

Constitution

American Legion Riders Post 1340.

Department of Oklahoma

May 18, 2004

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 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 **American Legion Riders Post 1340.**
The American Legion, Department of Oklahoma.

Article II

Objects

- Section 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 Oklahoma Department American Legion Constitutions.

Article III

Allegiance

- Section 1. The American Legion Riders is a Program of The American Legion Riders Post 1340. The Post shall be governed by this Constitution and By-Laws, The Oklahoma Department Constitution and By-Laws the American Legion National Constitution and By-Laws, and therefore the National Constitution and By-Laws is the supreme law of the Post.

Article IV

Nature

- Section 1. The American Legion Riders Post 1340, Riders Program is organized as a civilian motorcycle association.
- Section 2. Membership in either the American Legion Riders Post 1340 or the Riders Program does not effect or increase liability for military or police service.
- Section. 3. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.
- Section.4. Rank does not exist in The American Legion; no member shall be addressed by his military title in any meeting of this Post.

Article V

Eligibility

Section 1. Any member in good standing of the American Legion, The Sons of the American Legion or the Auxiliary of the American Legion shall be eligible for membership in the American Legion Riders Post 1340 Riders Program.

Section 2. There shall be no honorary memberships.

Article VI

Membership

Section 1. Eligibility to membership in the American Legion Riders Post 1340 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 application 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 three-fourths 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 three-fourths vote of the membership present in the 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 Posts should make inquiry as to whether or not the Department Constitution and By-Laws has provided a different procedure which should be followed.

Article VII

Officers

Section 1. The administrative affairs of American Legion Riders Post 1340 shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of not less than three, and not more than six members in addition to the Officers of the Post. The term of office of members of the Executive Committee shall be for one year. The Post By-Laws may provide for such other standing Committees as the business of the Post may require.

Section 2. The Officers of this Post shall be a Commander, a Vice Commander, an Adjutant, a Finance Officer, a Post Historian a Post Chaplain, Post Service Officer and a Sergeant –at-Arms, and such other Officers as may be deemed necessary by the Post. The Commander, The Vice Commanders, the Sergeant-at- Arms, and the Executive Committee shall be elected from the floor at a meeting not less than thirty days preceding the Department Annual Convention.

- Section 3. The Commander, Vice-Commander, the Sergeant-at-Arms and the Executive Committee shall be elected annually, they shall hold office for one year or until their successors are duly installed or as otherwise provided in the By-Laws.
- Section 4. All Post elected Officers and Executive Committee members may succeed themselves.
- Section 5. All other Officers, Committees, or groups shall be nominated for appointment by the Commander and be confirmed by the Post.
- Section 6. Any Officer or Executive Committee member may be removed for disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of the American Legion, by the Executive Committee, a three-fourths vote of said Committee being necessary to effect such removal.
- (Inefficiency is defined as non-attendance of three consecutive meetings or lack of reasonable performance over a reasonable period of time, which is not in the best interest of the Post.)
- Section 7. Every member of this Post in good standing shall be eligible to hold office in this Post.
- Section 8. The duties of Officers and the Executive Committee shall be those usually appertaining to such Officers or Committees, as further provided in the By-Laws.

Article VIII

Finance

- Section 1. The revenue of this Post shall be derived from membership fees, annual membership dues, donations and other sources as may be approved by the Post Executive Committee.
- Section 2. The amount of such membership or initiation fees and the amount of annual Post dues shall be fixed and determined by the Post.
- Section 3. The Post shall pay to Departmental Headquarters the National and Departmental annual membership dues for every member of the Post.

Article IX

Charter Members

- Section 1. Members who joined this Post prior to January 4th, 2002 shall be known as "Charter Members".

Article X

American Legion Auxiliary

- Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of American Legion Riders Post 1340, The American Legion.
- Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Article XI

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 Oklahoma, The American Legion. Any amendment to said National Constitution or Department Constitution that 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 the 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 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 Constitution is to be voted upon.

Article XII

Discipline

Section 1. Any Officer, Committee Member, or Post Member may be removed for cause by the Executive Committee, provided that before removal, a written and verified set of charges shall be served on the party sought to be removed, due notice given and a proper hearing provided to the Post Executive Committee, further an affirmative vote of three fourths of the Executive Committee shall be required for such a removal.

Section 2. The Commander of the Post must approve the removal of any member, or if in the case the Commander is the one sought for removal, the Department Adjutant must approve of the removal.

American Legion Riders Post 1340

By-Laws

May 18, 2004

Article I

- Section 1. The Post existing under the By-Laws is to be known as **American Legion Riders Post 1340**, The American Legion, and Department of. Oklahoma.
- Section 2. The objects of this Post are as set forth in the Post Constitution.

Article II

Management

- Section 1. The government and management of the Post is entrusted to an Executive Committee of not less than three and not more than six members, to be known as the "Executive Committee."
- Section 2. In addition to the Executive Committee, all Officers of this Post shall be elected and/or appointed annually not less than thirty days prior to the Department convention and take office at the meeting next following that of the Department Convention. All elections of elected Officers and Executive Committee members shall be by secret ballot and the candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.
- Section 3. All vacancies existing in the Executive Committee, or in any Office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Committee, a person so appointed shall hold office for the unexpired term of the member of the Executive Committee or Officer who was succeeded. A vacancy shall exist when a member or Officer has resigned or is absent from the Post for continuous period considered detrimental to the interest of the Post by the Executive Committee.

Article III

Executive Committee

- Section 1. The Executive Committee shall consist of: The Post Commander and not less than three, and not more than six elected Committee Members.
- Section 2. The Post Executive Committee shall meet to consider issues, requests, or any other business, which may come before it. The Executive Committee shall meet at the call of the Post Commander within 10 days after the installation of the new Officers. Thereafter the Post Executive Committee shall meet at the call of the Commander, at least every sixty days and as often as the Post Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee, not less than three members of the Executive Committee shall constitute a quorum thereof.
- Section 3. The Commander shall not vote during an Executive Committee action except when there is a tie vote within the members of the Executive Committee, whereupon the Commander shall vote to break the tie.
- Section 4. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all day-to-day expenditures for regular Post business. The Post Finance Officer shall provide a report of expenditures to the Post during the next regular general membership meeting following any expenditure.

- Section 5. The Executive Committee shall require adequate bonds from all persons having custody of Post funds; shall hear the reports of Post Committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.
- Section 6. The Executive Committee shall not financially obligate the Post by mortgages, long-term leases or loans unless the Post membership agrees to said obligations at a Post meeting, after proper notice has been given.

Article IV

Duties of Officers

- Section 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 and affairs of the Post. The Post Commander shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of all funds. The Commander shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Commander shall perform such other duties as directed by the Post. The Commander shall announce the results of Post elections.
- Section 2. ***Duties of the Vice-Commander.*** The Vice-Commander shall assume and discharge the duties of the Office of Commander in the absence or disability of, or when called upon by the Post Commander.
- Section 3. ***Duties of Post Adjutant.*** The 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, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence and membership renewals of the Post. The Post Adjutant shall record the properly nominated individuals for elected office and produce a secret ballot. All copies of the ballot shall be delivered to the Sergeant-at-Arms for execution of the elections. The Adjutant and the Sergeant at Arms shall count and verify the voting. The Adjutant shall produce a report of the elections to the Commander.
- Section 4. ***Duties of the Finance Officer.*** The Finance Officer of the Post shall have sole charge of all Finances and see they are safely deposited in the Post bank account at a local bank. The Finance Officer shall maintain the Post checkbook and provide a report, once a month, to the Executive Committee the financial condition of the Post. The Finance Officer shall sign all checks disbursing the monies of the Post. The Post Finance Officer shall also provide any recommendations, as he/she may deem necessary for raising and disbursing funds with which to carry on the approved activities of the Post. The Post Finance Officer shall furnish such surety bonds in such sums as shall be fixed by the Post Executive Committee.
- Section 5. ***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 deemed by the Post or the Executive Committee.
- Section 6. ***Duties of Post Chaplain.*** The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or Department headquarters from time to time.
- Section 7. ***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 Executive Committee. The sergeant at arms shall ensure the validity of Post elections and be the sole custodian of the ballots of the Post during the elections. The Sergeant-at-Arms and the Adjutant shall count and verify the voting.

Section 8. ***Duties of the Storekeeper.*** The Storekeeper shall maintain all of the saleable items kept by the American Legion Riders Post 1340. The Storekeeper shall take merchandise requests from the membership and fill those requests. The Storekeeper shall deliver any funds to the Finance Officer. All transactions shall be completed through the Post Finance Officer.

Section 8. ***Road Captain*** The Post Road Captain shall be the Executive head of the Riders program of American Legion Riders Post 1340 he/she shall be responsible for the safety of the riders during organized Post 1340 motorcycle functions. The Road Captain shall work closely with the Executive and Activities Committees to determine the riding activities of the Post. Further, the Road Captain shall determine the best and safest route for all Post organized riding functions. The Post Road Captain shall lead all organized Post rides. The Post Road Captain shall determine the safety and compliance to state motor vehicle codes of all Post 1340 motorcycles prior to a Post 1340 motorcycle riding activities.

Section 9. ***Post Service Officer*** The post service officer shall keep all members of American Legion Riders Post 1340 informed as to the health, housing and educational benefits from the Veterans Administration as well as any other programs that might benefit Veterans. The Post Service Officer shall ensure that all members of the American Legion Riders Post 1340 have had an opportunity to enroll in any veteran service programs which become available.

Article V

Delegates

Section 1. Delegates and alternates to a Department Convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least 30 days prior to the date of such convention.

Article VI

Committee Appointments

Section 1. The Post Commander, immediately upon taking office each year, may appoint the following standing Committees, Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion and Visiting or VASA and the Activities Committee. Such standing Committees shall consist of volunteer members, and a chairperson thereof, the chairperson shall be nominated by the Post Commander and confirmed by the Post.

Section 2. ***Americanism Committee.*** The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. ***Ceremonials Committee.*** The principal duty if the Ceremonials Committee is to insure all new members are properly initiated. The Committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies – burial detail and the wearing of Legion regalia.

Section 4. ***Children and Youth Committee.*** Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions an in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

- Section 5. ***Economic Committee.*** The Post Economic Committee is primarily concerned with local employment programs, veterans preferences in government employment and re-employment rights.
- Section 6. ***Finance Committee.*** The Finance Committee shall be charged with the oversight of the financial policy and preparation of budget. Further, the Committee shall maintain supervision of the accounting of all Post funds. The Post Finance Officer shall not be a member of the Finance Committee
- Section 7. ***Foreign Relations.*** This Committee has become active, as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.
- Section 8. ***Graves Registration and Memorial Committee.*** The duties of this Committee involve recording of gravesites and complete information on veteran's burial in cemeteries assigned to the Post. Special assistance can be given the Post Service Officer in providing flags, headstones or proper interment in national cemeteries.
- Section 9. ***House and Entertainment Committee.*** The House and Entertainment quarters promotion of club advantages and arrangements for social activities.
- Section 10. ***Legislative Committee.*** The Legislative Committee needs to have knowledge of what is going on in Congress – what we favor or oppose, and should be ready to initiate action in support of our position when requested by the National or Department Organization.
- Section 11. ***Membership Committee.*** The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including procuring of new members, reinstatements and eligibility of members.
- Section 12. ***Public Relations Committee.*** The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department and National Legion news service and by local publicity of Post programs and activities.
- Section 13. ***Veterans Affairs and Rehabilitation Committee.*** The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.
- Section 14. ***Security Committee.*** The Security Committee shall work with and coordinate Legion efforts with the Office of Emergency Management, the local Office of Homeland Security on matters pertaining to national, civilian and homeland defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in the community activities for the defense of the nation and the security of the American Homeland.
- Section 15. ***Sons of the American Legion.*** This Committee shall have supervision over the operations of the Post's squadron of the Sons of the American Legion Riders Post 1340.
- Section 16. ***Visitation Committee.*** This Committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.
- Section 17. ***Activities Committee*** The Activities Committee shall maintain the Post calendar of events, The official calendar shall be posted at all meetings of the American Legion Riders Post 1340. The Activities Committee shall take suggestions for activities from any member of the Post, the Sons or the Auxiliary. The activity Committee Chairperson shall, after consultation with the Committee, present to the Executive Committee, the events, which are most in keeping with the Post agenda and its financial capabilities. The activities chairperson then shall present those activities, which have been approved by the Executive Committee, to the next Post meeting.

Article VII

Riders Membership

- Section 1. Membership in the American Legion Riders Post 1340 is open to any member in good standing of the American Legion.
- Section 2. Membership into the American Legion Riders Post 1340, Rider Program requires the individual be a member in good standing of the American Legion and owns or has the exclusive use of a motorcycle that has an engine displacement of 350cc or larger
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Article VIII

Resolutions

- Section 1. All resolutions of State or 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 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 IX

Meetings

- Section 1. The regular meeting of the Post shall be held at the designated meeting place on date and time designated by the Executive Committee, at which time any Post business may be transacted as may properly be brought up for action by any member in good standing; such meeting may be converted to entertainment meetings, as may be deemed advisable by the Officers of the Post.
- Section 2. The Post Commander or at least three members of the Executive Committee shall have power to call a special meeting of the Post at any time.
- Section 3. Upon the written request of three (3) general membership members, the Commander or the Executive Committee shall call a special meeting of the Post.
- Section 4. Ten members, in good standing, shall constitute a general membership quorum.
- Section 5. The Commander and three Executive Committee members in good standing shall constitute an Executive Committee quorum

Article X

Elections and Nomination Notices

- Section 1. Every member shall furnish the Post Adjutant with a current physical address and telephone number. Each member shall notify the adjutant of a change of address or telephone number.
- Section 2. Post elections for Officer positions for the following year shall be held not less than thirty days prior to the Department Convention
- Section 3. The Post adjutant shall cause notice to the Post of the annual Officer **election nominations** to be held at least thirty days prior to the scheduled elections. Nominations shall be by vocal nominating with a second for that nomination. The Post adjutant shall record all nominations for all offices onto a secret ballot. The Sergeant-at-Arms shall deliver one ballot to each member in attendance at the election meeting. There shall be no absentee or proxy voting.
- Section 4. The Post Adjutant shall cause notice to the Post of the annual election to be given at least thirty days prior thereto.

Article XI

Rules of Order

- Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

Article XII

Limitations of Liabilities

- Section 1. The Post shall incur, or cause to be incurred, no liability not obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

Article XIII

Amendments

- Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting; provided the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and provided, further, written notice shall have been given to all members at least fifteen 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 XIV

Policies and Actions

- Section 1. The special insignia is the American Legion Riders embroidered patch should be affixed to the jacket or vest so as to present an appropriate appearance.