

**THIRD DISTRICT, THE AMERICAN LEGION,
DEPARTMENT OF MISSOURI, INC.**

CONSTITUTION

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 associations in the Great Wars;

To inculcate a sense of individual obligation to the community state, and nation;

To combat the autocracy of both the classes and the masses; To make right the master of might;

To promote peace and good will on earth;

To safeguard and transmit to posterity the principles of justice, freedom, and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME

SECTION 1: The name of this organization shall be: THIRD DISTRICT, THE AMERICAN LEGION, DEPARTMENT OF MISSOURI, INC.

ARTICLE II : OBJECT

SECTION 1: The object of The Third District, The American Legion, Department of Missouri, Inc. shall be as hereinbefore set out in the Preamble and the supervision and administration of such business or other affairs of The American Legion as may be properly within the jurisdiction of this organization.

ARTICLE III : NATURE

SECTION 1: The Third District, The American Legion, Department of Missouri, Inc. is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the District; no member shall be addressed by his military or naval title in any District meeting.

SECTION 2: The Third district shall be absolutely non-political 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: Freedom of Conscience: each member of this District shall perform his or her duty as a citizen according to his or her conscience and understanding.

ARTICLE IV - ELIGIBILITY FOR MEMBERSHIP

SECTION 1: Any legal member of The American Legion as prescribed by the National Constitution and By-Laws of The American Legion who maintains current membership in any post assigned to the jurisdiction of the Third District shall automatically and without application be a voting member of this District.

SECTION 2: There shall be no form of class membership except an active membership requiring annual dues or payment for life.

SECTION 3: No person, at any one time, may be a member of the Third District while maintaining membership within another District of The American Legion.

SECTION 4: Each Post within the District shall be the judge of the qualifications of its members. Minimum Post dues may be prescribed by the Post By-Laws.

ARTICLE V: ADMINISTRATION

SECTION 1: The legislative body of the Third District shall be the Post delegates (normally the Post Commanders) who shall meet at least quarterly or in special session if deemed necessary by the District Commander. In the event the District Commander fails to fix the time and place for holding the next meeting, or if conditions should make change in time or place necessary the same shall be fixed by the District Executive Committee and announced as soon as practicable or in no case later than 30-days prior to commencement of the meeting.

SECTION 2: The District meeting shall be composed of members of each Post who shall have equal vote on any matter before the membership.

SECTION 3: The Administrative power of the Third District shall be vested in the District Executive Committee, which shall be composed of the District Commander (who shall be Chairman without vote unless necessary to break a tie vote on an issue); the two District Vice-Commanders; the immediate past District Commander; the District Finance Officer; the District Chaplain; the

District Historian; the District Sergeant-at-Arms; and any other past District Commander desiring to be present to vote on an issue before the Committee. The District Adjutant shall be a member of the Committee for the purpose of keeping the minutes of the meetings and shall be without voice or vote on an issue during the meeting unless acting in dual capacity as a former District Commander which shall make him/her a member of the Executive Committee with vote.

ARTICLE VI: - OFFICERS

SECTION 1: The District shall elect a District Commander; Two (2) Vice-Commanders; a Finance Officer; A Chaplain; a Historian; and a Sergeant-at-Arms; who shall assume the duties of their respective offices upon adjournment of such meeting in which they are selected and they shall serve a period of two (2) years. In the event a vacancy should occur in the Office of District Commander, the District Adjutant shall call a special meeting of the District Executive Committee within in seven (7) days after such vacancy shall occur, and said meeting the District Executive Committee shall elect one of the Vice-Commanders to serve as Commander to fill out the unexpired term. The District Adjutant shall preside at the meeting until a new Commander is elected. A Commander elected to fill an unexpired term shall be eligible to seek a term of his own; otherwise no District Commander shall be eligible to succeed him/herself in office.

No other Officer elected by the District, excepting only the Finance Officer, shall hold office for a period longer than two (2) consecutive terms.

SECTION 2: The District Adjutant shall be appointed by the District Commander subject to the approval of the District Executive Committee. This officer and all other appointed officers shall serve without fixed terms and be subject to removal by a majority vote of the District Executive Committee.

ARTICLE VII: ORGANIZATION

SECTION 1: The District shall be composed of all American Legion Posts within the boundaries assigned by The American Legion, Department of Missouri. These posts are the major administrative units in the District. They shall include such area as may be prescribe by the By-Laws.

Each post shall adopt a Constitution and rules for its government, not inconsistent with the National, Department, or District Constitutions and/or By-Laws, and shall file a copy of same with the District Adjutant.

All Posts desiring Charter shall forward such applications bearing a minimum of 20 signatures to the District for subsequent forwarding to The American Legion, Department of Missouri with recommendation for approval providing such applications accompanied by such dues as may be prescribed by both the National and Department governing documentation.

SECTION 2: No Post shall be named after any living person. Each Post shall bear a name and number and no two posts in this district shall bear the same name or number. The name of District posts may be changed upon formal application through the District for recommendation and subsequent forwarding to The American Legion, Department of Missouri, Executive Committee for final action.

ARTICLE VIII: FINANCES

SECTION 1: The revenue for the District shall be raised by the assessment of a per capita tax established by the District membership in open meeting based on the number of memberships within the individual posts. Adjustments in this tax may be proposed when, in the opinion of the District Executive Committee, such adjustment is in the best interest of the District. Such assessments shall be authorized by a vote of the membership in any regular or special meeting called for this purpose. The District Commander shall be empowered to omit the collection of such funds whenever deemed advisable and in the best interest of the District.

These funds shall be dispensed by the Finance Officer in accordance with the items contained in the District budget, which shall be prepared by the District Commander, Finance Officer, and such other assistants the District Commander shall require, and submitted to the membership for approval in open meeting during the month of September each year for the following calendar year period.

The assessment of the per capita tax shall be based on the previous year's membership and shall be paid to the Finance Officer in response to his or her official notification of the Posts in the month of September each year

ARTICLE IX: AUXILIARY

SECTION 1: This District recognizes the Auxiliary organization to be known as "The Third District, The American Legion, Department of Missouri, Auxiliary."

SECTION 2: The Auxiliary organization will be supported by this District both in spirit and financially when required and approved by two-thirds vote in the affirmative by members present in an open meeting.

SECTION 3: Eligibility for membership in the Auxiliary shall be dictated by the provisions of the American Legion Auxiliary.

ARTICLE X: AMENDMENTS

SECTION 1: This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Constitution of The American Legion, Department of Missouri.

SECTION 2: Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provision of this Constitution to the extent of such conflict.

SECTION 3: This Constitution may be amended at any regular District meeting by vote of two-thirds of members of the District attending such regular or special meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding District meeting, and providing further, that written notice shall be given to all Posts of the District for dissemination to their memberships at least 30 days in advance of the date when such amendment is to be voted upon, notifying said posts that at such meeting a proposal to amend the Constitution is to be voted upon.

BY-LAWS

ARTICLE I - DISTRICT HEADQUARTERS

SECTION 1: The Headquarters of the Third District, The American Legion, Department of Missouri, shall be established and maintained under the direction of the District Executive Committee, and in accordance with the Constitution.

ARTICLE II - ELECTION, TERMS, POWERS, AND DUTIES OF OFFICERS

SECTION 1: Election of District officers shall normally be held during the month of June each election year with all officers elected or appointed under the provisions of Article VI, Section I, of the Constitution assuming their respective duties immediately upon adjournment of the District meeting at which the elected and shall hold the irrespective offices until their successors are elected or appointed and qualified.

SECTION 2: No District Commander shall be eligible to succeed himself/herself in office except as provided in Article VI of the District Constitution.

SECTION 3: COMMANDER: The District Commander shall be the Executive head of the Third District, The American Legion, Department of Missouri, with full power

to enforce the provisions of the District Constitution and By-Laws and the will of the District meetings and the District Executive Committee. He shall appoint all necessary committees and any employees subject to the approval of the District Executive Committee. He shall represent the District in its relations with the Department and all agencies having business with the District. He shall have the power to select any of the Vice-commanders or any Post Officer to represent him/her at public ceremonies and meetings. He shall exercise general supervision over the district.

SECTION 4: VICE-COMMANDERS:

a. The two (2) District Vice-Commanders shall serve without seniority. They shall act as representatives of the District Commander in all matters that he may refer to them; they shall represent the Commander on all occasions to which they may be assigned by him; and they shall perform such other duties as may be assigned to them by the District Commander

b. Two (2) Vice-Commanders shall be elected by the District membership in response to the recommended slate provided by a Nominating Committee appointed by the District Commander for this purpose. This slate shall normally be announced during the month of April during the election year and voted on by the membership in attendance of the District meeting during the month of June in the said electioneer. One Vice-Commander will normally be selected from District members north of Highway 36 and one will normally be selected by the Nominating Committee from south of said Highway 36 which dissects the posts of the district. These Vice-Commanders shall be known as "Northern Vice-Commander and Southern Vice-Commander" respectively.

SECTION 5: ADJUTANT: The District Adjutant shall be selected by the District Commander and serve at his pleasure throughout the period for which appointed. He shall be the keeper of official records pertaining to the district and shall act as secretary for all district and Executive Committee meetings where he shall serve without vote unless qualifying under the provisions of Article IV, Section III of the District Constitution. He shall perform such other duties as may be prescribed by the District Commander and the District Executive Committee.

SECTION 6: FINANCE OFFICER: The District Finance Officer shall be the custodian of the funds of the District. He shall transfer all funds in the name of "The Third District, The American Legion, Department of Missouri" to such bank or banks as may be selected by him and approved by the District Executive Committee as soon as practicable after assuming his office. Each banking institution selected as a depository for funds shall be capable of providing an indemnifying bond sufficient to cover the amount of deposit.

The District Finance Officer shall keep an accurate record of all receipts and disbursements, and his records shall be open to inspection by interested persons at all times. Prior to assuming his duties he shall, in coordination

with the outgoing Finance Officer, obtain an official statement of the status of the account from the banking institution handling the account funds. Any discrepancy in this transfer shall be brought to the attention of the District Commander by the newly elected Finance Officer upon detection. A full statement of the status of all funds and their expenditures shall be a part of each official scheduled District meeting or at the request of the District Commander or the District Executive Committee. The payment of District funds will normally be limited to those items appearing in the annual district budget or approved by voice vote of the membership and reflected in the official district meeting minutes. The Finance Officer shall perform other duties as may be assigned by the District Commander or the District Executive Committee.

SECTION 7: CHAPLAIN: The District Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the Department or District Headquarters.

SECTION 8: HISTORIAN: The District Historian shall collect and preserve a record of all historical matter which may be of interest to the district thereby accurately depicting the activities and accomplishments of the membership. This record shall normally be presented to the membership during the early part of each annual year for information and comments. The District Historian shall perform such other duties as may be assigned by the District Commander.

SECTION 9: SERGEANT-AT-ARMS: The Sergeant-at-Arms shall have charge of the ceremony and advancing and retiring the Colors at all appropriate District functions and ceremonies. He shall be in charge of ushering and seating of the membership as required and in keeping of order during the meetings of the District. He shall be empowered to appoint such assistants as shall be necessary to carry out his duties. The Sergeant-At-Arms shall perform such other duties as may be assigned by the District Commander.

SECTION 10: AUDITS: The accounts of the District Finance Officer shall be audited by an outside auditor and at such time as may be determined and directed by the District Executive Committee.

ARTICLE III - DISTRICT EXECUTIVE COMMITTEE

SECTION 1: The District Executive Committee shall be organized as specified in Article V, Section 3 of the Constitution and shall meet at such places as the District Commander shall designator at any time a majority of the District Executive Committee shall request the District Commander to call such a meeting, or upon written request to the District Commander by as many as one-third of the Post Commanders of the District. In this latter instance, the Commander of the lowest numerically numbered post (first chartered) shall develop the meeting agenda and serve as spokesman for the group of District representatives requesting the special meeting of the District Executive

Committee.

SECTION 2: A majority of the members of the District Executive Committee shall constitute a quorum to transact business.

SECTION 3: All sessions of the District Executive Committee shall be open to every member of the district, excepting that closed sessions may be held for the purpose of discussing matters dealing with personnel, property, or awards. Meetings shall be held in such places as shall reasonably accommodate those who desire to appear before such Committee. The privilege of speaking before the Committee shall be granted or refused by the District Executive Committee at its discretion.

SECTION 4: Notice of the time and place of any meeting of the Executive Committee shall be dispatched to all posts within the district at least 10-days in advance of any such meeting. The District Executive Committee shall have the ultimate authority to approve or disapprove all expenditures planned from district funds.

ARTICLE IV - MEETINGS

SECTION 1: Regular District meetings shall be held quarterly throughout the calendar year and special meetings will be conducted at the call of the District Commander whenever, in his/her judgment, such meetings are necessary. In all instances, such meetings will receive adequate notice to the posts of the District citing the time, place and purpose of such meetings. No business shall be transacted at such special or called meeting other than that specified in the notices for said meeting.

SECTION 2: The District Adjutant shall have the authority to call a special meeting of the posts of the district when requested to do so in writing by one-third of the post commanders of the District.

SECTION 3: The place of district meetings shall be determined by invitation from the posts within the District. When there are no invitations, the place of the District meeting shall be designated by the District Commander.

ARTICLE V - POSTS

SECTION 1: Each post in the District shall have a Commander, one or more Vice-Commanders, an Adjutant, a Finance Officer, a Chaplain, an Historian, a Sergeant-at-Arms, and such other officers as may be provided by the Constitution and By-Laws of the post. In addition to the duties of the post officers as prescribed by the National, Department, and District Constitution and By-Laws, post officers shall perform such other duties as may be prescribed by the respective Post Commander and such duties shall conform as nearly as possible to the duties imposed on similar District officers.

SECTION 2: The election of post officers for the ensuing year shall be held at

least thirty (30) days but not more than sixty (60) days prior to the Department Convention, and officers elected shall be installed after the Department Convention but no later than October 20, after the adjournment of the Annual Department Convention.

SECTION 3: No post shall be allowed to provide a representative to the Department Convention unless their officer list has been provided to the District and Department on or before November 1 preceding such convention.

SECTION 4: Each post shall subscribe to the National, Department, and District Constitution and By-Laws and shall not incur any obligations in the name of the post, subdivision, organization, branch, committee or group members of The American Legion.

SECTION 5: Each post shall adopt its own Constitution, By-Laws, Rules and Regulations, which shall not be inconsistent with the National, Department or District Constitution and By-Laws and shall maintain a current copy on file with the District Adjutant.

SECTION 6: Any post whose membership dues (either post, Department, or National) are paid by as much as fifty percent by one person or group of persons shall thereby risk loss of charter within the district due to possible influence being established within the organization.

SECTION 7: Any member of The American Legion, Department of Missouri, in good standing in his post, may transfer his membership to another post upon complying with the membership requirements of the post to which he desires to transfer, and for this purpose he shall be entitled to a certificate from his post stating his membership and the duration thereof. The transfer shall be valid only when registered with the Department Adjutant.

SECTION 8: Two or more posts in any city, county, or subdivision thereof, upon an affirmative vote of two-thirds of the current paid-up membership of each post, may consolidate upon favorable recommendation by the District Executive Committee and approval by the Department Executive Committee

ARTICLE VI - RULES OF ORDER

SECTION 1: Robert's Rules of Order (revised edition) shall govern the procedure of this District and all posts unless superseded by special rules of order properly adopted by the body of the meeting.

ARTICLE VII - QUORUM

SECTION 1: Representation of a one-third of the district posts will be required to constitute a quorum at the regular or specially called meetings.

ARTICLE VIII - AMENDMENTS

SECTION 1: These By-Laws may be amended at any District meeting by a two-thirds affirmative vote of the total authorized representation thereof; provided that such proposed amendments shall have been submitted by the District Adjutant to the members of the District Executive Committee at least forty-five (45) days prior to the convening of said meeting. An amendment shall be in force upon adjournment of such District meeting unless a subsequent effective date is so designated herein.

ARTICLE IX - ADOPTION

SECTION 1: This District Constitution and By-Laws or any amendments thereto duly adopted shall be in full force and effective immediately upon its adoption by a majority of the posts represented at any called meeting of the District.

Final reading at regular meeting

Date _____