

Constitution of the Paschall Post 164,
The American Legion, Department of Ohio District 12

Preamble

Preamble to the Constitution: For God and country we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of American; 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 1. The name of this organization shall be Paschall Post 164, The American Legion, Department of Ohio District 12.

Article II – Objects

Section 1. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and National and Departmental Constitutions of The American Legion.

Article III – Nature

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

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of the Post.

Article IV – Membership

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

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing and a fair trial had upon the same. *

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a 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, may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post and shall be ineligible for membership until such permission is granted.

*Before proceeding under this section Post should make inquiry as to whether or not Department Constitution and By-Laws has provided a different procedure, which should be followed.

Article V – Officers

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws be under the supervision of an Executive Committee that shall consist of three members at large, in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one year. This Post, By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a commander, vice commanders, adjutant, finance officer, historian, chaplain, service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee persons shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee person may be removed for inefficiency by the Executive Committee a two-thirds vote of said committee being necessary to affect such removal.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. The duties of officers and executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

Article VI – Finance

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

Section 2. The amount of such membership or initiation fees and amount of such annual Post dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department Headquarters the National and Department annual membership dues for every member of the Post.

Article VII – Charter Members

Section 1. Members who joined the Post prior to November 11, 1919 (or members who joined this Post prior to the issuance of charter) shall be known as charter members. The matter of charter members for the permanent charter is left to the decision of the Post members.

Article VIII – American Legion Auxiliary

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Paschall Post 164, The American Legion.

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

Article IX - Amendments

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

Section 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

Approval: This Post constitution has been approved by the membership and Executive Committee at Post and Executive Committee meetings from November, December 2020, and January 2021. This official copy of the Post Constitution has been reviewed and signed by the Commander.

Signature _____ Date _____

Printed Name _____

BY-LAWS
PASCHALL POST 164, INC
AMERICAN LEGION, DEPARTMENT OF OHIO DISTRICT 12

Article I - The Post

Section I. The Post existing under the By-Laws is to be known as Paschall Post 164, The American Legion, Department of Ohio District 12.

Section II. The objectives of the Post are set forth in the Constitution.

Article II - Executive Committee

Section I. The government and management of the Post is entrusted to an Executive Committee of elected and appointed members, to be known as the "Executive Committee".

Section II. The Executive Committee shall consist of three members-at-large in addition to the officers of the Post, and with the other officers of this Post shall be elected annually and take office at the meeting next following the election as detailed in Article IV of the By-Laws.

Section III. The Post Executive Committee shall, with the Post Commander, exercise general supervision over the Post and shall meet at the call of the Commander in executive session for organization and such other business as may be properly brought before it within ten (10) days after the installation of the newly elected officers and appointed members. Thereafter, the Executive Committee shall meet at the call of the Commander at least once a month and as often as said Commander may deem necessary for the proper transaction of the business of the Post. The Commander shall call a special meeting of the Executive Committee or upon written request of three or more members of said Executive Committee or upon motion; duly carried at any regular Post meeting. Five members of the Executive Committee constitute a quorum of said Executive Committee.

Section IV. All meetings of the Executive Committee shall be announced by the Commander at the immediate preceding regular meeting of the Post or shall have said meeting published in the news bulletin of the said Post. A member of the Post, not a member of the Executive Committee, shall be granted the privilege of the floor upon request for a particular meeting of the Executive Committee by a majority vote of the members of the Executive Committee present.

Section V. All vacancies existing in any office of the Post from any cause other than the expiration of the term of office, shall be filled by a plurality vote of the members at a meeting of the Executive Committee and at a regular Post meeting duly in session, except the two and three year members-at-large who will hold the office until the next election of the Post when the unexpired terms can be filled. All others so appointed shall hold office for the unexpired term of office of which he/she succeeds, subject to the ability to fulfill duties and subject to the Article VI, Section 2 of the Constitution.

Section VI. The Executive Committee shall hire such Employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committees; and generally, shall have charge of and be responsible for the management of the affairs of the Post. The Executive Committee shall have full and complete charge of

the finances of the Post expenditures, with the exception noted in the next sentence, may be recommended at a regular meeting of the Post members, but shall be subject to approval of the Executive Committee for proper authorization in accordance with Section 10 hereof. Expenditures, not to exceed \$100.00 for any one particular purpose, may be authorized at a regular meeting when a quorum is present, provided funds for the purpose are covered in the existing budget.

Section VII. The Executive Committee shall affix the amount of expense allowance, if any, for Post member and officers.

Section VIII. The Executive Committee shall approve the wages of the employees of the Post within the Post budget.

Section IX. The Executive Committee shall have the Budget Committee prepare and file with the adjutant for the operation of the Post during the fiscal year, subject to ratification of Post members at a regular meeting. The Budget Committee is authorized and directed to meet at such time during the year as the chairperson deems necessary and is empowered to modify or change the budget to meet such conditions as may develop, subject to the same ratification by the Post members at a regular meeting.

Section X. The Executive Committee shall have an annual audit made by the Auditing Committee of all Post records, funds, and property within thirty days after the end of the fiscal year. The report shall be filed with the Adjutant and shall be open to inspection by the Post members. The Executive Committee, and only the Executive Committee, may call for additional audits of Post records, funds and property as deemed necessary for the management of the Post.

Article III - Nomination, Election and Installation of Officers

Section I. Nomination of all elective offices will be held annually. The nominations will open at the first regular meeting of the Post in the month of April, and shall be closed the first regular meeting in the month of May, by a Nominating Committee appointed by the Commander. Further nominations may be made from the floor at the regular Post meetings.

Section II. The election shall be by written ballot. In the case of two or more choices, a simple majority shall elect the candidate for that office.

Section III. The election of all elective officers shall be conducted at the regular meeting of the Post in the month of May annually. The installation of all officers will be conducted in June, at the discretion of the incoming Commander. Nothing herein contained shall be construed as impairing, invalidating, or abrogating the right of any member present for the election, to write in a name of any qualified member of the office to be filled by election thereto.

Section IV. No member shall be permitted to be a candidate for more than one office. Members who are regularly employed by the Post and are receiving a salary, except Committeemen, shall be prohibited from holding office in the Post during the time of their employment. Provided, however, that this section shall have no application to any salary herein after voted by the Post for any office filled by election thereto.

Section V. Only members holding a current membership card shall be permitted to vote and must present their membership card at the time to vote.

Section VI. Election Polls for all elective officers will be open in the Post at 12:00 p.m. and will remain open until 8:00 p.m. of the date of the election. Supervision of all elections shall be under the direction of the Post Executive Committee, which shall formulate rules governing such elections. These rules shall be presented to the membership at a regular meeting of the Post prior to the election, and when approved by a majority of the members present shall be adopted as the rules of the election of Officers.

Section VII. The appointed officers shall consist of the Adjutant, and such other officers as may be deemed necessary for the Post. These officers are to be appointed as prescribed in the Article VI, Section V, of the Constitution.

Section VIII. The immediate Past Post Commander of this Post shall be appointed the 12th District Council Executive Committeeman.

Section IX. The resignation of a Post Officer or Executive Committee member may occur by one of the following: Written notice presented to the Commander, or verbal resignation to the members of the Post or the Executive Committee in a regular meeting.

Article IV - Duties of Post Officers

Section I 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 and other affairs of the Post, and shall have full authority to see that the harmony is preserved and the laws of the Post are enforced. The Commander shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the distribution of funds, and shall make an annual report covering the business for the year for the office, and shall make recommendations for the ensuing year, which shall perform such other duties as may be directed by the Post.

The Post Commander shall not entertain any motion that may entail the expenditure of any portion of this Post's funds in excess of the sum of fifty dollars (\$50.00) that has not been previously approved by the Finance Committee, or in excess of the sum of one hundred dollars (\$100.00) that has not been previously approved by the Finance and Executive Committees. Any motion for expenditure in excess of the amounts herein shall be considered a recommendation for consideration by the proper committee, and shall be submitted to the committee in question for approval or rejection. If approved, the same shall be reported to the Post at its next regular meeting and acted upon by the Post.

Section II Duties of the First Second and Third Vice-Commanders. The First, Second and Third Vice-Commanders in the absence or disability of, or when called upon by the Post Commander, shall preside in the order named above in the absence of the presiding officer.

Section III Duties of the Post Adjutant. The Post adjutant shall have charge of and keep a full and correct record of all Post and Executive Committee meetings. The Adjutant shall read the minutes of the previous Post meeting and the Executive Committee at the next regular Post meeting. The Adjutant shall keep such records as the Department and national organizations may require, shall render reports of membership

annually or when called upon at a meeting and under the direction of the Post Commander, shall handle all correspondence of the Post.

Section IV Duties of Finance Officer. The Finance Officer shall be a member of each committee appointed by the Post Commander to promote any activity of gain; the duties on these committees being to handle all funds taken in. The Finance Officer shall be responsible for all funds, bonds and other securities under the control and from any other sources, and shall report once each month to the Executive Committee the condition of the finances of the Post, with such recommendations as may be deemed expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall sign all checks disbursing money of the Post, shall furnish such surety bond in sum as shall be fixed by the Executive Committee, and shall make a monthly report to the Post of all Post funds, expenditures, and debts of the Post.

Section V 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 may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section VI Duties of Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the Post members and shall offer divine but non-sectarian service in the event of dedications, funerals, public functions and other occasions adhering to such ceremonial rituals as are recommended by the National or Department Headquarters.

Section VII Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall preserve the order at all meetings and shall perform such other duties as may be assigned by the Executive Committee. The Sergeant-at-Arms shall maintain a register at meetings for all members present to sign, and shall ensure that all registered members are in good standing.

Section VII Duties of Immediate Past Commander. The Immediate Past Commander shall assist and aid the Post Commander in the execution of the Post endeavors.

Article V - Department and District Delegates

Section I. The incoming and outgoing Commanders each year will be automatic delegates to the Department and District Conventions for the ensuing year. All other delegates and alternates will be nominated and elected from the floor at Post meetings.

Section II. The Post Adjutant shall record and notify all elected delegates and alternates of their election.

Section III. The delegates and alternates to the Twelfth District Council shall be duly elected delegates to the Twelfth District Convention and serve for the ensuing year at all Twelfth District meetings and conferences.

Article VI - Committee Appointments

Section I. The Post Commander immediately upon taking office each year shall appoint the following Standing committees: Membership, House, Finance, Legal, Public Relations, Service, Relief, Americanism, Youth, Auditing and Inventory, Visiting and Flowers, Constitution and By-Laws and such

other committees as may be necessary and expedient. Such standing committees shall consist of as many members and a chairperson thereof as shall be designated by the Post Commander.

Article VII - Resolutions

Section I. All resolutions of state or national scope to this Post by a member of reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Article VIII - Notices

Section I. Every member shall furnish the Post Adjutant with contact information including a mailing address, phone number, and email address to receive notices of official Post activities.

Article IX - Post Meetings

Section I. Post meetings of the Post membership shall be held on the second Thursday of every month.

Section II. An All Hands meeting, which includes the Auxiliary, SAL, Honor Guard, and VFW members, will be held quarterly on that month's regular member meeting.

Section III. Eleven or more members, including officers, present and registered, shall constitute a quorum.

Section IV. Special meetings may be called by the Post Commander at any time to transact business of the Post.

Section V. Upon written request of 25 members or a majority vote of the Executive Committee, the Commander can be required to call a special meeting within a reasonable time.

Article X - Order of Business

Section I. The meetings of the Post shall be conducted according to The American Legion Officers Guide and Manual of Ceremonies, latest edition.

Section II. Rules of procedure shall be conducted as prescribed in The American Legion Officers Guide and Manual of Ceremonies and Roberts Rules of order, latest editions, accept as herein provided.

Article XI - Limitation of Liability

Section I. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

Article XII - PASCHALL CLUB AND POST HOME

Section I. Paschall Club is a wholly owned subsidiary corporation of Paschall Post 164, Inc., The American Legion, and will be operated in a building owned by the Post.

Section II. The regulation and control of the Paschall Club and Post Home shall be invested in the House Committee who shall be responsible to the Executive Committee, to whom it shall report when called upon to do so.

Section III. The House Committee shall prepare and formulate rules and regulations governing Paschall Club and Post Home, and the conduct of the members of the Post in connection therewith. Said rules and regulations before becoming effective shall be submitted to the Executive Committee for approval and to the Post members for approval at a regular meeting. Said rules and regulations adopted by the Post members, the House Committee publish and enforce the same. Provided, further, that no rule or regulation shall ever at any time be adopted or approved in connection with the operating or maintenance of the Club or Post Home that will in any way conflict with the national or Department Constitution and By-laws of The American legion or with any law of the municipality, state or nation in which the Post is located.

Section IV. The House Committee immediately upon adoption and approval of the rules mentioned in Section III, shall cause the same to be printed in plain type and copies thereof shall be posted in a conspicuous place within the House as maintained or operated by the Post, and published in the bulletin once.

Section V. The House Committee, subject to Executive Committee approval, shall have full power and authority to employ such help as may be deemed necessary to maintain the Post Home.

Section VI. The Executive Committee shall hire and set the salary of the Paschall Post Club manager. The Paschall Post Club manager shall employ such help as deemed necessary under the Federal and state laws to properly conduct and maintain the Paschall Club, with approval of the Executive Committee.

Section VII It shall be the duty of every member or guest to conduct themselves while in and about the Paschall Club Room in a respectful and orderly manner, and it is hereby the duty of the Paschall Club Manager and or their designated personnel to eject from the Paschall Club Room any person who fails to comply with this rule. In Post Home it shall be the duty of the Sergeant-at-Arms, Commander or designated personnel to comply with this rule and such person shall hereafter be denied the privileges of said Paschall Club and Post Home, at the discretion of the Executive Committee, House Committee and or Paschall Club Manager. A member charged with disorderly conduct in the Paschall Club or Post Home, or at any function authorized by the Post, shall be summoned to appear for trial before the Post Executive Committee in accordance with Article XV of these By-laws and the National American Legion By-Laws. Failure to appear as notified shall be deemed as a confession of guilt and shall be so adjudged by the Executive Committee. All complaints shall be submitted in writing to the Commander.

Section VIII. Credit shall never, at any time, be extended to any member.

Section IX. At all times the Post Home and grounds shall be opened and closed at certain hours, the same designated by the House Committee with the approval of the Executive Committee. The opening and closing hours at the Paschall Club will be so designated by the Paschall Club Manager but must be within the hours the House Committee designated for the Post Home. At the hours designated for closing by the House Committee all persons must vacate the Paschall Club, Post Home, or grounds, and it must be kept closed until the regular hour for opening.

Section X A member shall be responsible for the damage done to any property, or removal of any property of the Home by a member, their guest, or visitor introduced by the member and shall pay full value of such property damaged, or removed to the House Committee. The value shall be the current replacement value.

Section XI. No person, except members of the House Committee, designated employees, or others designated by the Executive Committee, shall have or retain any key or keys to the entrance to the Home or other doors within the Home.

Section XII. The Executive Committee shall cause the Paschall Club Manager to be properly bonded, and shall determine if any other employee needs to be bonded and if so, cause them to be properly bonded.

Section XIII. The Executive Committee and Paschall Club Manager shall see that all excess funds of the Paschall Club designated for operating funds, are deposited in a designated bank to the credit of the Paschall Club at least once each week. The Executive Committee shall determine the allowable fixed operating funds. The Paschall Club manager shall make monthly reports to the Executive Committee.

Section XIV. The Post Commander with the approval of the Executive Committee shall set dates when the Post will use the assembly hall and Post grounds for Post activities prior to dates set for rental to others users.

Article XIII - Membership

Section I. Eligibility for membership is set forth in the Constitution, Article V, Section I.

Section II. Transfers. Any member of any Post of The American Legion wishing to join this Post may transfer their membership by paying the regular Post dues, subject to provisions of Article V, Section IV of the Constitution.

Section III. No refund of dues will be made to any person transferring from this Post to another organization or Post.

Section IV. Suspension and Delinquents. Members whose dues have not been paid for the current year by January 1st of such year shall be classed as delinquent and if not paid by February 1st shall be suspended from all privileges. If the membership is still under such suspension on June 30th of such year, the 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 a vote of the Post and payment of the current dues for the year in which the reinstatement occurs. Provided, however, that this Post and Department may waive the provision hereof upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Article XIV - Post Dues

Section I. The membership dues of this Post shall be designated at the first Post meeting in August for the ensuing year.

Section II. Assessed amounts shall be remitted to Department Headquarters, The American Legion, and the Twelfth District Council as assessed by the said Department and District.

Section III. The balance shall be credited to the Post

Section IV. An assessment can be made only by a two-thirds (2/3) majority vote of members present at a regular meeting of the Post.

Article XV - Discipline

Section I. The Post shall be the judge of its own membership, subject to the restrictions of the National American Legion Constitution and By-Laws and the Department Constitution and By-Laws, except no person, who is a member of an organization which has for its aim to overthrow 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 or remain a member of the American Legion.

Section II. Members may be reprimanded, suspended or expelled from The American Legion, and Officers may be reprimanded, removed from office, suspended or expelled from membership only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming of a member or Officer of The American Legion. All charges must be made under oath in writing by an accuse, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any Officer be reprimanded or removed from office, suspended or expelled, until a fair trial as herein provided.

Section III Procedure. When charges are preferred against a member of this Post or Officer thereof, the Executive Committee shall appoint a Trial Board consisting of not less than five (5), or more than seven (7) members in good standing in The American Legion. Department of Ohio, within five (5) days from and after filing of written charges against the accused. Said Trial Board shall commence the taking of testimony of said charges within ten (10) days after its appointment. The decision of the Trial Board may be an acquittal, reprimand, removal from office, suspension or expulsion, shall be reported to this Post forthwith and acted upon by the Post members at its next regular meeting. The Post, excepting in case of an acquittal by the Trial Board, may affirm, modify, or reverse the findings and sentence of the Trial Board. If the Post suspends or expels the accused, such decision to the Department Executive Committee that shall hear and determine the issue at its meeting following the action of the Post. The Department Executive Committee shall conduct its hearing upon the transcribed testimony heard by the Trial Board, or oral testimony, or both. The decision of the Department Executive Committee shall be final. The Post Executive Committee shall appoint member or members of the Post to prosecute the charges and the accused shall have the right to appear and defend themselves in person or by council of their choice.

Before proceeding under this section Post should make inquiry as to whether or not Department Constitution and By-Laws has provided a different procedure, which should be followed.

Note: Removed Article XV on Notice of committee appointments as repetitious of Article IX.

Article XVI - Amendments

Section I. these By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and provided further that written notice shall have been provided to all members at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

Article XVIII - References

Section I. Any topics not specifically addressed in these By-Laws should be referenced in The American Legion Officers Guide and Manual of Ceremonies and the Post Operations Manual and Post Building Guide, latest editions, for recommendations and guidance. If recommendations and guidance are not available in the referenced manuals, the topics should be referred to the Twelfth District Council, Department of Ohio, and National Headquarters, in that order, for recommendations and guidance.