

**THE LOUISIANA DEPARTMENT
OF THE AMERICAN LEGION**



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CONSTITUTION
Of
THE LOUISIANA DEPARTMENT
OF THE AMERICAN LEGION

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our association 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

The name of this organization shall be
THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION

ARTICLE II
NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in The American Legion. Members shall not be

addressed by military or naval title in any convention or meeting of The American Legion.

Section 2. **THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION** shall be absolutely nonpolitical, and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Members shall perform their full duties as citizens according to their own conscience and understanding.

ARTICLE III

DEPARTMENT ORGANIZATION

Section 1. THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be organized into local units termed Posts. In addition, THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION may create intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the programs of THE AMERICAN LEGION. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National organization. Such intermediate bodies now existing within THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION or recognized by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION are hereby officially recognized to the extent of the powers herein granted.

Section 2. Those who desire to form a Post shall make application for a temporary charter to the Commander of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION. Upon approval of the application by the Department Commander, the application will be forwarded to the National Commander and the National Adjutant with the recommendation that a temporary charter be issued.

Section 3. The minimum membership of a Post is hereby fixed at fifteen (15) members in good standing, except where death shall reduce the membership for a period not to exceed the current year.

Section 4. No Post shall be named after any living person.

Section 5. A Post receiving a temporary charter must abide by the terms and conditions set forth in said temporary charter and shall uphold the declared principles of THE AMERICAN LEGION and shall conform to and abide by the regulations and decision of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION and of the National Executive Committee, or other duly constituted national governing body of THE AMERICAN LEGION.

Section 6. After a temporary charter has been in effect for a probationary period of at least ninety (90) days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the termination of which THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall determine whether or not a permanent charter shall be issued or denied and the action of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be final.

Section 7. All charters shall be countersigned by the Department Commander and Department Adjutant.

Section 8. Permanent charter may be suspended, canceled, or revoked by the Department Executive Committee as provided in the Department Bylaws.

ARTICLE IV

ELIGIBILITY

Section 1. Membership shall be restricted to those declared eligible by the national organization of The American Legion.

Section 2. There shall be no form or class of membership except an

active membership and dues shall be paid annually 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 another post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, the person expelled may appeal to the Department Executive Committee for permission to be admitted to membership in another post and shall be ineligible for membership until such permission is granted.

ARTICLE V

DEPARTMENT CONVENTION

Section 1. The Legislative Body of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be a convention and its authority shall be restricted only by the National and Department Constitutions and Bylaws.

The Convention shall be convened annually upon dates selected by the Department Executive Committee, not earlier than May 15th of each year and not later than 30 days before the National Convention.

Section 2. The Department Convention shall be composed of those officers herein designated as members thereof, Members of the Department Executive Committee and Past Department Commanders and delegates and alternates elected from each Post of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.

Each Post shall be entitled to three (3) delegates and three (3) alternates and to an additional delegate and alternate for each one hundred (100) members or fraction thereof paid up thirty (30) days prior to the opening day of the Annual Department Convention. A paid up member is one whose dues are fully paid and whose card and remittance are in Department Headquarters.

The delegates and alternates from each Post shall be elected in the manner decided upon by the Post. Each delegate to the Department Convention shall be entitled to one vote. The Department Convention may recognize representation by written proxy, but no Post shall be allowed representation in the Department Convention by proxy, unless such proxy is held by one of its members.

Section 3. A post of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION in order to vote in a Department Convention must have remitted to the Department Adjutant seventy-two (72) hours prior to the opening session of the convention, a registration fee of one dollar (\$1.00) for each authorized delegate. Ex officio delegates who are physically present at the convention must pay one dollar (\$1.00) registration fees. The registration fees shall remain as part of Department Finances. Upon receipt of the delegate list and the registration fees as aforesaid, the Department Adjutant shall forthwith so certify the Post Delegation List.⁽⁶⁾ **Any additional registration fees for Department Convention shall not exceed six dollars (\$6.00) and are to remain as part of the host post or hosting corporation finances of said Convention.** ⁽⁷⁾

No Post shall be entitled to vote in a Department Convention unless its charter shall be filed with the Department Headquarters thirty days prior to the computing of representation of votes in the Annual Department Convention. No Post shall be entitled to vote at a Department Convention unless it has a minimum of fifteen (15) members, whose current dues have been received by the Department Finance Officer thirty days prior to the meeting of said convention. Membership for the current year shall follow that of the National Organization; that is membership can be accepted for the current calendar year until December 31.

Section 4. Members of the Department Executive Committee, including the National Executive Committeeman, the Department Adjutant and Finance Officer, the Department Judge Advocate and any National Officer who is a member of the Department shall be delegates to the Department Convention with vote, which vote shall be exercised with their respective Post.

Section 5. A quorum shall exist at a Department Convention when a majority of all posts of the Department that are eligible to vote in the

Convention are represented by duly elected delegates or alternates. No resolution affecting a change in the Constitution or Bylaws of The Department of Louisiana of The American Legion shall be presented to the floor of the convention unless a quorum consisting of two-thirds (2/3) of the Posts registered at the convention are physically present. (5)

Section 6. The Rules of Procedure of the Department Convention shall be established by the Rules Committee. The Rules Committee shall present to the Department Executive Committee, at the Mid Winter Conference meeting, the Rules of Procedure of the upcoming Department Convention for their approval. The approved Rules of Procedure and the announcement of the official call of the Annual Department Convention will be published in the *Louisiana Legionnaire* newspaper prior to the Department Convention and mailed to all post, District and Department officials that will make up the Department Convention. All procedures not expressly governed by the Rules Committee shall be those as set forth in Robert's Rules of Order.

ARTICLE VI

DEPARTMENT OFFICERS

Section 1. At each Department Convention there shall be elected the following officers: A Department Commander; two Department Vice Commanders, who shall serve without seniority; two Color Sergeants; and a Department Sergeant at Arms.

In those years that terms of office of the National Executive Committeeman and Alternate National Executive Committeeman, as fixed by the National Constitution shall expire, the Department Convention shall elect a National Executive Committeeman and an Alternate National Executive Committeeman.

Section 2. All officers elected by the Department Convention shall serve until the adjournment of the succeeding Department Convention, and thereafter, until their successors are chosen, except the National Executive Committeeman and the Alternate National Executive Committeeman, who shall serve for terms of two years.

In case of a vacancy in any such elective Department office occurring after the Department Convention, except as otherwise provided, the Department Executive Committee shall fill such vacancy for the unexpired term of said office; provided, however, that in the event of a vacancy in the National Executive Committeeman, the Alternate National Executive Committeeman shall succeed to such office.

In the event the Department Commander is absent from the Department Convention, a meeting of the Department Executive Committee, or from any other meeting where the presence of the Department Commander is requisite, the Department Commander shall appoint one of the Department Vice Commanders to act temporarily as Department Commander.

In the event the Department Commander has not designated one of the Department Vice Commanders to act temporarily as Department Commander at a Department Executive Committee Meeting, the Department Adjutant shall chair said meeting until the Department Executive Committee decides which of the Department Vice Commanders will act in the temporary capacity of the Department Commander.

In the event that a vacancy exists in the office of Department Commander, the Department Adjutant shall issue within five days of the occurrence of said vacancy a written call for a meeting of the Department Executive Committee which must be held no earlier than three (3) or later than ten (10) days after issuance of said written call. The Department Adjutant shall preside at said called meeting until the Department

Executive Committee chooses a Temporary Chairman. Immediately after selection the Temporary Chairman shall as presiding officer proclaim as the next order of business nominations and an election to fill the vacancy in the office of Department Commander.

Section 3. The Department Commander, with the advice and consent of the Department Executive Committee, shall appoint a Department Judge Advocate, a Department Chaplain, a Department Historian and such other officers, employees and standing committees as may be necessary.

Section 4. The Department Adjutant and the Department Finance Officer, who may be one and the same person, shall be appointed by the Department Executive Committee and shall hold office and be in the employ of the Department until removed by the Department Executive Committee under the provisions of Section 10 hereof.

Section 5. In the event a vacancy occurs in the office of the Department Adjutant, the Department Commander will appoint a committee to receive and evaluate all applications for the position.

The screening committee shall be composed of Past Department Commanders and/or Past National Officers, one from each of the eight Legion Districts (when neither is available in a District a Past Department Vice Commander or a Past District Commander may be substituted therefore) and an additional Past Department Commander and/or Past National Officer, who shall serve as chairman.

The Commander shall make an interim appointment from among the assistant Department Adjutants who shall serve in the capacity of Acting Adjutant until a permanent Adjutant is appointed. If there be no Assistant Adjutants available for such appointment, the Department Commander will call a meeting or poll the Department Executive Committee within

three days to select an interim appointee who shall serve in the capacity of acting Adjutant. The Acting Adjutant shall perform all of the duties of the Adjutant as established and outlined in the Constitution, Bylaws, and the Fiscal Code.

Section 6. All appointed officers (with the exception of the Department Adjutant and the Department Finance Officer) shall hold office at the pleasure of the appointing power.

Section 7. All persons having the custody of funds of the Department shall furnish adequate bonds.

Section 8. Elective Department Officers shall not succeed themselves in office excepting the National Executive Committeeman and Alternate National Executive Committeeman.

Section 9. All officers elective or appointive of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION, with the exception of the Department Adjutant/Finance Officer shall be subject to removal from the office by two-thirds (2/3) vote of the Department Executive Committee after a hearing at a regularly convened meeting of said Committee; provided that in case of removal as herein provided such action shall be subject to review on appeal by the official, which review shall be at the next succeeding Louisiana Department Convention of The American Legion, but such appeal must be made within ten (10) days from the date of removal and pending such appeal, such removed official shall be suspended from exercising any of the duties or prerogatives of an official in The American Legion.

Section 10. The Department Adjutant/Finance Officer shall serve at the pleasure of the Department Executive Committee and is subject to removal at any time by a two-third (b) vote of the Department Executive Committee at a regularly convened meeting of said Committee.

ARTICLE VII

DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Between Department Conventions the administrative powers of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be vested in the Department Executive Committee.

Section 2. The voting membership in the Department Executive Committee, for THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION, shall be: The Department Commander, the Junior Past Department Commander, the National Executive Committeeman, the Department Vice Commanders, the Department Executive Committeemen and the District Commanders.

Section 3. Ex officio members of the Department Executive Committee who shall have voice but no vote shall be the Past Department Commanders, the Department Adjutant, the Department Judge Advocate and any National Officer who is a member of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION, and the Department Sergeant at Arms.

Section 4. The Department Executive Committee shall meet on call of the Department Commander and the Department Commander shall call a meeting of the Department Executive Committee on written request of five members thereof.

Section 5. A quorum of the Department Executive Committee shall consist of twelve (12) of the voting members of the committee when physically present. No voting members of the Department Executive Committee may be represented by proxy.

Section 6. A quorum of the Department Executive Committee shall

formulate and adopt bylaws, which shall prescribe the duties and functions of Department officers, District officers, and Post officers and shall provide for regulation and discipline of local Posts, Districts and Municipal Councils and individual members of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.

Section 7. The Department Executive Committee shall have the power to adopt or amend the Bylaws of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION by a two-thirds (2/3) vote of its voting membership.

ARTICLE VIII

DISTRICT ORGANIZATION

Section 1. There shall be eight Legion Districts as follows: **First District** - Orleans Parish only; **Second District** - Jefferson Parish (except Grand Isle, which will be in the 3rd District), Plaquemines Parish, St. Bernard, St. Charles, St. James and St. John the Baptist; **Third District** - Parishes of Assumption, Iberia, Lafayette, Lafourche, St. Martin, St. Mary, Terrebonne, Vermillion, and that portion of Jefferson that is Grand Isle; **Fourth District** - Parishes of Bienville, Bossier, Caddo, Claiborne, Desoto, Red River and Webster; **Fifth District** - Parishes of Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union and West Carroll; **Sixth District** - Parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, West Baton Rouge, West Feliciana and Washington; **Seventh District** - Parishes of Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis and St. Landry; **Eighth District** - Parishes of Avoyelles, Grant, LaSalle, Natchitoches, Rapides, Sabine, Winn and Vernon.

Section 2. The District Executive Committee may divide its Legion Districts into as many subdivisions to be known as Areas as may seem desirable, and may prescribe the territory to be included therein; and from time to time it may increase or decrease either the number of Areas in its District or the territory to be included within each area.

Section 3. All eight Legion Districts shall elect at their Spring Conference, during the months of March, April and May preceding the Department Convention, a District Commander and two (2) District Vice Commanders to serve for a period of one (1) year. The District Commander so elected shall at the expiration of their term of office shall automatically succeed to the office of Department Executive Committeeman of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION and shall hold said office for a period of one year. Representation at District elections shall be the same as that provided for in Article V, Section 2 of this Constitution. **Any registration fees for a District Conference shall not exceed eight dollars (\$8.00) and shall remain in the Host Post finances.** ⁽⁷⁾

Section 4. The members of the respective area in each District shall elect Area Commanders at the District Conference at which District Commanders and District Vice Commanders are elected. Area Commanders shall have the same term of office as their District Commander, and shall perform such duties as may be assigned to them by their District Commander, or prescribed by the District Executive Committee or the District Conference. Representation at Area elections shall be on the same basis as prescribed in Article V, Section 2 of this Constitution.

Section 5. The term of office for all District Officers shall begin upon adjournment of the Department Convention. The District Conferences at which these officers shall be elected shall be governed as prescribed in Article V hereof for Department Convention, except that representation

shall be based on the last monthly membership report issued by Department Headquarters prior to the conference, provided, that in default of such election at the last District Conference held preceding the Department Convention, such elections shall be made by the delegates from the respective Legion District in caucus at the Department Convention.

Section 6. District Commanders are authorized to appoint a District Adjutant, a District Judge Advocate, a District Historian, and District Chaplain, for a term not exceeding their own term of office. These appointments to be ratified or rejected by the District Executive Committee at its first meeting following these appointments.

Section 7. Each District Executive Committee shall consist of the District Commander, Department Executive Committeeman, the District Vice Commanders, and the Area Commanders, of the respective Legion District, if the District has been subdivided into Areas. District Commanders, or during their absence one of the District Vice Commanders appointed by the District Commander to act temporarily as District Commander, shall be the chairman of the District Executive Committee; and the District Adjutant shall be the secretary of the District Executive Committee and shall attend all meetings thereof. All Past District Commanders shall be members of the District Executive Committee with a voice and without a vote. The District Executive Committee shall meet at the call of the District Commander or the Department Commander. A majority of the members thereof shall constitute a quorum.

The District Executive Committee shall exercise such powers and functions as from time to time may be prescribed by the Department Convention, the Department Executive Committee, or a District Conference of the respective District.

Section 8. Each District shall have a District Finance Committee of

five members to be appointed by the District Commander, not more than one of whom shall be from the same Post. The members of the original committee shall be appointed for respective terms of one, two, three, four and five years, and all initial appointments thereafter shall be for a five (5) year period. The District Commander shall appoint annually a chairman of the committee. All appointments to the District Finance Committee or the chairmanship thereof must be confirmed by the District Executive Committee.

Section 9. The duties of the District Finance Committee shall include the preparation, subject to the approval of the District Executive Committee, of an annual District budget, and an accounting to the District Executive Committee and District Conference of all matters relating to the District finances.

Section 10. District funds may be requisitioned by the District Commander from the Finance Officer in accordance with District Budget. A copy shall be submitted to the Department Finance Officer prior to the honoring of any expenditure from the District Revolving Fund. Any expenditure from the unallocated district reserve must be approved by the District Finance Committee.

Section 11. The Department Executive Committee shall have the authority to approve or disapprove any District Budget, and, if disapproved, such funds may not be requisitioned as provided in Section 10 hereof, except as approved by the Department Executive Committee.

Section 12. In the event a vacancy exists in the office of District Commander, the District Adjutant shall issue within five days of the occurrence of said vacancy a written call for a meeting of the District Executive Committee which must be held no earlier than three (3) or later than ten (10) days after the issuance of said written call. The District Adjutant shall preside at said meeting until the District Executive

Committee chooses a Temporary Chairman. Immediately after election, the Temporary Chairman shall as presiding officer proclaim the next order of business nominations and election to fill the vacancy in the office of District Commander.

Section 13. In case of a vacancy in an elective, appointive, or Ex officio District Office, including, but not limited to membership on the District or Department Executive Committee, District Vice Commanders, or any other such District Office, occurring after the District Spring Conference, except as otherwise provided, the District Commander shall fill such vacancy for the unexpired term of such office, provided, however, that such appointment be confirmed by the District Executive Committee at its first meeting following the appointment.

ARTICLE IX

POST ORGANIZATION

Section 1. The Officers of the Post shall be as follows: A Post Commander; one or more Post Vice Commanders; a Post Adjutant; a Post Finance Officer; a Post Historian and Publicity Officer; a Post Chaplain, a Post Service Officer; a Post Child Welfare Officer; and such other officers as the Post shall determine. All officers, except the Post Commander and the Post Vice Commanders, may be appointed by the Post Commander in the manner provided in the Bylaws of the Post. The officers of Post Adjutant, Post Finance Officer and Post Service Officer, or any two thereof, may be held by one person if the Post so desires.

Section 2. All elective Post Officers shall be chosen at a regular meeting of the Post, or at a special meeting called for said purpose, to be held not more than forty-five days nor less than ten days preceding the Department Convention, and shall be inducted into office at the first Post meeting following the Convention.

Section 3. Each Post shall submit a certified copy of its Constitution and Bylaws to the Department Headquarters and shall further submit to Department Headquarters a certified copy of all amendments thereof within thirty days of adoption.

ARTICLE X

MUNICIPAL ORGANIZATION

Section 1. In order to provide for concert of action and the proper coordination of ideas, a committee to be known as a Municipal Council shall be provided for in each municipality where there are five or more posts, when requested by a majority of the posts in the municipality.

Section 2. The Department Executive Committee shall provide rules and regulations setting forth in detail the personnel, limitations and authority of the Municipal Councils.

ARTICLE XI

FINANCE

Section 1. The revenue of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

Section 2. The amount of such annual dues shall be determined by each Department Convention for the ensuing year.

Section 3. The annual dues fixed by the National Convention and dues fixed by the Department Convention shall be collected by each Post and

transmitted to the Department Finance Officer, who shall forward the National dues to the National Treasurer.

Section 4. The Department Finances shall be arranged and managed under a budget system and all matters pertaining to the finances of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be administered by the Department Commission on Finance with the approval and consent of the Department Executive Committee subject to the mandate or mandates of the Department Convention pertaining to finance.

Section 5. Any request for extra or special appropriations must be submitted in writing to the Department Headquarters not less than fifteen (15) days prior to the opening day of the Annual Department Convention. Special appropriations are any appropriation which has not, by practice or custom, been regularly included in previous operating expenses or specifically and successively included in previous budgets.

Section 6. Annual dues for the ensuing year shall be due on October 20th of each year.

ARTICLE XII

DISCIPLINE

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 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 Department Executive Committee may provide for the government and administration of a Post during its suspension or upon

revocation of its charter.

Section 3. An appeal may be had to and acted upon by the Department Convention on any disciplinary measure or suspension ordered by the Department Executive Committee, except a suspension pending action by the National Executive Committee, on the revocation of a Post Charter provided, that the filing of an appeal shall not suspend the action of the Department Executive Committee until the Department Convention has acted upon it.

ARTICLE XIII
CHANGE OF RESIDENCE

Section 1. Members wishing to remove themselves from this Department and are in good standing in Posts of this Department or who while being in good standing, desire to affiliate with another Post in this Department because of a change of residence, shall be entitled to a certificate from their Post stating their membership and the duration thereof; and members shall also be entitled to such a certificate if affiliation with another Post in the parish of their residence is desired.

ARTICLE XIV
THE AMERICAN LEGION AUXILIARY

Section 1. THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION recognizes an auxiliary organization known as *The American Legion Auxiliary*.

Section 2. Membership in The American Legion Auxiliary shall be limited to those declared eligible by the national organization of The American Legion.

Section 3. The auxiliary shall be governed in this department of THE AMERICAN LEGION by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department of THE AMERICAN LEGION.

ARTICLE XV
THE SONS OF THE AMERICAN LEGION

Section 1. THE LOUISIANA DEPARTMENT OF THE AMERICAN

LEGION recognizes the organization known as *The Sons of The American Legion*.

Section 2. Membership shall be restricted to those declared eligible by the National Organization of The American Legion.

Section 3. The Sons of The American Legion shall be governed in this Department by such rules and regulations as may be prescribed by the Department Executive Committee.

Section 4. All matters of policy and matters of controversial nature concerning any local Squadron of The Sons of The American Legion shall first be submitted to the local American Legion Post for advice and decision before an appeal can be made to the Detachment Organization.

ARTICLE XVI

RATIFICATION

All acts performed under preexisting constitutions are hereby ratified and confirmed.

ARTICLE XVII

AMENDMENTS

Any section or provision of The Constitution of the Department of Louisiana of the American Legion may be amended or discontinued by a two-thirds (2/3) vote of the delegates present at any Department Convention provided, that the proposed amendment shall have been received in the Department of Louisiana of the American Legion Headquarters postmarked by the United States Post Office, or receipted by the Department Adjutant,

no less than sixty (60) days prior to the Department Convention at which the proposed amendment is to be urged; provided further the Department Adjutant shall have circulated a copy of the proposed amendment to all Posts of the Department of Louisiana, The American Legion and to all members of the Department Executive Committee no later than thirty (30) days prior to the Department Convention at which proposed amendment is to be urged; and provided further that proposed amendment shall be introduced and read at such Department Convention at least twenty-four (24) hours prior to the vote thereon; and provided that any amendment or modification of any section or provision of the Department Constitution shall refer to the section to be affected by number and title; a new section added shall be numbered in proper sequence and shall have a title generally indicative of the provisions thereof.

ARTICLE XVIII

INTERPRETATION

Section 1. Should any controversy or question arise with reference to the interpretation or definition of this Constitution or Bylaws provided for, the matter shall be referred to the Department Judge Advocate through Department Headquarters for decision.

Section 2. Any other controversy or question arising within THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION may be referred by Department Headquarters to the Department Judge Advocate for a decision.

Section 3. Any decision of the Department Judge Advocate rendered pursuant to the above provisions shall be final and binding upon all agencies of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION until revoked by action of the Department Executive Committee as hereinafter provided.

Section 4. The Department Executive Committee at its first meeting following the rendering of the decision appealed from, may in its discretion revoke or amend any ruling of the Department Judge Advocate complained of by any party at interest in such appeal.

ARTICLE XIX

STYLE AND REVISION

After each convention the Department Commander shall appoint a Style and Revision Committee, whose duty it shall be to recast and frame in suitable language all amendments which may have been made to this Constitution.

BYLAWS

of

THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION

Adopted by Department Executive Committee,
March 21, 1965.

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ARTICLE I DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The Department Executive Committee shall meet at least four (4) times during each year; it shall meet within twenty-four (24) hours before and after each Department Convention and within forty-five (45) days from the last day of the fiscal year (June 30) and shall also meet on at least one (1) other occasion during the year at such time and place as the Department Commander may designate. The Department Commander shall call a meeting upon the written request of five (5) or more members of the Department Executive Committee. Special meetings may be held upon reasonable notice at the call of the Department Commander.

Section 2. The Department Commander shall work within the framework of the commissions and committees named in Section 3 of this Article. The Department Commander shall, however, have the privilege of appointing such (ad hoc) committees as may be necessary to carry out specific functions in the conduct of the affairs of THE LOUISIANA

DEPARTMENT OF THE AMERICAN LEGION. All appointments made under the provision of this Article shall be subject to ratification or rejection by the Department Executive Committee. The Commander may not make recess appointments to any Commission or Committee where ratification has been previously refused by the Department Executive Committee.

Section 3. All American Legion activities shall be assigned to commissions and to committees. The various committees shall be placed in appropriate groupings under these commissions for the purpose of administration.

Section 4. There shall be established the following Commissions: (4)

A. Commission on Americanism

Committees under Americanism

1. Oratorical
2. Sons of The American Legion
3. Boy Scouts/Jr. R.O.T.C.
4. POW/MIA & Gold Star Banner & Tack
5. Department Agriculture Program (Committee of 1)

B. Commission on Baseball

C. Commission on Boys State

D. Commission on Children and Youth

Committees under Children and Youth

1. Educator of the Year (Members of the Commission)
2. Poppy Chairman (Committee of 1)

E. Commission on Convention

F. Commission on Finance

Committees under Finance

1. Investment (Must be Member of Commission)
2. Ways and Means (Must be of Commission) (5)

- a. Insurance Chairman (Must be Member of Commission) (5)
- b. Label Program Chairman (Must be Member of Commission) (5)

G. Commission on Internal Affairs

Committees under Internal Affairs

- 1. Constitution and Bylaws, Rules and Procedures

H. Commission on Media and Communications (formally Public Information)

I. Commission on National Security

Committees under National Security

- 1. Law and Order & Homeland Security (Members of the Commission)
 - a. Community Service (Lawman, Fireman, Citizen of the Year)
 - b. Disaster Relief
 - c. Un-American Activities/Homeland Security
 - d. Department Safety Education Chairman (1)
- 2. Legislation

J. Commission on Veterans Affairs & Rehabilitation

Committees under Veterans Affairs & Rehabilitation

- 1. Health Administration (Members of the Commission)
 - a. Hospital Liaison
 - b. Veterans Affairs Volunteer Services (Representatives for each VA Medical Facility)
 - c. Ancillary (Representatives for each Veterans Home)
 - d. Women's Veterans Outreach Program (1)
- 2. Blood Bank (1 Member from each District)
- 3. Veterans Employment & Veterans Preference (1 Member from each District)
 - a. Veterans Education
 - b. Homeless Veteran (1)

These commissions shall be composed of eight (8) members whose terms of office shall be for a two (2) year period. Each commission shall be composed of one member of each of The American Legion Districts of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION. The terms of four (4) members of the commission shall expire each year. Thereafter each Commissioner shall serve for a period of two (2) years unless removed for cause. Commissioners who are absent for a period of two (2) consecutive meetings of the commission of which they are a member shall

automatically forfeit their appointment to said commission and shall be replaced by the Department Commander at the next meeting of the Department Executive Committee. Appointments to fill vacancies on the commissions shall be made for the unexpired term of the commissioner who is being replaced.

The Department Commander shall have the privilege of naming the Chairman of each of the commissions with the approval of the Department Executive Committee at the first Department Executive Committee meeting following the election of the Department Commander. All other appointees to each of the commissions shall be appointed at the second Department Executive Committee meeting following the Commander's election. However, the terms of the Chairmen of all commissions shall expire when they have made their reports to the Department Convention at which the next Department Commander is elected.

Section 5. Each of the Commissions shall be responsible for the supervision of the work and proper functioning of each of the several committees over which it has jurisdiction. To this end it shall formulate the programs and policies of the committees, disseminate information to the committee chairmen and generally direct the work of the committee chairmen. Department Headquarters shall maintain for each Commission a folio file for each of its committees defining the work of the committee, its duties, policies and operational procedures. These files shall be kept current with respect to all directives from the Department Executive Committee and Convention mandates. Each committee under the supervision of a Commission shall consist of one member of each of The American Legion districts of the Department of Louisiana of The American Legion, unless otherwise noted in these bylaws. ⁽¹⁾

Section 6. COMMISSION CHAIRMEN: It shall be the duty of the Chairmen of each Commission or Committee to make a final report of the activities of their commission or committee to the Department Convention

at its Annual Meeting.

The Department Commander shall designate the time of such report and shall further have the privilege to call the Chairman of any Commission or Committee for a special report to the Department Executive Committee or at such other time as the Department Commander shall deem appropriate.

Each named committee not composed of the members of the commission shall have eight (8) members, one (1) from each District in Department unless otherwise noted. Each sub-committee shall be composed of the members the sub-committee is assigned to, unless otherwise noted. (4)

Section 7. THE COMMISSION ON AMERICANISM shall be responsible for all of the Americanism programs of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION, as well as those specific programs normally associated with the functioning of American Legion Baseball, Department of Louisiana and the following committees: (4)

1. Oratorical Committee

This committee is responsible for the statewide programs as outline in the Oratorical Contest rule book. The Commander will appoint a chairman, who may or may not be a member of the committee. Funds will be made available for at least one (1) annual meeting of this committee in the fall of the year to plan its statewide program.

2. Sons of the American Legion Committee shall be responsible to be liaison between The Louisiana Detachment of The Sons of The American Legion and the Department Executive Committee.

3. Boy Scouts/Jr. R.O.T.C.

The members of this committee will promote these programs throughout the department and select a Department winner from

the District winners for Eagle Scout of the Year and Cadet of the Year.

4. POW/MIA & God Star Banner & Tack

The committee members shall participate in ceremonies and events that honor POW and MIAs as well as deceased members of the armed forces.

5. Department Agriculture Program (1 member)

This person will provide information to schools about the program and its scholarships.

Section 8. COMMISSON ON BASEBALL shall be responsible for all aspects of The American Legion program in the Department of Louisiana. (4)

Section 9. COMMISSION ON BOYS STATE shall be responsible for all aspects of The American Legion Boys State program in the department of Louisiana. (4)

Section 10. COMMISSION ON CHILDREN AND YOUTH shall be responsible to work collaboratively with The American Legion Auxiliary to promote the programs that protect, care for, and support children and youth, especially those of our military and veterans. (4)

1. Educator of the Year Committee will provide information needed recognize educators of the youth and select a Department winner from the District winners of this award.

2. Poppy Chairman (1 member) the chairman will coordinate with The American Legion Auxiliary the sale of poppies.

The funds for the conduct of the Joint Child Welfare Program of The American Legion and the American Legion Auxiliary shall be derived from the sale of poppies. These poppies shall be obtained

through Department Headquarters of the American Legion Auxiliary, Department of Louisiana.

Poppy sales must be conducted by the American Legion Auxiliary. Both posts and units have a definite responsibility for the success of such sales. In the event that a bachelor post and/or unit do not conduct a poppy sale, such bachelor post or unit shall remit in accordance with their membership the following: membership 1 - 200 members, twenty- five dollars (\$25.00); 201 and over, forty dollars (\$40.00) to the American Legion Auxiliary in lieu of the poppy sale. When sales are conducted by the post and/or unit, one half (1/2) of the proceeds derived from such sale shall be remitted to the Department Secretary of the American Legion Auxiliary no later than fifteen (15) days after the sale has been completed.

Section 11. COMMISSION ON DEPARTMENT CONVENTION shall be responsible for recommending to the Department Executive Committee the sites for the Department Conventions and Mid Winter Conferences. A post or posts wishing to host either the Department Convention or Mid Winter Conference shall submit in writing, to the Commission on Department Convention, evidence to the effect that the bid for holding the aforesaid meeting is made by legally incorporated body acting on behalf of the post or posts concerned.

All bids for holding the Department Convention or the Mid Winter Conference must be submitted through the Department Adjutant to the Commission on Department Convention at least twenty-four (24) months in advance of the date for which the bid is submitted. (It is desirable that all such bids be submitted at least thirty-six (36) months in advance of the date on which the meeting is to be held).

It shall be the duty of the Commission on Department Convention to formulate and prepare a contract to be signed by the Department

Commander and the designated representative of the corporate body submitting the bid. The Commission on Department Convention shall be further responsible for the general conduct and operational procedures usually assigned to such an administrative body.

Section 12. THE COMMISSION ON FINANCE shall be responsible for all matters pertaining to the financial operation and proper conduct of the business affairs of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION. The Commission shall in its functioning be bound by the Fiscal Code and the Convention mandates. The Commission is to oversee the development and implementation of the department financial policy subject to ratification of the Department Executive Committee; and to provide oversight of budgeted funds in the budget and report any significant variance to the Department Executive Committee. (4)

1. Investment (must be a member of Commission) and not more than three (3) members. Members shall advise the proper investments of Department funds.

2. Ways and Means (Members of the Commission) (5) shall be responsible to the Department Commander and the Department Executive Committee for the success of all programs that derive income for The American Legion.
 - a. Insurance Chairman (One (1) member who must be member of the commission) (5) is to advise members in Insurance programs available to members of The American Legion family.
 - b. Label Program Chairman (One (1) member who must be member of the commission) (5) is entrusted with making the address label program a success.

Section 13. THE COMMISSION ON INTERNAL AFFAIRS will be responsible to the Commander and the Department Executive Committee.

It shall periodically study the office proceedings, accounting systems, the general functioning and operation of various committees and commissions and of Department Headquarters. It shall report annually to the Department Executive Committee at the pre-convention meeting the state of the internal affairs of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION. It shall make recommendations for the Commander and to the Department Executive Committee for any changes, alterations, or improvements which, in its judgment, would be for the good of The American Legion.

1. Constitution and Bylaws/Rules and Procedures

The Committee shall meet at the Department Convention to receive any resolutions to be presented at that convention and determine if the resolution meets the criteria to be presented to the body of the convention for possible adoption. ⁽¹⁾⁽⁴⁾

The Committee will meet at the Department Convention and set forth the rules and procedures to be used at the next year's convention to be presented to the Department Executive Committee at the Mid-Winter DEC meeting for approval in accordance with the Department Constitution Article V, Section 6. ⁽¹⁾

Section 14. COMMISSION ON MEDIA AND COMMUNICATION (formally Public Information) (4)

The Commission educates, motivates, and informs The American Legion Family on the mission and programs of The American Legion for the purpose of making Legionnaires promoters and participants in the activities and aims of The Legion. To the audience outside the Legion Family, the Commission builds awareness of and support for the primary mission of the purposes of The American Legion, especially among individual citizens, state and local government

agencies and corporate Louisiana. The Commission shall have among its members insofar as possible, at least one representative from the field of television, one from the field of radio, one from the daily press and one from the field of public relations. The editor of the *Louisiana Legionnaire* shall be ex officio a member of this commission. The Commission is responsible for the publication of the *Louisiana Legionnaire*.

Section 15. COMMISSION ON NATIONAL SECURITY shall be responsible for the proper operation of all of the programs of The American Legion which are associated with functioning of the following committees.
(4)

1. Law and Order & Homeland Security

Consist of the following Sub-Committees.

- a. Community Service shall provide necessary information to better serve the community including awarding a Department Award to Post with best Community Service Report and to elect a Department Winner from the District applicants for the: Lawman of the Year, Fireman of the Year and Citizen of the Year.
 - b. Disaster Relief shall provide information on programs and grants for community relief at the Department level and to coordinate efforts to supply relief to areas in need.
 - c. Un-American Activities/Homeland Security is to provide information on all activities of groups opposed to our form of government including terrorists, foreign and domestic.
 - d. Department Safety Chairman shall inform The American Legion Family of any issue pertaining to safety in the home, at school and in the workplace.
2. Committee on Legislation shall have available sufficient funds to hold at least one meeting prior to the convening of the Louisiana

Legislature. The committee shall also be charged with pursuing legislation sponsored by The Louisiana Department of the American Legion.

Section 16. COMMISSION ON VETERANS AFFAIRS AND REHABILITATION is to promote programs and services that assist and enhance the lives of veterans and their families, ensuring restoration and/or transition to normally functioning lives. The Commission shall be responsible for the proper conduct of all programs of The American Legion which are assigned to these Committees. (4)

1. Health Administration (Members of Commission)
 - a. Hospital Liaison shall be specifically responsible for the nearest VA Hospital to which the member is domiciled.
 - b. Veterans Affairs Volunteer Services shall coordinate with each VA Medical Facility to assist in recruiting volunteers.
 - c. Ancillary shall work with the ancillary committee at each Veteran Home in Louisiana:
 - i. Jackson Veterans' Home
 - ii. Northeast Louisiana Veterans' Home (Monroe)
 - iii. Southwest Louisiana Veterans' Home (Jennings)
 - iv. Northwest Louisiana Veterans' Home (Bossier City)
 - v. Southeast Louisiana Veterans' Home (Reserve)
 - d. Women's Veterans Outreach Program Chairman shall work with the national guidelines for this program and provide information of services to female veterans and their families.
2. Blood Bank shall work with local blood banks and encourage each post to have blood drive.
3. Veterans Employment and Preference is responsible to ensure that U.S. Veterans have the opportunity to provide with honor and dignity, the economic necessities of life for them and their families. To achieve that goal the Commission will work closely with government agencies, nonprofits organizations and industry.

- a. Veteran's Education shall guide the Department's efforts to provide information on comprehensive education benefits and new employment and business opportunities.
- b. Homeless Veterans shall provide information on the fight to end homelessness among veterans.

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. **The Department Commander shall not serve on any Department Commission or Committee during the Department Commander's term of office.** ⁽⁶⁾

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 duties as are assigned.

Section 8. All other officers, except as previously specified, shall perform such duties and functions as may be assigned to them by the Department Commander. ⁽¹⁾

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 COMMITTEE: The Department Executive Committee from each of the Districts is 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 plays 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.

Section 2. Department, District, and Post duly elected officers shall be installed by a member in good standing of The American Legion, Department of Louisiana who has been in the same elected position or one of higher rank. ⁽³⁾

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 (2/3) of all present at said meeting; or they may be found guilty and expelled on a vote of three-fourths (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 (2/3) of all committee members present at said meeting; or they may be found guilty and expelled on a vote of three-fourths (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. Bonds provided by 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 alter the Bylaws adopted by the Department Executive Committee for the governing of the Municipal Council without the expressed written approval of two-thirds (2/3) of the Department Executive Committee.

Section 3. A Municipal Council may not be established in any municipality unless at least three-fourths (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 (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 (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.

THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION

POLITICAL CODE OF ETHICS

Adopted at the 13th Annual Convention

Amended at the Forty-First Annual Convention
July, 1959

Amended by the Department Executive Committee
March 21, 1965

Amended by the Department Executive Committee
June 26, 1977

In order that World War Veterans who affiliate themselves with our great American Legion may actively participate in Governmental Affairs, local, state and national, without involving our organization in partisan politics, we do hereby adopt the following as our 'Political Code of Ethics.'

Section 1. The American Legion shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the candidacy of any person seeking public office or preferment.

Section 2. It is the privilege, duty and responsibility of all American citizens to actively participate in governmental affairs and the election of public officials at local, state and national levels. In order that all elected officers of The American Legion may properly exercise their prerogative in these matters.

Section 3. No elected officer, any salaried appointive officer or employee of The American Legion, District, Department or Post level, shall

use the name of their office, past or present, or the fact that they are connected in any way with The American Legion by publicly supporting any candidate seeking public office. If such individual violates this provision the following action shall be taken:

(a) In the event any person violates this provision as an elected officer of a Post, District or Department, a vacancy shall be declared.

(b) If such person violating this provision is an elected officer of a Post, District or the Department, the vacancy will be filled in the manner outlined in:

Article VI, Section 2, of the Department Constitution for Department Officers.

Article VIII, Section 12, of the Department Constitution for District Officers.

Article IX of the Department Constitution for Post Officers.

(c) Persons who are salaried employees of a Post, District or Department violating any of the provisions of this code, shall immediately be discharged from their Legion employment by their supervisor and/or by the Department Commander.

(d) In the event they do not cease and desist from such activity the Department Executive Committee may proceed legally to recover damages for any harm and embarrassment which shall have accrued from the actions of such an individual.

Section 4. It shall be improper for Legionnaires speaking in a political campaign to use their Legion title, or to express their connection with the Legion, other than their membership therein, in printed announcements of

political meetings.

Section 5. It shall be improper for a member of The American Legion, while campaigning for any candidate for public office, to urge members of The American Legion as such, to vote for or support any candidate.

Section 6. Legion publications of the Department or of smaller groups may accept for publication political announcements provided said announcements contain nothing therein provided as an appeal to Legionnaires, as such, for their support of the candidate; providing further, that said announcements shall be labeled at the top and at the bottom thereof as AA Paid Political Advertisement;@ provided further, that said advertisement shall only be received as regular political advertisements and not assume the form of reading matter or news item.

Section 7. Candidates for political office, or anyone on their behalf, will not be allowed to speak at fairs or celebrations or gatherings of such a nature held under the auspices of The American Legion, unless all other candidates for the same office are accorded the same privilege.

With this expression by our organization relative to participation by its members, in purely political affairs, our position should be clear. If our organization is to maintain the high position it has won for itself, universally, it must avoid partisan politics. Notwithstanding, it should always impress upon its members that it considers it one of their principal duties to manifest a constant, spirited interest in the affairs of Government, exercising their every influence, by their participation in politics, to the end that honest, upright and fearless leaders, in whom the destiny of our Government rests, may be chosen to fill the position of honor and trust provided under our laws and our Constitution.

Section 8. The purposes of interpretation for a remunerative office shall be one in which the holder of said office receives compensation other

than travel and per diem.

THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION

FISCAL CODE

ADOPTED AT THE 21ST ANNUAL CONVENTION, 1939
AMENDED AT THE 29TH ANNUAL CONVENTION, 1962
AMENDED AT THE 45TH ANNUAL CONVENTION, 1963
AMENDED AT THE 47TH ANNUAL CONVENTION, 1965
AMENDED AT THE 58TH ANNUAL CONVENTION, 1976
AMENDED AT THE 60TH ANNUAL CONVENTION, 1978
AMENDED AT THE 61ST ANNUAL CONVENTION, 1979
AMENDED AT THE 64TH ANNUAL CONVENTION, 1982
AMENDED AT THE 98TH ANNUAL CONVENTION, 1986
AMENDED AT THE 70TH ANNUAL CONVENTION, 1988
AMENDED AT THE 76TH ANNUAL CONVENTION, 1994
AMENDED AT THE 84TH ANNUAL CONVENTION, 2002
AMENDED AT THE 88TH ANNUAL CONVENTION, 2006
AMENDED AT THE 89TH ANNUAL CONVENTION, 2007

SECTION 1

DEPARTMENT AND BUDGET

THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION dues and ***proposed*** budget will be fixed at each Department Convention for the ensuing fiscal year.

THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION dues for each fiscal year shall be remitted by each Post together with correct National Dues per capita member and shall accompany cards at time of forwarding to THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION Headquarters before credit will be issued.

THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION dues shall be set up and used for the operation and maintenance of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION Headquarters and The American Legion Programs. ***The per capita dues per member paid by each member of the Department of Louisiana is fixed at (\$14.00) Dollars beginning with the annual membership dues due January 1, 2007.***

Portions of dues for the Louisiana Legionnaire commencing with the dues collected for the year 1981 shall be set aside in a special fund to be used exclusively for the administration and publication of ***The Louisiana Legionnaire***. The amount set aside shall be One Dollar Seventy-five Cents (\$1.75) per member as approved by the 2008 Department Convention. At the end of each fiscal year and after all expenses of ***The Louisiana Legionnaire*** have been paid by the Commission on Public Information and with the consent of its Chairman, the unexpended balance in ***The Louisiana Legionnaire*** account shall be transferred to the Contingency Account.

Portions of dues in the amount of Seventy-Five Cents (75¢) per member shall be dedicated to the exclusive use for the administration and operation of the Boys and Girls State program. Upon receipt of authorized vouchers, disbursement will be made by the Department Finance Officer, which will be limited to available credits.

Dues for the District Revolving Funds shall be set up and used exclusively for the District of the respective member. No unexpended surplus in any of these District Revolving Funds shall ever revert to the General Sinking Fund of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.

It will be the duty of the Commission on Finance to fix the limit of available income for the proposed budget for the ensuing year by adoption of the Finance Commission to the Convention. The revenue for the budget

may not be predicated on a membership greater than that of the previous year, except that the amount of the budget as adopted by the Department Convention shall include any supplementary funds that have been earned the previous year. Earned supplementary funds shall be interest from investments, recurring programs and other activities. The amount of supplementary funds used shall not be greater than that of the previous year *however*; the use of nonrecurring income must be approved and recommended by the Commission on Finance in accordance with Section 12 of this Code.

It will be the duty of the Commission on Finance to prepare and present the budget to the Department Executive Committee at its regular meeting subsequent to the Department Convention for final adoption and approval. The ***limit of available revenue for the proposed*** the budget as adopted by the convention shall be and is the maximum amount to be expended for the fiscal year except as herein provided in Section 12 of this Code. The budget for THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be based on the budget items as set up in the Fiscal Code.

Income shall be the amount collected from yearly dues, interest earned from the investment account, from recurring programs and other income producing activity of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.

BUDGET ITEMS

ADMINISTRATIVE EXPENSES

- Item 1 Salaries
- Item 2 Traveling Expense - Department Adjutant Office
- Item 3 Utilities & Maintenance
- Item 4 Telephone & Telegraph
- Item 5 Postage
- Item 6 Stationery, Printing, and Office Supplies
- Item 7 Depreciation Reserves
- Item 8 Employees Retirement Fund
- Item 9 Miscellaneous Expenses
- Item 10 Expenses - Department Commander
- Item 11 Traveling Expenses Department Vice Commanders
- Item 12 Convention Expense
- Item 13 Department Executive Committee Meeting Expenses
- Item 14 Department Commander Official Travel & Emergency Fund

LEGION PROGRAMS

- Item 15 Membership Expense
- Item 16 Commission on Americanism
- Item 17 Commission on Veterans Affairs & Rehabilitation
- Item 18 Commission on National Security & Governmental
Affairs
- Item 19 Commission on Internal Affairs
- Item 20 Commission on Public Information
- Item 21 Commission on Department Convention
- Item 22 Commission on Children & Youth
- Item 23 Commission on Ways & Means
- Item 24 Unallocated Budget Reserve

The Department Finance Officer (Department Adjutant) shall be held responsible that no item of the budget be over expended, or that a balance in one item be transferred to another, except as provided in Section 12. Any expenditure under the budget item “Unallocated Budget Reserve” shall be made only upon the recommendation of the Commission on Finance and the approval of the Department Executive Committee.

SECTION 2

DEPARTMENT FINANCE OFFICER

The Department Adjutant shall serve as Finance Officer under the

direct supervision of the Department Commander and the Commission on Finance. The Finance Officer shall be bonded by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION for not less than Three Hundred Thousand Dollars (\$300,000.00), said surety examined by the employed auditor at the time of annual audit. The authority and duties of the Finance Officer shall include:

1. Power of Attorney for all bank accounts maintained by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.
2. Power of Approval of all accounts payable as authorized by the budget or for Capital Investments as approved by the Commission on Finance and excepting those items payable to the Finance Officer which shall be approved by the Commander.
3. Custody, subject to provisions as hereinafter, of all stocks, bonds or any and all negotiable instruments and physical assets of any value that is or may become the property of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.
4. Responsibility for the proper maintenance of all records pertaining to the finances of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.
5. The strict adherence to all sections of the Fiscal Code of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION.

SECTION 3

COMMISSION ON FINANCE

The Commission on Finance shall be composed of eight (8) members, four (4) members of which are to be appointed by the Department

Commander, to serve for a term of two (2) years, subject to confirmation by the Department Executive Committee and no district shall be represented by more than one (1) member on the Commission on Finance. The Chairman of the Commission on Finance shall be appointed by the Department Commander. In the absence of the Chairman, the Department Commander shall have the power to appoint an Acting Chairman.

The duties of the Commission on Finance shall include:

1. Preparation of the budget
2. Proper investment of funds allocated to Investments-Securities, Land and Buildings.
3. Power to veto any appropriations in excess or contrary to the budget. They shall have no power of appropriation.
4. Account to the Department Executive Committee and Department Convention on all matters relative to Department Finances.

SECTION 4

FISCAL YEAR AND AUDIT

The fiscal year of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall end June 30.

The Finance Officer, with the approval of the Commission on Finance, shall employ a recognized firm of public accountants to make a Test Audit of all THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION books and records for each fiscal year. The cost of the annual audit shall be included in the administrative items of the budget.

SECTION 5

BALANCE SHEET AND WORKING CAPITAL

The Auditor shall prepare and submit to THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION Headquarters, a Balance Sheet, a Statement of Operation covering Budgeted Items and any other reports necessary for the information of those concerned. The Cash in Bank Account on the Balance Sheet shall be subdivided to show all liabilities payable, such as District Revolving Funds, Accounts Payable, etc. The balance in this account after deducting all committed funds, shall be known as the duty and responsibility of the Commission on Finance and the Department Executive Committee to make certain that at the end of each fiscal year, there shall remain in the General Fund sufficient funds necessary to operate THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION during the beginning of each fiscal year, and in no case shall this amount be less than fifteen thousand dollars (\$15,000.00).

SECTION 6

BANK ACCOUNTS

There shall be established and maintained by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION one or more current bank accounts to serve the purpose of depositories of current receipts and disbursements. These accounts shall be established and maintained by the Finance Officer under the supervision of the Commission on Finance.

There shall be established and maintained one special savings bank account in which shall be deposited available cash allocated to the Investment Account (Investments-Securities, Land and Buildings), and earnings from the Investment Account Investments, until such time as these funds may be vested. Any interest earned from this savings account

shall automatically revert to the account of the Investments-Securities, Land and Buildings.

SECTION 7

INVESTMENTS-SECURITIES, LAND AND BUILDINGS AND SAFE GUARDING SECURITIES

The Commission on Finance shall be responsible for the proper investment of all monies due the account of Investments-Securities, Land and Buildings, and at such time as these amounts can be withdrawn from the general fund. These investments shall be limited to Government Bonds; the State of Louisiana and State Municipal Bonds; National and State Bank Savings; Building and Loan Associations; amounts not to exceed the insured limitations of the depository under the Federal Depository Insurance Corporation in any one depository. Department Investments-Securities, Land and Buildings cannot be liquidated for any use or purpose unless such action has been mandated by a Department Convention. The reinvestment of matured securities and the transfer of funds from one investment to another will be the responsibility of the Commission on Finance.

All securities presently owned by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION or that may come into the ownership of the same shall be deposited in a safety deposit box. This safety deposit box shall be opened only in the presence of the bonded Finance Officer and one member of the Commission on Finance. Definite arrangements shall be made by those authorized to open the safety deposit box to see that the employed auditor will annually check all securities owned by THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION and so report them in the audit.

The Finance Officer shall see that the bank in which said safety box is

maintained is currently furnished with the proper specimen signatures authorized to enter this safety box.

SECTION 8

CAPITAL INVESTMENTS

The purchase of office furniture and equipment and of automobiles and other items will be classified under Fixed Assets and shall be purchased only upon the approval of the Department Executive Committee. These items shall be classified as Capital Investments and shall be purchased out of available funds from not otherwise allocated monies.

All capital investments shall be set up on the books of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION; trade-in adjustments made at the time of purchase and depreciation reserve set up as may be recommended by the Commission on Finance.

SECTION 9

UNALLOCATED RESERVES

Unallocated Reserves shall be carried in the general fund. Receipts and disbursements of these Unallocated Reserves shall be administered by the Department Finance Officer subject to the rules and regulations under which these reserves have been established.

SECTION 10

DISTRICT 3 FUNDS

Upon receipt of Department dues, Two Dollars (\$2.00) per capita allocated to the District Revolving Funds shall be automatically credited to

each District. Upon receipt of authorized vouchers, disbursements will be made by the Department Finance Officer, which disbursement will be limited to available credits.

A quarterly statement of accounts will be rendered to each District Commander and District Finance Chairman by the Department Finance Officer.

SECTION 11

LOUISIANA LEGIONNAIRE ALLOCATION

The Louisiana Legionnaire shall be published under the following rules and regulations:

1. The Department Adjutant shall act as General Manager and to have general supervision over its publication.
2. The Commission on Public Information through the General Manager of *The Louisiana Legionnaire* shall submit to the Commission on Finance, a Budget that shall be referred to the Department Executive Committee for final approval.
3. Legionnaires by virtue of their membership are entitled to receive a copy of each issue of *The Louisiana Legionnaire*.
4. Other persons may subscribe to *The Louisiana Legionnaire* and be entitled to receive copies thereof for a period of one year upon payment of a subscription fee of seventy-five cents (\$.75) per issue.

SECTION 12

TO RESERVE ALLOCATION OF NET INCOME

At the end of each fiscal year and after completion of the Audit, the balance as indicated in Net Income from all sources from the Statement of Income and Expenses, and after any items which may be necessarily charged off as authorized by the Commission on Finance and Department Executive Committee have been taken care of, shall be credited to a Reserve Account. Funds in the Reserve account shall be expended only upon request through the Commission on Finance with the approval and consent of the Department Executive Committee subject to a vote of two-thirds (2/3) of the members present at a meeting thereof.

The amount of funds in the Reserve Account at the end of each fiscal year shall not exceed Thirty-five Thousand Dollars (\$35,000.00) or withdrawals made below an amount of Fifteen Thousand Dollars (\$15,000.00). Excess funds will be transferred to the Investment Account. A minimum of Fifteen Thousand Dollars (\$15,000.00) is to be retained for Operating Capital at the beginning of each fiscal year per Section 5 herein.

SECTION 13

CONTINGENCY ACCOUNT

There shall be established a Contingency Account which shall consist of excess funds originating from certain budgeted items and other sources. These excess funds shall be transferred to the Contingency Account on an annual basis. Expenditure of funds in the Contingency Account shall only be made upon the approval of the Department Executive Committee after a request in writing has been made through the Commission on Finance. In the event that the Commission on Finance deems that excessive funds have accumulated in this account, the Commission on Finance may recommend to the Department Executive Committee that said excess amount be transferred to the Allocated for Investment Account.

SECTION 14
REQUESTS FOR SPECIAL APPROPRIATIONS

Any request for a special appropriation by Department Convention mandate shall be submitted in writing to THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION Headquarters fifteen (15) days prior to the convention at which such action is to be taken.

SECTION 15
AMENDMENTS

Any section or provision of this Fiscal Code may be amended or discontinued by a two-thirds (2/3) vote of the delegates present at any Department Convention provided, that the proposed amendment shall have been received in THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION Headquarters postmarked by the United States Post Office, or receipted for by the Department Adjutant, no less than sixty (60) days prior to the Department Convention at which the proposed amendment is to be urged; provided further that the Department Adjutant shall have circulated a copy of the proposed amendment to all Posts of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION and to all members of the Department Executive Committee no later than thirty (30) days prior to the Department Convention at which the proposed amendment is to be urged; and provided further that the proposed amendment shall be introduced and read at such Department Convention at least twenty-four (24) hours prior to the vote thereon; and provided further that any amendment or modification of any section or provision of this Fiscal Code shall refer to the section to be affected by number and title; any new section added shall be numbered in proper sequence and shall have a title generally indicative of the provisions thereof.

CERTIFICATION

I, ***Matthew C. Farlow*** Adjutant for THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION do hereby certify that these documents are a true and correct copy of the Constitution, Bylaws, Political Code of Ethics, and Fiscal Code of THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION effective and in force as of ***this 14th day of June, 2015.***

Matthew C. Farlow
Department Adjutant

Lester D. Cromwell
Department Commander

Forrest A. Travirca, III
Department Judge Advocate
Amendments/Changes:

- (1) Changes approved to the Bylaws, Mid-Winter, Jan 2012
- (2) Changes approved to the Bylaws, Dept. Convention, June 2012
- (3) Bylaws, Article III, Section 2: Change approved to the Bylaws, Mid-Winter, Jan 2013,
- (4) Changes approved to the Bylaws, Mid-Winter, Jan 2014 to restructure the commission/committee assignments, roles, and

procedures. Changes to be effective following last day of Department Convention, June 8, 2014.

- (5) Constitution, Article V, Section 3; Article V, Section 5 and Bylaw changes to Ways & Means, approved Dept. Convention June 2014.
- (6) Bylaws, Article II, Section 1: Change approved to the Bylaws, DEC meeting, July 27, 2014
- (7) Constitution, Article V, Section 3 and Article VIII, Section 3 approved by Dept. Convention, June 2015.