AMERICAN LEGION
DEPARTMENT OF MINNESOTA

CONSTITUTION OF WM. T. MCCOY POST 92
ROCHESTER, MN

As Amended;
May 19, 2015

PREAMBLE OF THE CONSTITUTION OF THE AMERICAN LEGION

"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."

CONSTITUTION OF WM. T. MCCOY POST 92
DEPARTMENT OF MINNESOTA

ARTICLE I - NAME

Section 1. The name of this organization shall be Wm. T. McCoy Post 92, The American Legion, Department of Minnesota.

ARTICLE II - OBJECTS

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

ARTICLE III - NATURE

Section 1. This 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 or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion. No member shall be addressed by their military title in any meeting place.

ARTICLE IV - MEMBERSHIP

Section 1. Membership 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 be prescribed by the Executive Committee.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of members attending the said meeting cast their vote against the application, then the application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from the date of such rejection.

Section 4. Any member of this 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.

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 (2/3) vote of the membership present at a 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 another Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, the person may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V OFFICERS

Section 1. The elected officers of this Post shall be a Commander, a First Vice Commander, a Second Vice Commander, a Finance Officer, a Sergeant-at-Arms, and such other Officers as may be deemed necessary by this organization.

Section 2. Every member of this Post in good standing shall be eligible to hold office.

ARTICLE VI – EXECUTIVE COMMITTE

Section 1. The administrative affairs of this Post shall, except as may be otherwise provided by the Bylaws, be under the supervision of an Executive Committee which shall consist of nine (9) members which shall include the Commander, Adjutant, and Finance Officer and six (6) Directors. The Commander shall serve as Chairman of the Executive Committee. The Bylaws, may provide for such other standing committees as the business of the organization may warrant or require.

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 Executive Committee.

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

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

ARTICLE VIII – CHARTER MEMBERS

Section 1. Members who joined this Post prior to February 20, 1921 shall be known as Charter Members.

ARTICLE IX - LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as The Auxiliary Unit of Wm. T. McCoy Post 92, The American Legion.

Section 2. Membership in the auxiliary shall be as prescribed by the National Constitution 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 the Department Constitution of the Department of Minnesota. 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.

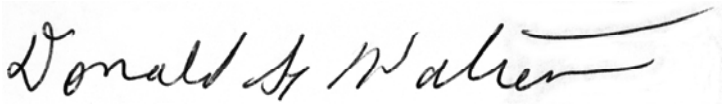
Section 2. This Constitution may be amended by a vote of two-thirds (2/3) of the members of the Post attending a regular meeting, providing that the proposed amendment shall have been posted at least fourteen (14) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

CONSTITUTION OF WM. T. MCCOY POST 92
DEPARTMENT OF MINNESOTA

This Constitution supersedes and replaces all previously adopted Constitutions and amendments.

I certify that due notice of the proposed adoption of the above Constitution has been given as required.
Further, approval of adoption of this Constitution was granted by at least two-thirds of the members present at the regular post meeting held on Tuesday, May 19, 2015.

Dated as of May 19, 2015
Don Walterman, Post Commander



Attested by;
Reid Oberlie, Post Adjutant

AMERICAN LEGION
DEPARTMENT OF MINNESOTA

BYLAWS OF WM. T. MCCOY POST 92
ROCHESTER, MN

As Amended;
May 19, 2015

BYLAWS OF WM. T. MCCOY POST 92
DEPARTMENT OF MINNESOTA

ARTICLE I - GENERAL

Section 1. The Post existing under these Bylaws is to be known as Wm. T. McCoy Post 92, the American Legion, Department of Minnesota.

Section 2. The objects of this Post are as set forth in the Constitution.

ARTICLE II - ELECTIONS

Section 1. Elections of Officers and Directors are to be held at the May regular meeting, Officers and Directors are installed in June, and duties commence as deemed necessary by Post business.

Section 2. Notice of the elections shall be posted at least fourteen (14) days prior to the elections meeting.

Section 3. The elected Officers of this Post are as set forth in the Constitution. The term of office of each Post Officer shall be one (1) year. In addition to the elected Officers, the Commander shall appoint an Adjutant to serve a one (1) year term.

Section 4. Six (6) Directors shall also be elected. Each Director shall be elected to a term of three (3) years, with two (2) Directors elected annually.

Section 5. The Officers and Directors shall be elected by secret ballot. The candidate or candidates receiving the highest number of votes shall be elected to the respective office for which they were candidates.

Section 6. No member shall be allowed to hold more than one (1) elected position as defined in the Post Constitution at the same time.

Section 7. No member may be elected that is not present at the election meeting without accepting the nomination or having a letter of intent on file with the Adjutant.

Section 8. All Officer or Director vacancies, from any cause other than expiration of term, shall be filled by appointment by the Commander, with the approval of the Executive Committee, to serve out the remainder of the elected term. A vacancy shall exist when an Officer or Director has an unexcused absence from Post meetings or Executive Committee meetings for three (3) consecutive meetings, since such absences are considered detrimental to the interests of the Post.

ARTICLE III - EXECUTIVE COMMITTEE

Section 1. The government and management of the Post are entrusted to a committee of nine (9) members to be known as the Executive Committee.

Section 2. The Executive Committee shall include the Commander, the Adjutant, the Finance Officer, and six (6) Directors. Each member of the Executive Committee shall have one (1) vote on any matter brought before the Committee, except that the Commander shall cast a vote only to break a tie vote.

Section 3. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Commander within thirty (30) days after the installation of the new Officers and Directors. Thereafter, the Executive Committee shall meet at the call of the Commander at least every forty-five (45) days and as often as the Commander may deem necessary. The Commander shall call a meeting of the Executive Committee upon the joint written request of three (3) or more members of the Executive Committee. Five (5) members of the Executive Committee shall constitute a quorum.

Section 4. The Executive Committee 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 committee chairpersons, and generally shall have charge of and be responsible for the management of the affairs of this Post.

Section 5. Directors shall serve no more than two (2) terms consecutively.

Section 6. The immediate past Commander is encouraged to attend the Executive Committee meetings to provide continuity and to advise when requested, but will not have a vote on any matter brought before the Committee, nor move a question, nor make a motion, nor second a motion.

Section 7. Any Post 92 member who is not a member of the Executive Committee may attend each Executive Committee meeting for information, or to be heard when recognized by the Commander, but they shall have no vote on any matter brought before the Committee, nor move a question, nor make a motion, nor second a motion.

Section 8. A two thirds (2/3) vote of the Executive Committee may remove any Director for inefficiency.

ARTICLE IV - DUTIES OF OFFICERS

Section 1. Post Commander (elected): The Post Commander shall preside at all meetings of the Post and have general supervision over the business and affairs of the Post, and shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds. The Commander shall make a report covering the business of the Post, and make recommendations for the ensuing year, which is to be read at the conclusion of

the membership year. The Post Commander will sit on the Post Executive Committee to promote the American Legion programs. The Commander shall report to the Post, at the first meeting after installation, a plan for the coming year. The Post Commander or designated representative shall attend all First District regular meetings of the Olmsted County Council, and the Department and District Annual Conventions.

Section 2. First Vice Commander (elected): The First Vice Commander shall assume and discharge the duties of the office of Commander in the case of absence or disability or when called upon to do so by the Commander. The primary duty of the First Vice Commander shall be membership. In order to oversee all membership activities, the First Vice Commander shall assume the Chairmanship of the Membership Committee.

Section 3. Second Vice Commander (elected): The Second Vice Commander shall assume and discharge the duties of the First Vice Commander in case of absence or disability or when called upon to do so by the Commander. The Second Vice Commander shall assume the Chairmanship of the Americanism Committee. The Commander will depend on Second Vice Commander to provide programs to enhance the Post social and patriotic activities. One of the duties of the Second Vice Commander shall be to coordinate activities with other veteran and civic groups so that all patriotic holidays and observances receive the attention they deserve.

Section 4. Finance Officer (elected): The Finance Officer shall have charge of all finances and shall insure that all funds are safely deposited in a local bank or banks. Further, the Finance Officer shall report once a month to the Executive Committee, and at the regular meeting, the condition of the finances of the Post. This is to include recommendations for raising funds with which to carry on the activities of the Post. The Finance Officer shall furnish such surety bonds as may be required in amounts as shall be fixed by the Executive Committee. The Finance Officer shall be a voting member on the Executive Committee.

Section 5. Sergeant-At-Arms (elected): The Sergeant-At-Arms shall preserve order at all meetings. Further it is a responsibility to insure that new members are welcomed, introduced, and made to feel they are important to the Post.

Section 6. Adjutant (appointed): The Adjutant shall have charge of, and keep, a full and correct record of all proceedings of meetings, and when called upon at a meeting and under direction of the Commander, handle all correspondence of the Post. The Adjutant shall be a voting member on the Executive Committee. The Adjutant is an important member of the Membership Committee

responsible for the procedures and processes of membership.

Section 6. Historian (appointed): The Historian shall be charged with the individual records and incidents surrounding the Post and Post members. The Historian should attend Department Conventions and keep in touch with other Post Historians.

Section 8. Chaplain (appointed): The Chaplain shall be charged with the spiritual welfare of the Post and Post members and shall offer divine, but non-sectarian, service in the event of dedications, funerals, public functions, etc., and shall adhere to such ceremonial rituals as are recommended by the National or Department Headquarters. The Chaplain shall be charged with the visiting and comforting of members and their families in case of sickness or bereavement, and also with visiting ex-servicemen in nearby hospitals.

Section 9. Service Officer (appointed): The Service Officer shall be charged with bringing to the attention of all veterans and their dependents the rights and benefits granted them by law. The Service Officer shall work closely with the local area governmental Service Officer and also shall work closely with the Chaplain on matters related to sickness and welfare of distressed veterans.

Section 10. Judge Advocate (appointed): The primary duty of the Judge Advocate is to supply advice in the conduct of the business of the Post, or to procure proper counsel. The Judge Advocate is the guardian of the constitutional form of the Post government and shall serve as the Post parliamentarian at Executive Committee meetings and other proceedings as necessary. The Judge-Advocate is charged with the duty of auditing the Post financial accounts, or procuring counsel to do so, when there is a change of the Finance Officer, or at the direction of the Commander, or Executive Committee.

Section 11. All Post Officers shall perform such other duties as may properly pertain to the office as may be determined by the Commander or the Executive Committee.

Section 12. A two thirds (2/3) vote of the Post Executive Committee may remove any Officer for inefficiency.

ARTICLE V - DELEGATES TO DEPARTMENT CONVENTION

Section 1. Delegates and alternates to a department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention.

Section 2. In order to qualify for reimbursement of delegate registration fees or such other expenses as determined by the Executive Committee, said delegate shall have attended at least one-half of all regular meetings held during the previous year.

ARTICLE VI - COMMITTEES

Section 1. The Commander, immediately upon taking office each year, may appoint the following committees at will. Such standing committees consist of such members, and chairpersons as shall be designated by the Commander.

Section 2. Americanism Committee: Shall be charged with the inspiration of patriotic and civic phases of instruction in schools, Americanization of aliens, combating anti-American propaganda by education of the general public in American ideals through public forums and activities for community and civic betterment.

Section 3. American Legion Riders Committee: Shall have supervision over the operations of the Post chapter of the American Legion Riders.

Section 4. Ceremonial Committee: Shall insure that all members are properly initiated. This committee shall also concern itself with proper presentation of other rituals, as outlined in the Manual of Ceremonies, for burial detail, and the wearing of Legion regalia.

Section 5. Charitable Gambling Committee: Shall be charged with handling all affairs related to gambling. The Commander shall appoint the Charitable Gambling Committee chairperson with the approval of the Executive Committee.

Section 6. Children and Youth Committee: Shall be charged with aid and service to children of veterans, laboring for the betterment of the children's conditions, and in coordinating with services and agencies in the community for the above purposes. The committee shall act as intermediary for the needy child of a veteran in obtaining the fulfillment of the American Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 7. Economic Committee: Shall be primarily concerned with local employment programs, veteran's preference, government employment and re-employment rights.

Section 8. Finance Committee: Shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Section 9. Foreign Relations Committee: Shall be active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 10. Graves Registration and Memorial Committee: Shall involve recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given the Post Service Officer in providing flags, headstones or proper internment in national cemeteries.

Section 11. House and Entertainment Committee: Shall have charge of all matters pertaining to the care of the Post quarters, promotion of club advantages, and arrangements for social activities. The House Committee reports primarily to the Executive Committee. No person shall be on both this committee and the Executive Committee, but can serve on other committees

Section 12. Legislative Committee: Shall have knowledge of matters in Congress and what the Post favors or opposes, and should be ready to initiate action in support of a position when requested by the National or Department organizations.

Section 13. Membership Committee: Shall have charge of all matters pertaining to the membership of the Post, including the procuring of members, reinstatements and eligibility of members.

Section 14. Public Relations Committee: Shall be charged with the promotion of public support of the Legion's program by the establishment or proper contact with the American Legion Magazine, Department and National American Legion news service and by local publicity of Post programs and activities.

Section 15. Security Committee: Shall work with and coordinate the Post's effort with the local civilian and government agencies associated with home defenses. It shall assist in the local recruiting efforts of the Armed Forces of the United States, and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 16. Sons of the American Legion Committee: Shall have supervision over the operations of the Post Squadron of the Sons of the American Legion.

Section 17. Veterans Affairs and Rehabilitation Committee: Shall supervise all matters pertaining to service to comrades in the prosecution of just claims against the United States or State Governments, and matters of Relief, Assistance, Employment, Education, and other.

Section 18. Veterans Administration Voluntary Services (VAVS) Committee: Shall be charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.

ARTICLE VII - RESOLUTIONS

Section 1. All resolutions of state or national scope presented to this Post by a member, or 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.

Section 2. Resolutions are the responsibility of the Executive Committee.

ARTICLE VIII – MEMBERSHIP MEETINGS

Section 1. The regular meeting of the Post shall be held at the Post Home on the third Tuesday of each month.

Section 2. The Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3. Upon the written request of five (5) members of the Post, the Executive Committee shall call a special meeting of the Post.

Section 4. A quorum at the regular meeting, or any special meeting, shall consist of a majority of the Executive Committee plus five (5) Post members not on the Executive Committee.

ARTICLE IX - RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order Newly Revised, Edition XI, except as herein otherwise provided.

ARTICLE X - LIMITATION OF LIABILITY

Section 1. This Post shall incur, or cause to be incurred, no liability nor obligations whatever which shall subject to liability any other Post, subdivision, group of men or women members of the American Legion, or other individuals, corporations or organizations.

ARTICLE XI - ADMENDMENTS

Section 1. These Bylaws may be amended by a vote of two-thirds (2/3) of the members of the Post attending a regular meeting provided that the proposed amendment shall have been posted at least fourteen (14) 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 Bylaws is to be voted upon.

ARTICLE XII - SUBSIDIARY UNITS

Section 1. The Post may allow subsidiary units to be formed in the Post on a basis that they are for the betterment of the Post and its members. Examples of such subsidiary units might be a Past Commanders unit, rifle squad, or a color guard unit.

Section 2. Subsidiary units may elect their own Officers from the membership of their respective units provided that the Finance Officer of the Post shall be the auditor of any funds.

Section 3. The voting membership of all subsidiary units shall be confined to members in good standing in this Post.

Section 4. All monies received by any subsidiary unit shall be deposited with, and all expenditures shall be made through the Finance Officer of the Post.

Section 5. No rules, or regulations, adopted by any subsidiary unit shall be in conflict with the Constitution and Bylaws of this Post or the American Legion.

ARTICLE XIII – HONORARY LIFE MEMBERSHIP

Section 1. Candidates for Honorary Life Membership will be chosen by the Commander.

Section 2. All candidates for Honorary Life Membership will be voted on by the Post at a regular meeting.

ARTICLE XIV - POST AND GAMBLING ACCOUNTS

Section 1. Post and gambling accounts will have two (2) signatures required for authorization of funds.

ARTICLE XV – CONFLICT OF INTEREST

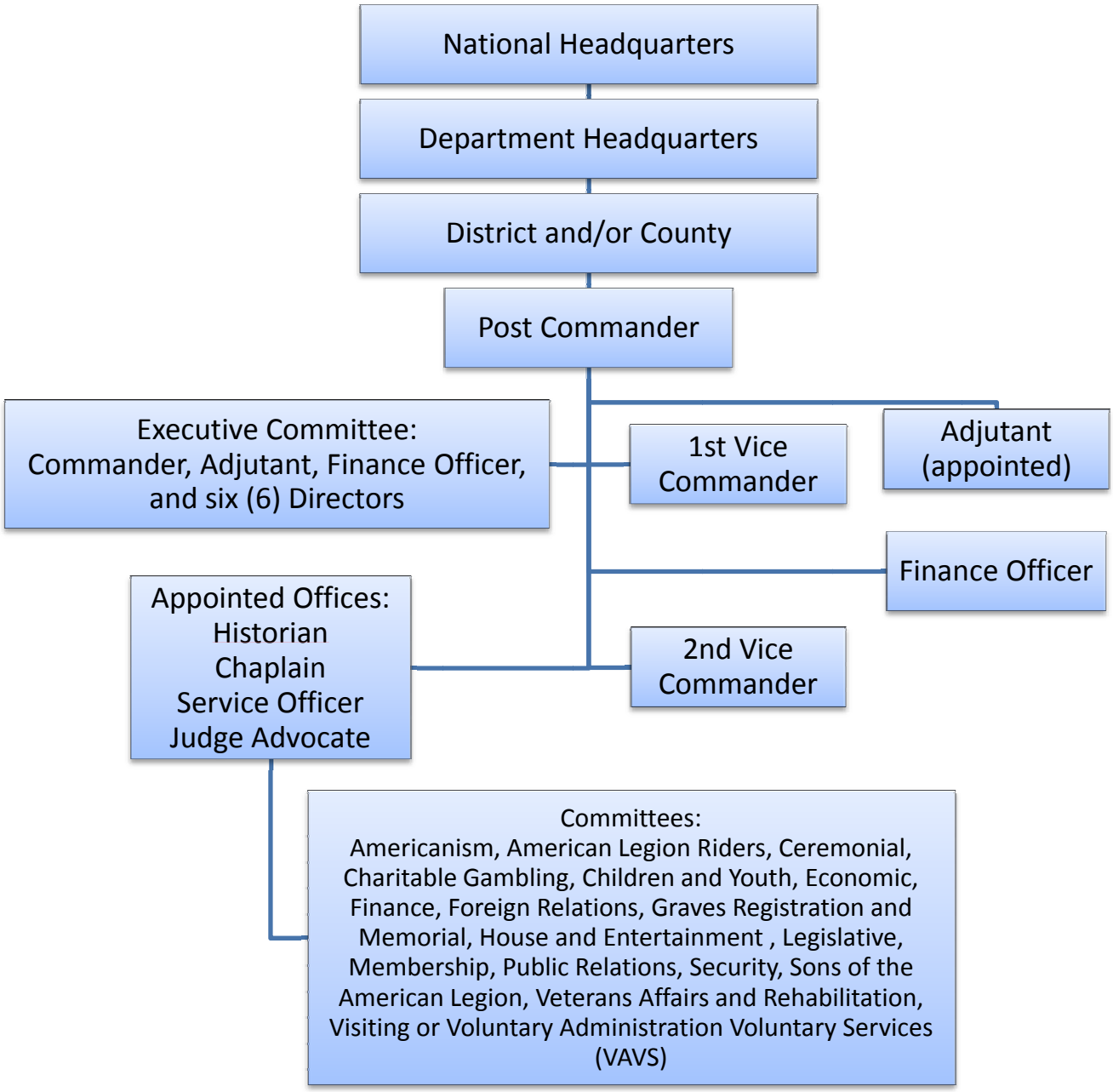
Section 1. Whenever an Officer, Director, or member has a financial or personal interest in any matter coming before the Executive Committee or a regular meeting, the affected person shall fully disclose the nature of the interest and withdraw from voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority determines that it is in the best interest of the Post to do so.

ARTICLE XVI - PERMANENT AMERICAN LEGION SOLDIERS FIELD VETERANS MEMORIAL TRUST COMMITTEE

Section 1. The purpose of this committee is to forever protect the boundaries of the American Legion Soldiers Field Veterans Memorial. We must forever be vigilant to protect our Soldiers Field Veterans Memorial Trust. The Commander of the Post shall make appointments to this Committee. Members are appointed to the Committee for life. Members of this committee will be on file at the American Legion office.

APPENDIX TO THE BYLAWS: A

The following chart is to generally explain the relationships in the Post. For the sake of brevity this is a high level view and details should be taken from the Constitution and Bylaws.

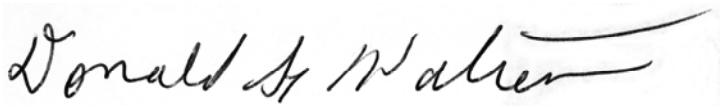


BYLAWS OF WM. T. MCCOY POST 92
DEPARTMENT OF MINNESOTA

These Bylaws supersede and replace all previously adopted Bylaws and amendments.

I certify that due notice of the proposed adoption of the above Bylaws has been given as required.
Further, approval of adoption of these Bylaws was granted by at least two-thirds (2/3) of the members present at the regular post meeting held on Tuesday, May 19, 2015.

Dated as of May 19, 2015
Don Walterman, Post Commander



Attested by;
Reid Oberlie, Post Adjutant