



American Legion Blue Ridge Post #164

Constitution & Bylaws

For God and Country

332 Willow Grove Street, Hackettstown, NJ 07840

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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 associations in all wars; to inculcate a sense of individual obligation to the community, state, and nation; to combat the autocracy of both the masses and the classes; 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 1 – Name and Intent

Section 1: The name of the organization shall be the [BLUE RIDGE POST #164, American Legion](#), Department of New Jersey (Incorporated the 29th day of January nineteen hundred and twenty-six).

Section 2: For the purposes of jurisdictional matters, Post #164 shall be a member of the Warren County Committee with coverage as mutually agreed with the adjoining Posts and County Committees.

Article 2 - Nature

Section 1: This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of the Post.

Section 2: This organization shall be absolutely non-political and non-sectarian, 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: Each member shall perform his full duty as a citizen according to his own conscience and understanding.

Article 3 - Membership & Dues

Section 1: *Eligibility Information (Revised Jan. 7, 2020):*

On July 20, 2019, President Donald Trump signed into law a bill that opens American Legion membership to any service member that served on active duty.

If you have served federal active duty for at least one day in the United States Armed Forces since December 7, 1941, and have been honorably discharged or are still serving - you are eligible for membership in The American Legion!

**Because eligibility dates remain open, all active duty members of the U.S. Armed Forces are eligible to join The American Legion at this time, until the date of the end of hostilities as determined by the government of the United States.*

***U.S. Merchant Marine eligible only from December 7, 1941 to December 31, 1946 (WWII).*

Section 2: There shall be no form or class of membership except active membership, and dues shall be paid annually or for life. The amount of annual dues will be set and adjusted as needed by the Executive Committee with approval of the membership at a regular monthly meeting of the Post.

Section 3: A member whose dues for the current year have not been paid by the 1st of January shall be classified as delinquent. If said dues are paid on or before the 1st of February, he/she shall be automatically reinstated. If still delinquent after the 1st of February, he/she shall be suspended from all Post privileges.

Section 4: No person shall be admitted to membership while he is a member of any other Post of the American Legion.

Section 5: No person who has been expelled by another Post shall be admitted to membership in this Post until consent has been obtained from the expelling Post or its Departmental Executive Committee as provided for in the National and Departmental Constitution and By Laws.

Section 6: Application for membership to this Post shall be made as provided for by the Post Executive Committee.

Section 7: Applications shall be checked for eligibility by the Post Membership Committee Chair. When the Membership Committee Chair has reviewed and approved the application, the application shall be presented to the Post membership at a regular meeting of the Post. If no member objects to the applicant he/she shall be declared as elected to membership by the Membership Committee Chair.

Section 8: If a member objects to an applicant, his name shall be voted on by secret ballot under the supervision of the Sergeant-at-Arms, who shall deliver the written ballots to the First Vice-Commander. The First Vice-Commander, with the Sergeant-at-Arms, shall count the votes, with the Adjutant recording the count. If a majority of the members present and entitled to vote, cast their votes against the applicant, he shall be rejected. Results of such voting shall be entered in the Post records only as "**Accepted**" or "**Rejected**".

Section 9: A **rejected** applicant may be reconsidered after a period of six months from the date of rejection or by unanimous action of the Post Executive Committee at any date after rejection.

Section 10: An **expelled** member is one who has been expelled from a Post in accordance with the Department and National regulations.

Section 11: A **suspended** member is one who has been temporarily barred from office or the rights, duties, and privileges of membership in the American Legion and this Post.

Section 12: Members may be suspended or expelled from this Post only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion and this Post. All charges must be made under oath and in writing by the accusers, and no member in good standing shall lose his/her membership until given a fair hearing in such manner and form as prescribed by the Department guidelines.

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 13: Any member in good standing desiring to transfer from this Post to another Post shall be entitled to a certificate from this Post attesting to his/her membership, the duration thereof, and the date to which his/her dues are paid up to.

Section 14: Life Membership Dues (Paid Up For Life [PUFL]), may be paid by any member at any time in accordance with Legion National guidelines. In the event such member is later suspended or expelled, such dues shall be forfeited.

Section 15: Cemetery Plots purchased in Union Cemetery by Post #164 are for members of Post #164 only and who have no income for burial.

Article 4 - Meetings

Section 1: Regular monthly meetings will be held on a weekday night designated by the Executive Committee and approved by majority vote of the eligible voting members present at a regular monthly meeting.

Section 2: Meetings will be conducted in accordance with Roberts Rules of Order.

Section 3: A meeting will be considered to have a quorum provided a minimum of six (6) eligible voting members are present.

Article 5 - Post Officers

Section 1: The Elected Officers of the Post shall be Commander, First-Vice Commander, Second-Vice Commander, Finance Officer, Historian, Chaplain, and five (5) Trustees.

Section 2: The Elected Officers of the Post, along with two non-voting members-at-large, shall comprise the Executive Committee of the Post.

By-Laws

Article 1 – Duties and Powers of Post Officers and Appointed Committee Chairs

Section 1: The Administration of this Post's affairs shall be under the supervision of an Executive Committee.

Section 2: The elective members of the Executive Committee together with the elective officers of this Post shall be elected and installed annually at the regular meeting of the Post in the month of June.

Section 3: The Executive Committee shall meet monthly, on a day determined by said Committee, and at other times at the call of the Commander. The Commander must call a meeting of the Executive Committee at any time three members of the Executive Committee request such meeting in writing to the Commander. Notice of such meetings shall be given to all members of the Committee, stating the time, place and purpose of the meeting. If a meeting is to consider discipline of a member, such member shall also be notified of the meeting in the same manner.

Section 4: The Executive Committee shall have the powers to employ such persons as may be necessary or appoint such assistants to Officers of the Committee as may be necessary; to authorize such routine expense payments as are required for the proper operation of the Post; to require such security as they deem necessary from persons having control of the property or funds of the Post; and in general will be held responsible for the affairs of the Post in such manner as will relieve meetings of the Post from delay in consideration of routine matters. The Executive Committee shall require that minutes of their meetings be kept and shall make such minutes available to the full Post membership on request.

Section 5: The Post Commander shall be the Chief Executive Officer of the Post and of the Executive Committee and as such he/she shall exercise general supervision over the affairs of the Post. He/she shall preside over all meetings of the Post and shall submit any reports of his/her activities called for by the Post or Executive Committee. He/she shall be an ex-officio member of all committees, and shall be charged with the responsibility of maintaining functioning committees at all times. He/she shall be required to submit a report to the Post of his/her activities during his/her term of office at the annual meeting of the Post, and shall make such recommendations for ensuing years as s/he shall desire. Copies of said reports shall be transmitted to the Department Adjutant after acceptance by the Post. The Commander shall have such other powers or duties as the Executive Committee shall direct as necessary. He/she shall deliver all books, papers, and other Post property to his/her successor.

Section 6: The First and Second Vice-Commanders shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon to do so by the Post Commander. They shall assist the Post Commander in managing the operations of the Post as directed by the Commander.

Section 7: The Post Adjutant shall be charged with the duties usually pertaining to the office of secretary. He/she shall maintain all records of meetings and proceedings of the Post and Executive Committee, keep such records and make such reports as required by the National, Department, and County organizations, and such other reports as required by the Commander and/or the Executive Committee.

Section 8: The Post Finance Officer shall have charge of all finances and see that they are safely deposited in an appropriate financial institution. He/she shall report at each meeting of the Executive Committee and the Post on the status of Post finances.

Section 9: The Post Historian shall be charged with the records and incidents of the Post and Post Members, and shall perform such other duties as may properly pertain to the office as may be determined by the Executive Committee.

Section 10: The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine but non-secretarial services in the event of dedications, funerals, public functions etc., and shall adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters.

Section 11: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be assigned to him by the Post Commander. He/she shall have charge of the Post colors and accoutrements.

Section 12: The Judge Advocate shall be the legal advisor to the Commander and officers of the Executive Committee. He/she shall upon request made through, and approved by, the Commander, render opinions upon matters of legal nature affecting the post, which may affect its officers and members, by reason of their official character or their membership in the Post. Such opinions may include matters involving the interpretations and applications of the laws and regulations affecting the affairs of the Post.

Section 13: Any member of this Post that is in good standing for a period of one year shall be eligible to hold office in this Post.

Section 14: The Executive Committee, by majority vote, may declare any office of the Post vacant and proceed to fill the same either by appointment or election as herein provided, if the Officer or Trustee whose office is declared to be vacant absents himself without cause from the

regular duties of his office for three months, or is determined to be derelict in the performance of his duties by the Executive Committee.

Article 2 – Tenure of Office

Section 1: With the exception of the Post Commander, all other elected officers shall serve for two years, or until their successors have been duly installed, unless they are removed from office as provided for in Article 3, Section 10. Elected officers may continue to serve consecutive annual terms in office for as long as they are duly elected by the Post membership. (Revised May 15, 2017)

Section 2: Appointed officers, Committeemen, Delegates, and Alternates shall serve during the term of appointment, or until their successors are duly appointed by the Commander and confirmed by the Executive Committee, or unless they are removed from office as provided for in Article 3, Section 12 of the Constitution.

Section 3: The Post Commander shall be elected for a two year term. No Post Commander, after having served in that office for two full years, may be re-elected as Commander unless no other eligible member wishes to seek the office.

Article 3 – Standing Committees

Section 1: Appointment - The Post Commander shall annually, with the approval of the Executive Committee, appoint the following committees/positions;

- Americanism – shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, Americanization of aliens, combating of anti-American propaganda by education of the general public in American ideals, and activities for community and civic betterment
- Athletic/Legion Baseball – shall serve as Post Liaison with the Hackettstown American Legion Baseball Team, and coordinate other athletic activities/relationships as needed.
- Audit – Chaired by the Judge Advocate, shall see to an annual, independent audit of the Post's financial records in conjunction with the beginning of the Commander's term of office
- Boy Scouts – shall serve as Post liaison with local Boy Scout troops and coordinate appropriate activities
- Boys State – shall coordinate the Post's involvement in the Boys State program
- Auxiliary – a liaison shall be appointed to coordinate assistance efforts to the Post
- Bingo – shall oversee the operations of the Post Bingo night
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- Building & Grounds – shall have charge of all matters pertaining to the care of the Post quarters and grounds, promotion of Club activities and arrangement for social activities
- Constitution & By-Laws – shall be appointed when needed to coordinate updating of these documents
- Club – shall oversee the operations and affairs of the Post Club
- Delegate and Alternate Delegate to the County Committee
- Membership – shall have charge of all matters pertaining to the membership of the Post, including procuring new members, reinstatement, and eligibility of members
- Nominating – three members will be charged with coordinating the annual election of Post officers
- Parade – shall coordinate the annual Hackettstown Memorial Day Parade and other requests for Post participation in area parades
- Pull Tab & Raffle
- Scholarship – shall coordinate the application, review and awarding of the annual Post Scholarship program at Hackettstown High School, and other American Legion sponsored scholarships
- Service Officer – shall be charged with the duty of rendering all possible care and assistance to the veterans of all wars, their dependents, widows, or orphans, and other members of the American Legion or any other recognized Veteran's Organization, whether or not a member of the American Legion.
- Sons of the American Legion - a liaison shall be appointed to coordinate assistance efforts to the Post
- other ad-hoc committees as the Commander and Executive Committee may deem necessary

Note: Committees will be comprised of one or more members as needed and assigned by the Post Commander.

Immediately following appointment all committees shall organize to formulate their program of activities and carry out the policies as outlined by the National, Department, and Post organizations. The elective and appointed officers under whose duties the work of a committee falls shall be the chairman of such committees. Other committees shall elect their own chairman unless the Commander on appointment has designated a chair.

Section 2: There shall be five (5) Trustees whose duty is the care of the property of the Post. They shall, as directed by the Executive Committee, make any improvements, investments, or dispositions of Post property, but only after the Post membership approves at a regular meeting of the Post. The Trustees shall elect their own Chair, who shall be charged with making reports to the Post on all of their activities. Trustees shall be elected for a term of five years.

Article 4 – Finance

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

Section 2. The Post shall pay to the National Organization, State Department, and County Committee annual per capita taxes.

Section 3: The Club Committee shall have complete charge of the clubroom (bar) and any furnishings or equipment pertaining to that room, and shall have authority to employ and discharge anyone employed in that room; to inventory all alcoholic and other beverages and file a report with the Alcoholic Beverage Control Board; to keep an accurate account of all monies disbursed or received from sales or activities conducted by the committee; to replenish stock, supplies, etc.; and to make repairs or improvements to the clubroom, paying for same from the clubroom finances; to give a general financial report at the regular monthly meeting of the Post; to assist the auditing committee in preparing an annual itemized accounting of its records; and to be held accountable by the Executive Committee for the management of the clubroom.

Section 4: The Auditing Committee shall periodically examine the books of the Adjutant, and the books, accounts and checks of the Finance Officer, the Club Committee, and all special accounts of the Post. The Auditing Committee will make a complete report of its findings annually at the May regular meeting of the Post.

Section 5: The Building & Grounds Committee shall employ, purchase materials and supervise all work pertaining to the improvement and/or maintenance of the grounds, upon proper authorization by the Executive Committee.

Article 5 – Ratification

Section 1: This revised Constitution & By-Laws shall become effective as soon as approved and ratified by the Post, the County Committee, and the Department Executive Committee.

Article 6 – Official Copy of this Constitution & By-Laws

Section 1: One Copy of this Constitution and By Laws and proposed amendments shall be maintained in a secure file by the Adjutant and this shall be the **Official Copy** of the Post.

Section 2. The Official Copy shall be signed by the Post Commander and the members of the Constitution & By-Laws Committee and will then be presented to the Post Adjutant for securing.

Section 3: Amendments and/or repeals of sections of this Constitution & By-laws will require a two-thirds vote of the voting members present at a regular monthly meeting of the Post. The recording of amendments or repeals shall be signed by the Post Commander and Adjutant, and an original signed copy shall be attached to the Official Copy of the Constitution & By-Laws maintained by the Post Adjutant.

Article 7 – Emergency Actions

Section 1: The Post, assembled in an official meeting, shall have the power, by a two-thirds majority of the members in good standing who are present, to temporarily suspend any of the articles of the Constitution & By-Laws if an extreme emergency shall arise which demands such action by the Post for the good of the Post.

Section 2: A report of such action shall be transmitted to the Department Executive Committee for approval, through the County Committee's authorized Executive Committeeman, for approval or rejection. A full statement of the reasons for such action shall accompany such transmittal and the Post Commander, with the approval of the Executive Committee, shall have the authority to appoint an appropriate member in good standing to represent the Post in arguments for approval of the action of the Post.

Article 8 – Interpretations of this Constitution & By-Laws

Section 1: Interpretations of this Constitution & By-Laws shall be in conformity with American Legion Law and Customs, and in the event of a disagreement in the interpretation of any of the Articles and or Sections of this Constitution & By-Laws, the decision of the Judge Advocate, approved by the Executive Committee, shall be binding upon the Post.

Article 9 – Dissolution of the Post

Section 1: In the event of dissolution of similar misfortune of the Post, the Trustees shall hold all properties and monies of the Post in trust until such time as the affairs of the Post are concluded in accordance with Legion and State law.

Section 2: The Trustees are hereby vested with such powers and authorities as may be required to carry out the provisions of this Article.

Article 10 – Amendments to this Constitution & By-Laws

Section 1: This Constitution & By-Laws is adopted subject to the provisions of the National, Department, and Warren County American Legion Constitution & By-Laws. Any amendments to said National, Department, or County Constitution & By-Laws which conflict with any provisions herein shall be regarded as automatically repealing or modifying the provisions of this Constitution & By-Laws to the extent of such conflict.

Section 2: This Constitution & By-Laws may be amended, voided, or repealed at any regular Post meeting by a vote of two-thirds of the eligible voting members attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the Post, and provided further that written notice, including a copy of the proposed amendment shall have been sent to all members at least ten days in advance of the date when such amendment is to be voted upon.

Effective Dates of Action

Temporary Charter	October 4, 1919
Chartered	August 1, 1920
Adopted	August 10, 1920
Incorporated	January 29, 1926
Amended	March 21, 1958
Effective	April 18, 1958
Amended	May 2, 1969
Effective	June 6, 1969
Amended	August 2, 1988
Effective	November 18, 1988
Revised	September 21, 2015
Effective	February 1, 2016
Amended	May 15, 2017
Revised	January 7, 2020

Anthony Destefano, Commander

Date

Joseph DeWitt, First Vice Commander

Date

Joseph P. Linskey, Ed.D., Chair
Constitution & By-Laws Committee

Date