



The American Legion, Department of Ohio District 12

Constitution of the Paschall Post 164

Preamble

Preamble to the Constitution: 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 all 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 Paschall Post 164, The American Legion, Department of Ohio District 12.

Article II – Objects

Section 1. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and National and Department of Ohio Constitutions of The American Legion.

Article III – Nature

Section 1. This Post is a civilian organization and membership herein does not affect or increase liability of military service.

Section 2. This organization shall be nonpolitical and shall not be used for the dissemination of partisan principles nor the promotion of any person seeking public office.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by military title in any meeting of the Post.

Article IV – Membership

Section 1. Membership eligibility in this Post shall be as prescribed by the National Constitution of The American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applicants having supplied proof of Honorable Military Service, DD Form 214, and have completed an application for membership will be accepted as members. No one who has produced proof of Honorable Military Service shall be rejected membership in this Post.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Exec. Cmte. after charges are preferred, under oath in writing, and a fair trial had upon the same. *

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a Post shall be permitted membership in this Post without the consent of the expelling Post. The exception to this rule; where certain circumstances are such and a request by the individual, via an appeal, to the State Exec. Cmte. Department of Ohio for permission to apply for membership in this Post.

*Before proceeding under this section Post should make inquiry as to whether or not Department Constitution and By-Laws has provided a different procedure, which should be followed.

Article V –Post Officers

Section 1. The administrative affairs of this American Legion Post shall, except as may be otherwise provided, in the By-Laws be under the supervision of the Exec. Cmte. The term of office of members of the Exec. Cmte. shall be for one year, with the exception of the Two- and Three-Year Trustees. The Post By-Laws may provide for other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander and Finance Officer. In addition, there shall be three Trustees.

Section 3. The Commander shall appoint an Adjutant, Chaplain, Historian, Judge Advocate and a Sergeant-At-Arms, with the approval of the Exec. Cmte., and such other officers as may be deemed necessary by this organization. All officers and executive committee members shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Exec. Cmte. with a two-thirds vote of said committee being necessary to affect such removal.

Section 4. The Service Officer is specially trained to provide expert assistance, free of charge, to veterans and their families. This Officer is a Volunteer and works for the Commander. The Service Officer assists in the application for VA benefits and provides information, referrals, resources on education, employment, business and death benefits.

Section 5. Every member in good standing of this Post shall be eligible to hold office.

Section 6. The duties of officers are outlined in the By-Laws.

Article VI – Finance

Section 1. The revenue of this Post shall be derived from membership or initiation fees, annual membership dues, and from such other sources as may be approved by the Post Exec. Cmte.

Section 2. The amount of such membership or initiation fees and amount of such annual Post dues shall be fixed and determined by this Post and based upon National and Department of Ohio guidelines.

Section 3. The Post shall pay to Department Headquarters the National and Department annual membership dues for every member of the Post.

Article VII – Charter Members

Section 1. Members who joined the Post prior to November 11, 1919 (or members who joined this Post prior to the issuance of charter) shall be known as charter members. The matter of charter members for the permanent charter is left to the decision of the Post members.

Article VIII – American Legion Auxiliary

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Paschall Post 164, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Article IX - Amendments

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion, and the Constitution of the American Legion Department of Ohio. Any amendment to the National Constitution or Department Constitution which is in conflict with any provisions herein shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members attending such meeting, providing the proposed amendment shall have been submitted in writing and read at the preceding regular meeting. In addition, written notice shall be given to all members, notifying them at least 30 days in advance of the date when such

amendment is to be voted upon, notifying said members that at a given meeting a proposal to amend the Constitution is to be voted upon.

Approval: This Post Constitution has been approved by the Membership and Exec. Cmte. at the Post during meetings held in March, April, and May 2023. This official copy of the Post Constitution has been reviewed and signed by the Commander.

Signature _____ Date _____

Printed Name _____

BY-LAWS

PASCHALL POST 164, INC

AMERICAN LEGION, DEPARTMENT OF OHIO DISTRICT 12

Article I - The Post

Section I. The Post existing under these By-Laws shall be known as Paschall Post 164, The American Legion, Department of Ohio District 12.

Section II. The objectives of the Post are set forth in the Constitution.

Article II - Executive Committee

Section I. The Governance and Management of the Post is entrusted to the Executive Committee of duly elected and appointed members.

Section II: As identified in the Constitution, Article V Section 1. Concerning the The Exec. Cmte. specifically, the offices of 3, 2, and 1 Year Trustees. The following outlines the terms of service and election process. One trustee will be elected each year to serve a term of Three Years and the title of Office they hold will be 3 Year Trustee. Upon completion of the first year of their term their title will change to 2 Year Trustee for their second Year of service. Upon completion of the second year their title changes to 1 Year Trustee which will bring them to the final year of their term as Trustee. Upon completion of the third and final year they may, if they so choose, run for election as a 3 Year Trustee again or seek another Office of the Post. Further, if a Trustee leaves office before his/her term is complete the Executive Committee will have the authority to temporarily appoint a member to that office until such time as elections are held. At time of election the position that was previously vacated will be placed on the ballot, if necessary, to fill that position for the remainder of the term vacated

Section III. The Post Exec. Cmte. shall, with the Commander, exercise general supervision over the Post and shall meet at the call of the Commander in executive session for organization and such other business as may be properly brought before it. The Exec. Cmte. shall meet within ten

(10) days after the installation of the newly elected officers and appointed members. Thereafter, the Exec. Cmte. shall meet at the call of the Commander at least once a month and as often as the Commander may deem necessary for the proper transaction of the business of the Post. The Commander shall call a special meeting of the Exec. Cmte. upon written request of three or more members of the Exec. Cmte. or upon motion; duly carried at any regular Post meeting. Five members of the Exec. Cmte. constitute a quorum.

Section IV. The Commander shall announce all Exec. Cmte. meetings immediately preceding the regular Post meeting, and shall have said meeting published in the news bulletin of the Post. A member of the Post shall be granted the privilege of the floor, at a Exec. Cmte. meeting, upon request during a regular meeting.

Section V. All vacancies existing in any office of the Post for any cause other than the expiration of the term of office shall be filled by a majority vote of the members at a meeting of the Exec. Cmte. or at a regular Post meeting duly in session, except the two- and three-year Members-At-Large who will hold the office until the next election of the Post when the unexpired terms can be filled. All others so appointed shall hold office for the unexpired term of office of which he/she succeeds, subject to the ability to fulfill duties and subject to Article VI, Section 2 of the Constitution.

Section VI. The Exec. Cmte. shall hire such Employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committees.

Section VII. The Exec. Cmte. shall have complete charge of finances of the Post. Expenditures may be recommended at a regular membership meeting; however, shall be subject to approval of the Exec. Cmte.

Section VIII. The Executive Committee shall affix the amount of expense allowance, if any, for Post Staff and Officers.

Section IX. The Exec. Cmte. shall approve the wages of Employees, within the Post budget.

Section X. The Budget Committee will develop a budget and present it to the Exec. Cmte. for approval. The budget will then be presented to the Membership for final approval. Upon final approval the budget will be filed with the Adjutant. The Budget Cmte. is authorized and directed to meet at such time during the year as the Chairperson deems necessary and is empowered to modify or change the budget as conditions may develop, subject to the aforementioned process.

Section XI. The Exec. Cmte. shall conduct an annual audit of all Post records, funds, and property within thirty days after the end of the fiscal year. The report shall be filed with the Adjutant and shall be open to inspection by the Membership. The Exec. Cmte. may call for additional audits of Post records, funds and property pursuant to management of the Post.

Article III - Nomination, Election, and Installation of Officers

Section I. Nomination of all elective offices will be held annually. The nominations will open at the Membership meeting in the month of April and shall be closed at the Membership meeting in the month of May.

Section II. The election shall be by written ballot. In the case of two or more choices, a simple majority shall elect the candidate for that office. Write in candidates are acceptable but must be a member in good standing within the Post to hold elected office.

Section III. The election of officers shall be held in the month of May annually. The installation of all officers will be at the Membership meeting in June.

Section IV. No member shall be permitted to be a candidate for more than one office. The Adjutant is the only officer that receives a salary.

Section V. Only members holding a current membership card shall be permitted to vote and must present their membership card to receive a ballot for voting purposes.

Section VI. Election Polls will be open in the Post at 12:00 p.m. and will remain open until 8:00 p.m. of the date of the election. Supervision of all elections shall be under the direction of the Exec. Cmte., which shall formulate rules governing such elections. These rules shall be presented to the membership at a regular meeting of the Post prior to the election, and when approved by a majority of the members present shall be adopted as the Election Rules.

Section VII. Appointment of officers will be as prescribed in Article V, Section 3 of the Constitution.

Section VIII. The immediate Past Post Commander shall be appointed to the 12th District Council Exec. Cmte.

Section IX. The resignation of an Officer or Exec. Cmte. member may occur by one of the following: Written notice presented to the Commander, or verbal resignation to the members of the Post or the Exec. Cmte. in a regular meeting.

Article IV - Duties of Post Officers

Section I. Duties of the Commander. It shall be the duty of the Commander to preside over meetings of the Post, and to have general supervision over the business and other affairs of the Post and shall have full authority to ensure harmony is preserved and the laws of the Post are enforced. The Commander shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the distribution of funds and shall make an annual report covering the business for the year for the office, and shall make recommendations for the ensuing year, which shall perform such other duties as may be directed by the Post.

The Commander shall not entertain any motion to expend funds during a Membership meeting. Those requests must be presented to the Exec. Cmte. for approval.

Section II. The First Vice Commander shall be in charge of Post membership and shall be Chairperson of the Membership Committee and make a report at each meeting. The First Vice Commander shall act as Commander in the absence of the Commander at any Post function, meeting, conference or convention.

Section III. The Second Vice Commander shall be in charge of the activities and events at the Post and shall be the Chairperson of the events committee and provide reports of such activities. The Second Vice Commander shall preside in the absence of the Commander and First Vice Commander.

Section IV. Duties of the Finance Officer. The Finance Officer shall be a member of each committee appointed by the Post Commander to promote any activity of gain; the duties on these committees being to manage all funds taken in. The Finance Officer shall be responsible for all funds, bonds and other securities under the control and from any other sources and shall report once each month to the Exec. Cmte. the condition of the finances of the Post, with such recommendations as may be deemed expedient or necessary for raising funds with which to carry on Post activities. The Finance Officer shall oversee all disbursements of funds and shall insure that all personnel who handle funds of the Post are insured and bonded. The sum for such surety bond(s) will be set by the Exec. Cmte. The Finance Officer shall make a monthly report to the Exec. Cmte. and Membership of funds, expenditures, and debts of the Post.

Section V. The Trustees attend meetings and serve to get input, provide feedback, and become a spokesperson for the membership. Trustees don't have specific roles, but as an elected officer may also serve on multiple committees at the discretion of the Commander.

Section VI. Duties of the Adjutant. The Adjutant shall have charge and keep a full and accurate record of all Membership and Exec. Cmte. meetings. The Adjutant shall read the minutes of the previous Membership meeting at the next scheduled Membership meeting. The Adjutant shall read the minutes of the previous Exec. Cmte. meeting at the next scheduled Exec. Cmte. meeting. The Adjutant shall keep such records as may be required by National and Department of Ohio. He/She shall render reports of membership annually or when called upon at a meeting and under the direction of the Commander. He shall manage all correspondence and records thereof pertaining to the Post. The Adjutant is responsible for collecting the dues paid by individuals and causing those funds to be deposited in the proper bank account and disbursement of such funds to National and Department of Ohio. The Adjutant is responsible for assuring new members' records of service are valid upon acceptance of application.

Section VII. Duties of the Chaplain. The Chaplain shall be responsible for the spiritual welfare of the Members and shall offer divine but non-sectarian service in the event of dedications, funerals, public functions, and other occasions adhering to such ceremonial rituals as maybe recommended by the National or Department of Ohio.

Section VIII. Duties of the Historian. The Historian shall be charged with the individual records and incidents of the Post and members and shall perform such other duties as may pertain to the office as may be determined by the Commander or the Exec. Cmte.

Section IX. Duties of the Judge Advocate. The Judge Advocate shall advise the Exec. Cmte. on all legal matters, including the construction and interpretation of the Post Constitution and By-Laws and shall perform such other duties as directed by the Commander.

Section X. Duties of the Sergeant-at-Arms. The Sergeant-at-Arms shall preserve the order at all meetings and shall perform such other duties as may be assigned by the Exec. Cmte. The Sergeant-at-Arms shall maintain a register at meetings for all members present to sign, and shall ensure that all registered members are in good standing.

Section XI. Duties of the Immediate Past Commander. The Immediate Past Commander shall assist and aid the Post Commander in the execution of the Post endeavors.

Article V - Department and District Delegates

Section I. The incoming and outgoing Commanders will be automatically appointed as delegates to the Department of Ohio and District Conventions for the ensuing year. All other delegates and alternates will be nominated and elected from the floor at Post meetings.

Section II. The Adjutant shall record and notify all elected delegates and alternates selected.

Section III. The delegates and alternates to the Twelfth District Council shall be duly elected delegates to the Twelfth District Convention and serve for the ensuing year at all Twelfth District meetings and conferences.

Article VI - Committee Appointments

Section I. The Commander shall appoint the following Standing committees: Membership, House, Finance, Legal, Public Relations, Service, Relief, Americanism, Youth , Auditing, and Inventory, Visiting and Flowers, Constitution and By-Laws and such other committees as may be necessary and expedient. Such standing committees shall consist of any number of members and a chairperson thereof shall be designated by the Commander.

Article VII - Resolutions

Section I. All resolutions of state or national scope to this Post by a member of reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Article VIII - Notices

Section I. Every member shall furnish the Adjutant with contact information including a mailing address, phone number, and email address to receive notices of official Post activities.

Article IX - Post Meetings

Section I. Meetings of the Post membership shall be held on the second Thursday of every month at 6:00 pm.

Section II. An All-Hands meeting, which includes the Auxiliary, SAL, Honor Guard and VFW members, will be held quarterly during the monthly Membership meeting. The four months that this will take place are: January, April, July and October unless announced otherwise.

Section III. Eleven or more members, including officers, present and registered, shall constitute a quorum.

Section IV. Special meetings may be called by the Commander at any time to transact business of the Post.

Section V. Upon written request of 25 members or a majority vote of the Exec. Cmte., the Commander can be required to call a special meeting within a reasonable time.

Article X - Order of Business

Section I. Meetings of the Post will be conducted in accordance with The American Legion Officers Guide and Manual of Ceremonies, latest edition.

Section II. Rules of procedure shall be conducted as prescribed in The American Legion Officers Guide and Manual of Ceremonies and Roberts Rules of order, latest editions, accept as herein provided.

Article XI - Limitation of Liability

Section I. The Post shall not incur, or cause to be incurred, any liability or obligation that could cause other parties, such as any other Post, subdivision, members of The American Legion, or other individuals, corporations, or organizations, to also be held liable.

Article XII - PASCHALL CLUB AND POST HOME

Section I. Paschall Club is a wholly owned subsidiary corporation of American Legion Paschall Post 164, Inc., and will be operated in a building owned by the Post.

Section II. The regulation and control of the Paschall Club and Post Home is the responsibility of the Exec. Cmte.

Section III. The House Committee shall advise the Exec. Cmte. concerning events in the Club Home. The House Committee shall prepare and organize events for the Post. Those events being Dinners, Open House, Dances, Entertainment, Raffles and other such events as may be considered. Monies received from Raffles will be used specifically for the Post Home; in that, these funds will be for the repair, such as painting and replacing equipment. These funds will also be marked for Projects specifically for the Post Home such as additions to the building, upgrading the property and beautification of the property.

Section IV. The Governance Committee is responsible for the development of Post Rules. These rules will serve as a guide for the conduct of members within the Post. Published Rules are subject to approval by the Exec. Cmte.

Section V. The Exec, Cmte. shall hire and set the salary of the Paschall Post Club manager. The Paschall Post Club manager shall employ such help as deemed necessary under the Federal and State laws to properly conduct and maintain the Paschall Club.

Section VI. It shall be the duty of every member or guest to conduct themselves in a respectful and orderly manner, and it is hereby the duty of the Paschall Club Manager and or their designated personnel to eject from the Paschall Club Room any person who fails to comply with this rule. In Post Home it shall be the duty of the Sergeant-at-Arms, Commander, or designated personnel to comply with this rule and such person shall hereafter be denied the privileges of said Paschall Club and Post Home, at the discretion of the Exec, Cmte., or Paschall Club Manager. A member charged with disorderly conduct in the Paschall Club or Post Home, or at any function authorized by the Post, shall be summoned to appear for trial before the Post Exec. Cmte. in accordance with Article XV of these By-laws and the National American Legion By-Laws. Failure to appear as notified shall be deemed as a confession of guilt and shall be so adjudged by the Exec. Cmte. All complaints shall be submitted in writing to the Commander.

Section VII. Credit shall never, at any time, be extended to any member.

Section VIII. At all times the Post Home and Grounds shall be open and closed at certain hours, the same designated by the Exec. Cmte. The Post Club Manager will ensure that the Post is open during the hours designed by the Exec. Cmte.

Section IX. Members shall be held financially responsible for damages to the Post Home or Club, or removal of property belonging to the Post Home or Club by them or their guests and shall be made to pay full replacement or repair value.

Section X. No person, except those designated by the Exec, Cmte., shall have or retain any key or keys to the entrance to the Home or other doors within the Home.

Section XI. The Exec, Cmte. and Paschall Club Manager shall see that all excess funds of the Paschall Club designated for operating funds, are deposited in a designated bank to the credit of

the Paschall Club at least once each week. The Exec, Cmte. shall determine the allowable fixed operating funds. The Paschall Club manager shall make monthly reports to the Exec, Cmte.

Section XII. The Post Commander with the approval of the Exec, Cmte. shall set dates when the Post will use the assembly hall and Post grounds for Post activities prior to dates set for rental to others users.

Article XIII - Membership

Section I. Eligibility for membership is set forth in the Constitution, Article V, Section I.

Section II. Transfers. Any member of any Post of The American Legion wishing to join this Post may transfer their membership by paying the regular Post dues.

Section III. No refund of dues will be made to any person transferring from this Post to another organization or Post.

Section IV. Suspension and Delinquents. Members whose dues have not been paid for the current year by January 1st of such year shall be classed as delinquent and if not paid by February 1st shall be suspended from all privileges. If the membership is still under such suspension on June 30th of such year, the membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by a vote of the Post and payment of the current dues for the year in which the reinstatement occurs. Provided, however, that this Post and Department may wave the provision hereof upon payment of 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 XIV - Post Dues

Section I. The membership dues of this Post shall be designated at the first Post meeting in August for the ensuing year. To include additional fees such as entry key cards.

Section II. Assessed amounts shall be remitted to Department Headquarters, The American Legion, and the Twelfth District Council as assessed by the said Department and District.

Section III. The balance shall be credited to the Post

Section IV. An assessment can be made only by a two-thirds (2/3) majority vote of members present at a regular meeting of the Post.

Article XV - Discipline

Section I. Each Post of The American Legion, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the National American Legion Constitution and By-Laws and the Department of Ohio Constitution and By-Laws, 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 II. Members may be reprimanded, suspended, or expelled from The American Legion, and officers may be reprimanded, removed from elected office, suspended, or expelled from membership only upon providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any elected officer be reprimanded or removed from office, suspended, or expelled, until given a fair trial in such manner and form as the Department Executive Committee shall prescribe in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial proceedings shall be recorded by visual or sound recording or by verbatim transcription. The trial board verdict shall be announced at the next regular meeting of the post membership, whereupon the membership may, except in the case of an acquittal, affirm, modify, or reverse the findings and sentence of the trial board.

Section III. If the accused is suspended or expelled, or is removed from office, the accused person may appeal such decision to the Department Executive Committee. Said appeal must be filed with the Department Adjutant within thirty (30) days of the decision of the post membership on the trial verdict. The decision of the Department Executive Committee shall be final, if appeal to it be made; otherwise, the decision of the Post shall be final. The Post Executive Committee shall appoint a member or members of the Post or may retain counsel to prosecute the charges and the disciplined member may be represented by person or by counsel of their own choosing.

Article XVI - Amendments

Section I. These By-Laws may be amended at any Membership meeting by a vote of two-thirds (2/3) of the members attending such regular meeting; and proposed amendment shall be submitted in writing and read at the next regular meeting. The proposed amendment(s) must be written and notice must be given to all members, and posted within the Post Home and emailed to members at least 30 days prior to the next meeting. Then the proposed amendment maybe presented for final membership vote.

Article XVIII - References

Section I. Any topics not specifically addressed in these By-Laws should be referenced in The American Legion Officers Guide and Manual of Ceremonies and the Post Operations Manual and Post Building Guide, latest editions, for recommendations and guidance. If recommendations and guidance are not available in the referenced manuals, the topics should be referred to the Twelfth District Council, Department of Ohio, and National Headquarters, in that order, for recommendations and guidance.

These By-Laws were updated March 2023, then approved by the Exec. Cmte. in April 2023. The Membership approved the By-Laws on the 11th of May, 2023.

These By-Laws have been amended order and direction of National Headquarters and Dept. Of Ohio to insert Article 15 in this document. This process was done 5 Oct., 2023 and presented to the Membership 12 Oct. 2023 at a regularly scheduled meeting.