

CONSTITUTION AND BY-LAWS OF FREDERICK W. GRIGG POST NO. 68
DEPARTMENT OF NEW JERSEY
THE AMERICAN LEGION
As Amended January 8, 1987



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 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.

ARTICLE I - NAME

Section 1. The name of this organization shall be Frederick w. Grigg Post No. 68, The American Legion, Department of New Jersey.

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 Department of New Jersey 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 non-sectarian 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. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office shall hold any elective office or any appointive remunerative office in this Post of The American Legion and the declaration of candidacy for such public office by any person holding any elective or appointive remunerative office in the Post shall operate automatically to vacate his office in this Post and the same shall be filled as hereinafter provided.

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 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. 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 six or more members cast their vote against the acceptance of said application. Then such application shall be recorded as rejected. A rejected application shall not be considered again until after the expiration of six months from the date of such rejection.

Section 4. Any member of this Post may be suspended or expelled from the Legion only upon a proper showing of cause, and the Post shall follow the procedure as outlined in Article 4, Sections 1 through 6 of the Constitution and By-Laws of the American Legion, Department of New Jersey.

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; provided, however, that quorum requirements as set forth in the by-laws are met, and, provided further, that he shall make payment of any arrearages in dues at the time of the expulsion or suspension and also other regular dues which have been payable in the interval between his expulsion or suspension and his reinstatement.

Section 6. The policy of this Post with regard to delinquency, resignation and transfer shall be the policy of the national organization based upon the national constitution and by-laws and decision of national judge advocates.

ARTICLE V - OFFICERS

Section 1. The administrative affairs of this Post shall be under the supervision of an "Executive Committee," the membership of which shall consist as set forth in the By-Laws. The term of office of members of the Executive Committee shall be one year. This 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 Post shall be a Commander, two Vice Commanders, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Sergeant-at-Arms, a Service Officer, a Quarters Officer, and such other officers as may be deemed necessary to this organization who shall be nominated from the floor at the meeting preceding the annual election which latter shall take place at the June meeting of the Post.

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 committee and may be removed for inefficiency by a two-thirds vote of the Executive Committee.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post except as limited by Article III, Section 2.

Section 5. The duties of officers and the Executive Committee shall be those usually appertaining to such officers and Executive Committeemen 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 annual membership dues and such other 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 determined by the Post and that portion due the National and Department Headquarters shall be transmitted by the Finance Officer of the Post in sufficient time to allow meeting the payable date of October 20 for the succeeding year.

Section 3. The Post shall pay to the Department of New Jersey the National and Departmental annual dues and assessments for every member of the Post in good standing and shall likewise pay to the County executive Committee the annual per capita assessment.

ARTICLE VII - CHARTER MEMBERS

Section 1. Members who joined this Post prior to November 11, 1919 (or members who joined this Post prior to the issuance of charter) shall be known as Charter Members.

ARTICLE VIII - AMERICAN LEGION AUX.

Section 1. This Post recognizes an auxiliary organization as prescribed in Article XIII of the national constitution.

ARTICLE IX - 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 New Jersey, The American Legion. Any amendment to the 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 Post meeting by vote of two-thirds of the members in good standing attending such regular meeting, provided that the quorum requirements are met as set forth in the by-laws; and provided further, that the proposed amendment shall have been submitted in writing and read at the two next preceding meetings of said Post; and provided further, that written notice shall have been given to all members at least twenty 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.

**BY-LAWS OF FREDERICK W. GRIGG POST #68
DEPARTMENT OF NEW JERSEY
THE AMERICAN LEGION**

ARTICLE I

Section 1. The Post existing under these by-laws is to be known as Frederick W. Grigg Post No. 68, The American Legion, Department of New Jersey.

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

**ARTICLE II
ADMINISTRATION**

Section 1. The government and management of this Post shall be vested to the "Executive Committee" whose actions shall be reported at the regular meeting of the Post for approval by the Post membership.

Section 2. The "Executive Committee" shall consist of the elective officers of the Post, actively participating past Post Commanders, and two members of the Post in good standing to be elected at the annual meeting. All elections of officers and executive committeemen shall be by ballot and the candidate or candidates receiving the highest number of vote, shall be elected to the respective office or offices for which they are candidates.

Section 3. All vacancies existing in the executive committee or in any elective office of the Post from any cause other than the expiration of the term shall be filled, upon proposal of the Commander, by a majority vote of the remaining members of the committee and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his Post for a continuous period considered detrimental to the interests of the Post by the Executive Committee.

Section 4. The term of office of executive committeemen and all Post officers shall be one year, except that the term of office of each Financial Trustee shall be five years.

**ARTICLE III
POST EXECUTIVE COMMITTEE**

Section 1. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within two weeks after the installation of the new officers. Thereafter the Executive Committee shall meet as frequently as required to consider and conclude outstanding or unresolved issues and/or for the consideration of matters pertaining to Post management. Such meetings shall be convened at the call of the Commander or upon the joint written request of three or more members of said committee and seven members of the committee shall constitute a quorum thereof at any meeting. The Commander may invite to any executive committee meeting the chairman of any standing or special

committees or any appointed officers whose reports it may appear pertinent to discuss prior to their sub- mission at any regular meeting of the Post.

Section 2. The duties of the Executive Committee shall be to formulate the policy of the Post for approval by the Post members at regular meetings; to plan the various activities and The American Legion programs; to ratify and approve all expenditures of the Finance Officer; to approve of the necessity and remuneration in any contract for hire whether or not such contract is verbal, written or implied; to require adequate safeguards and internal control in regard to those having custody of Post funds; to transmit such regular business as may come before them; to develop house rules and regulations for the operation of the meeting hall which would be in the best interest of the Post; and generally, to have charge of and be responsible for the management and affairs of the Post.

ARTICLE IV DUTIES OF OFFICERS

Section 1. Duties of Post Commander. It shall be the duty of the Post Commander to preside at all regular and special meetings of the Post or of the Executive Committee 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. He shall appoint all standing committees and any special committees which may be necessary from time to time; he shall also appoint all non-elective officers of the Post which may be deemed necessary; he shall make an annual report covering the business of the Post for the year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as directed by the Executive Committee.

Section 2. The Vice Commanders shall be responsive to the needs of the Commander in directing the activities of the Post and in absence or disability of, or when called upon by the Post Commander shall assume his duties and preside at the meetings. One of the two Vice Commanders shall act as Chairman of the Standing Committee on Membership. In this capacity he shall render reports monthly on membership status to date. He shall receive all payments for dues and maintain accurate records in regard to the Legionnaire's name, mailing address, the continuousness of membership and the era of his or her military service. After proper credit is given and the membership card issued dues shall be turned over to the Finance Officer for recording in the Post income account and deposited in the local bank account. Member- ship record processing is to be in accordance with the procedures outlined in the most recent manual published by the National Headquarters in Indianapolis, Indiana. The Vice Commander who is not charged with membership responsibilities shall be an ex officio member of all American Legion program committees in which the Post participates. In this duty he shall work closely with the committee chairman offering inspiration and any necessary assistance in bringing all programs to a successful conclusion.

Section 3. Duties of Post Adjutant. The Adjutant shall have charge of and keep a full and accurate record of all proceedings of all meetings. He shall keep such records as the department and national organizations may require. The minute record file shall be under his protective custody and its location known at all times. To the transcript of each regular meeting shall be attached a copy of the periodic Newsletter that announced the scheduling of that particular

meeting, thus making the News- letter a part of the minutes. He shall execute all administrative reports required by the County, Department and National organization and handle all correspondence, all under the direction of the Commander.

Section 4. Duties of the Finance Officer. The Finance Officer shall have charge of all working finances of the Post. He shall receive all revenue which is to be promptly recorded and promptly deposited in only one identified Post account at the local bank. He shall be empowered to be an alternate co-signor of all checks disbursing Post funds covering all expenditures which may be necessary in the operation of the Posts affairs. The other co-signatories being the Post Commander and the immediate past Post Commander. This authorization therefore permits any two of the three named to co-sign all checks. The Finance Officer shall render a report and tender same in writing to the Adjutant at each regular meeting. Such a report shall be in regard to the working finances or working capital. It, the report shall state the previous cash balance plus the amount and sources of income received during the period less the expenditures and transfers explained as to nature during the period to arrive at a current balance. The Finance Officer's accounts shall be subject to audit at any time with a mandatory annual audit to be completed at the expiration of the present Commander's term of office and prior to the installation of his successor.

Section 5. Duties of Post Historian. The Post Historian shall be charged with the individual 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 Post or the Executive Committee.

Section 6. Duties of Post Chaplain. The Chaplain shall be charged with the spiritual welfare of the Post comrades. He shall open all Post meetings with prayer and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc. adhering to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time to time.

Section 7. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings; shall advance the colors at meetings and ceremonial functions and shall perform such other duties as may be from time to time assigned to him by the Post Commander and Executive Committee.

Section 8. Duties of Service Officer. It is the duty of the Service Officer to be sensitive to the needs of our members and other veterans who are suffering disabilities beyond their control and with the observance of confidentiality render all possible assistance to alleviate the cause of distress.

Section 9. Duties of the Quarters Officer. It shall be the duty of the Quarters Officer to supervise the Meeting Hall manager or custodian in the suitable décor and tidiness of the meeting place and at the conclusion of the function that the premises are vacated without damage and in neat order.

**ARTICLE V
DELEGATES**

Section 1. Delegates and alternates to a Departmental Convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least one month prior to the date of such convention.

Section 2. Delegates to the County Committee shall be elected at the regular meeting at which the Post officers are elected.

ARTICLE VI APPOINTMENTS

Section 1. The Post Commander immediately upon taking office shall appoint the following officers subject to their willingness to serve for the duration of the Commander's term of office:

- Commissary Officer
- Judge Advocate
- Newsletter Editor

And he shall appoint the following standing committees as the necessity or desirability becomes eminent:

- Americanism
- Athletic
- Boy Scout
- Boys State
- Children and Youth
- Civil Defense and Security
- Civil Service and Veterans Preference
- County Government Day
- Energy
- Membership
- Memorial Day Service
- Memorial Day Grave Visitation
- Oratorical Contest
- POW/MIA
- Publicity
- Rehabilitation - General Services
- Rehabilitation - Hospital Committee
- Safety Essay Contest
- Sons of the American Legion

Such standing committees shall consist of such members and the Chairman thereof as shall be designated by the Post Commander. The Commander may appoint all other special committees as he may deem necessary during his term of office.

Section 2. It shall be the duty of the Commander to set forth in writing each committee's charge at the time such committee becomes activated presenting the order to the Committee Chairman. The specification of committee duties shall be in harmony with like committee duties of the

Department of New Jersey as specified in the annual Schedule of Organization published by the Department of New Jersey.

**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 copy of same shall be forwarded to the County Committee for its approval before any publicity is given or action other than mere passage by the Post is taken.

**ARTICLE VIII
MEETINGS AND DUES**

Section 1. The regular meetings of the Post shall be held at the meeting place designated in the Post's periodic Newsletter on the evening of the second Thursday of each month at which may be transacted such business as may properly be brought up for action. Mailing of the Newsletter is to be scheduled accordingly so that each member receives timely notification of the regular meeting.

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

Section 3. Upon the written request of six members the Executive Committee shall call a special meeting of the Post. It is mandatory that at least three of the original six signatories to the request attend to validate the meeting so held.

Section 4. Ten percent of the members in good standing shall constitute a quorum at any meeting of the Post with the exception that the meeting for election of officers or at a meeting at which an amendment to the constitution or by-laws is to be voted upon. then no less than fifteen percent of the members in good standing shall constitute a quorum and the absence of any members from a meeting of which he has duly notified shall signify his assent to the majority rule.

**ARTICLE IX
NOTICES**

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant shall duly notify all Post members of special Post meetings. Notification of regular Post meetings shall be the responsibility of the Post News- letter Editor.

**ARTICLE X
RULES OF ORDER**

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

**ARTICLE XI
LIMITATION OF LIABILITIES**

Section 1. This Post shall incur, or cause to be incurred, no liability or obligations whatever which shall subject to liability any Post, subdivision, group of men, members of the American Legion, or other individuals, corporation or organization.

ARTICLE XII
AMENDMENTS

Section 1. These by-laws may be amended or revised at any regular Post meeting by vote of two-thirds of the members present at such meeting; provided, that the requirements for a quorum are met as called for in Section 4 of Article VIII. And provided further, that the proposed amendment shall have been submitted in writing and read at the two next preceding regular meetings of said Post; And provided further, that written notice shall have been given to all members at least twenty 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.

ARTICLE XIII
TRUSTEES

Section 1. There shall be five Financial Trustees, each of whom shall be elected to hold office for a term of five years. One Financial Trustee shall be elected each year. The Senior Trustee shall serve as Chairman during the fifth year of his term.

Section 2. The Financial Trustees shall recommend to the Post Executive Committee the manner in which the Post assets should be invested in the best interests of the members of the Post, with due consideration of income and security of investment.

Section 3. The Financial Trustees shall maintain watchful surveillance over the invested assets of the Post and alert the Executive Committee at such times as the income or security of the investments may be jeopardized or otherwise become undesirable as not in the best interests of the members of the Post.

Section 4. No part of the principal of the invested assets shall be expended or obligated by the officers, members or committees of the Post without prior approval and consent of a majority of the financial Trustees. Income from invested assets is not subject to this provision.

Section 5. Invested assets as used in this Article shall be interpreted as Post funds which have been converted into some form of property other than money, with the exception of deriving income, and shall include, but be not limited to, stocks, bonds, deeds, mortgages, deposit certificates, trust certificates, commercial paper, shares in mutual funds, savings and loan associations and deposits in savings banks. Current income deposited in checking or savings accounts in commercial banks is not an invested asset.

Section 6. Supporting documents of any or all the property forms described in Section 5 of this Article are to be retained in a Safety Deposit Box number 1321 located at the Midlantic National Bank/South, Merchantville Branch, Merchantville, NJ. One safety box key is to be retained by the Senior Trustee and the other key is to be in the custody of the Post Commander. Upon completion of the terms of office it is the duty of said officials to surrender the Safety box keys

to his successor and arrange with the bank the change of signature cards. Registry of the Safety Deposit Box is to be in the name of Frederick W. Grigg Post No. 68, The American Legion.

**ARTICLE XIV
AUDITORS**

Section 1. The Commander shall appoint with the approval of the Executive Committee three Auditors, members of the Post having no direct or indirect control or authority over the financial matters of this Post.

Section 2. It shall be the duty of the Auditors to verify the books of account regarding income, disbursements and transfers with the statements of the finance Officer. Such audit is to occur on an annual basis after the May but prior to the June meeting of this Post.

Section 3. An Auditor in company with the Senior Trustee shall physically examine during the month of May of each year the contents of the Safety Deposit Box/Boxes and prepare an inventory of such contents and noting specifically the identifying features of the documents for the purpose of facilitating the ability to obtain a fair market value thereon.

Section 4. The Auditors shall furnish upon completion of the audit a joint verified statement of the audit to the Executive Committee.

Approved as amended
January 8, 1987
Merchantville, New Jersey

ATTEST:
<signature>
MELVEN C. MARSHALL, Commander

<signature>
WILLIAM P. CRIPPEN, Adjutant