

CONSTITUTION AND BY-LAWS

JOSEPH W. DIEHN POST, INC.
No. 468

THE AMERICAN LEGION
DEPARTMENT OF OHIO

1/9/2024

PREAMBLE

For God and country, we associate ourselves together for the following purposes:

To uphold and defend the constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our associations in 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 goodwill 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.

Post No. 468 Constitution

ARTICLE I – NAME

- SECTION 1. The name of this organization shall be JOSPEH W. DIEHN POST, INC., No 468, THE AMERICAN LEGION, DEPARTMENT OF OHIO.

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 and Departmental Constitutions of the American Legion.

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 nor 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 his or her military or naval title in any meeting of the post.

ARTICLE IV -- - MEMBERSHIP

- SECTION 1. Eligibility to 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 from time to time be prescribed by the Post Executive Committee.
- SECTION 3. Application for membership shall be acted upon at the post meeting by the body as accepted, referred, or rejected. The applicant must present his or her DD 214 or Honorable Discharge to a present post officer or member for verification of eligibility for membership. If a majority of members cast their vote against the acceptance of said application, then such applications shall be recorded as rejected. A rejected application shall not again be considered until the expiration of six (6) months, from the date of such rejection.
- SECTION 4. Any disciplinary action where the potential punishment is reprimand, or suspension or expulsion from the The American Legion, or in a case of the removal of an officer, will adhere to the Department of Ohio's Uniform Code of Conduct for Disciplinary Procedures per the Department's Bylaws Article V, Discipline, Section 2.

- 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 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 from a post shall be admitted to membership in another post, without the consent of the expelling post, except that where the such consent has been asked for and denied by such post. He or she may then appeal to the State Executive Committee of the department expelling post for permission to apply to membership in another post, and shall be ineligible for membership until such permission is granted.

ARTICLE V – OFFICERS

- SECTION 1. The administrative affairs of this 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 two members in addition to the officers of the post, and the immediate Post Commander. In the event that the immediate past Commander should also be an elected officer, then the Executive Committee shall be three members. The term of office of members of the Executive Committee shall be for one year. This post, by the By-Laws, may provide for such other standing committees as the business of the organization may require.
- SECTION 1A. No member of the post can be elected to the position of Commander until he/she has held the office of the First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Chaplain or Sergeant-at-Arms.
- SECTION 2. The officers of this post shall be Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Chaplain, Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.
- SECTION 3. All officers and Executive Committee members shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or Executive Committee member may be removed for inefficiency as outlined in the Department By-Laws under Article IV – Discipline.
- SECTION 4. Every member of this post in good standing shall be eligible to hold an elected office this post.
- SECTION 5. The duties of the officers and the Executive Committee members shall be those usually appertaining to such officers or committee members and as further provided in the By-Laws.

ARTICLE VI – FINANCE

- SECTION 1. The revenue of this post shall be derived from membership or initiation fees, from the annual membership dues, and from other such sources as may be approved by the Post Executive Committee.
- SECTION 2. The Amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by the post.
- SECTION 3. The post shall pay to departmental headquarters the National, Departmental and County annual membership dues for every member of the post.

ARTICLE VII – CHARTER MEMBERS

- SECTION 1. Those members whose names appear on the application for charter for this post shall be considered Charter Members.

ARTICLE VIII – AMERICAN LEGION AUXILIARY

- SECTION 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of the JOSEPH W. DIEHN POST No. 468, Inc., The American Legion.
- SECTION 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE IX – SONS OF THE AMERICAN LEGION

- SECTION 1. This post recognizes a Sons unit to be known as the Sons Squadron of the JOSEPH W. DIEHN POST No. 468, Inc, The American Legion.
- SECTION 2. Membership in the Sons Squadron shall be as prescribed by the National Constitution of the Sons of the American Legion.

ARTICLE X – POST 468 RIDERS OF THE LEGION

- SECTION 1. This post recognizes a Riders unit to be known as the Post 468 Riders of the Legion, JOSEPH W. DIEHN POST No. 468, Inc. The American Legion.
- SECTION 2. Membership in the Riders require that the member be a dues paying member of the Post, Sons or Auxiliary and own their own motorcycle. If an individual is a member of another Post that does not have a Riders organization, they may join the Post 468 Riders, and pay the Post 468 Riders dues.

ARTICLE XI – SUBSIDIARY ORGANIZATIONS

- SECTION 1. This post recognized a Color Guard to be known as the Joseph W. Diehn Color Guard No. 468 to carry post colors by special request of the Commander.

ARTICLE XII -- 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 Department of Ohio, The American Legion. Any amendment to said National 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 post meeting by a vote of two-thirds of the members of said post attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and providing, further, that written notice shall have been given to all members at least 35 days in advance of the date when such amendments is to be voted upon, notifying said members that as such meeting a proposal to amend the Constitution is to be voted upon.
- SECTION 3. Written notice to members of such vote on amendments and election of officers shall be by any one of the following: post cards, letter, phone, or the Doughboy.

POST No. 468 BY-LAWS

ARTICLE I

SECTION 1. The post existing under these By-Laws is to known as JOSEPH W. DIEHN POST, INC., No 468, The American Legion, Department of Ohio.

SECTION 2. The objects of this post are as set forth in the Constitution.

ARTICLE II

SECTION 1. The Executive Committee and all Officers of this post shall be elected on the second Tuesday night in May and shall take office the second Tuesday in June. An election of Officers and Executive Committee shall be by ballot and the candidate receiving a simple majority of the votes shall be elected.

SECTION 2. All vacancies existing in the Executive Committee or in any office of the post for any cause other than expiration of the term, shall be filled by a majority vote of the remaining members of the committee and a person so appointed shall hold office for the non-expired term of the member of the committee or officer whom he or she succeeds. A vacancy shall exist when a member or officer I absent from his or her post for a continuous period considered detrimental to the interest of the post. May be removed as outlined in the Department By-Laws under Article IV, Discipline.

ARTICLE III – POST EXECUTIVE COMMITTEE

SECTION 1. The Post Executive Committee shall meet for organization and such other business as may come before it as the call of the post commander within ten (10) days after the installation of new officers. Thereafter, the Executive Committee will meet at the call of the Commander as often as the said Commander may deem necessary, or upon the request of three (3) or more members of the Committee. Six (6) members of the Committee shall constitute a quorum thereof.

ARTICLE IV – DUTIES OF OFFICERS

SECTION 1. COMMANDER – It shall be the duty of the Post Commander to preside at all meetings of the post and to have general supervision over the business and affairs of the post, and such officer shall be the Chief Executive Officer of the post and the Executive Committee. He or she shall approve all orders directing the disbursements of funds and shall make an annual report covering the business of the post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting.

- SECTION 2. FIRST VICE COMMANDER – Shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the post Commander. He or she shall receive all membership dues and record same prior to turning the monies over to the Finance Officer. He or she shall be chairman of the Membership Committee. He or she will furnish each new member with a copy of the Constitution and By-Laws at the time he or she pays his or her dues.
- SECTION 3. SECOND VICE COMMANDER – Shall work in close conjunction with the Commander and shall assume and discharge the duties of the office of commander in the absence or disability of or when called upon by the Commander or First Vice Commander. He or she shall be the chairman of the Entertainment Committee responsible for coming up with various post activities.
- SECTION 4. ADJUTANT – Shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, and under the direction of the Commander handle all correspondence of the post. Based on the membership of the Post, there may be an Assistant Adjutant.
- SECTION 5. FINANCE OFFICER – Shall have charge of all finances and see that they are safely deposited in a local bank or depository with an FDIC rating and shall report at the monthly meetings the condition of the finances of the post. He or she shall sign and disperse by check all monies authorized to do so. He or she shall be provided with the proper bond.
- SECTION 5A. There will be an Audit Committee, and the books of the Finance Officer will be audited quarterly.
- SECTION 6. CHAPLAIN – Shall be charged with the spiritual welfare of the post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adheres to such ceremonial rituals as are recommended by the National and Department headquarters from time to time. He or she shall be the chairman of the Sick and Visitation Committee.
- SECTION 7. SERGEANT-AT-ARMS – Shall preserve order at all meetings and shall perform such other duties, as may from time to time be assigned to him or her by the post Commander. He or she may introduce all guests of the post. He or she is in charge of the Stand of Colors, which is to be properly displayed at all post meetings and ceremonial occasions. He or she shall drape the Post Charter for deceased members. Charter is to remain covered through two meetings.

ARTICLE V –DELEGATES

- SECTION 1. Delegates and alternates to a Department Convention shall be elected by ballot by the post at the annual election of officers. These elected delegates and alternates shall also be delegates and alternates to all District Conferences and Conventions. The Commander shall be an automatic delegate.
- SECTION 2. Delegate to County Council shall also be elected at the annual election of officers, with the Commander being an automatic delegate. Other delegates and alternates to be elected according to and to conform to the Constitution and By-Laws of Lucas County Council.
- SECTION 3. The duly elected delegates to Department and District Conventions and Conferences shall receive an allowance approved by the body prior to the convention or conference date. Delegates shall attend all sessions and meetings thereof and each shall make a report at the next regular meeting of the post.
- SECTION 4. If for any reason a delegate cannot attend a County, District or Department meeting he or she shall contact an alternate and inform the Commander of his or her action.

ARTICLE V – APPOINTMENTS

- SECTION 1. The Post Commander, immediately upon taking office each year shall appoint a Chairperson for the following Committees; House, Legal, Service, Americanism, Gift For Yanks, Children and Youth, Advisor for the Sons of the Legion, Post Historian, Golf Tournament, Canteen Chairman, Audit, and Color Guard. Such committees shall consist of such members as needed.
- SECTION 1A. The Post Commander shall not appoint himself to any compensated position. If the Post Commander is unable to fill a vacant appointment that is to be compensated and wishes to appoint himself – it shall be approved by a two-thirds membership vote. At the time, membership shall also approve by a two-thirds vote if the Post Commander will be compensated.
- SECTION 2. The Commander shall appoint a Nominating Committee consisting of three (3) members, one of whom shall serve as chairperson. The Nominating Committee shall inform each candidate for office the duties of said office (post) prior to election.

ARTICLE VII – DUES

- SECTION 1. The dues of this post shall be \$45.00 per year. Said dues will cover Department, National and Lucas County. It will also include the National Magazine, The Ohio Legion News and American Legion Press.
- SECTION 1A. If Department, National or County increase their dues, the dues of the post will increase accordingly.
- SECTION 2. A member, whose dues for the current year have not been paid by January 1, shall be classed as delinquent. If his or her dues are not paid on or before February 1, he or she shall be automatically reinstated. If he or she is delinquent after February 1, he or she shall be suspended from all privileges. If he or she is still under suspension on June 30, of such year, his or her membership in the American Legion shall be forfeited. Member so suspended or whose membership has been forfeited may be re-instated to active membership in good standing by vote of the Post and payment of current dues for which the reinstatement occurs, provided, however, that the Post and Department may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from payment of dues by reason of active military service.

ARTICLE VIII -- RESOLUTIONS

- SECTION 1. All resolutions of state or national scope presented to this post by a member or reported to this post by committee shall merely embody the opinion of this post on the subject and copy of same shall be forwarded through channels to Department; that is – County Council to District to Department; for its approval before any publicity is given.

ARTICLE IX – MEETINGS

- SECTION 1. The regular meeting of the post shall be held at the Legion Hall on the second Tuesday of the month, at which may be transacted such business as may properly be brought up for action, such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the post.
- SECTION 2. The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the post.
- SECTION 3. Upon written request of ten (10) percent of the members, the Commander shall call a special meeting of the post.

SECTION 4. Nine (9) members shall constitute a quorum.

SECTION 4A. Members who elect to participate in regular post and executive meeting through electronic mediums (phone conference, online conferencing, etc.) shall be counted towards the quorum. These members shall be classified as “E-Members”. These e-members shall be permitted to vote and participate in discussions through voice/video and chat/text functions.

ARTICLE X -- NOTICES

SECTION 1. Every member shall furnish the post Adjutant with his or her address for mailing purposes. Members shall also provide Phone, Date of Birth and Email Addresses.

SECTION 2. The post Adjutant shall cause notice of the annual election to be given at least (10) days prior thereto.

ARTICLE XI – RULES OF ORDER

SECTION 1. All proceedings of this post shall be conducted under the pursuant to *Robert's Rules of Order*, except as herein otherwise provided.

ARTICLE XII – LIMITATIONS OF LIABILITIES

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

ARTICLE XIII -- AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post; and provided, further, that written notice shall have been given to all members at least 35 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 by-laws, is to be voted upon.

SECTION 2. Written notice to members of such vote on amendment shall be by any one of the following: post card, letter, post publication, email, phone or regular issue of the American Legion Press.

ARTICLE XIV – REVIEW OF CONSTITUTION & BYLAWS

SECTION 1. The Constitution and By-Laws were updated on January 9, 2024, by

	_____	_____	_____
Title	_____	_____	_____