

**JESSE CLIPPER POST 430, INC.**

**THE AMERICAN LEGION**

**DEPARTMENT OF NEW YORK**

**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 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**

Section 1: The name of this organization shall be "JESSE CLIPPER POST 430, AMERICAN LEGION INC., DEPARTMENT OF NEW YORK", and shall be referred to throughout as the Post.

**ARTICLE II**

**OBJECT**

Section 1: The objective and purpose of the post shall be to promote the principles and policies as set forth in the foregoing preamble, National, Department and Erie County Constitution of the American Legion.

**ARTICLE III**

**NATURE**

Section 1: This Post is a civilian organization. Membership therein does not affect or increase liability for military or police service. Rank does not exist. No member shall be addressed by his military or naval title in any convention or meeting of the Post.

**Section 2:** The Post shall be absolutely non-political 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:** Each member shall perform his full duty as a citizen according to his own conscience and understanding.

## **ARTICLE IV**

### **MEMBERSHIP**

**Section 1:** Any person shall be eligible for membership in this American Legion and this corporation, who was a member in the Armed Forces of the United States to include the Merchant Marines, and assigned to active duty at some time during the following periods:

- a. April 6, 1917 to November 11, 1918 (World War I).
- b. December 7, 1941 to December 31, 1946 (World War II).
- c. June 25, 1950 to January 31, 1955 (Korea)
- d. February 28, 1961 to May 7, 1975 (Vietnam)
- e. August 24, 1982 to July 31, 1984 (Grenada)
- f. December 20, 1989 to January 31, 1990 (Panama)
- g. August 2, 1990 to as determined by the Government (Persian Gulf).

All dates inclusive, or who being a citizen of the United States at the time of entry in the Military or Naval service of any governments associated with the United States during said wars or hostilities; PROVIDED, HOWEVER, that such person shall have an HONORABLE DISCHARGE OR SEPARATION from such service or continues to serve honorably after any of the aforesaid terminal dates.

Membership is NOT permitted to any person who "Being in such service during any of the aforesaid periods, 'REFUSED ON CONSCIENCE, POLITICAL OR OTHER GROUNDS, TO SUBJECT HIMSELF TO MILITARY DISCIPLINE OR UNQUALIFIED SERVICE'".

**Section 2:** Application for membership shall be in writing and shall contain the applicants full military dates and such other regulations as may be prescribed by the Post Executive Committee and presented to the Executive Committee, which shall make it's recommendation of approval or disapproval to the next regular Post meeting and to be approved or disapproved by majority vote of the members present at the regular Post meeting.

**Section 3: Members may be suspended or expelled from this Post of the American Legion only upon proper showing of cause.**

- a. **Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of the American Legion.**
- b. **All charges must be made under oath, in writing, by the accusers and no member in good standing shall lose his membership until given a fair trial in such manner and form as prescribed by the Department of New York, Executive Committee.**
- c. **This action shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of this Post as a member, upon the grounds of his ineligibility to membership in the Post.**
- d. **Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee in the manner prescribed by said Committee. The decision of the Department shall be final.**

**Section 4: Any member who has been expelled from this Post may be reinstated to membership after six (6) months by a majority vote of fully financial at a regular post meeting; PROVIDED however, he shall make full payment of any back dues at the time of his expulsion and also other regular dues covering the year in which he is being reinstated.**

**Section 5: There shall be no form or class of membership, except an active membership.**

**Section 6: Dues shall be paid annually or for life.**

**Section 7: No person who is a member of another Post may be a member of this Post.**

## **ARTICLE V**

### **OFFICERS**

**Section 1: The administrative affairs of this Post of the American Legion shall be, except as otherwise provided in the by-laws, be under the supervision of the Executive Committee, which shall consist of the elected officers of the Post, and the immediate Past Commander who shall be a ex-officio member of the executive committee.**

**Section 2: All Elected Officers of the Post shall be elected annually. The elected officers of the Post shall be a COMMANDER, FIRST VICE COMMANDER, SECOND VICE COMMANDER, THIRD VICE COMMANDER, FINANCE OFFICER AND SERGEANT AT ARMS and such other officers as may be deemed necessary by this organization.**

**Section 3: Election of Officers shall be according to the procedures established in Article IV, "Election and Appointment of Officers" in the By-laws.**

**Section 4: The Elected Officers, shall at the next regular Post meeting, be sworn in and installed by the outgoing Commander or VIP as requested. The newly installed Commander shall appoint an Adjutant, Service officer, Chaplain, Judge Advocate and Historian, to be sworn in at the next regular meeting.**

**Section 5: Every member of this post, in good standing, shall be eligible to hold office in this post unless otherwise provided herein.**

**Section 6: The duties of the Officers and Executive Committee shall be those usually pertaining to such Officers or Executive Committeemen and as provided in the by-laws.**

## **ARTICLE VI**

### **EXECUTIVE COMMITTEE**

The elected and appointed officers of the Post and the immediate Past Commander shall constitute the Executive Committee. The Executive Committee is charged with the management and administrative affairs, and the property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members. The Commander shall be Chairperson of the Executive Committee. The Adjutant, Chaplain, Service Officer, and Historian are non-voting members of the Executive Committee.

## **ARTICLE VII**

### **FINANCE**

**Section 1: The revenue of this Post shall be derived from membership or initiation fees from annual membership dues and from such other sources as may be approved by the Post or Post Executive Committee.**

**Section 2: The amount of such membership or initiation fees and the amount of such Post dues shall be fixed and determined by the members of this Post.**

Section 3: This Post shall pay the County, Department and National dues for every paid up member of the Post.

## **ARTICLE VIII**

### **CHARTER MEMBERS**

Section 1: Members who joined this Post prior to November 11, 1919, shall be known as the CHARTER MEMBERS and also known as the group that started the JESSE CLIPPER POST #430, AMERICAN LEGION INC., and who brought same into being.

## **ARTICLE IX**

### **AMERICAN LEGION AUXILIARY**

Section 1: This Post recognizes an Auxiliary organization to be known as the "Auxiliary of Jesse Clipper Post 430, American Legion, Department of New York."

Section 2: Membership in the Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers of members of this Post. Step-relatives in the previous categories are also eligible.

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 of the American Legion and there after approved by this Department of the American Legion.

## **ARTICLE X**

### **AMENDMENTS**

Section 1: This constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Department Constitution of the Department of New York, the American Legion. Any amendment to the National or Department, which is in conflict with any provisions thereof, shall be regarded as repealing or modifying the provision of this to the extent of such conflict or modification.

**Section 2:** This constitution may be amended at any regular Post meeting, by a two-thirds vote of the members present: Provided that the proposed amendment shall have been submitted in writing and read at the next regular meeting of the Post; and, Provided further that written notice shall have been given all members in good standing of the Post at least three days in advance of the date at which such amendment is to be voted upon, notifying said members that at such meeting, a proposal to amend the constitution is to be voted upon.

**Section 3:** Any amendment to this Constitution shall become effective immediately upon approval of the Department Judge Advocate of the American Legion.

## BY-LAWS

### ARTICLE I QUORUM

**SECTION 1:** At all regularly scheduled General Meetings and Special meetings; seven (7) of the paid-up membership present shall constitute a quorum, providing at least three (3) elected Officers are present.

**SECTION 2:** A quorum at the Executive Committee meetings shall consist of 5 voting members of the Committee.

### ARTICLE II COMMITTEES

**SECTION 1:** The following standing committees shall be appointed by the Commander with the approval of the Executive Committee: Membership, Finance, Children and Youth, Legislative, Public Relations, and Veterans Affairs/Rehabilitation.

**SECTION 2:** Additional temporary Committees may be appointed by the Commander, with the approval of the Executive Committee, and may consist of any number of persons. The Commander has the power to dissolve any and all committees and re-appoint new committees to replace them with approval of a majority of the voting Executive Committee.

**SECTION 3:** All Committees shall submit minutes, financial requests and reports in writing to the Commander and Adjutant after each meeting.

### ARTICLE III MEETINGS

**SECTION 1:** There shall be three (3) types of meetings; General Meeting, Executive Committee, and Special Meetings.

**SECTION 2:** The Executive Committee shall meet on the Monday before the regular monthly meeting, unless a special meeting is called. Notification of special meetings of the Executive Committee will be done telephonically or electronically by the Adjutant.

**SECTION 3:** General Post Meetings will be held on the third (3) Wednesday of every month, at a place designated at the previous general meeting. Special General Post Meetings will be called for by the Commander and the Executive Committee.

**SECTION 4:** Written notices shall be mailed to all members at least one week in advance to notify them of meetings. The General Meeting in April will also be the Election of Officers.

**SECTION 5:** The order of business shall be prescribed by the Commander and may be changed as the Executive Committee directs.

**SECTION 6:** At each General or Special Meeting all members in good standing shall be entitled to one vote.

**SECTION 7:** Every organization is limited to those powers that can be exercised in compliance with law, constitution, by-laws, charter or standing rules. The Parliamentary authority adopted by the organization controls. The adopted authority on Jesse Clipper Post 430 Charter, Constitution, By-laws, and Standing Rules shall be "ROBERTS RULES OF ORDER, NEWLY REVISED."

**SECTION 8:** All Officers shall be required to attend the General and Executive Committee meetings and such other meetings as may be required in performance of their duties.

**SECTION 9:** An Officer shall not miss more than two (2) consecutive meetings in one (1) year of his term without valid cause, and excused by the Executive Committee. If he so does he will be removed from his office.

#### **ARTICLE IV ELECTION AND APPOINTMENT OF OFFICERS**

**SECTION 1:** A Commander, not more than three Vice Commanders designated as First, Second, and Third Vice Commanders, Sergeant at Arms, and Finance Officer whose terms are expiring shall be elected annually by the members of the Post. The Finance Officer will be elected every two (2) years.

**SECTION 2:** The newly elected Commander with the approval of the Executive Committee shall appoint An Adjutant, Judge Advocate, Chaplain, Historian, and Service Officer.

**SECTION 3:** Nominations of Officers will be held at the General Meetings in February and March.

**SECTION 4:** Election of Officers will be held at the General Meeting in April as follows:

- (a) If in April the nominees are running unopposed a motion will be made from the floor that the Adjutant cast one ballot for the entire slate of officers.
- (b) If in April there is more than one nominee running for a particular office, the Adjutant will conduct the election by Office and a show of hands vote or secret ballot will be conducted. The Adjutant and Sergeant at Arms will count the votes and the Adjutant will announce the results.

**SECTION 5:** The newly elected Commander at the General Meeting will announce all Officer and Committee appointments in May.

**SECTION 6:** The newly elected and appointed officers shall be sworn in and shall take office at the general meeting in June each year.

**SECTION 7:** In the event that the office of Commander is vacated, the 1<sup>st</sup> Vice Commander shall succeed to the office of Commander for the remainder of the unexpired term.

**SECTION 8:** Should any other Office be vacated excluding the Board of Trustees or Directors, the Commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee.



## **SECTION 9:**

- (a) The Post Commander will be limited to two (2) consecutive elected terms of office.
- (b) After serving two consecutive elected terms as Post Commander he/she must have a five (5) year interval before he/she is eligible to be nominated and elected to the office of Post Commander for additional terms of Office.
- (c) The Finance Officer may succeed himself in office every two years with a majority vote.
- (d) All other elected officers may succeed themselves in their respective office each year, with a majority vote.
- (e) Any member of Jesse Clipper Post 430 may run for office provided he has one (1) year in good standing.
- (f) To be elected to Post Commander an individual must have served as a Vice Commander for at least one (1) year.

**SECTION 10:** Department and National Headquarters will be notified of the election and appointment of new officers by the Adjutant within thirty (30) days after the election and not later than June 15 each year.

## **ARTICLE V DUTIES OF POST OFFICERS**

### **SECTION 1 COMMANDER:**

- A. The Commander is the Senior Executive Officer of the Post and shall preside at all meetings of the Post and Executive Committee. He shall direct and supervise the activities of all Jesse Clipper Post 430 Officers elected and appointed and all committees.
- B. The Commander shall have full powers as herein provided to enforce the provisions of the Articles of Incorporation, Constitution, By-laws, and Standing Rules of this Post.
- C. The Commander with the Adjutant and Finance Officer shall be responsible for all moneys of and received by the Post and the upkeep and safety of all Post property.
- D. The Commander or his representative shall represent Jesse Clipper Post 430 at all civic, memorial and community functions where it is customary that Veterans Organizations are represented.

### **SECTION 2 FIRST VICE COMMANDER:**

- A. The 1<sup>st</sup> Vice Commander shall act as direct representative of the Commander. He shall preside over meetings in the absence of the Commander. The 1<sup>st</sup> Vice Commander is the membership Chairperson. He/she shall also perform such other duties as are usually incident to the office.
- B. The 1<sup>st</sup> Vice Commander institutes and promotes the Post membership campaign. The 1<sup>st</sup> Vice Commander is responsible for the issuance of membership cards and keeping the membership records of the Post.
- C. The 1<sup>st</sup> Vice Commander shall be kept informed on the membership strength of the Post and its status within the County and Department.

**SECTION 3 SECOND VICE COMMANDER:**

The 2<sup>nd</sup> Vice Commander shall assist the Commander in the performance of his duties. The 2<sup>nd</sup> Vice Commander is the Special Events coordinator. He/she shall also perform such other duties as are usually incident to the office.

**SECTION 4 THIRD VICE COMMANDER:**

The 3<sup>rd</sup> Vice Commander shall assist the Commander in the performance of his duties. The 3<sup>rd</sup> Vice Commander is liaison with all subordinate units. He/she shall also perform such other duties as are usually incident to the office.

**SECTION 5 ADJUTANT:**

- A. The Adjutant is the administrative officer of the Post and is the right hand of the Commander. He is charged with maintaining all Post records. He/she shall handle correspondence and other routine business of the Post.
- B. He/she shall establish and maintain an up-to-date file of names and addresses of the membership and their status in the Post.
- C. He/she shall establish and maintain all files and correspondence, incoming and outgoing by subject matter.
- D. The Adjutant shall forward to the Finance Officer all bills/receipts with vouchers for payment.
- E. He/she shall inform the membership in advance of all Post meetings and activities.
- F. He/she will present all Post communications and correspondence at Post General and Executive Committee Meetings.
- G. He/she will maintain a record of all Post property including a description, value, and location of such property.
- H. The Adjutant will arrange for a VIP to administer the Oath of Office to all newly elected officers.
- I. The Adjutant is the official contact person for the Post and is the liaison officer between the Post, Community, Department, and National Headquarters.

**SECTION 6 JUDGE ADVOCATE:**

- A. The Judge Advocate is the legal advisor to the Commander and the Executive Committee.
- B. He/she will serve as the Post Parliamentarian at all Post and Executive Committee meetings. He/she shall be responsible for the maintenance, amendment proceedings, and interpretations of the Constitution and By-laws. He/she shall insure Post compliance with National and Department Constitution and By-laws.
- C. He/she shall conduct investigations into Membership and Officer discipline.

**SECTION 7 FINANCE OFFICER:**

- A. The Finance Officer is charged with collecting, banking, and accounting for all Post funds.
- B. He/she shall be ready to make a report on the condition of the Post treasury when called upon by the Commander or the Executive Committee.
- C. He/she shall collect all dues and assessments and keep a record of same.
- D. The Finance Officer will keep all funds in a local banking facility. Payments for all approved bills are to be made by check. All checks are required to bear two signatures. The signatures of the Post Commander and Finance Officer. In the absence of the Post Commander the 1<sup>st</sup> Vice Commander or 2<sup>nd</sup> Vice Commander will be assigned as the second signature.

E. The Post will incur no financial obligation unless authorized, and no payments shall be made without prior authorization by the membership by a majority vote at a General Meeting.

**SECTION 8 SERGEANT AT ARMS:**

The Sergeant at Arms is responsible for the keeping of order at Post meetings, for the care of the Post colors and other duties as are usually incident to the office.

**SECTION 9 HISTORIAN:**

The Historian shall compile records of the Post activities and submit a full historical record at the end of his term. He/she shall work with the Adjutant and other officers when necessary. He/she will perform other duties as are usually incident to the office. He/she is also the Post photographer.

**SECTION 10 SERVICE OFFICER:**

The duties of the Service Officer are to provide information and referral and assistance to Veterans and eligible persons regarding needed benefits and services that may be obtained through various agencies and other duties as are usually incident to the office.

**SECTION 11 CHAPLAIN:**

The Chaplain is charged with the spiritual welfare of the members. He/she shall help plan funeral arrangements with the family of a deceased member, and will arrange for Color Guard and Honor Guard at the family's request. He/she will send out get-well cards and coordinate visits to sick members at the Buffalo Veterans Hospital.

**ARTICLE VI  
DELEGATES TO CONVENTIONS**

**SECTION 1:** Delegates to American Legion County, Department or National Conventions shall be chosen by a nomination and election at the Meeting in May each year. The number of delegates to be in accordance with Department and National rules. The Post Commander shall constitute one of these delegates. The Post will pay all delegate fees if finances permit.

**ARTICLE VII  
FINANCE**

**SECTION 1:** The annual dues of this Post shall be determined by vote of the membership at a General Meeting. The annual dues will also follow the guidelines established by National and Department.

**SECTION 2:** All fund raising activities must be submitted to the Executive Committee in advance. The Executive Committee will make a recommendation to the membership. All fund raising activities must be approved at a General Meeting.

**SECTION 3:** The Chairperson(s) for approved fund raising activities shall submit in writing to the Executive Committee a plan of activities, anticipated gross revenues and all expenditures expected, including any contracts that the Post would enter into. The Executive Committee will submit the plan to the membership for approval.

**SECTION 4:** All contracts and advanced payments must be approved in advance by the membership at a General Meeting. In emergency situations the Commander may enter into contracts and make advanced payments as necessary. He will then inform the membership at the next scheduled General Meeting.

**SECTION 5:** Rules as to delinquent dues will be established by the Executive Committee and enforced by the Finance Officer and Membership Chairman.

**SECTION 6:** An annual budget shall be prepared by the Finance Officer and submitted to the Executive Committee for approval and adequate books and records of account maintained and subject to inspection and regulation by the Executive Committee & Board of Trustees.

**SECTION 7:** The Finance Officer shall render a report of receipts and disbursements at each General Meeting. The Finance Officer shall be responsible for filing IRS Form 990 with the District Director of the IRS. A copy of said form is to be filed with National and Department Headquarters. The Post fiscal year shall begin January 1 and end December 31 each year.

**SECTION 8:** All Officials of this Post handling Jesse Clipper Post 430 funds shall be properly bonded through the National Headquarters blanket bond or a licensed bonding and surety company as a surety to cover the average amount of American Legion funds handled by individuals in a single year.

#### **ARTICLE VIII RESOLUTIONS**

**SECTION 1:** All resolutions for County, Department or National American Legion action, adopted by this Post shall be forwarded to the County, Department or National Headquarters.

**SECTION 2:** Resolutions require a majority vote at a General Meeting to be approved.

#### **ARTICLE IX RESTRICTED USE OF ORGANIZATION**

American Legion, or any component part thereof, shall NOT be used to promote the interest of any individual, organization, political party, fraction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

#### **ARTICLE X DISCIPLINE OF POST MEMBERS**

**SECTION 1:** Members of the post may be suspended or expelled for any one or more of the following reasons:

- (a) Failure to comply with any obligation imposed on members under the Constitution and By-laws.
- (b) Any violation of law that reflects unfavorably on the name of American Legion.
- (c) Any conduct unbecoming a Legionnaire.
- (d) Ineligibility for membership at time of acceptance into membership.
- (e) Procurement of membership by fraud or deception.

**SECTION 2:** Any member of the American Legion may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practical, and signed by the accuser.

**SECTION 3:** All charges and specifications shall be filed with the Post Commander of the Post to which the accused member belongs. On receipt of said charges and specifications, the Post Commander shall, within five days, send a copy thereof by certified mail to the member accused, together with a notice fixing a date, place, and time of a hearing to be held not less than 30 days after the date of mailing.

**SECTION 4:** The charges and specifications shall be heard by the Executive Committee of the Post, at which said hearing the accused member shall have the right to be represented by counsel and to cross-examine his accuser or accusers and witnesses presented against him. No member against whom charges have been preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.

**SECTION 5:** The Post Judge Advocate shall prosecute the charges, and the attendance of a court reporter shall be permitted.

**SECTION 6:** The presiding officer of said Executive Committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.

**SECTION 7:** On the conclusion of the hearing, a vote shall be taken first as to whether there is a basis for the charge or charges and, if by the vote hereinafter mentioned, it is determined that there is none, the charges may be dismissed. If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges and each of the specifications. A two-thirds vote of the members of the Executive Committee hearing the charges and specifications shall be required to sustain any charge or specification. Voting herein provided for shall be secret or open as said Executive Committee may, by majority vote thereof, determine.

**SECTION 8:** If any charge or specification is sustained, then the member shall be deemed to be guilty thereof and the officer presiding at the hearing shall then put the question of the degree of punishment as to whether there shall be a suspension from the benefits of membership and, if so, for how long; or whether there shall be an expulsion from membership.

**SECTION 9:** Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, e.g., from Post Executive Committee to State Executive Committee to National Executive Committee. Notice of appeal must be filed in writing with the appellate body not later than 15 days after the imposition of the penalty.

**SECTION 10:** The decision of the appellate body at either level shall be binding and final.

**SECTION 11:** The procedure for the handling of any appeal to be heard by the National Executive Committee or the National Convention shall be prescribed by the National Judge Advocate. The procedure for the hearing of an appeal by the Department Executive Committee shall be prescribed by the Department Judge Advocate, and the procedure for handling of any appeal to be heard by the Post Executive Committee shall be prescribed by the Post Judge Advocate. No such procedure at any level, however, shall be inconsistent or in conflict with the National, Department or Post Constitution and By-laws or this code.

#### **ARTICLE XI TORT LIABILITY**

Each member, and each subsidiary member, shall be deemed to have released and exonerated each other member and the American Legion from any tort liability other than based on fraud or criminal act to the extent to which such liability is satisfied by the proceeds of liability insurance carriers by a member, a subsidiary member, or by the American Legion.

#### **ARTICLE XII LIABILITY OF OFFICERS, DIRECTORS, AND TRUSTEES**

The Officers shall not be liable to the American Legion or to any of its members for any mistake of judgment, negligence, or otherwise, except for their own individual willful misconduct or bad faith. The American Legion and the members of the American Legion shall indemnify and hold harmless each Officer, Director and Trustee against all contractual liability to other arising out of contracts made by the Officers, Directors, and Trustees on behalf of the American Legion unless any such contract shall have been made in bad faith or contrary to the provisions of these By-laws or Constitution. It is intended that the Officers, Directors, and Trustees shall have no personal liability with respect to any contract made on behalf of the American Legion. Further, the American Legion and each member of the American Legion shall indemnify the Officers, Directors, and Trustees of the American Legion and shall defend them and hold them harmless from all liability in tort, except for their own individual willful misconduct or fraud, from any and all claims, demands, or actions by any person or persons arising out of the performance of the duties of their office and activities responsible related thereto, including claims for cost, expenses and attorney's fees and any other claims of what so ever kind or nature.

#### **ARTICLE XIII CORRESPONDENCE**

**SECTION 1:** Elected and appointed Officers shall have the authority to initiate correspondence on behalf of the Post and its membership.

**SECTION 2:** It shall be the duty of the initiator of any correspondence to submit a copy of the correspondence to the Post Commander and Adjutant, and to any other Officer or Committee concerned.

## **ARTICLE XIV TRUSTEES**

Section 1: The Post may elect five Trustees from the members of the Executive Committee to serve in accordance with the provisions of the Benevolent Orders Law and who shall have the care, management, and control of the Benevolent Orders Law, after the Trustees are first elected, by lot, be assigned a term of one, two, or three years and thereafter all Trustees shall be elected for terms of three years.

Section 2: The Trustees shall not sell, convey, mortgage or dispose of any of the temporalities and property of the Post except by and under its direction duly had or given at a regular meeting thereof, according to Constitution and By-Laws, and the said Trustees shall at all times obey and abide by the directions, orders, and resolutions of the Post.

Section 3: That in the event the Charter of the Post is suspended, cancelled or revoked by The Executive Committee of the Department of New York, the Trustees then in office shall transfer all of the temporalities and property of the Post to The Department of New York, in accordance with Article III, Section 3 of the National Constitution of The American Legion.

Section 4: That the Trustees elected may file, in the office of the Secretary of State, a Certificate of such election, signed and acknowledged by the Commander, 1<sup>st</sup> Vice Commander, and 2<sup>nd</sup> Vice Commander of the Post, stating the date and place of such election and that the same was regular, the names of such Trustees and the term of which they are elected to serve and the name of the Post.

## **ARTICLE XV AMENDMENTS**

**These By-laws may be amended by a majority vote of the members present at a General Meeting. Proposed amendments must be submitted in writing to the Executive Committee, through the Constitution and By-laws Committee for recommendation. The Committee will instruct the Adjutant to notify the membership, by mail with copies of proposed changes at least ten (10) days before the meeting to vote on the amendment. Copies of all adopted amendments shall be forwarded to the Department Judge Advocate for review and recommended approval. The Department Judge Advocate will forward a copy of the approved By-laws to the National Headquarters for filing.**





# The American Legion



DEPARTMENT OF NEW YORK

112 State Street • Suite 1300 • Albany, New York 12207

W. PATRICK FALVEY, CHAIRMAN

CONSTITUTION & BY-LAWS

203 Route 54 - East Lake Road

Penn Yan, NY 14527

1/315/536-7189

May 19, 2016

James W. Casey  
Department Adjutant  
The American Legion, Department of New York  
112 State Street, Suite 400  
Albany, NY 12207

Re: Constitution and By-Laws of Jesse Clipper Post 430, Inc.,  
American Legion Department of New York

Dear Adjutant Casey:

Please be advised that at your office's recent request I have reviewed the enclosed Constitution and By-Laws adopted July 17, 2013 for the Jesse Clipper Post 430, Inc., American Legion.

I approve of same as they appear to be in substantial compliance with both the Department of New York and the National Constitution and By-Laws of the American Legion.

Very truly yours,

W. Patrick Falvey

Chair Department Constitution and By Laws  
Committee

203 Route 54, East Lake Road

Penn Yan, New York 14527

Telephone No. 315-536-5131 (w)

WPF:mls

Enc.

cc: Henry W. Curtis, III, Commander  
Jesse Clipper Post No. 430, Inc.  
American Legion  
PO Box 1041  
Buffalo NY 14205