

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 nor 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 Constitution 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; provided that B. L. Spann Post No. 188 may be represented by written proxy to any Legionnaire or Legionnaires of the Department in good standing.

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 Chairman of the Convention Registration Committee and/or Department Adjutant shall forthwith so certify and transmit to the Chairman of the Department Convention Credentials Committee the post delegation list.

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, Carville Post No. 188 excepted, 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 one-third ($\frac{1}{3}$) of all Posts of the Department are represented by duly elected delegates or alternates. No resolution affecting a change in the Constitution or Bylaws of The American Legion, Department of Louisiana, shall be presented to the floor of the convention unless a quorum consisting of two-thirds ($\frac{2}{3}$) of the Posts registered at the convention are physically present.

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.