounts and report thereon at regular meetings of the Post. He shall receive all funds of the Post and pay all bills approved by the Post and Finance Committee. He shall be bonded under a blanket bond to be procured from the Department Headquarters and paid for by the Post.
7. Duties of Post Historian: The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as directed by the Post or Executive Committee.
8. Duties of Judge Advocate: The duties of the Post Judge Advocate shall be to advise the Post Officers on the construction and interpretation of the Post Constitution and By-Laws, and to perform such other duties as are usually incident to the office.
9. Duties of Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer Divine but non-sectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time to time.
10. Duties of the Sergeant-At-Arms: The Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned by the Post.
11. Duties of the Service Officer: The Service Officer is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law.

ARTICLE VI DUES, FEES, AND FUNDS

- 1; THE DUES OF THIS POST SHALL BE PAID ANNUALLY IN ADVANCE; THE AMOUNT SHALL BE SET BY RECOMMANDATION OF THE POST EXECUTIVE COMMITTEE UPON BEING READ AT TWO REGULAR MEETING; A QUORUM BEING PRESENT AND ADOPTED BY A TWO THIRDS; OR BY MAJORITY OF THOSE PRESENT AND VOTING
2. The membership initiation fee shall be fixed by the Post, but shall not exceed twenty dollars (\$20.00).
3. A member whose dues for the current year have not been paid by January 1 shall be classified as delinquent. If his dues are not paid before February 1, he shall be suspended from all privileges. If his dues are paid on or before February 1, he shall be automatically reinstated. If he is still under suspension on June 30 of such year, his membership in the American Legion shall be forfeited. A member so suspended or whose membership has been 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. This Post may waive the provision hereof upon payment of dues for the year in which the reinstatement occurs with reference to former members who have been prevented from payment of dues by reason of active military service.

ARTICLE VII DELEGATES AND REPRESENTATIVES

1. The delegates and alternates to represent the Post at Department Convention shall be elected at the regular meeting of members of the Post by vote of those present and voting. The election shall be held at least twenty (20) days before the Department Convention convenes. The time and place for holding the election must be announced by the Commander one regular meeting in advance of the election.
2. Delegates of this Post to the County Council and the delegates to the District Council shall be appointed or elected as prescribed by County Council and District By-Laws and shall serve for a term of one year.

ARTICLE VIII APPOINTMENTS

1. The Post Commander, immediately upon taking office each year, shall appoint a Finance Committee and such other committees as shall be deemed necessary. Standing committees shall consist of such members as may be determined by the Post and the Chairman thereof shall be designated by the Post Commander.
2. Audit: The books of account shall be audited annually at the end of the Legion year by a licensed accountant or a committee of three (3) competent persons, who shall not be an Officer(s) of the Post or a member(s) charged with the responsibility of handling Post funds. Such audit shall be made within ninety (90) days following installation of Post Officers, for the period of the immediate preceding fiscal year. The Post shall certify to the Department Adjutant prior to December 1, on the original form with a copy thereof to the 29th District Commander.

The Department Commander, Post Commander, or the Post Executive Committee, may order an audit of the books at such other times during the current year as may be deemed advisable. Failure of the Post to meet any of the requirements of this section within said times or special extension thereof, shall be deemed a delinquency and the delegates of such Post shall not be entitled to be accredited at the Department Convention.

3. Membership Committee: The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatement and eligibility of members.

4. Finance Committee: The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations, and supervision of receiving, disbursing and accounting of all Post funds. Ten percent (10%) of all profit made by any function of the Post goes into the Building Fund.

ARTICLE IX LIMITATION OF LIABILITIES

1. This Post shall not incur, nor cause to be incurred, any liability or obligation whatever which shall subject to liability any other individuals, corporations, or organizations.

ARTICLE X TRIALS

1. Members of this Post shall be subject to disciplinary action as provided in the trial manual of the Department of California. A copy of the verdict, certified by the Post Commander and Adjutant, shall forthwith be forwarded to the Department Adjutant.

ARTICLE XI RECALL PROVISION

1. A petition signed by ten percent (10%) of the membership in good standing requesting the holding of an election for the purpose of recalling an elective Officer or Executive Committeeman may be filed at any time with the Adjutant. The Adjutant shall, with five days after filing said petition, compare the signatures on said petition with the signatures on the application of the respective signers on file in the Post records. The Adjutant shall deliver the said petition to the Executive Committee at its next meeting. If it shall appear from the report of the Adjutant that ten percent (10%) of the membership has signed said petition, the Executive Committee shall fix the date for the recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two weeks nor more than six weeks after the meeting of the Executive Committee. If the report of the Adjutant shall show that less than ten percent (10%) of the membership have signed said petition, the petition shall forthwith be returned to the members who filed the same with the Adjutant who shall recheck with his records and resubmit the same to the Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.

2. Notice of the date, time, and place of the holding of the recall election shall be mailed to each member of the Post in good standing at his address as it appears in the Post records at least ten (10) days before the election.

3. All recall elections shall be conducted as written, secret ballot.

4. At the election, the ballot shall read as follows: "Shall (Name of Officer, Executive Committeeman) be recalled?"

A "Yes" vote shall be counted as for the recall, a "No" vote shall be counted against the recall. Only members in good standing shall be entitled to vote at such election.

5. If the Officer or Executive Committeeman shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term, nominations shall be held the same night as the election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.

ARTICLE XII AMENDMENTS

1. Proposed amendments to these By-Laws must be submitted in writing at a regular meeting of the Post and read thereat. At the next regular meeting, or subsequently, if postponed, the proposed amendment may be adopted by a two-thirds affirmative vote of those present and voting.

2. These By-Laws shall be amended to conform to any changes in the National or Departmental Constitution and By-Laws. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.

3. Any amendment initiated by the Post shall not be in force or effect until approved by the Constitution and By-Laws Commission of the Department.

4. ABOVE THE SIGNATURES OF THE COMMANDER AND ADJUTANT CERTIFY TO THE FOLLOWING:

CERTIFICATION

We hereby certify that the above By-Laws were read at two meetings and adopted on:
1-11-96, a quorum being present, and approved by two-thirds majority
vote of those present and voting.

First Reading: 12-14-95

Second Reading: 1-11-96

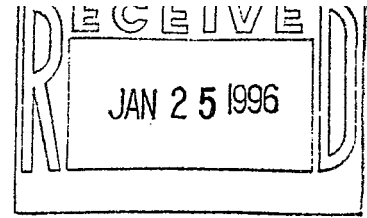
Signed: SR. [Signature]

Post Commander

Signed: [Signature]

Adjutant

Certification in the event of any subsequent amendments is required. These By-Laws, or any amendments thereto, must be sent in Duplicate to Department Headquarters, as one copy is kept by the Department and the original is returned to the Post.



By-Laws

ARTICLE 1V MEETINGS

DELETE; 1; THE REGULAR MEETING OF THIS POST SHALL BE ON THE FIRST AND THIRD FRIDAYS OF EACH MONTH 11320 BEACH BOULEVARD, STANTON, OR A PLACE DESIGNATED BY THE POST; SECOND MEETING OF EACH MONTH SHALL BE CONSIDERED A SOCIAL MEETING AND NOT A BUSINESS MEETING;

NEW; 1; SEE PAGE FIVE ARTICLE 1V; SECTION 1;;

DELETE; 3; A QUORUM AT ALL MEETINGS SHALL CONSIST OF SIX [6] MEMBERS;

NEW' 3; AQUORUM AT ALL MEETINGS SHALL CONSIST OF FIVE [5] MEMBERS;

DELETE; 4; THE EXECUTIVE COMMITTEE SHALL REGULARLY MEET AT LEAST ONCE BETWEEN EACH MEETING OF THE POST;

NEW 4; THE EXECUTIVE COMMITTEE SHALL REGULARLY MEET AT LEAST ONCE BEFORE REGULAR MEETING OF THE POST;

ALL CHANGES ARE ON PAGE FIVE

ARTICLE VI DUES, FEES, AND FUNDS; PAGE 7.

1. JUST RETYPED THIS ARTICLE NO CHANGE;

Fred Clay