

CONSTITUTION
Burton-Cowell 265 Inc:
Department of North Carolina
Jacksonville, North Carolina

Be it known that any previous Constitution and By-Laws of the Burton-Cowell 265 Inc: Department of North Carolina, are hereby rescinded and are null and void.

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 per cent 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 Burton-Cowell Post 265 Department of North Carolina.

Article II – Objects

Section 1. The objects and purposes of this American Legion Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and departmental Constitutions of The American Legion.

Article III – Nature

Section 1. This American Legion Post is a civilian organization, and membership therein does not affect or increase liability for military or police service.

Section 2. This organization 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 political office or preferment.

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

Article IV – Membership

Section 1. Eligibility to membership in this American Legion 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 American Legion Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next American Legion Post meeting following the making of such application, and shall at such meeting be accepted, rejected or referred for further investigation and consideration. If one-third or more members present cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

Section 4. Any member of this American Legion Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing and a fair trial had upon the same per the Constitution and Bylaws of The American Legion Department of North Carolina, Inc.

Section 5. A member who has been expelled or suspended from this American Legion Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in American Legion 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 an American Legion Post shall be admitted to membership in this American Legion Post, without the consent of the expelling American Legion Post, except that where such consent has been asked for and denied by such American Legion Post, he may then appeal to the state Executive Committee of the American Legion Department of North Carolina, Inc. of the expelling American Legion Post for permission to apply for membership in this American Legion Post, and shall be ineligible for membership until such permission is granted.

Article V – Officers

Section 1. The administrative affairs of this American Legion Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of newly elected officers as members in addition to the outgoing Commander of the American Legion Post. The term of office of members of the Executive Committee shall be for one year. This American Legion Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this American Legion Post shall be a Commander, a 1st vice Commander, a 2nd Vice Commander, an Adjutant, a Finance Officer, an American Legion Post Historian, an American Legion Post Chaplain, American Legion Post Resource Officer, American Legion Post Parliamentarian and one Sergeants-at-Arms, who shall be nominated from the floor at the meeting preceding the annual election. If a post has a member who is a licensed NC lawyer with the NC state bar, and provides his license number, then that post may have a judge advocate.

Section 3. All officers and executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said Executive Committee being necessary to affect such removal.

Section 4. Every member of this American Legion Post in good standing shall be eligible to hold office in this American Legion Post.

Section 5. The duties of officers and the executive committeemen shall be those usually appertaining to such officers or committeemen and as further provided in the By-Laws.

Article VI – Finance

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

Section 2. The amount of such membership or initiation fees and the amount of such annual American Legion Post dues shall be fixed and determined by this American Legion Post members at the annual meeting.

Section 3. The American Legion Post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the American Legion Post within thirty days of the receipt of said dues.

Section 4. There will be an annual audit of the American Legion Post Finance Officer accounts and all committees having bank accounts. The audit will be conducted in January (or at a change of Finance Officer) by one member of the Executive Committee, one member from general membership and custodian of said account (Finance Officer or Committee Chair). The American Legion Post Commander may assign a member in good standing to assist whom may have prior auditing experience. These audits include the Legion Riders, Legion Baseball, Legion Softball, Sons of the American Legion, Membership, and any other committees.

Section 5. All committees having a bank account will provide a monthly reconciliation of income and expenses reports to the Finance Officer. The Finance Officer will report these reconciliations to the general membership, along with a report of the general fund, at the monthly general meeting. The finance officer will provide a format for the report. The finance officer shall have access as a signature on such account and all banking accounts will be mailed to the post address to the attention of the finance officer. All members who have access to the banking accounts; cash or any security or funds shall be bonded in the amount determined by the American Legion Post executive committee.

Article VII – American Legion Auxiliary

Section 1. This American Legion Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Burton-Cowell Post 265, The American Legion.

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

Section 3. The Auxiliary shall operate in this post according to Prescribed National and Department Auxiliary governing documents.

Article IX – Amendments

Section 1. This Constitution is adopted subject to the provisions of the national Constitution of the American Legion and of the department Constitution of The American Legion Department of North Carolina, 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 provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular American Legion Post meeting by vote of two-thirds of the members of said American Legion Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said American Legion Post, and providing, further, that written notice (mail or electronic) shall have been given to all members, the department commander, department adjutant, the department judge advocate, the division commander and the district commander at least 60 days in advance of the date when 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.

Approved by the Department Executive Committee at a meeting July 22, 2023, at a meeting held in Clemmons NC.