

**THE CONSTITUTION and BY-LAWS OF**  
**LOWES GROVE AMERICAN LEGION**  
**POST #416, INC.**



**THE AMERICAN LEGION**  
**DEPARTMENT of NORTH CAROLINA**

**Original Document 1948 - Revised July 2024**





**THE CONSTITUTION OF  
LOWES GROVE AMERICAN LEGION POST #416, INC.  
THE AMERICAN LEGION  
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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 association 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 goodwill 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 1 NAME**

Section 1. The name of this organization shall be Lowes Grove American Legion Post #416, Inc., The American Legion, Department of North Carolina.

**ARTICLE 2 NATURE**

Section 1. This organization hereby affiliates itself with The American Legion Department of North Carolina, and with The American Legion, National, and is subject to the constitution and by-laws of these organizations in so far as they affect and prescribe the functions of this post.

Section 2. 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 The American Legion or in this post. No member shall be addressed by their military or naval title in any convention, district, division, or post meeting, excluding those who are currently in the military or naval service of the United States of America.

Section 3. This post of The American Legion, Department of North Carolina, shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles or for the promotion of the candidacy of any person(s) seeking public office or preferment.

Section 4. Each member shall perform their full duty as a citizen of the United States of America according to their conscience and understanding.



Section 5. A member of The American Legion shall be known as a "Legionnaire".

### **ARTICLE 3 ELIGIBILITY FOR MEMBERSHIP**

Section 1. Any person shall be eligible for membership in this post of The American Legion if the individual has served in the Armed Forces of the United States at any time during the period from April 6, 1917 through November 11, 1918, or any time after December 7, 1941. Such individuals shall also been honorably discharged or separated from that service or continue to serve honorably during or after that period of time.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually, for multiple years, 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 by a post, shall be admitted to membership in this post, without the consent of the expelling post except that where such consent was requested and denied by such post, they may appeal to the Executive Committee of the Department of the expelling post for permission to be admitted to the membership of this post, and shall be ineligible for membership until such permission is granted.

Section 5. Keeping with the value principle of The American Legion, "A veteran is a veteran", race, color, religion, creed, sex or national origin shall not be a barrier to membership at this post.

Section 6. Any member in good standing at another post desiring to transfer membership to this post shall be entitled to membership pending verification from the original post stating their membership therein.

Section 7. Any 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 not be eligible to become or remain a member of The American Legion.

### **ARTICLE 4 MEMBERSHIP DUES**

Section 1. Annual membership dues in this post shall be payable by December 31 each year for the succeeding calendar year, or paid for life. The amount of the annual dues shall be determined by the Post Executive Committee subject to the approval of the membership at a regular meeting.



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Section 2. The number of meetings, time, place of post meetings is to be determined by the Post Executive Committee.

Section 3. The period July 1 through June 30 inclusive each year shall constitute the fiscal year of the post.

Section 4. If dues are not paid in advance by January 1 of each calendar year, the member is dropped from the roster, however reinstatement privileges remain for the following three (3) months.

### **ARTICLE 5 POST OFFICERS**

Section 1. The post at a regular meeting shall elect a Commander, two Vice Commanders (1st, 2nd), Adjutant, Finance Officer, Chaplain, Historian, and Sergeant-at-Arms.

Section 2. Such officers shall be elected no more than forty five (45) days prior to the Department Convention.

Section 3. Such officers shall be installed on a date fixed by the incoming Post Commander within thirty (30) days of the adjournment of the Department Convention. They shall serve until their successors are elected and installed.

### **ARTICLE 6 AMENDMENTS**

Section 1. This constitution may be amended at any regular post meeting by a vote of two-thirds (2/3) of the authorized representatives provided the membership has been notified at least thirty (30) days in advance of the proposed amendment.



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**ARTICLE 1 POST EXECUTIVE COMMITTEE**

Section 1. The executive government and management of this post shall be vested in a Post Executive Committee consisting of the Commander, 1<sup>st</sup> Vice Commander, 2<sup>nd</sup> Vice Commander, Adjutant, Finance Officer, Chaplain, Historian, and Sergeant-at-Arms.

Section 2. A quorum of the Post Executive Committee shall regularly consist of five (5) members. The committee must be notified of all meetings (regular or special) and a quorum for all special meetings shall consist of five (5) members.

Section 3. A vacancy on the Post Executive Committee occurring between annual elections shall be filled by a majority vote of the Post Executive Committee for the unexpired term of the member or officer, except in the case of the Commander in which case the 1st Vice Commander shall automatically become Commander and the 2nd Vice Commander shall move up in order.

Section 4. The Post Executive Committee shall approve and execute policies, programs, and finances of the post and property as governed in Article 9.

Section 5. The Post Executive Committee shall meet at the call of the Commander for such business as may come before it, or for special purposes. The Commander shall call a Post Executive Committee meeting upon verbal request of three (3) or more members of the Post Executive Committee, or written request of five (5) or more members of the post.

**ARTICLE 2 DUTIES OF POST OFFICERS**

Section 1. POST COMMANDER. It shall be the duty of the Post Commander to preside at all meetings of the post and the Post Executive Committee and to have general supervision over the business and affairs of the post and shall be the chief executive officer of the post. They shall make an annual report covering the business of the post for the fiscal year and make recommendations for the ensuing fiscal year. They are also responsible to approve post annual calendar year budgets, manage annual post officer elections and create a slate of candidates, and are the primary representative with the



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Post Auxiliary, Post Sons squadron, and at District 12 events as well as all post public relations events.

Section 2. VICE COMMANDERS. The 1<sup>st</sup> Vice Commander(s) shall assume and discharge the duties of the office of Commander when called upon by the Commander or in the absence of the Commander. The Vice Commander(s) shall assume the duties in the order of their number (i.e.: 1st, 2nd). The 1st Vice Commander shall assume the duties of Membership Committee Chairperson. The 2<sup>nd</sup> Vice Commander shall assume the duties of Veterans Affairs Committee Chairperson.

Section 3. ADJUTANT. The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National organizations may require. They shall render membership reports annually or when called upon at a meeting, and handle all correspondence of the post. They shall also render additional reports to the Department as directed, serve as a disbursement backup to the Finance Officer, and manage post regalia efforts. The Adjutant shall assume the duties of the Communication Committee Chairperson.

Section 4. FINANCE OFFICER. The Finance Officer shall have charge of all finances and see they are deposited in a local bank(s) or other type of banking institution as directed by the post. They shall give a tentative report at least once a month to the post during a regular meeting. They shall make recommendations related to the finances of the post and shall present the annual calendar year budget at a regular membership meeting in November/December. They shall sign all checks disbursing the monies of the post. If deemed necessary by the Post Executive Committee, a counter-signature may be required for disbursements. They shall also file all tax reports required by local, state, and federal laws and regulations.

Section 5. HISTORIAN. The Post Historian shall be responsible for records and incidents of the post and post members, and perform other duties as may pertain to the office as may be determined by the Post Executive Committee. The Historian shall assume the duties of the Americanism Committee Chairperson.

Section 6. CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the post members and will offer divine but non-sectarian service when called upon by the Commander or the post. They shall adhere to the ceremonial rituals as recommended by the Department or National Headquarters. The Chaplain shall assume the duties of the Children and Youth Committee Chairperson.



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Section 7. SERGEANT-AT-ARMS. The Post Sergeant-at-Arms shall preserve order at all meetings and functions of the post and shall perform other duties as may be assigned by the Post Commander or the Post Executive Committee. The Sergeant-at-Arms shall assume the duties of the National Security Committee Chairperson.

### **ARTICLE 3 DEPARTMENT CONVENTION DELEGATES**

Section 1. Delegates and alternates to a Department Convention shall be elected by the post at a regular meeting of the post not more than thirty (30) days nor less than ten (10) days prior to the next Department Convention.

### **ARTICLE 4 COMMITTEES**

Section 1. The Post Commander upon taking office each year shall appoint the following standing committees: Membership, Veterans Affairs, Finance, Communication, National Security, Children and Youth, and Americanism. The Post Commander at their option shall appoint other committees as they deem necessary to carry out the programs of the post, or those authorized by the post at a regular meeting of the post.

Section 2. MEMBERSHIP COMMITTEE. Chaired by the Post 1<sup>st</sup> Vice-Commander, the membership committee shall have charge of all matters pertaining to the membership of the post, with a focus on procuring new members, as well as executing the post's "welcome wagon" program.

Section 3. VETERANS AFFAIRS COMMITTEE. Chaired by the Post 2<sup>nd</sup> Vice-Commander, the Veterans Affairs Committee shall have charge over execution of all of the following American Legion programs: (1) referrals to a local Veterans Service Officer, (2) buddy checks, (3) local employer of the year recognition, (4) Temporary Financial Assistance actions, (5) National Emergency Fund grants, and (6) any local support efforts designated by the committee.

Section 4. NATIONAL SECURITY COMMITTEE. Chaired by the Post Sergeant-at-Arms, the National Security Committee shall have charge over execution of all of the following American Legion programs: (1) blood drives, (2) local public safety department recognitions, (3) local ROTC program recognition, (4) any local emergency/disaster preparedness or response efforts, and (5) any local support efforts designated by the committee.

Section 5. FINANCE COMMITTEE. Chaired by the Post Finance Officer, the Finance Committee shall be charged with the administration of the post financial policy,



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overseeing development and execution of the post's annual calendar year budget, as well as all other post fundraisers (excluding peanut sales).

Section 6. COMMUNICATION COMMITTEE. Chaired by the Post Adjutant, the Communication Committee shall promote and oversee development and execution of the post's internal and external public relations programs.

Section 7. AMERICANISM COMMITTEE. Chaired by the Post Historian, the Americanism Committee shall be charged with oversight and execution of all of the following American Legion programs: (1) Boys State, (2) Boy Scouts, (3) oratorical contest, (4) school awards, (5) patriotic observances, (6) flag retirements, (7) funeral support, and (8) support of other local patriotic programs so designated by the committee.

Section 8. CHILDREN AND YOUTH COMMITTEE. Chaired by the Post Chaplain, the Children and Youth Committee shall be charged with oversight and execution of the American Legion Child Welfare Foundation grants, and any other local post programs such as support for the Ronald McDonald House and South Durham Little League, as well as all American Legion baseball efforts at the post.

Section 9. Should a post officer vacancy occur for any length of time, the Post Commander shall assume all duties of that office until such time a replacement officer is named in accordance with Article 1, Section 3 of these by-laws.

### **ARTICLE 5 RESOLUTIONS**

Section 1. All resolutions of state and national scope presented to this post by a member or 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 any action other than mere passage by this post.

### **ARTICLE 6 MEETINGS**

Section 1. The regular meeting of this post shall be at the post home twice a month, at which business may be properly brought up for action. Such meetings may be converted into entertainment meetings, may be informal if deemed proper by the Post Commander or the membership in attendance at said meeting. Only the Post Executive Committee or the Post Commander have authority to cancel a regularly scheduled meeting.

Section 2. The Post Commander or a quorum of the Post Executive Committee shall have the power to call a special meeting of the post at any time.



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Section 3. Upon written request of five (5) members of the post, the Post Commander shall call a special meeting of the post.

Section 4. A quorum shall exist at a special or regularly scheduled membership meeting when no less than 5%, or five (5) of the post's members, whichever is greater, are present. No post business may be conducted, transacted, or considered approved unless a quorum is present, except where exempted elsewhere herein.

### **ARTICLE 7 ADJUTANT ADDENDUMS**

Section 1. Every member of this post shall furnish the Post Adjutant with their name, street address or P.O. Box number, city, state, zip code, phone number, and e-mail address.

Section 2. The Post Adjutant shall not make the mailing list of this post membership available to anyone except Division, Department, and National Headquarters, or other current members of the post.

Section 3. The Post Adjutant shall cause notice of the annual election of officers to be given at least two (2) weeks in advance of the date of the election.

### **ARTICLE 8 BEHAVIOR**

Section 1. All proceedings of this post shall be conducted under and pursuant to Robert's Rules of Order.

Section 2. This post shall not incur, nor cause to be incurred, no liability nor obligations whatever which would subject to liability any other post, subdivision, group of men/women, members of The American Legion, or other individuals, corporations, or organizations.

Section 3. This post may suspend or expel a post member from The American Legion only after providing the member due process and proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the post. Trials shall be adjudicated by the Post Executive Committee and two (2) additional at-large post members, and consensus must be reached by two-thirds (2/3) of the panel for any recommended actions to take effect. Any member who has been suspended or expelled has the right of appeal to the Department of North Carolina Executive Committee. The decision of the Department shall be final.



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Section 4. Any officer of a Post, elective or appointive, may be reprimanded, suspended or removed from office for any of the reasons herein above set forth as a basis for suspension or expulsion of members and by the same procedure as stated in Article 8, Section 3.

### **ARTICLE 9 MONIES AND COLLECTIONS**

Section 1. All employees and volunteers handling monies and negotiable instruments for the post shall be covered by fidelity/crime insurance or surety bond in an adequate amount as desired by the Post Executive Committee.

Section 2. Unless as specifically noted in Article 2, no member shall have the authority to commit or disburse funds of the post without specific approval of the Post Executive Committee.

Section 3. Any post officer has the authority to approve any financial disbursements not to exceed \$1,000 if said disbursement supports necessary emergency facility repairs, which if not timely executed would lead to further physical damages. The Post Executive Committee can approve any financial disbursements not to exceed \$5,000 for the same purpose.

Section 4. Disbursements which were documented and planned as part of the annual budget and approved by members where a quorum is present do not require further approval for the same calendar year. These are also known as budgeted disbursements. Unbudgeted disbursements are defined as those which were not specifically included in the annual budget of the same year as the requested purchase.

Section 5. Unbudgeted disbursements of less than \$200 can be approved by three (3) members at any post meeting, regardless if a quorum is present or not. Unbudgeted disbursements of greater than \$200 must be approved by members at a regular or special meeting where a quorum is present.

Section 6. Any purchase valued over \$5,000 must be accompanied by three (3) vendor quotes before disbursement can be approved by members at a regular or special meeting where a quorum is present. Should unique circumstances warrant, a sole source letter may be submitted to the Post Finance Officer in lieu of multiple vendor quotes for post files stating why this requirement is unable to be met. Post annual insurance premiums are exempt from this section.



## **ARTICLE 10 CONFLICT OF INTEREST**

Section 1. The purpose of this article is to prevent the personal interest of officers of the post from interfering with the performance of their duties, or resulting in personal financial, professional, and/or political gain on the part of such persons at the expense of the post. Conflict of Interest as defined herein means a conflict or the appearance of a conflict between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include all officers of the post, as does the Post Executive Committee.

Section 2. Full disclosure, by notice in writing, shall be made by the interested parties to the Post Executive Committee in all conflicts of interest, including but not limited to the following: (a) an officer is related to another officer, (b) an officer receives payment from the post for any contract, subcontract, goods or services other than as part of their regular office responsibilities, or as reimbursement for reasonable expenses incurred as provided in the by-laws, (c) an officer may have personal, financial, professional or political gain at the expense of the post, or (d) as officer engages in activities that may cause a loss of public credibility in the post or create a public impression of impropriety.

Section 3. Following full disclosure of a possible conflict of interest or any condition listed above, the Post Executive Committee shall determine whether a conflict of interest exists and, if so, the committee shall vote to authorize or reject the transaction and/or condition. Both votes shall be by a majority vote without counting the vote of any interested officer, even if the disinterested officers are less than a quorum, provided that at least one consenting officer is disinterested.

Section 4. An interested officer shall not participate in any discussion or debate of the Post Executive Committee in which the subject of discussion is a contract, transaction, or situation in which there may be a conflict of interest.

Section 5. No officer shall participate in the selection, award, or administration of a procurement transaction in which federal or state funds are used, where to their knowledge any of the following has a financial interest in that transaction: (a) the officer, (b) any member of their immediate family, (c) their partner, (d) an organization in which any of the above is an officer, or (e) a person or organization with whom the officer is negotiating or has any arrangement concerning prospective employment.

Section 6. Existence of any of the above-listed conditions shall render a contract or transaction voidable unless full disclosure of personal interest is made in writing to the



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Post Executive Committee and such transaction was approved by the committee in full knowledge of such interest.

Section 7. The disinterested officers are authorized to impose by majority vote other reasonable sanctions as necessary to recover associated costs against an officer for failure to disclose a conflict of interest as described above for any appearance of a conflict.

Section 8. Appeal from sanctions imposed pursuant to the above shall be prescribed by law in those courts of the State of North Carolina with jurisdiction over both the parties and the subject matter of the appeal.

Section 9. In the event the post has incurred costs or attorney fees as a result of legal action, litigation, or appeal brought by or on behalf of an interested officer due to a conflict of interest and consequent sanctions and in the event that the post prevails in such legal action, litigation, or appeal, the post shall be entitled to recover all of its costs and attorney fees from the unsuccessful party.



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### ARTICLE 11 AMENDMENTS

Section 1. These by-laws may be amended at any regular meeting of the post by two-thirds (2/3) of the members present at such regular meeting, provided the proposed amendment shall have been submitted and read at the preceding regular meeting.

Constitution 1948

Revised June 1985

Revised July 1986

Revised January 1991

Revised April 1994

Revision in Process 2024

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
James Lowe, Commander

\_\_\_\_\_  
Larry Strickland, 1<sup>st</sup> Vice-Commander

\_\_\_\_\_  
Leo Scrivner, 2nd Vice-Commander

\_\_\_\_\_  
James Snyder, Finance Officer

\_\_\_\_\_  
William Granger, Adjutant

\_\_\_\_\_  
Manfred Emmrich, Historian

\_\_\_\_\_  
Rob Kaufman, Sergeant-at-Arms

\_\_\_\_\_  
Chaplain (currently vacant)