

ARTICLE II

DUTIES OF THE OFFICERS

Section 1. **DEPARTMENT COMMANDER:** The Department Commander shall be the executive head of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION with full power to enforce the provisions of the Department Constitution, Department Bylaws, and the will of the Department Convention. The Department Commander shall be the Chairman of the Department Convention and the Department Executive Committee and shall appoint all necessary commissions and committees, subject to the ratification of the Department Executive Committee and shall also perform such other duties as are usually incident to the office.

Section 2. **DEPARTMENT VICE COMMANDERS:** The Department Vice Commander shall perform such duties as may be assigned to each by the Department Commander subject to the approval of the Department Executive Committee.

Section 3. **DEPARTMENT ADJUTANT:** The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee and of the Department Commander and shall perform such other duties as are usually incident to the office. The Department Adjutant shall provide for the appointment and employment of such subordinate officers and employees as may be needed for the administration of the affairs of The American Legion, and shall prescribe their duties and emoluments. All such appointments must be approved by the Department Executive Committee and the Department Commander. Insofar as practicable, all male employees shall be members in good standing of The American Legion.

The job description shall be maintained on file in Department Headquarters.

ASSISTANT ADJUTANT: The job description shall be maintained on file at Department Headquarters.

Section 4. DEPARTMENT FINANCE OFFICER: The Department Finance Officer shall be the custodian of the funds of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION. The Department Finance Officer shall sign all checks, disbursing the funds of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION, and shall submit a current statement of all receipts and expenditures to all members of the Commission on Finance at their regular meetings and to the Department Executive Committee at its pre-convention meeting.

Section 5. DEPARTMENT JUDGE ADVOCATE: The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the Department Constitution and Bylaws, and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall attend all meetings of the Department Executive Committee.

Section 6. DEPARTMENT CHAPLAIN: The Department Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time.

Section 7. JUNIOR PAST DEPARTMENT COMMANDER: The Junior Past Department Commander shall perform such duties as may be assigned.

Section 8. All other elected officers except as previously specified, shall perform such duties and functions as may be assigned to them by the Department Commander.

Section 9. DISTRICT COMMANDER. The District Commanders shall be the head of their respective districts in THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION. They shall be the Chairmen of the District Conferences and the District Executive Committees. They shall appoint all necessary committees subject to the ratification of the District Executive Committee. The primary duty of the District Commanders shall be to secure the membership of their districts. They shall organize the membership drive and together with the Post Commanders endeavor to attract new members to the various posts and personally devote time and effort to securing reinstatement of former members of The American Legion who have failed to renew their membership. They should direct the efforts of the Post Commanders and Adjutants to keep an accurate file of all members of their posts who have dropped their membership for various reasons and to alert the Department Headquarters of all members who have moved to other localities so that the posts in those areas may contact the former members to secure their continued membership in the organization.

Section 10. DEPARTMENT EXECUTIVE COMMITTEEMEN: The Department Executive Committeemen from each of the Districts are responsible for the proper conduct of the programs of THE AMERICAN LEGION. It is their responsibility to see that every post in their district participates in each of the programs sponsored by THE AMERICAN LEGION. They should be particularly concerned with the programs of the Commission on Americanism, Commission on Veterans Affairs and Rehabilitation, Commission on Children and Youth, Commission on Ways and Means and such other specific programs as may be undertaken from time to time. They should make every effort to see that The American Legion Post in such community or segment of large cities play an important role in activities and general welfare of their respective communities or areas. It is most important in rural communities that the posts play an important part in community services, development and recreation, in short THE AMERICAN LEGION through the posts should assume the leadership in promoting many types of community activities which will develop and improve the environmental conditions and way of life in all segments of our ever changing society. The Department Executive Committeemen having profited by their previous Legion positions and information are the logical leaders in the District organizations to reach out and induce the posts to expand their activities in the district.

Section 11. **DISTRICT VICE COMMANDERS:** It is the duty of the District Vice Commanders to assist both the District Commander and the Department Executive Committeeman in their efforts. Under our present operational system they would be expected to visit every post in their respective assigned divisions to assist in the membership drive, particularly in the months of July to December. Thereafter they should assist in the promotion of all of the programs of the Legion throughout their districts.

Section 12. **AREA COMMANDERS:** The Area Commanders have a very particular responsibility in that their limited geographical assignment should permit them to visit all of the posts in their area repeatedly. They should be particularly interested in having every post in their area meet its membership quota no later than December 31. They must also play an important part in seeing that each post in their area takes an active part in civic services to the community and engages in all programs in which they can afford to participate.

ARTICLE III

DEPARTMENT POLICIES

Section 1. The policies of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall always be subject to those of the National Organization and subject to such provisions as shall be determined by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION in convention assembled or by referendum to local posts.

ARTICLE IV

DISCIPLINE OF POSTS AND POST MEMBERS

Section 1. The Posts of THE AMERICAN LEGION in this department shall be the judge of their own membership subject to the restriction of the National and Department Constitutions and Bylaws, except that no 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 be eligible to become or remain a member of THE AMERICAN LEGION.

Section 2. Members may be suspended or expelled from THE AMERICAN LEGION only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of THE AMERICAN LEGION. All charges must be made under oath in writing by the accusers and members in good standing shall not lose their membership until given a fair trial in the following manner, to wit:

At a meeting called for such purpose, after ten days written notice, directed to all members of such Post, the charges shall be tried by the Post as a whole and for the purpose of such trial the Post Judge Advocate shall represent the prosecution and the members charged shall have the right to select their own counsel. All members of the Post present at the meeting shall have a right to vote on the question of the guilt or innocence of the persons charged and shall constitute the jury in the case, excepting the persons charged, both the prosecution and defense, together with the member making the charges, the counsel for the presiding officer of the trial, who shall be the Post Commander or some member appointed by the Post Commander. Members may be found guilty and reprimanded on a vote of a majority of all members present at the trial meeting; they may be found guilty and suspended on the vote of two-thirds ($\frac{2}{3}$) of all present at said meeting; or they may be found guilty and expelled on a vote of three-fourths ($\frac{3}{4}$) of all present at said meeting.

When it is not possible for the Post to conduct a trial, for whatever reason, a committee consisting of twelve (12) members from the District of the members charged will be appointed by the Department Commander for the purpose of conducting a trial. All appointees will be from different Posts within the District of the members charged except three (3) of the members will be from the Post of the member charged. The charges shall be tried by these twelve (12) members and for the purpose of such trial the District Judge Advocate will represent the prosecution and the members charged shall have the right to select their own counsel. The presiding officer will be the District Commander or some member appointed by the District Commander from the District of the members charged. Only the twelve (12) members that make up the committee may vote. Members may be found guilty and reprimanded on a vote of a majority of all committee members present at the trial meeting; they may be found guilty and suspended on the vote of two-thirds ($\frac{2}{3}$) of all committee members present at said meeting; or they may be found guilty and expelled on a vote of three-fourths ($\frac{3}{4}$) of all committee members present at said meeting.

Section 3. Any member who has been reprimanded, suspended, or expelled has the right to appeal to the Department Executive Committee. The decision of said committee shall be final.

Section 4. Members whose dues for the current year have not been paid by February 1st shall be classed as a delinquent. If their dues are paid on or before April 1st, they shall be automatically reinstated. If they are still delinquent, after April 1st, they shall be suspended from all privileges. If they are still under such suspension on December thirty-first of such year, their membership in THE AMERICAN LEGION shall be forfeited. Members so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs, provided, however, the Post may waive the provisions hereof, upon payment of current 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 V CHARTERS

Section 1. The Department Executive Committee may suspend, cancel or revoke a Post Charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty (30) days from the date of said suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

Section 2. The minimum number of active members for retention of Post Charters shall be fifteen (15).

Section 3. In order to qualify its delegates to vote in the Department Convention a Post must have at least fifteen (15) paid up members in Department Headquarters thirty (30) days prior to the opening of the Convention.

Section 4. Any Post failing to meet the obligation imposed upon it by the National and Department Constitution and Bylaws or ceasing to function as a Post, or merging with one or more Posts, or refusing to pay Department and National per capita dues, or under such other conditions as might make such action necessary upon order of the Department Executive Committee shall surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

Section 5. Upon revocation, cancellation or suspension of the charter of a Post in THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION, said Post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to the Department Commander or the Department Executive Committee, and the Department Executive Committee is authorized, empowered, and directed by and through its duly authorized agent to take possession, custody and control of all the records, property, and assets of said Post; provided, however, that nothing herein shall be construed as requiring THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION to take over or assume any financial responsibility as to such property. The Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Posts.

Section 6. Any proceedings taken with a view of suspending, canceling, or revoking a Post Charter shall be in accordance with the rules and regulations provided in the *Uniform Code of Procedure for Revocation, Cancellation, and Suspension of Post Charters*, adopted by the National Executive Committee of THE AMERICAN LEGION.

ARTICLE VI MONIES AND COLLECTION

Section 1. All Department and District officials handling American Legion monies shall be properly bonded with a bonding and surety company. The bonds provided by Department officials shall be approved by the Department Judge Advocate and the Department Executive Committee, and those provided by the District officials shall be approved by the Judge Advocate or Legal Officer of the District and the District Executive Committee, or such other official or officials as THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION may designate.

Section 2. Department Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any Post within THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.

ARTICLE VII

MUNICIPAL COUNCILS

Section 1. The Municipal Councils shall function with reference to and shall have jurisdiction over, only those matters specifically set forth in the Bylaws established by the Department Executive Committee known as the Bylaws of the Municipal Councils.

Section 2. No Municipal Council shall have the authority to amend or otherwise alter the Bylaws adopted by the Department Executive Committee for the governing of the Municipal Council without the expressed written approval of two-thirds ($\frac{2}{3}$) of the Department Executive Committee.

Section 3. A Municipal Council may not be established in any municipality unless at least three-fourths ($\frac{3}{4}$) of all the posts in said municipality shall have voted affirmatively for the formation of a municipal Council.

Section 4. A Municipal Council shall be dissolved by the Department Executive Committee at any time when less than three-fourths ($\frac{3}{4}$) of all posts within the municipality do not desire to participate in said Municipal Council.

ARTICLE VIII

AMENDMENTS

Section 1. These Bylaws may be amended in either of the following manner:

- (a) The Department Executive Committee, by two-thirds ($\frac{2}{3}$) vote, may adopt amendments to these Bylaws.
- (b) The Annual Department Convention may, by majority vote of the authorized representation thereat amend these Bylaws; provided that the proposed amendments shall have been read at said Convention at least twenty-four (24) hours before the vote thereon.