



SAMUEL M. BIRNBAUM
DEPARTMENT JUDGE ADVOCATE
270 BROADWAY
NEW YORK 7, N. Y.
CORTLANDT 7-6050

THE AMERICAN LEGION
DEPARTMENT OF NEW YORK

The foregoing Constitution and By-Laws of Chenango
County Committee, The American Legion, Department of New
York, as amended, are hereby approved pursuant to Article
VIII, Section 4, of the Department Constitution, this
12th day of January, 1949.

Samuel M. Birnbaum

Samuel M. Birnbaum
Department Judge Advocate

as per H.M.

January 12, 1949

James W. Coleman, Commander
Chenango County American Legion
Norwich, New York

Dear Commander Coleman:-

I am returning to you herewith one copy of the Constitution and By-Laws of Chenango County Committee, recently submitted to Department Judge Advocate, Samuel M. Birnbaum, for review; and am also enclosing Certificate of Approval.

Yours for The Legion

Maurice Stember
Maurice Stember
Department Adjutant

MS:ha
Enc. 2

CONSTITUTION

Chenango County American Legion Department of New York

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 association in the great war; to inculcate a sense of individual obligation of 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 the organization shall be the Chenango County American Legion, Department of New York.

Article II Objects

Section 1. The objects and purposes of this organization 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 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 or incumbent of a remunerative elective public office shall hold any office in this organization of the American Legion, and the declaration of candidacy for a public office by any person who is an officer of this organization of the American Legion shall operate automatically to vacate his office in this organization, and 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 organization.

Article IV Membership of Posts

Section 1. Eligibility to membership in the American Legion shall be prescribed by the National Constitution of the American Legion.

Article V Officers and Membership of County Organization

Section 1. The Administrative affairs of this organization of the American Legion shall, except as may be otherwise provided by the by-laws, be under

Article V
Cont'd.

the supervision of a committee which shall consist of at least one member from each post in this county for each one hundred paid-up membership or major fraction thereof, but every post regardless of size shall be entitled to at least one member on this Committee. One County Committee member from each post in this County shall be the Commander of said post unless it is otherwise voted by the post, in addition to the elective county officers, who shall be entitled to vote but are not considered part of the representation of the Post of which they are members.

Section 2. The officers of this county organization shall be Commander, three vice-commanders without seniority, and adjutant, a finance officer, a chaplain who shall also act as county historian and a county service officer and such other officers as may be deemed necessary by this organization who may be named by a nominations committee appointed by the county commander, or nominated from the floor at the annual county convention. The term of office of officers of this organization shall be for one year.

Section 3. This organization shall provide for standing committees on finance, publicity, membership, credentials, conventions, post activities and welfare. Post applications for charters, post constitutions and by-laws and on such other subjects as may seem desirable. The power of these standing committees shall be to recommend appropriate action to the county organization or to the county executive committee.

Section 4. All officers and county committeemen shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or county committeeman may be removed for inefficiency by the county committee, a two-thirds vote of said county committee being necessary to effect such removal.

Section 5. Every member of the American Legion of this county in good standing shall be eligible to hold office in this organization unless otherwise provided herein.

Section 6. The duties of officers and the county committeemen shall be those usually appertaining to such officers or committeemen and as further provided in the by-laws.

Article VI
County Executive Committee

Section 1. Between the county meetings of this organization the administrative power of the Chenango County organization of the American Legion shall be vested in the County Executive Committee, which shall be composed of the County Commander, three Vice-County Commanders, the County Adjutant and the County Treasurer; All past County Commanders while in good standing in their respective posts in this county, who have served a major portion of their terms of office shall be members for life of this county executive committee without vote.

Article VII-Finance

Section 1. The revenue of this organization shall be derived from membership or initiation fees, from annual membership dues of the members of all posts in this county and from such other sources as may be approved by the county committee.

Article VII-Cont'd.

Section 2. Each Post shall pay annually to the County Organization on or before October 20th, for each of its individual members, an amount deemed necessary by a regularly convened County Convention to operate its organization, in addition to whatever amount is required by the Department and to be paid to the National Organization.

Article VIII American Legion Auxiliary

Section 1. This organization recognizes an auxiliary organization to be known as the Auxiliary Unit of Chenango County, The American Legion.

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

Article IX-Amendments

Section 1. This constitution is adapted subject to the provisions of the National Constitution of the American Legion and the Department Constitution of the Department of New York, The American Legion. Any amendment to said National or Departmental Constitutions 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 meeting by vote of two thirds of the members of the County Committee attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of the County Committee, and provided further, that written notice with the proposed amendment attached shall have been given to all members of the county committee at least thirty days in advance of the date when such amendment is to be voted upon, notifying said members of the county committee that at such meeting a proposal to amend the County Constitution is to be voted upon.

Chenango County By-Laws

Article 1-Name

Section 1. The County Organization existing under these by-laws is to be known as the Chenango County organization of the American Legion, Department of New York.

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

Article 2-Management

Section 1. The government and management of this organization is entrusted to a committee consisting of the duly elected officers of this organization and such other members from the various posts of this county as provided by the County Constitution. The officers shall be elected at the annual county convention and the representatives from the various posts of the county shall be elected to represent their posts in this organization by the said various posts at the next post meeting following the annual County Convention. All officers and members of this organization shall take office at the meeting next following that of their election. No post in this county shall have on this county committee at any time more representatives than they are entitled to in accordance with the county constitution. All elections of officers of this organization shall be as specified by the County Constitution. Posts shall elect additional committeemen as their membership increases and shall hold a new election of committeemen at any time their membership entitles them to less committeemen than they have.

Section 2. All vacancies existing in any office of this organization from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of this organization, and a person so appointed or elected shall hold office from the unexpired term of the officer whom he succeeds. A vacancy shall exist when an officer is absent from his post for a continuous period considered detrimental to the interests of this organization by the Executive Committee. In the event of a vacancy of any representative of any post on this county committee said post is to be notified by the County Adjutant to elect a new representative, who, upon his election, will take office at once and shall hold office for the unexpired term of the member whom he succeeds.

Section 3. The Post Adjutants of each post in this county shall, upon the election of their County Committeemen, notify the County Adjutant of their respective names and addresses at once. No member of any post who is not in good standing can be elected by any post in this county to serve on this county committee.

Article 3-Executive Committee

Section 1. The County Executive Committee shall meet for organization and such other business as may come before it at the call of the County Commander as soon after the county convention as he may deem necessary but in no instance later than one month after the annual department convention and as often thereafter as said County Commander may deem necessary. The Commander shall call a meeting of the county executive committee upon the joint written request of a majority of members of said county executive committee, or upon the written request of one third or more of the County Committee. A majority of the members of the County Executive Committee shall constitute a quorum thereof.

Article 3-Executive Committee
Cont'd.

Section 2. The County executive committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of county funds; shall hear reports of county committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of this county organization.

Article 4-Duties of Officers

Section 1. Duties of the County Commander: It shall be the duty of the County Commander to preside at all meetings of the County Organization and to have general supervision over the business and affairs of the county organization, and such officer shall be the chief executive officer of this organization. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the county organization, for the year and make recommendations for the ensuing year, which report shall be read at the annual county convention and a copy thereof immediately forwarded to the department adjutant. He shall perform such other duties as directed by the county organization.

Section 2. Duties of Vice-County Commanders: The Vice-County Commanders shall assume and discharge the duties of the office of county commander in the absence or inability of, or when called upon by the county commander. If, in case the county commander is unable to preside at a meeting, there is more than one Vice-County Commander present, it shall be the duty of the members of this organization present at such meeting to designate which vice-county commander shall preside over the meeting.

Section 3. Duties of the County Adjutant: The County Adjutant shall have charge of, and keep a full and complete record of, all proceedings of all meetings of this organization. Keep such records as the department and national organization may require. Render reports of membership annually or when called upon at a meeting and under the direction of the county commander handle all correspondence of the county organization.

Section 4. Duties of the Finance Officer: The finance officer of this organization shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report at every meeting of this county organization the condition of the finances of the organization with such recommendations as he may deem expedient or necessary for the raising of funds with which to carry on the various activities of this organization. He shall sign checks disbursing the moneys of this organization. He shall give a surety bond, approved by the County executive committee and the department of New York to cover double the average amount of moneys handled in a single year. The premium on said bond shall be paid out of the finances of this organization.

Section 5. Duties of the County Historian: The county historian shall be charged with the individual records, and incidents of the various posts in this county, and shall perform such other duties as may properly pertain to the office as may be determined by the county organization.

Section 6. Duties of County Chaplain: The County Chaplain shall be charged with the spiritual welfare of the members of this organization in this county and will offer divine but non-sectarian service in the event of

dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

Section 7. Duties of the Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings of this organization and shall perform such other duties as may be, from time to time, assigned to him by the county organization.

Article 5--Appointments

Section 1. The County Commander at the first regular county meeting, after his election, shall appoint the following standing committees: Membership, Legal Publicity, Finance, Service, Visiting, Americanism, and such other committees as he may be asked to appoint by the District Commander or such other district or department officers who have charge of the various activities of this organization. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the county commander. The County Commander may appoint such other committees as he may see fit or as he may be directed to do by the county organization.

Article 6--Meetings

Section 1. The Chenango County American Legion shall hold meetings at least once each month beginning not later than two months after the annual department convention, at least one such meeting shall, unless waived by the post, be held in each post of this county until all posts are visited. After all posts have been visited at least once and the business of this organization is well taken care of, the executive committee can decide to postpone any meetings thereafter until the annual county convention.

Section 2. At all regular meetings of this organization, representation shall be in accordance with Article 5, Section 1 of the County of Chenango Constitution.

Section 3. A quorum shall be present at any meeting at which five (5) or more posts are represented.

Section 4. The parliamentary practice and procedure of all meetings of this organization shall be governed by Roberts' Rule of Order, except as herein otherwise provided.

Article 7--New Posts

Section 1. The county executive committee shall pass upon each application for the charter of a new post in this county and upon the constitution and by-laws of each such post.

Section 2. It shall be the duty of the county executive committee to see that all posts are properly organized and conducted in this county.

Section 3. Each post shall furnish to the county adjutant an address to which all notices and documents may be mailed or sent, and same notices and documents shall be held to have been duly sent to or served upon any post when mailed to said post at the address so furnished. In the case of any post not furnishing such address to the county adjutant, any notice or document shall be held to have been duly served upon a post if mailed to said post at the address of its Post Commander or Adjutant or any member of the post whose name appears signed to its application for charter.

**Article 8-Notices of Regular County
Meetings and County Executive Committee Meetings**

Section 1. The county adjutant shall notify every member of the County Committee and every county officer of all regular county meetings and the notices of such meetings shall be in the mails not later than seven (7) days previous to said meetings. The County Adjutant shall notify every member of the county executive committee of all county executive committee meetings and such notices shall be in the mails not later than three (3) days previous to said meetings.

Article 9-Annual County Convention

Section 1. The County Adjutant shall notify every post in this county of the time and place of the annual county convention and such notices shall be in the mails not later than thirty (30) days previous to said annual county convention.

Section 2. The annual county convention call shall read as follows: Pursuant to the requirements of the constitution and by-laws of the American Legion, Chenango County, Department of New York, I _____

_____, County Commander, do hereby call the _____ annual convention of the American Legion of Chenango County to be held at _____, N. Y. on (date) _____ to convene at (time) _____ for the following purposes:

1. To elect Delegates and Alternates to the Department Convention to be held at (Place) _____ on (dates) _____.
2. To elect officers for the Department of Chenango County for the ensuing year, viz: County Commander, Three Vice-County Commanders, County Adjutant, County Treasurer, County Service Officer, Chaplain and Historian.
3. To amend the present County Constitution and By-Laws if so desired, and to transact such other business as may come before the convention.

Section 3. The annual meeting of the American Legion of Chenango County for the purpose of electing county officers and delegates and alternates to the annual department convention and to transact any other business that may come before the meeting shall be a convention.

Section 4. The date of the annual county convention shall be fixed by the county commander and shall be held not later than thirty days prior to the annual convention of the American Legion Department of New York.

Section 5. Representation at the annual county convention shall be the duly elected county committeemen and their alternates. Each post shall be entitled to four delegates-at-large and four alternates-at-large and one additional delegate and one additional alternate for each twenty-five paid up membership or major fraction thereof, credited to that post ten days previous to the date of the annual county convention. Alternates will have the privilege of voting on the floor of the convention only in the absence or inability of regular delegates, but they shall have all other privileges, including the right to serve on all committees.

Section 6. Order of business:

Call to order

Invocation

Call of the convention (read by the County Adjutant)

Reading of the minutes of the last county convention

Appointment of committees on credentials. Auditing and resolutions

Appointment of nominating committee to be composed of at least one member from each post in the county.
Introduction of resolutions and reference of same to committee.
Annual report of the County Commander.
Annual report of the County Adjutant.
Annual report of the County Treasurer.
Annual report of the County Service Officer.
Annual report of the other county officers or standing committees.

Immediately after the receipt of an action upon the reports of county officers and committees the commander shall bring the entire convention to attention and say, "The Adjutant will call the roll of those Legionnaires of Chenango County who have "Gone West" since our last convention. If none have passed on, the adjutant, saluting, shall say "Sir, all are present or accounted for". If any have passed on since the last annual convention the adjutant shall call their names slowly and as each name is spoken a delegate from the post of which he was a member shall respond by saying, "Sir, He died at _____ the _____ day of _____, 19___. Age _____ years. This will necessitate the Adjutant ascertaining from the various delegates previous to the call to order the names of all members who have died in the past year."

Section 7. Order of Business (Cont'd.)

The adjutant shall then inquire of the date of his entrance into the services of the United States and in the American Legion, and after the Delegates have responded the Commander shall say, "Legionnaires, we commend the brave spirit of our late comrades to the supreme goodness of our Divine Commander". The delegates shall then respond "In Him we put our trust, Amen."

Thereupon the Senior Past County Commander present shall say, "I move this convention do now take a brief recess out of respect to the memory of our departed comrades." The Commander will ask that this motion be seconded and if carried, will then announce, "I do declare this convention in recess out of respect of our departed comrades." (During this recess, the various committees appointed by the Commander will function and as soon as they are ready to report to the convention the Commander will call the convention to order.)

Report of Committee on Credentials.
Report of Committee on Auditing.
Report of Committee on Resolutions.
Report of Committee on Nominations.

The Commander shall call for nominations from the floor and the voting on each office shall be by ballot. A candidate must receive a majority of the votes cast to be elected. To promote the efficient conduct of the affairs of this organization it should be remembered that the new County Adjutant should be elected from the post of the newly elected County Commander.

The Commander will then call for nominations of Delegates and Alternates to the Annual Department Convention and instruct the convention that in making nominations that it must be borne in mind that before a name is placed in nomination the Delegate making such nomination must ascertain if such nominee will attend the Annual Department Convention. Delegate should be advised of the amount of money available for expenses of Delegates to the Department Convention.

Article 9-Section 7

Cont'd.

New Business

Action on invitations from various posts for the next annual county convention.
Thirty seconds' silent prayer for our departed Comrades.

Adjournment.

Section 8. Immediately after the adjournment of the annual county convention the Delegates to the annual Department Convention shall meet and elect a chairman from among their number who shall keep them advised of all correspondence from Department Headquarters, and act as the spokesman of the delegation at the Annual Department Convention.

Section 9. After the adjournment of the annual County Convention the retiring County Commander will turn over to his successor all correspondence and supplies in his possession; also all records and books of instructions and any other matter that may be of assistance to the newly elected County Commander in the performance of his duties.

Section 10. After the adjournment of the Annual County Convention the retiring County Adjutant shall complete the minutes of the County Convention just past and shall report to the Department Headquarters the names and addresses of all the newly elected officers of the county and the names and the addresses and the posts they are members of, of all Delegates and all Alternates elected to the coming Annual Department Convention and the Chairman thereof. After completing the above the retiring County Adjutant will turn over to his successor the minute book of this organization along with all supplies and correspondence and books of instructions and the office equipment in his possession.

Section 11. After the adjournment of the Annual County Convention the retiring County Treasurer shall turn over to the successor all moneys in his possession belonging to this organization and also turn over to his successor all supplies and record books in his possession.

Section 12. After the adjournment of the annual County Convention all other retiring County officers not mentioned in Section 9, 10, and 11 of these By-laws and all members of all standing committees will turn over to the newly elected County Commander all correspondence, books of instructions and supplies in their possession.

Article 10-Amendments

Section 1. These By-Laws may be amended at any regular county meeting by a vote of two thirds of the members of this county committee present at such regular county meeting. Provided, that the proposed amendment has been submitted in writing and read at the next preceeding regular meeting of said County Committee, and provided, further, that written notice, with the proposed amendment attached, has been sent to all posts in this county at least thirty days in advance of the date when such amendment is to be voted upon, notifying such posts that at such regular county meeting a proposal to amend the County By-Laws is to be voted upon.

Dated: Dec 22, 1948