

THE AMERICAN LEGION
CONSTITUTION OF BARRETT-DAVIS-WATSON POST NO. 233,
DEPARTMENT OF GEORGIA

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred per cent Americanism; to preserve the memories and incidents of our associations in all Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and 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.

ARTICLE I-NAME

The name of this organization will be BARRETT-DAVIS-WATSON POST NO. 233 THE AMERICAN LEGION, DEPARTMENT OF GEORGIA. The Post will be a corporation duly registered and maintained in the state of Georgia.

ARTICLE II-OBJECTS

Section 1. The objects and purposes of this Post will 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 the military or police service.

Section 2. This organization will be non-political and will 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 will be addressed by their military or naval title in any meeting of this Post.

ARTICLE IV - MEMBERSHIP

Section 1. Eligibility to membership in this Post will be as prescribed by the National Constitution of The American Legion.

Section 2. Applications for membership will 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 will be acted upon at the next Post meeting following the making of such application, and will, at such meeting, be accepted, rejected, or referred for further

investigation and consideration. If a majority of the members present cast their vote against the acceptance of said application, then such application will be recorded as rejected.

Section 4. Any member of this Post may be suspended or expelled for Cause (disloyalty, neglect of duty, dishonesty, or conduct unbecoming of a member) by a two-thirds (2/3) vote of the members present at the regular meeting of the Post after charges are preferred while under oath in writing, and a fair trial had upon the same in accordance with procedure prescribed by National and adopted by the Department Executive Committee.

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 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 by a Post will 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, they may then appeal to the Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and will be ineligible for membership until such permission is granted.

ARTICLE V - OFFICERS AND COMMITTEES

Section 1. The administrative affairs of this Post of The American Legion will, except as may be otherwise provided by the By-Laws, be under the supervision of an elected Executive Committee which will consist of the elected officers of this Post and five (5) Post members elected at-large and not already holding an elected office. The term of office of members of the Executive Committee will be for one (1) year. This Post, by its By-Laws, may provide for such standing committees as the business of the organization may require.

Section 2. The elected officers of this Post shall be a Commander, a Senior Vice-Commander, a Junior Vice-Commander, and a Finance Officer which will be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee members will be elected annually, and they will hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds (2/3) vote of said committee being necessary to affect such removal.

Section 4. A Judge Advocate, an Adjutant, a Chaplain, a Historian, a Service Officer, a Sergeant-At-Arms, and other positions, as needed, will be appointed by the Commander.

Section 5. Every member of this Post in good standing will be eligible to hold office in this Post. No member of this Post will hold more than one (1) elected office or elected position.

Section 6. The duties of officers and the Executive Committee members will be those usually pertaining to such Officers or committee members and as further provided in the By-Laws.

ARTICLE VI - FINANCE

Section 1. The revenue of this Post will be derived from the membership or initiation fees, from annual membership dues and from such sources as may be recommended by the Post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues will be fixed and determined by this Post, for the ensuing year.

Section 3. The Post will pay to the Department of Georgia Headquarters the National and Departmental annual per capita dues for each membership transmitted to the Department.

ARTICLE VII - CHARTER MEMBERS

Members who joined this Post prior to the issuance of the charter will be known as charter members. (NOTE: The matter of charter members for the permanent charter is left to the decision of the Post members.)

ARTICLE VIII-AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as Auxiliary Unit 233 of Barrett-Davis-Watson Post No. 233, The American Legion.

Section 2. Membership in the Auxiliary will be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE IX-AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and the Constitution of the Department of Georgia, The American Legion. Any amendments to said National Constitution or Department Constitution which conflicts with any provisions hereof will 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 meeting by a vote of two-thirds (2/3) of the members of Barrett-Davis-Watson Post 233 attending any regular Post meeting, providing that the proposed amendment will have been submitted in writing and read at the next preceding regular meeting of Barrett-Davis-Watson Post 233, and providing, further, that notice via any or all of the following: email, text, mail, phone, website, or social media will have been given to all members at least ten (10) 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.

THE AMERICAN LEGION BY-LAWS OF BARRETT-DAVIS-WATSON POST NO 233 DEPARTMENT OF GEORGIA

ARTICLE I

Section 1. The Post existing under these By-Laws is to be known as the BARRETT- DAVIS-WATSON POST NO. 233, THE AMERICAN LEGION, DEPARTMENT OF GEORGIA.

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

ARTICLE II - MANAGEMENT

Section 1. The governing and management of this Post are entrusted to the Executive Committee as set up in the Post Constitution.

Section 2. The Executive Committee shall consist of the elected officers of this post and five (5) elected-at-large Post members who will be elected annually at least fifteen (15) and not more than sixty (60) days prior to the date of the Department Convention. All elections of officer and executive committee members will be by ballot and the candidate or candidates receiving the higher number of votes will be elected to the respective office or offices for which they are candidates. Installation of officers will be after the Department Convention.

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

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee will meet for organization and such business as may come before it at the call of the Post Commander within 10 days after the installation of the new officers. Thereafter the Post Executive Committee will meet at the call of the Post Commander at least monthly and as often as the Post Commander may deem necessary. Four (4) members of the Executive Committee will constitute a quorum thereof with at least 4 present to vote on any motion.

Section 2. The Post Executive Committee will hire such employees as may be necessary; will authorize and approve all expenditures; will require adequate bonds from all persons having the custody of post funds; and generally, will have charge of and be responsible for the management of the affairs of this Post.

ARTICLE IV – OFFICERS, COMMITTEEMAN, AND APPOINTEE DUTIES

Section 1. Duties of Post Commander: It will 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. The Post Commander will be Chief Executive Officer of the Post. He or she will approve all orders directing the disbursement of funds and will make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which will be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant.

In the event of an emergency, the Post Commander may authorize an expenditure not to exceed \$1,000.00 to mitigate the situation. However, a special meeting will be convened of the Executive Committee within three (3) days of the emergency to review such expenditure and to authorize further expenditures to resolve the problem. The Post Commander will perform other duties as directed or required by the Post.

Section 2. Duties of the Senior Vice-Commander: The Senior Vice-Commander will function under the jurisdiction of the Post Commander in carrying out the policies of the Post. In the event the Commander is not available to preside over any function or meeting, the Senior Vice-Commander must assume the jurisdiction

and duties of the Post Commander for the function or meeting. The Senior Vice-Commander will be Chairman of the Membership Committee and will perform such duties as are required of them by the Post, Department, and National Constitution.

Section 3. Duties of the Junior Vice-Commander: The Junior Vice-Commander will perform the specific functions respectively as assigned to him by the Post Commander and such duties as are usually incident to his office and position. In the event neither the Post Commander nor Senior Vice-Commander is available to preside over any function or meeting, the Junior Vice-Commander will assume the jurisdiction and duties of the Post Commander for the function or meeting.

Section 4. Duties of the Finance Officer: The Finance Officer will be in charge of all finances and see that they are safely deposited in a local bank or banks, as selected by the Executive Committee, and will report at least once a month to the Executive Committee and the general membership, the condition of the finances of the Post, with such recommendations as may be deemed expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer will ensure that two (2) signatures are required on checks for disbursing the monies of the Post and will furnish such surety bonds in such sums as will be fixed by the Post Executive Committee. The Post Commander, Post Finance Officer and Post Adjutant will have signature authority on all accounts of this Post.

Section 5. Duties of the Executive Committee Member: The Executive Committee Member will perform the specific functions respectively as assigned to them by the Post Commander and such duties as are usually incident to the operation of the Post. In the event neither the Post Commander, Sr. Vice-Commander, or Jr. Vice-Commander is available to preside over any function or meeting, the Executive Committee Member will assume the authority and duties of Post Commander for the function or meeting.

Section 6. Duties of the Adjutant: The Post Adjutant will have charge of and keep a full and accurate account of the proceedings of all meetings. Keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting and under the direction of the Post Commander, handle all correspondence of this Post.

Section 7. Duties of the Post Judge Advocate: The Post Judge Advocate will be the legal advisor of the Post Commander, the Post and the Executive Committee on legal questions and upon all matters involving interpretation of parliamentary procedure and will interpret this Post's Constitution and By-Laws and on such other matters as may be required of him by the Post Commander, the Post or the Executive Committee.

Section 8. Duties of the Post Chaplain: The Post Chaplain is charged with the spiritual welfare of the Post members and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National and Department headquarters from time to time.

Section 9. Duties of the Post Historian: The Post Historian will be charged with the individual records and incidents of the Post and Post members and will perform such duties as may properly pertain to the office as may be determined by the Post and the Executive Committee.

Section 10. Duties of the Post Service Officer: The main function of the Post Service Officer is to advise and assist veterans or other claimants in the preparation of basic VA forms and in developing necessary supporting documentation or evidence. When fully and properly completed, the forms and related evidence should be forwarded to the appropriate VA Representative, who is an accredited representative of The American Legion, for review and submission to the VA. In carrying out the duties and responsibilities of the Post Service Officer, it is essential that no action be taken which would delay or jeopardize the timely submission of a claim and that every effort is made to ensure that the individual's rights and benefits are protected. The Post Service Officer will assist any needy individual or family in accordance with the guidelines of the Post.

Section 11. Duties of the Sergeant-at-Arms: The Sergeant-At-Arms will assist the Post Commander in maintaining order and decorum at all meetings. He or she will introduce visiting distinguished guests; he or she will be the custodian of all paraphernalia and colors and see that they are properly displayed. He or she will perform such duty prescribed by the Commander.

ARTICLE V -DELEGATES

Delegates and alternates to a department convention will be elected in the same manner as the Post Officers at a regular meeting of the Post to be held at least fifteen (15) and not more than sixty (60) days prior to the date of such convention.

ARTICLE VI -APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year or at the next regular meeting after installation, may appoint the following standing committees.

Section 2. Americanism Committee. The Americanism Committee will 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 anti-American propaganda, youth activities by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. Children, Youth and Schools Committee. The Children, Youth and Schools Committee will be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "No child of a veteran shall be in need of the necessities of life" and "A square deal for every child. "

Section 4. Finance Committee. The Post Commander will appoint a Finance Committee comprised of three (3) members. The Finance Committee will be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, and accounting of all Post funds.

Section 5. House and Special Events Committee. The House and Special Events Committee will have charge of all matters pertaining to the Post quarters, publication of "House Rules" applicable to the conduct of members while on the premises of the Post, promotion of club advantages, rental of facilities, and arrangements for social activities.

Section 6. Membership Committee. The Membership Committee will have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatement, and eligibility of members. The Senior Vice-Commander will chair the Membership Committee.

Section 7. Marketing, Advertising and Public Relations Committee. The Marketing, Advertising and Public Relations Committee will be charged with the promotion of public support of the Post programs by the establishment of proper contact with The American Legion Magazine, Department and National Legion news service and by local publicity of Post programs and activities.

Section 8. Sons of the American Legion Committee. The Sons of the American Legion Committee will be the coordinator of the operation of the Post's Squadron of the Sons of the American Legion.

Section 9. The American Legion Riders Committee. The American Legion Riders Committee will be the coordinator of the operation of the Post's Chapter of the American Legion Riders.

Section 10. Other Committees: The Post Commander may appoint other committees, as required.

Section 11. All members of all committees appointed by the Post Commander will be subject to removal at the pleasure of the Post Commander.

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 will merely embody the opinion of this Post on the subject and copy of the 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.

ARTICLE VIII - MEETINGS

Section 1. The regular meeting of the members of Barrett-Davis-Watson Post 233 will be held on the first Tuesday of each month unless changed by a majority vote of members at a General Membership meeting, at which may transact such business as may properly be brought up for action; such meeting may be converted into an entertainment meeting, as may be deemed advisable by the General Membership of the Post.

Section 2. The Post Commander may call a special meeting of the Post, if required.

Section 3. Upon the written request of five (5) members in good standing, the Post Commander will call a special meeting of the Post.

Section 4. Nine (9) members in good standing of this Post will constitute a quorum at any regular or special meetings of the Post.

Section 5. All members will be notified in writing at least ten (10) days in advance of a special meeting.

Section 6. Minutes and a confirmation of a quorum shall be kept of all meetings, both regular and special, and a copy of such minutes and confirmation of a quorum will be retained by the Post Adjutant and kept on file. The previous minutes of a regular or special meeting will be read, discussed, and voted on by members in attendance at the regularly scheduled monthly membership meeting.

ARTICLE IX - NOTICES

Section 1. Every member will provide the Post Adjutant with his or her address, email address, and/or phone number for notification purposes.

Section 2. The Post Adjutant will cause notice of the annual election to be given at least ten (10) days prior thereto.

Section 3. No form of sexual harassment will be tolerated by patrons, employees, or members.

ARTICLE X - RULES OF ORDER

At any meeting of members held under the provision of the By-Laws, all questions of parliamentary laws and rules of order not specifically provided for in the By-Laws will be decided according to the principles laid down in the most current published edition of Robert's Rules of Order as published by the trustee for the Robert's Rules Association.

ARTICLE XI - LIMITATIONS OF LIABILITIES

The Barrett-Davis-Watson Post 233 will incur, or cause to be incurred, no liability nor obligation whatever which will subject to liability any other Post, subdivision, group of members, members of The American Legion, or other individuals, corporations or organizations.

ARTICLE XII-DISPUTE RESOLUTION

Section 1. Any member in good standing or any employee or patron of the post may, from time to time register a complaint in writing to the Post Executive Committee. For less serious complaints, the Commander and Executive Committee will take such complaints and try to resolve each to the best satisfaction of all parties.

More serious complaints and offenses, but that do not reach the level where local, state, or federal laws or statutes have been broken and that are levied against any officer or committee member shall be presented to the Executive Committee along with substantiating evidence of the presumed complaint or offense.

The Executive Committee shall conduct a formal investigation with both parties and any other members deemed necessary to gather facts associated with said complaint or offense.

After completion of the formal investigation, all evidence and statements from the concerned parties shall be provided to a designated arbitrator for resolution. The arbitrator will be a neutral third party who is not a member of the post. The parties agree that the dispute is to be arbitrated by the designated arbitrator and to abide by the rules of the arbitration process and the final determination of the arbitrator. Additionally, by consenting to the arbitration process, the concerned parties are waiving their right to litigate the dispute in court. If the complainant refuses arbitration, the registered complaint or offense will be dismissed. Refer to the Arbitration policy document for details of the arbitration process.

Section 2. The designated arbitrator shall make a final recommendation on the dispute and the results shall be issued in writing to the Executive Committee for implementation within the guidelines of these bylaws and applicable statutes/laws that may be in play. Any disciplinary actions to either party as identified by the arbitrator shall be implemented by the Executive Committee. Only the Executive Committee can levy disciplinary action for a post officer or executive committeeman.

ARTICLE XIII-AMENDMENT OF BY-LAWS

These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of Barrett-Davis-Watson Post 233 attending any regular Post meeting, providing that the proposed amendment will have been submitted in writing and read at the next preceding regular meeting of Banett-Davis-Watson Post 233 meeting, and providing, further, that written notice via any or all of the following: email, text, mail, phone, website, or social media will have been given to all members at least ten (10) 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.

IN WITNESS WHEREOF, the undersigned officers of the Barrett-Watson-Davis Post No. 233, the American Legion, Department of Georgia, hereby certify that the foregoing Constitution and By-Laws were duly adopted on Feb 4, 2025, by the requisite majority of the Barrett-Davis Watson Post No. 233, the American Legion, Department of Georgia members with proper notices given.

Sworn to and subscribed to before me
This ____ day of _____, 2025

Barrett-Davis-Watson Post No. 233,
the American Legion, Department of Georgia

Witness

By: _____
Post Commander

Notary Public

Attest: _____
Post Adjutant

Date