

LAKESWOOD AMERICAN LEGION

POST 178

CONSTITUTION

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 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 I The name of this organization shall be Lakewood Post 178, The American Legion Department of Colorado.

Article II: Nature

Section I This Post is a civilian organization; membership therein does not affect nor increase liability for military or police service.

Section II This organization shall be absolutely nonpolitical and nonsectarian, 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 preferential treatment.

Section III Rank does not exist in The American Legion. No member shall be addressed by his/her military title at meetings of this Post.

Article III: Object

Section I The object and purpose of this Post shall be to promote the principles and policies set forth in the foregoing Preamble, and the Post, Department and National constitutions of The American Legion.

Article IV: Territorial Jurisdiction

Section I The territorial limits are set forth in the Constitution of The American Legion Department of Colorado.

Article V: Membership

Section I Eligibility to membership in this Post is set forth and prescribed by the National Constitution of The American Legion.

Article VI: Government

Section I Officers: The officers of this Post shall be those prescribed by the Constitution of The American Legion Department of Colorado, and such other offices as this Post's Executive Committee may from time-to-time create. Their duties shall be set forth in the Post's By-Laws.

Section II Election and Term of Office: Officers of this Post, except officers of the Executive Committee, provided they are members in good standing and members of this Post for one year, shall be elected annually at the May general membership meeting of this Post for the term of one year. They shall hold office until successors are elected and qualified. Term of office shall commence upon the adjournment of the Department of Colorado Convention held after the Post elections.

Section III Adjutant, Judge Advocate and Service Officer shall be appointed by the Post Commander, with the approval of the Executive Committee, for a period of one year.

Section IV Vacancies: Vacancies in any office shall be filled by the Post Commander, with the approval of the Executive Committee, to serve until the next regular Post election.

Section V Voting: Each member shall be permitted to vote (one vote) provided he/she is a member in good standing of this Post for 90 days. Voting by proxy shall not be permitted.

Section VI Quorum: A quorum shall consist of two of the top three officers (Post Commander, 1st Vice Commander and 2nd Vice Commander) and two officers either elected or appointed plus 1% of the total paid membership.

Article VII: Revenue

Section I Revenue: The revenue of this Post shall be derived from membership or initiation fees and from annual membership dues.

Section II Department Per Capita Dues: This Post shall pay per capita dues to Departmental Headquarters as determined by Department to also cover the dues owed to National Headquarters.

Article VIII: Executive Committee

- Section I The Executive Committee shall consist of the Post Commander, Immediate Past Post Commander and three members other than Executive Committee officers.
- Section II Election and Term of Office of the Executive Committee:
1. One member shall be elected to a three-year term, one member to a two-year term and one member to a one-year term. Members of the Executive Committee shall hold office until their successors have been duly elected and qualified.
 2. All past Post Commanders (except Immediate Past Post Commander), Adjutant and Finance Officer are members of the Executive Committee without vote. The Immediate Past Post Commander is the chairperson of this committee. The Adjutant is the secretary of this committee.
- Section III Vacancies: All vacancies existing in the Executive Committee shall be filled. Recommendations by the majority vote of the remaining members of the Executive Committee shall be forwarded to the general membership for majority vote approval at the next regular meeting. The member(s) so elected shall hold office for the unexpired term of the member(s) of the committee whom he/she succeeds.
- Section IV Quorum: A quorum shall consist of one officer and two voting members.
- Section V Immediate Past Post Commander: The office of the Immediate Past Post Commander shall be declared vacant when the Post Commander is elected for the second one-year term. The Post Commander shall, with the approval of the general membership, appoint a successor to the office of Immediate Past Post Commander from the past Post Commanders of this Post.

Article IX: Corporation Board

- Section I There shall be established a Corporation Board consisting of five members. Three members will be elected: one to a one-year term, one to a two-year term and one to a one-year term. The chairperson shall be elected by the members at a regular meeting of the Corporation Board. The duties of the Corporation Board shall be restricted to lounge, kitchen and internal management of the Post.

Article X: Miscellaneous

- Section I Committees: During and between meetings, the Executive Committee may create such standing and special committees as may be necessary and proper to carry on the business of the Post and its program.
- Section II Oath of Office: Each officer of this Post shall, before entering upon the duties of his/her office, take the oath of office as prescribed in the Constitution of The American Legion Department of Colorado, Article XIII, Section III.
- Section III American Legion Auxiliary: This Post recognizes the organization known as American Legion Auxiliary, Unit 178.
- Section IV This Post recognizes the organization known as American Legion Junior Auxiliary.
- Section V This Post recognizes the organization known as the Sons of The American Legion, Squadron 178, as an American Legion program.
- Section VI This Post recognizes the organization known as American Legion Riders as an American Legion program.
- Section VII Post Home: The Post Home is operated and managed for the purpose of the recreation and pleasure of the members and guests of Lakewood American Legion Post 178. The Post Home is managed by a building corporation known as the Lakewood American Legion Post 178 Building Corporation. Every member is a stockholder in the Building Corporation without shares.

Article XI: Rules and Order

- Section I Rules and Order: All proceeding of this Post shall be conducted under *Robert's Rules of Order*, or revisions thereof, except as herein otherwise provided.

Article XII: By-Laws

- Section I By-Laws: This Post's Executive Committee shall have the power to make recommendations only, as to the altering, amending, or repealing of By-Laws for the government of this Post, not inconsistent with this Constitution.

Article XIII: Repealing and Saving Clause

Section I Repealing and Saving Clause: This Constitution, adopted at a regular meeting held this year, supersedes and takes the place of all prior constitutions, by-laws and amendments thereof, and all laws adopted there under are hereby revoked and annulled. Ratified this 1st day of March, 2011.

Article XIV: Safety Clause

Section I Safety Clause: If any section, herein, is determined to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the sections of this Constitution.

Article XV: Amendments

Section I Amendments: This Constitution, as adopted, is subject to the provisions of the National Constitution of The American Legion and the Constitution of The American Legion Department of Colorado. Any amendments to the National or Department Constitutions, which are in conflict with any provisions herein, shall automatically repeal or modify the provisions of this Constitution to the extent of such conflict.

Section II This Constitution may be amended at any general membership meeting by a two-thirds vote of its attending members, provided that the proposed amendment(s) has been submitted in writing and read in full at a regular meeting of this Post, immediately proceeding the one at which the action on the amendment(s) is taken, providing further that a written notice containing the amendment(s) has been given to the membership of this Post at least ten days in advance of the date of the general membership meeting at which said amendment(s) has been voted upon.

Section III This Constitution shall be reviewed every three years for additions or corrections or as required.