

**THE AMERICAN LEGION  
GAUTIER - VANCLEAVE POST 1992  
GAUTIER, MISSISSIPPI**

**CONSTITUTION**

**ADOPTED  
MARCH 16, 1992**

**Amendment I - July 6, 1992  
Amendment II - February 4, 2002  
Amendment III - January 12, 2009  
Errata to Amendment III - March 9, 2009  
Errata to Amendment III - April 30, 2009  
Rewritten to incorporate all Amendments and  
Errata - April 30, 2009  
Errata - May 1, 2010  
Amendment IV - October 11, 2010  
Amendment V - March 12, 2012**

## **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 per cent 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 and Domicile**

Section 1. The name of the organization shall be Gautier - Vancleave Post 1992, Inc., the American Legion, Department of Mississippi.

Section 2. The domicile of Gautier - Vancleave Post 1992, Inc., shall be Gautier, Jackson County, Mississippi.

Section 3. The Gautier - Vancleave Post 1992, Inc., the American Legion, for the sake of brevity, may hereinafter be referred to as "Post".

### **ARTICLE II**

#### **Objectives**

Section 1. The objectives and purposes of the Post shall be to promote the principles and policies as set forth in the foregoing Preamble, the National and Departmental Constitution of the American Legion, and the Charter of the said Corporation.

### **ARTICLE III**

#### **Nature**

Section 1. The American Legion is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the American Legion. No member shall be addressed by his/her military title at any meeting of the Post.

Section 2. The 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.

Section 3. Each member shall perform his/her full duties as a citizen according to his own conscience and understanding.

Section 4. No person receiving a fixed salary from the Post shall be eligible to hold an elective office within the post.

## **ARTICLE IV**

### **Membership**

Section 1. Eligibility for membership in the Post shall be as prescribed by the National Constitution of the American Legion.

Section 2. Application for membership shall be made in writing and presented to the floor for approval / action. All applications shall be countersigned by a member of the Post, who shall, by his/her signature, certify that the applicant is eligible for membership, by a review of their DD-214 and/or other evidence.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of the application, and shall, at such meeting be accepted or rejected, or referred for further investigation or consideration. If five (5) or more members cast their vote against acceptance of the said application, then such application may not again be considered until after the expiration of six (6) months from the date of rejection.

Section 4. Annual membership dues shall be due and payable on October 20<sup>th</sup> of each year for the succeeding calendar year. The amount of such dues shall be as fixed by the Executive committee, but such dues shall not be less than the combined Department and National per capita dues. A member, whose dues for the current year have not been paid by January 1<sup>st</sup>, shall be classified as delinquent. If his/her dues are paid on or before February 1<sup>st</sup>, he/she shall automatically be reinstated. If he/she is still delinquent after February 1<sup>st</sup>, he/she shall be suspended from all privileges and his/her name removed from the membership rolls and the mailing list. If he/she is still under suspension on June 30<sup>th</sup> of such year, his/her 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 a vote of the Post and a payment of current dues for the year in which the reinstatement occurs.

Section 5. No person who has been suspended or expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he/she may then appeal to the Department Executive Committee for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 6. This Post may award selected members an Honorary Life Membership in the National American Legion Organization. This Life Membership Award shall be based on the active participation in Post 1992's programs for at least twenty-five (25) years. Once awarded the Post agrees to pay the Department and National dues for the individual's lifetime.

Section 7. National and Department Constitutions provide that there shall be no class or form of membership, except for active membership. Previously there were many non-eligible persons who devoted their time and effort in actively supporting the Post activities and programs. In recognition of this service to the American Legion, this Post 1992 had established a Special Guest Membership status for those persons who, over a seven (7) year period, have actively participated in and assisted in the Post's activities and programs. This Guest Membership authorized the individual to utilize the Post facilities in the same manner as an active member, except for voting.

This program is hereby discontinued. Those individuals previously granted Special Guest Membership shall be grandfathered, retaining this distinction. Guest Members may not attend Post regular or special meetings, unless invited.

Section 8. Members who joined this Post prior to October 16, 1991 or members who joined this Post prior to the issuance of the charter (November 6, 1991) shall be known as charter members.

## **ARTICLE V**

### **Discipline**

Section 1. The Post shall have control and discipline of its members and officers, subject to the restrictions of the Department Constitution. Officers and members may be suspended or expelled from office or membership only upon showing proper cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming of a member of the American Legion. All charges must be made under oath and in writing by the accuser(s). No member in good standing shall lose his membership or office until a fair trial is given by the Post Executive Committee. Any member or officer of this Post may be expelled or suspended for cause by two-thirds (2/3) vote of the Executive Committee after charges have been preferred under oath, in writing and a fair trial held upon same.

Section 2. Any officer or member who has been suspended or expelled by the Post Executive Committee for any cause may be reinstated to membership by a two-thirds (2/3) vote of the membership present at a Post meeting and the payment of the current and any arrears dues for the year(s) of his/her expulsion or suspension and reinstatement.

Section 3. Any officer or member expelled or suspended by this post shall have the right to appeal to the Department Executive Committee, in which case the appeal must be made within thirty-days (30) of the suspension or expulsion of the Post. The appeal shall be perfected by filing notice of appeal with the Department Adjutant, together with a copy of the Post record, certified by the Post Adjutant. The time within which the record must be filed may, at the discretion of the Department Commander, be extended by written order of the Department Commander. The Department Executive Committee shall make its decision either on record, or upon additional evidence which may be introduced orally or in the form of written affidavits or dispositions.

## **ARTICLE VI**

### **Officers**

Section 1. The administrative powers of this Post of the American Legion shall, except as otherwise provided for in the By-laws, be under the supervision of the Post Executive Committee, which shall consist of five (5) Executive Committeemen, in addition to the elected Officers of the Post. The immediate past Post Commander shall serve on the Executive Committee for two (2) years after his/her term of office. The remaining three (3) Executive Committeemen shall be elected from the floor annually. The term of office of the members of the Executive Committee shall be for one (1) year, except as provided for above for outgoing Commanders. Should the past Commander's position on the Executive Committee become vacant, for any reason, the current Post Commander shall recommend a member for appointment, who shall be approved by the Executive Committee.

Section 2. The officers of the Post shall be the Commander, 1<sup>st</sup> Vice-Commander, 2<sup>nd</sup> Vice-Commander, 3<sup>rd</sup> Vice-Commander, Adjutant, Finance Officer, Chaplain, Historian, Sergeant-At-Arms, Judge Advocate and such other officers as deemed necessary by the organization. The Adjutant's office may be combined with the Finance Officer. The Post Commander shall appoint a Nomination Committee at the April regular meeting each year. The Nomination Committee shall give their final report and recommendations to the floor at the May regular meeting at which meeting the nominations will be final and a printed ballot shall be available for election night. The Post Adjutant and Judge Advocate shall be omitted from the ballot since they are appointive officers. Following the report of the Nomination Committee, the floor shall be opened for any additional nominations. Persons being nominated to any office must be present to accept the nomination. Nominees unable to attend shall notify the Post Nomination Committee or Post Adjutant that they will accept the nomination, in writing, and not later than seven (7) calendar days after nominations take place.

Section 3. All Officers and three (3) Executive Committeemen, except Adjutant, Service Officer and Judge Advocate who are appointed, shall be elected annually by the Post at the June meeting and shall take office at either the July meeting or a special meeting following the Department Convention. The special meeting shall be held within one (1) week of the Department Convention. The officers shall hold office until their successors are duly installed or as otherwise provided. Any Officer or Executive Committeemen elected to a Post office shall provide the Post Adjutant with proof of eligibility DD-214 and/or other evidence who will certify eligibility and forward his/her certification to the Department Headquarters one (1) week prior to the Department Convention or present it to the Credentials Committee at the convention.

Section 4. The Post Executive Committee, on the recommendation of the Post Commander, shall appoint an Adjutant, Service Officer and a Judge Advocate. These officers shall be non-voting members of the Executive Committee, however, they may participate in discussions and make motions during the meetings.

Section 5. Every member in good standing of this Post shall be eligible to hold office in the Post.

Section 6. The duties of the Officers and Executive Committeemen shall be those usually pertaining to such officers and committeemen and as further provided for in the Post By-laws.

## **ARTICLE VII**

### **Finance**

Section 1. The revenue derived from the annual membership dues shall be deposited in the Post Membership Fund. The amount of such dues shall be as established by the Post Executive Committee, and shall as a minimum include the National and Department pro rate share. The Department and National dues collected cannot be utilized by the Post in any manner and shall be remitted to those organizations promptly, and in no event to exceed a period of thirty (30) days. Disbursements from the Post Membership Fund shall be made by the 1<sup>st</sup> Vice-Commander, with the signature of one other member of the disbursement authorization list, which is comprised of Officers of the Post and Executive Committee except for the Finance Officer, as discussed in Article IV of the Post By-laws. Those dues collected in excess of the Department and National dues shall be disbursed in accordance with the Post budget or by direction of the Post Executive Committee. Persons handling such funds shall be bonded.

Section 2. Any additional sources of revenue requiring the establishment of a bank account thereto, other than those accounts provided for herein and the By-laws shall be as recommended by the Executive Committee and approved by the general membership in a regular or special meeting. Access to those accounts for the purpose of disbursement of funds shall be appropriately established by the Executive Committee and all disbursement instruments are to be countersigned by two members of the Executive Committee, with the exception of the Finance Officer.

Section 3. Any disbursements of cash or other items of value which would not otherwise be traceable through documentation in event of an audit shall be in accordance with written operating procedures authorized by the Executive Committee or applicable Post Committee. Such procedures shall not be in conflict with established guidelines by statutory civil authority.

## **ARTICLE VIII**

### **American Legion Family**

Section 1. This Post recognizes an auxiliary organization to be known as the American Legion Auxiliary Unit of Gautier - Vancleave Post 1992, the American Legion.

Section 2. This Post recognizes and sponsors an organization known as the Sons of The American Legion (SAL), Squadron 1992, Gautier-Vancleave Post 1992.

Section 3. This Post recognizes and sponsors an organization know as the American Legion Riders (ALR), Chapter 1992, Gautier-Vancleave Post 1992.

Section 4. Membership in the above organization shall be as prescribed by their National organizations **or as prescribed by their local Constitution**

## **ARTICLE IX**

### **Officers Guide and Manual of Ceremonies**

Section 1. The Officers Guide and Manual of Ceremonies, as adopted by the National convention of the American Legion for the use and guidance of all Post activities, is hereby adopted, and is to be followed where possible at all meetings.

## **ARTICLE X**

### **Amendments**

Section 1. This Constitution is adopted, subject to the provisions of the National and Department Constitution of the American Legion. Any amendment of the said Constitution, which may be in conflict with any of the provisions herein, shall be automatically regarded as amending or modifying the provisions of this Constitution, to the extent of such conflict.

## **ARTICLE X**

### **Amendments**

Section 1. This Constitution is adopted, subject to the provisions of the National and Department Constitution of the American Legion. Any amendment of the said Constitution, which may be in conflict with any of the provisions herein, shall be automatically regarded as amending or modifying the provisions of this Constitution, to the extent of such conflict.

Section 2. This Constitution may be amended at a regular Post meeting by a vote of two-thirds (2/3) of the members attending such regular meeting, provided that the amendment shall have been presented in writing and read at such meeting, and notifying said members at such meeting that a proposal to amend the Constitution is to be voted on at the next regular meeting of the Post.

## **ARTICLE XI**

### **Effective Date**

Section 1. The foregoing Constitution is the first writing of the Post Constitution and will be duly adopted at a regular meeting on March 16, 1992. This Constitution shall be in full force and effective from this date of adoption.

**Errata to Amendment III  
to  
The Post 1992 BY-LAWS  
of  
GAUTIER - VANCLEAVE  
AMERICAN LEGION POST 1992  
GAUTIER, MISSISSIPPI**

**March 9, 2009**

Note: While Amendment III of the Post 1992 By-Laws did not affect the Constitution, errata to the amendment was utilized to address the Constitution, as well as, the Post By-Laws.  
This errata was prompted by the Department of Mississippi Judge Advocate by separate correspondence and approved by the Post Membership at its regular monthly Meeting, on March 9, 2009.

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**THE CONSTITUTION  
of  
GAUTIER - VANCLEAVE  
AMERICAN LEGION POST 1992  
GAUTIER, MISSISSIPPI**

**March 9, 2009**

**ARTICLE IV**

**MEMBERSHIP**

**Section 4**

The first sentence of this section is revised to read, "Annual membership dues shall be due and payable not later than October 20<sup>th</sup> of each year for the succeeding calendar year."

**Section 7**

The following sentence shall be added to the end of this section: "Guest Members may not attend Post regular or special meetings, unless invited."

**ARTICLE VI**

**OFFICERS**

**Section 2**

Revised the last sentence and added new sentence to the end of this section, as follows: "Persons being nominated to any office must be present to accept the nomination. Nominees unable to attend shall notify the Post Nomination Committee or Post Adjutant that they will accept the nomination, in writing, and not later than seven (7) calendar days after nominations take place."

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**Errata to  
THE CONSTITUTION  
of  
GAUTIER – VANCLEAVE  
AMERICAN LEGION POST 1992  
GAUTIER, MISSISSIPPI**

**APRIL 30, 2009**

1. Amended Article VII, Finance, of the Post Constitution, as highlighted below:

**ARTICLE VII  
Finance**

Section 1. The revenue derived from the annual membership dues shall be deposited in the Post Membership Fund. The amount of such dues shall be as established by the Post Executive Committee, and shall as a minimum include the National and Department pro rate share. The Department and National dues collected cannot be utilized by the Post in any manner and shall be remitted to those organizations promptly, and in no event to exceed a period of thirty (30) days. Disbursements from the Post Membership Fund shall be made by the 1<sup>st</sup> Vice-Commander, with the signature of one other member of the disbursement authorization list, which is comprised of officers of the Post and Executive Committee except for the Finance Officer, as discussed in Article IV of the Post By-laws. Those dues collected in excess of the Department and National dues shall be disbursed in accordance with the Post budget or by direction of the Post Executive Committee. Persons handling such funds shall be bonded.

Section 2. Any additional sources of revenue requiring the establishment of a bank account thereto, other than those accounts provided for herein and the By-laws shall be as recommended by the Executive Committee and approved by the general membership in a regular or special meeting. Access to those accounts for the purpose of disbursement of funds shall be appropriately established by the Executive Committee and all disbursement instruments are to be countersigned by two members of the Executive Committee, with the exception of the Finance Officer.

Section 3. Any disbursements of cash or other items of value which would not otherwise be traceable through documentation in event of an audit shall be in accordance with written operating procedures authorized by the Executive Committee or applicable Post Committee. Such procedures shall not be in conflict with established guidelines by statutory civil authority.

Corrected additional typographical errors.

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**Errata to  
THE CONSTITUTION  
OF  
GAUTIER – VANCLEAVE  
AMERICAN LEGION POST 1992  
GAUTIER, MISSISSIPPI**

**May 1, 2010**

This change incorporated all Amendments and Errata into the base document and corrected typographical errors and omissions.

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**AMENDMENT IV  
to the  
CONSTITUTION  
Of  
AMERICAN LEGION POST 1992  
GAUTIER, MISSISSIPPI  
October 11, 2010**

Article IV, Section 7: To comply with the National and Department Constitutions, canceled the Post's "Special Guest Membership" Program. Existing Members are considered grandfathered and will retain the Program's distinction.

Article VIII: To recognize our entire Legion Post Family, modified this article by changing the title from American Legion Auxiliary, to American Legion Family, and added the Post-sponsored Sons of the American Legion Squadron 1992 and American Legion Riders Chapter 1992.

Corrected Vice Commander to read Vice-Commander, where appearing.

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**AMENDMENT V  
to the  
CONSTITUTION  
of  
AMERICAN LEGION  
GAUTIER – VANCELEAVE POST 1992  
GAUTIER, MISSISSIPPI  
March 12, 2012**

Article VI (Officers), Sections 2, 3 and 4: Added Service Officer to coincide with the 2011 Officer's Guide suggested Form for Post Constitution.

Article VI (Officers), Section 4, second sentence: Deleted portion of sentence stating, "...along with all past Post Commanders, who are life members of the Post."

Article X (Amendments), Section 2: Modified to read that voting on amendment changes to occur at subsequent General Membership Meeting, vice twenty (20) days.

Corrected typographical errors.

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