



**Department  
Constitution and By-  
Laws of The  
American Legion  
Department of  
Indiana**

As Amended and Revised July, 2011



## *TABLE OF CONTENTS*

<b>PREAMBLE.....</b>	<b>1</b>
<b>NAME .....</b>	<b>1</b>
<b>NATURE OF ORGANIZATION .....</b>	<b>1</b>
<b>STRUCTURE OF ORGANIZATION .....</b>	<b>1</b>
<b>POLITICAL RESTRICTIONS .....</b>	<b>1</b>
<b>ELIGIBILITY .....</b>	<b>1</b>
<b>MEMBERSHIP .....</b>	<b>2</b>
<b>EXPELLED MEMBERS .....</b>	<b>2</b>
<b>DEPARTMENT CONVENTION.....</b>	<b>2</b>
<b>DEPARTMENT CONVENTION DELEGATES .....</b>	<b>2</b>
<b>DEPARTMENT EXECUTIVE COMMITTEE.....</b>	<b>3</b>
<b>DISTRICT ORGANIZATION .....</b>	<b>5</b>
<b>ELECTION – DISTRICT OFFICERS .....</b>	<b>6</b>
<b>DISTRICT EXECUTIVE COMMITTEE .....</b>	<b>6</b>
<b>POST ORGANIZATION .....</b>	<b>7</b>
<b>ELECTION – POST OFFICERS .....</b>	<b>7</b>
<b>DISCIPLINE OF POSTS .....</b>	<b>8</b>
<b>DISCIPLINE OF MEMBERS .....</b>	<b>8</b>
<b>TRANSFERS.....</b>	<b>8</b>
<b>LIFE MEMBERSHIPS .....</b>	<b>9</b>
<b>FISCAL YEAR .....</b>	<b>10</b>
<b>THE AMERICAN LEGION AUXILIARY .....</b>	<b>10</b>
<b>THE SONS OF THE AMERICAN LEGION.....</b>	<b>10</b>
<b>AMENDMENTS TO CONSTITUTION.....</b>	<b>11</b>
<b>BY-LAWS.....</b>	<b>13</b>
<b>DEPARTMENT EXECUTIVE COMMITTEE.....</b>	<b>13</b>
<b>DISTINGUISHED SERVICE AWARDS COMMITTEE.....</b>	<b>13</b>
<b>PROGRAM COMMITTEES.....</b>	<b>14</b>
<b>COMMANDER’S ADVISORY COMMITTEE .....</b>	<b>14</b>
<b>BOYS STATE BOARD OF DIRECTORS .....</b>	<b>14</b>
<b>DEPARTMENT RESOLUTIONS SCREENING COMMITTEE.....</b>	<b>14</b>
<b>LEGAL COMMITTEE.....</b>	<b>14</b>
<b>DISTRICT HEADQUARTERS POST PROGRAM COMMITTEE.....</b>	<b>14</b>

<b>DEPARTMENT STRATEGIC PLANNING COMMITTEE</b>	<b>15</b>
<b>DUTIES OF OFFICERS</b>	<b>15</b>
<b>DISCIPLINE OF MEMBERS</b>	<b>17</b>
<b>FINANCES</b>	<b>19</b>
<b>BONDING OF OFFICERS</b>	<b>20</b>
<b>MEMBERSHIP CARDS</b>	<b>20</b>
<b>DISSOLUTION OF POSTS</b>	<b>20</b>
<b>REGALIA</b>	<b>21</b>
<b>RECORDS AND REPORTS</b>	<b>21</b>
<b>USE OF MEMBERSHIP LISTS</b>	<b>22</b>
<b>AMENDMENTS</b>	<b>22</b>
<b>APPENDIX</b>	<b>23</b>
<b>INDEX</b>	<b>23</b>

**CONSTITUTION OF THE AMERICAN LEGION  
DEPARTMENT OF INDIANA  
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 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**

The name of this organization shall be THE AMERICAN LEGION, Department of Indiana.

**ARTICLE II  
NATURE OF ORGANIZATION**

THE AMERICAN LEGION, Department of Indiana is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his/her military or naval title in any convention or meeting of the Department or any Post thereof.

**ARTICLE III  
STRUCTURE OF ORGANIZATION**

THE AMERICAN LEGION shall be organized into Posts, which shall also organize by Districts, as hereinafter provided.

**ARTICLE IV  
POLITICAL RESTRICTIONS**

**Section 1.** THE AMERICAN LEGION, Department of Indiana, shall be absolutely non-political, and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office nor preferment.

**Section 2.** Each member shall perform his/her full duty as a citizen according to his/her own conscience and understanding.

**ARTICLE V  
ELIGIBILITY**

**Section 1.** Any person shall be eligible for membership in THE AMERICAN LEGION who was regularly enlisted, drafted, inducted or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during eligibility periods as set forth in the National Constitution of THE AMERICAN LEGION, all dates inclusive or who, being a citizen of the United States at the time of his/her entry therein, served on active duty in the armed forces of any of the Governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation

and such person either shall have broken his/her continuity of service and returned to a civilian status, or shall continue to serve honorably after the date of cessation or such hostilities as fixed by the United States Government; provided, however, that no person shall be entitled to membership who being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself/herself to military discipline or unqualified service.

### **MEMBERSHIP**

**Section 2.** There shall be no form or class of membership except an active membership as herein provided.

**Section 3.** No person shall be a member, at any one time, of more than one Post of THE AMERICAN LEGION.

### **EXPELLED MEMBERS**

**Section 4.** No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he/she may then appeal to the Department Executive Committee for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

### **APPLICATION FOR MEMBERSHIP**

**Section 5.** An applicant for membership in THE AMERICAN LEGION shall be required to show either an honorable discharge or notice of separation, or a true hardcopy of same as certified by a Notary Public or other officer with authority to certify, to any designated Post official.

### **DELINQUENT MEMBERS**

**Section 6.** A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If his/her dues are paid on or before February 1, he/she shall be automatically reinstated. If he/she is still delinquent after February 1, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30 of such year, his/her membership in THE AMERICAN LEGION shall be forfeited.

## **ARTICLE VI DEPARTMENT CONVENTION**

**Section 1.** The legislative body of this organization shall be a Department Convention to be held each year.

The Department Executive Committee is hereby authorized and directed to establish the site and date of each succeeding Convention and shall report its findings to the Convention. The Department Adjutant is authorized and directed to investigate possible sites for Department Conventions by determining the adequacy of facilities and rooms available. He shall report the findings for a period of at least five (5) years from the last Convention to the Department Executive Committee at its Fall Conference.

### **DEPARTMENT CONVENTION DELEGATES**

**Section 2.** Each Post shall be entitled to one (1) delegate and one (1) alternate for its charter, and one additional delegate and one additional alternate for each one hundred members or major fraction thereof, whose current dues, National and Departmental, have been paid and received by Department Headquarters thirty (30) days prior to the

holding of the Department Convention. Each Post shall have as many votes as it is entitled to delegates. The total number of votes shall be equal to the number of delegates properly certified.

### **POST NOT REPRESENTED BY DELEGATES OR ALTERNATES**

**Section 3.** Each delegate shall be entitled to one vote. The vote of any delegate absent and not represented by an alternate shall be cast by the majority of the delegates or the alternates replacing delegates present from his/her Post. If any Post is not represented by any delegate or alternate, the vote of that Post shall be cast by the majority of the delegates present from its District. In the absence of a delegate, he/she may be represented by an alternate who shall have all privileges of a delegate.

### **DEPARTMENT CONVENTION QUORUM**

**Section 4.** A quorum at the Department Convention shall exist when at least seventy-five (75) Posts of the Department have a delegate or alternate representation present.

### **DEPARTMENT CONVENTION RULES OF PROCEDURE**

**Section 5.** The rules of procedure of the Department Convention shall be as set forth in the most recently published edition of Robert's Rules of Order, with such modifications as may be adopted by the Convention.

## **ARTICLE VII ADMINISTRATIVE**

### **DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** The administrative and executive power shall be vested in the Department Executive Committee. This committee shall be composed of the elective Department Officers, the District Commanders, the immediate Past District Commanders, the Department Chaplain, Department Adjutant, Department Judge Advocate, the Department Historian, and the Department Membership Chairman. The Department Chaplain, Department Adjutant, Department Judge Advocate, and Department Membership Chairman shall serve with voice but without vote.

All members of the Department Executive Committee, in order to qualify, must continue to hold membership in one of the Posts of this Department. Should a vacancy occur among the elective Department Officers or the District Commanders, it shall be filled as required in another section of this Constitution, and should a vacancy occur among the immediate Past District Commanders then the preceding Past District Commander shall take his/her place on the committee.

The Department Executive Committee shall have power and authority in the event of an emergency to call a Department Convention, provided that notice at least thirty (30) days prior thereto shall have been given to all Posts of the Department, and the reasons stated in such notice for the calling of the convention. The place of meeting upon such call shall be designated by the Department Executive Committee. The Department Executive Committee shall meet within twenty-four (24) hours after the adjournment of every Department Convention and thereafter at the call of the Department Commander.

Fourteen (14) members, representing at least seven (7) Districts, shall constitute a quorum of the Department Executive Committee.

**Section 2.** Past Department Commanders, while in good standing in their Posts, shall be members of the Department Executive Committee, but shall have no vote in said committee.

**Section 3.** Past National Commanders elected from the Department of Indiana and while in good standing in a Post of the Department of Indiana, shall be members of the Department Executive Committee, but shall have no vote in said committee.

**Section 4.** Past National Executive Committeemen, while in good standing in their Posts, shall be members of the Department Executive Committee, but shall have no vote in said committee.

## **ARTICLE VIII OFFICERS – DEPARTMENT (ELECTED) OFFICERS**

**Section 1.** The elective officers of this Department shall be a Commander, four Vice-Commanders who shall serve without seniority, two of whom shall reside in the First through Fifth Districts, inclusive, and the other two in the Sixth through Eleventh Districts, inclusive, Finance Officer, Sergeant-at-Arms, National Executive Committeeman and Alternate National Executive Committeeman. Officers shall be elected at each annual Convention of the Department, except the National Executive Committeeman and his/her alternate, who shall be elected for a term of two years at the convention held in each odd numbered year. The Finance Officer shall be elected for term of three years. The National Executive Committeeman and the Alternate National Executive Committeeman, being duly elected Department Officers, shall be members of the Department Executive Committee with full voice and vote.

The Vice-Commanders shall be elected at the Department Convention by the delegates from the Districts comprising the territory in which they reside.

### **ELIGIBILITY OF DEPARTMENT OFFICERS**

**Section 2.** It shall be the duty of the Department Adjutant to inspect the honorable discharge or a satisfactory true copy thereof or other satisfactory proof of eligibility of each elective Department Officer and District Commander within two weeks after their election. Such elective officers and District Commanders shall furnish proof of eligibility to the Legion prior to installation.

Failure to furnish such proof automatically creates a vacancy.

### **OFFICERS – DEPARTMENT (APPOINTED)**

**Section 3.** The appointive paid officers of the Department shall be a Department Adjutant, Department Assistant Adjutant, Director of Rehabilitation, Assistant Director of Rehabilitation, and the Department Service Officer(s). These officers shall be appointed by the Department Commander with the approval of the Department Executive Committee. Any such officers appointed subsequent to the adoption of this amendment shall serve a probationary period of not more than two (2) years, after which they shall serve without tenure, provided their appointment is confirmed by the Department Executive Committee, and be subject to removal only by a two-thirds (2/3) vote of the Department Executive Committee. Vacancies occasioned by death or resignation or such removal as designated above shall be filled in the same manner as original appointments were made, and first consideration to be given to present appointive paid officers, then to present qualified paid employees of the Department.



**Section 4.** The Department Judge Advocate, Assistant Department Judge Advocate, Department Membership Chairman, Department Chaplain, Department Historian, and Department Assistant Finance Officer shall be appointed by the Commander and shall serve for the current year unless sooner removed for cause. Removal shall be made by a two-thirds (2/3) vote of the Department Executive Committee.

**Section 5.** The newly elected officers shall be installed at the conclusion of the Department Convention and take office immediately after the adjournment of the Department Convention and shall serve until their successors are elected and qualified.

### **VACANCIES – DEPARTMENT OFFICERS**

**Section 6.** Vacancies occurring in elected departmental offices between Department Conventions shall be filled by the Department Executive Committee within fifteen (15) days after said vacancy occurs. In the event of a vacancy in any department office other than Department Commander, a meeting to fill said vacancy shall be called by the Department Commander, but if a vacancy occurs in the office of Department Commander, said meeting shall be called by the Department Adjutant who shall act as temporary chairman of said meeting until a permanent chairman is selected. Said vacancy shall be filled for the full-unexpired term of said office. All appointments by the Department Commander shall be confirmed by at least two-thirds (2/3) vote of the Department Executive Committee

### **PAST DEPARTMENT COMMANDERS AND PAST NATIONAL EXECUTIVE COMMITTEEMEN: DEPARTMENT CONVENTION DELEGATES**

**Section 7.** All Past Department Commanders, Past National Commanders and Past National Executive Committeemen elected from the Department of Indiana while in good standing in their respective Posts within this Department shall be delegates to the Indiana Department Convention, with vote to be exercised with their Post and under such qualifications as the Convention Credentials Committee may require.

## **ARTICLE IX ORGANIZATION DISTRICT ORGANIZATION**

**Section 1.** Amended at Department Convention on July 18, 1965, as follows:

The Department shall be divided into eleven (11) Districts which shall be comprised by and composed of Counties as follows:

1<sup>st</sup> District – Lake County

2<sup>nd</sup> District – Porter, Newton, Jasper, Starke, Benton, White, Pulaski, Fulton, Kosciusko, Tippecanoe, Carroll, and Cass Counties.

3<sup>rd</sup> District – LaPorte, St. Joseph, Elkhart, and Marshall Counties.

4<sup>th</sup> District – LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Wells, and Adams Counties.

5<sup>th</sup> District – Clinton, Howard, Miami, Wabash, Huntington, Tipton, Grant, Blackford, Jay, and Madison Counties.

6<sup>th</sup> District – Vigo, Vermillion, Warren, Fountain, Parke, Montgomery, Putnam, Boone, Hamilton, and Hendricks Counties.

7<sup>th</sup> District – Gibson, Knox, Sullivan, Clay, Greene, Daviess, Martin, Owen, Morgan, Monroe, and Johnson Counties.

8<sup>th</sup> District – Posey, Vanderburgh, Warrick, Pike, Dubois, Spencer, Perry, Crawford, Harrison, Floyd and Clark Counties.

9<sup>th</sup> District – Lawrence, Orange, Brown, Jackson, Washington, Bartholomew, Jennings, Scott, Jefferson, Ripley, Franklin, Dearborn, Ohio, and Switzerland Counties.

10<sup>th</sup> District – Hancock, Shelby, Delaware, Henry, Rush, Decatur, Randolph, Wayne, Fayette, and Union Counties.

11<sup>th</sup> District – Marion County.

**Section 2.** The Department Executive Committee may prescribe the Constitutions of the Post and Districts. Post charters may be revoked or cancelled by the Department Executive Committee with the approval of the National Executive Committee. Post charters may be suspended as provided hereinafter. The Department Adjutant and Judge Advocate are charged with the responsibility and authority to approve all Post and District constitutions and by-laws.

## **ELECTION – DISTRICT OFFICERS**

**Section 3.** The District Officers shall consist of a District Commander, one or more Vice-Commanders, an Adjutant, a Finance Officer, a Service Officer, a Chaplain, and such other officers as the District Constitution shall prescribe. The District Commander shall be elected by the Accredited Post delegates to the Department Convention. Each Post shall have the same number of committeemen to the District meeting as they shall have delegates to the Department Convention. The District Commander shall be elected by the Department Convention delegates at a District meeting held at least fifteen (15) days prior to the Department Convention. The outgoing District Commander shall certify the name of the newly elected District Commander to Department Headquarters at least three (3) days prior to the opening day of the Department Convention.

The other District officers shall be elected by the District Executive Committee upon nomination by the District Commander. The District Commander shall be installed immediately before the adjournment of the Department Convention. All District officers shall hold their offices until their successors are duly elected and installed. Vacancies during terms of office shall be filled by action of the District Executive Committee. All District officers must be a member of a Post within the District they represent.

## **DISTRICT EXECUTIVE COMMITTEE**

**Section 4.** The administrative and executive power in a District shall be vested in a District Executive Committee, which shall be composed of representatives from each Post in the District, each Post being allowed as many committeemen as it would be entitled to delegates at a Department Convention, but in no event to be less than the number of delegates to which it was entitled to at the preceding Department Convention. No District shall exercise any powers, however, now vested either in the Department or any Post thereof. The District Committeemen shall be elected by the Post at the time of the election of Post Officers and shall take office within two weeks after adjournment of the Department Convention.

The District Executive Committee shall meet at the call of the District Commander. One-third (1/3) of the members of the District Executive Committee, representing one-third of the Posts of the District shall constitute a quorum. Past District Commanders, while in good standing in their Posts, shall be members of the District Executive Committee without vote.

**Section 5.** All Districts shall adopt a Constitution and By-Laws conforming to the Department and National Constitutions of THE

AMERICAN LEGION and shall submit a copy of same to the Department Headquarters.

## **ARTICLE X POST ORGANIZATION**

**Section 1.** The smallest administrative unit of THE AMERICAN LEGION of this Department shall be known as the "Post", which shall have a minimum membership of fifteen (15) paid-up members. No Post shall be received into this organization until it shall have received a temporary charter. Application for temporary charter may be made to Department Headquarters and such temporary charter will be issued by Department Headquarters whenever recommended by the District Commander and Department Commander or the Department Executive Committee, provided, however, that in all instances where temporary charters are issued, the probation period during which said temporary charter is to continue in existence shall not exceed a period of one year.

Upon termination of such probation period, the Department Executive Committee shall determine whether a permanent charter shall be issued or denied, and the action of the Department Executive Committee shall be final. All Post charters shall be countersigned by the Department Commander and the Department Adjutant.

### **POST CHARTERS AUTOMATICALLY SUSPENDED**

**Section 2.** In the event any Post of this Department does not have fifteen (15) or more paid-up members by July 1<sup>st</sup> of any year, such Post shall have its charter automatically suspended until the showing of fifteen (15) or more paid-up members is made, at which time the charter may be reinstated by the Department Executive Committee.

### **ELECTION – POST OFFICERS**

**Section 3.** The officers of the Post shall be a Commander, one or more Vice-Commanders, Adjutant, Finance Officer, Chaplain, Sergeant-at-Arms, Service Officer, Historian and such other officers as it may desire or shall be authorized by the Department Executive Committee from time to time.

**Section 4.** The Post Commander, the Post Vice-Commanders and Post Finance Officer shall be elected by the members of the Post. Other officers may be elected or appointed by the Post. The names of the newly elected or appointed Commander, Adjutant, Finance Officer, Service Officer and Membership Chairman shall be certified to the Department Adjutant at least thirty (30) days prior to the Department Convention. The delegates and alternates to the Department Convention shall be elected and certified to the Department Adjutant at least thirty (30) days prior to the said Convention. Post officers shall be installed and enter upon their duties within two weeks after the adjournment of the Department Convention held in the Legion fiscal year in which they are elected.

**Section 5.** It is recommended that the Post Adjutant secure and file carefully for future reference a true copy of the honorable discharge or separation papers or other satisfactory evidence of military service of each member of the Post.

**Section 6.** All Posts shall adopt a Constitution and By-Laws conforming to the Department and National Constitutions of THE AMERICAN LEGION and shall submit a copy of same to the Department Headquarters within one year from adoption of this section or prior to the issuance of a permanent charter.

## **POST NAME**

**Section 7.** No Post shall be named after any living person.

## **ARTICLE XI DISCIPLINE OF POSTS**

The Department Executive Committee, after notice and hearing, may suspend or revoke a Post charter when the Post violates the National or Departmental Constitution; or when a Post fails to adequately carry out the instructions of the Department Executive Committee; or when it fails to properly discipline any of its members for such violations; or when a Post violates any of the laws of the United States of America or of the State of Indiana, or any ordinances or regulations of any municipality; and the Department Executive Committee shall have full power and authority to provide for the government and administration of the Post during such suspension. The period of suspension shall not extend beyond the date of the next succeeding Department Convention and in the event the charter is suspended or revoked, the Post affected shall have the power or appeal at the next assembled Department Convention.

## **ARTICLE XII DISCIPLINE OF MEMBERS**

**Section 1.** Each Post of THE AMERICAN LEGION shall be the judge of its own membership subject to the restrictions of the National and Department of Indiana Constitution and By-Laws.

**Section 2.** Any member who violates the National or Department Constitution, or who, in the opinion of the Post of which he/she is a member, has been guilty of other conduct unbecoming a member of THE AMERICAN LEGION, shall be expelled or otherwise suitably punished after notice and upon hearing by any such Post in such form as the Department By-Laws and Department Executive Committee shall prescribe. Provided, however, that any action taken by any Post under the provisions of this section may be appealed, by record only, to the Department Executive Committee, and in accordance with its rules and regulations.

## **ARTICLE XIII TRANSFERS**

Transfers of membership from one Post to another may be affected by any member in good standing with the approval of the Post to which he/she desires to transfer. The transferee shall make application to the new Post by submitting his/her membership card to the Post Adjutant of the new Post, who shall submit the request of the transferee to the Post for acceptance or denial. Upon acceptance and completion of a Member Data Form, the Post Adjutant shall forward the Department and National copies of the Member Data Form to the Department Adjutant. The Post Adjutant will then issue the transferee a membership card from the new Post using the transferee's Permanent ID Number.

Per Capita is forwarded to Department Headquarters if the transferee has not paid his/her current dues. If the transferee is current, the Post Adjutant will forward the National and Department portions of the membership card to the Department Adjutant to be removed from the Post's card count. It shall be the responsibility of the Department Adjutant to notify the old Post of the action of the transferee in changing his/her membership.

It shall be the responsibility of the Adjutant of the old Post to furnish a statement of the continuity of membership of the transferee to the Adjutant of the new Post.

It shall be the responsibility of the Adjutant of the old Post to furnish, if requested, a statement to the effect that the transferee is or is not in good standing, with no charges pending against him and none in contemplation.

No dues shall be transferred. The transferring member shall be entitled to full membership with vote upon acceptance by the new Post of his/her application.

## **ARTICLE XIV DUES**

**Section 1.** The revenue of this Department shall be derived from annual dues of members, and by such other means as may be determined by the Department Executive Committee. Each annual Department Convention shall determine the amount of Department dues for each succeeding fiscal year. Upon payment of annual membership dues to THE AMERICAN LEGION, Department of Indiana, members will be entitled to receipt of the *Hoosier Legionnaire* and that \$0.85 of each member's annual membership dues shall be set aside for the printing and distribution of the *Hoosier Legionnaire*.

**Section 2.** The annual National dues as determined by the National Convention each year shall be collected by the Post and paid through Department Headquarters to the National Treasurer, whenever the same becomes due and payable.

**Section 3.** No person shall be considered as a member of THE AMERICAN LEGION or have authority to wear the emblem of THE AMERICAN LEGION in this Department unless his/her annual Post, Department and National dues have been paid.

## **POST FAILURE TO REMIT DUES**

**Section 4.** The failure on the part of any Post for more than thirty (30) days to remit Department and National dues collected from members shall be a cause for the suspension or revoking of the charter of such Post.

## **LIFE MEMBERSHIPS**

**Section 5.** The Department of Indiana recognizes life membership under the following conditions:

Life membership shall lapse on the failure of the Post issuing such membership to pay the annual Department and National dues.

The Department of Indiana assumes no responsibility in the issuance of such life memberships.

## **ARTICLE XV NATIONAL CONVENTION DELEGATES DELEGATES TO NATIONAL CONVENTION**

**Section 1.** National delegates and alternates, other than delegates and alternates-at-large, shall be elected by the accredited delegates to the Department Convention at a District meeting at least fifteen (15) days prior to the opening day of the Department Convention. The names of such duly elected National delegates and alternates shall be certified to Department Headquarters by the outgoing District Commander not less than three (3) days prior to the opening date of the Department Convention. The names of the alternates shall be listed in the order in which the District desires them to serve should any delegate be absent. Should the District desire to use any other procedure with reference to the sequence of service by alternates, then the outgoing District Commander shall notify Department Headquarters in writing of such action at least three (3) days prior to the Department Convention.

## **NATIONAL CONVENTION DELEGATES-AT-LARGE**

**Section 2.** The delegates and alternates-at-large to the National Convention, as provided by the National Constitution, as provided by the National Convention, shall be elected by the Department Convention in the same manner and at the same time the Department Officers are elected; provided, that the outgoing Department Commander and the newly elected Department Commander shall automatically be elected as two of the delegates, and that the Department Adjutant automatically, because of office, be elected either as an alternate or delegate. Should there be no member nominated for election as a delegate-at-large or as an alternate-at-large, the incoming Department Commander shall appoint the delegates and alternates-at-large immediately following the Department Convention.

## **COMMANDER PRESIDES**

**Section 3.** The incoming Commander at the Department Convention shall preside at the caucus at the National Convention and shall receive the vote of the District delegations on the National Convention floor. The incoming Department Commander shall assume all other duties at the National Convention and shall head the parade and shall make all appointments to all National Convention Committees. In the absence of the incoming Department Commander, the incoming Department Commander shall appoint an Acting Chairman of the Department delegation to fulfill his/her duties.

## **ARTICLE XVI FISCAL YEAR**

The fiscal year of this Department shall be from August 1<sup>st</sup> to July 31<sup>st</sup> of each year.

## **ARTICLE XVII AUXILIARIES**

### **THE AMERICAN LEGION AUXILIARY**

**Section 1.** THE AMERICAN LEGION recognizes an auxiliary organization known as “the American Legion Auxiliary.”

**Section 2.** Membership in the American Legion Auxiliary shall be as prescribed in the Constitution and By-laws of the national organization of THE AMERICAN LEGION.

**Section 3.** The Auxiliary shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any persons seeking public office or preferment.

**Section 4.** Each Auxiliary shall be an independent Unit, and shall be attached to a regularly chartered and active Post of THE AMERICAN LEGION, and shall, at all times, be subject to regulation by the National and Department Executive Committees.

### **THE SONS OF THE AMERICAN LEGION**

**Section 5.** The Department of Indiana of THE AMERICAN LEGION recognizes an organization known as “The Sons of The American Legion”.

**Section 6.** All male descendants, adopted sons and stepsons of members of THE AMERICAN LEGION, and such male descendants of veterans who died in service during World War I, World War II, the Korean War, the Vietnam War, Panama and Persian Gulf, or Operation Enduring Freedom during delimiting periods set forth in Article IV, Section 1, of the National Constitution of THE AMERICAN LEGION,

or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion.

**Section 7.** The Sons of The American Legion shall be absolutely non-sectarian and non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person or group seeking public office or preferment.

**Section 8.** The Department organization of the Sons of The American Legion shall be known and designated as the "Sons of The American Legion, Detachment of Indiana". There is hereby established a Department Committee entitled, "Sons of The American Legion Committee" which shall consist of eleven (11) members, one from each District, to be appointed by the District Commander. Said Committee shall advise and recommend matters pertaining to the Sons of The American Legion to the Department Executive Committee. Said Detachment shall, at all times, be subject to regulation by the National and Department Executive Committees and be subject to the National Constitution of the Sons of The American Legion.

The revenue of this Detachment shall be derived from annual dues of members and by such other means as shall be determined by the Department Executive Committee. The amount of annual dues shall be determined by the Department Convention upon recommendation of the Department Executive Committee.

**Section 9.** The Sons of The American Legion Squadron shall be organized under the jurisdiction, control and sponsorship of a local Post of THE AMERICAN LEGION and shall bear the name of such sponsoring Post as follows: "Sons of The American Legion Squadron of \_\_\_\_\_ Post, No. \_\_\_\_\_, Department of Indiana, THE AMERICAN LEGION". There shall be no more than one Squadron of the Sons of The American Legion for any Post of THE AMERICAN LEGION, and the Commander of each Post where a Squadron has been formed shall appoint a committee of three (3) or more members from the Post to supervise the activities of the Squadron.

## **ARTICLE XVIII AMENDMENTS TO CONSTITUTION**

**Section 1.** In the event any article of this Constitution or By-Laws shall be in conflict with the National Constitution and By-Laws of THE AMERICAN LEGION, or any amendment thereto, the latter shall prevail.

**Section 2.** No Constitution or By-Laws of any Post or District of this Department shall be in conflict with the Constitution and By-Laws of the National Organization of THE AMERICAN LEGION or Department of Indiana.

**Section 3.** This Constitution may be amended at any Department Convention by a vote of two-thirds (2/3) of the total authorized representation thereat, present and voting thereon, provided that the proposed amendment shall have been submitted through the Department Adjutant to the several Posts of the Department by mailing same to said Posts at least thirty (30) days prior to the convening of the next Department Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation thereat, present and voting thereon, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitution and By-Laws; provided further, it may be amended by unanimous vote at any Convention without notice; and, such amendment shall become operative upon adoption, unless otherwise provided by such amendment.

**Section 4.** Any District Constitution may be amended by a two-thirds (2/3) vote of members present after notice of the proposed amendment has been mailed to each Post within the District at least 30 days prior to the commencement of that District meeting.

**Section 5.** Any Post Constitution may be amended by a two-thirds (2/3) vote of members present after notice of the proposed amendment has been mailed to the last known address of each member of the Post.



**BY-LAWS  
ARTICLE I  
COMMITTEES**

**DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** The Department Executive Committee shall have power between conventions to initiate matters of policy and establish rules and regulations for the conduct of the Department, with the understanding that such policies, rules and regulations could subsequently be negated by action of any future Department Convention.

**Section 2.** The Department Executive Committee shall be responsible for the management of the Department. It shall have power to delegate authority to committees, to fix the salaries and allowances of all officials and employees and to provide for the appointment and employment of such subordinate officers and employees as may be needed for the administration of the affairs of the Department, subject only to such restrictions set down in this Constitution and By-Laws. Personnel matters will be handled in accordance with the official set of personnel guidelines approved by the Department Executive Committee upon the recommendation of the Department Adjutant.

**VACANCIES – DISTRICT COMMANDERS**

**Section 3.** In the event of the death, resignation or removal by or from his/her District of any District Commander, his/her successor shall be elected at a meeting of the District within twenty (20) days after the vacancy has occurred. Notice of such election shall be given to each Post in the District and to the Department Headquarters by the District Adjutant at least ten (10) days prior to said meeting. Immediately upon receipt of such notice, the Department Adjutant shall notify the District Executive Committee. The successor elected at such meeting shall serve for the remainder of the un-expired term. At such meeting, each Post in the District shall be entitled to the number of votes, as it shall have received under the provision of Article IX of the Constitution.

**MEETINGS – DEPARTMENT EXECUTIVE COMMITTEE**

**Section 4.** The Department Executive Committee shall hold at least six meetings each year; one immediately succeeding the Department Convention and one immediately preceding the Department Convention and four meetings between Conventions. Additional meetings may be held at the call of the Department Commander or any five (5) voting members representing five (5) Districts. All meetings shall be held at a time to be designated by the authority calling the same.

**Section 5.** All Committees established by the Department Executive Committee or the Department Convention will submit a report on a regular basis to the Department Executive Committee.

**DISTINGUISHED SERVICE AWARDS COMMITTEE**

**Section 6.** There shall be created a Distinguished Service Awards Committee composed of three (3) members; the same to be appointed by the incoming Commander when this is created for terms of three (3) years; two (2) years and one (1) year. Each appointed or new member selected to take his/her place for a three (3) year term. It shall be the duty of this Committee to recommend to the Department Conventions at any time that they so desire, that this award be given to an outstanding member of THE AMERICAN LEGION, Department of Indiana, for his/her service through the years.

A plaque will be established in Department Headquarters with the names of the three (3) former winners and the years that this award was given to them and all names shall be added to said plaque when said award is given. In addition, a permanent plaque with the list of these winners, including the three (3) original awards, will be listed in the Department Convention program each year, similar to the list in the National program each year, and this shall be a permanent award to be selected by this committee by a majority vote and then approved by the Department Convention

### **PROGRAM COMMITTEES**

**Section 7.** The Department Commander, with the approval of the Department Executive Committee, shall establish those committees that are essential to carry out the programs of THE AMERICAN LEGION. Such committees shall consist of a chairman, two vice chairmen, and an executive section consisting of no more than five (5) members, all approved by the Commander. Additionally, there shall be appointed to the committee by the respective District Commander a member from each District. Additionally, the Department Commander may appoint additional members to each committee with voice but no vote in committee deliberations.

### **COMMANDER'S ADVISORY COMMITTEE**

**Section 8.** There is established a Commander's Advisory Committee consisting of one (1) member from each District and two (2) members-at-large. This committee shall be appointed each year for the purpose of advising the Department Commander, when requested by the Commander, on administrative and operational matters relating to the Department.

### **BOYS STATE BOARD OF DIRECTORS**

**Section 9.** THE AMERICAN LEGION Hoosier Boys State, Inc., is a separate corporation controlled by THE AMERICAN LEGION Department of Indiana. The corporate by-laws specify the officers and appointees of said corporation.

### **DEPARTMENT RESOLUTIONS SCREENING COMMITTEE**

**Section 10.** The resolutions Screening Committee shall be appointed annually by the Department Commander. The members of said committee shall also be members of the present Department Executive Committee and shall consist of four (4) members with the Department Judge Advocate as a permanent member. The Department Commander shall appoint the chairman of the committee. Their purpose is to review all resolutions prior to being considered by the Department Executive Committee. The committee shall consider whether or not the resolution is in proper form and whether it is germane to the purposes of THE AMERICAN LEGION.

### **LEGAL COMMITTEE**

**Section 11.** The Legal Committee shall be appointed annually by the Department Commander with the Department Judge Advocate serving as Chairman of the committee. Their purpose is to review all legal matters of the Department and other items requested by the Department Judge Advocate.

### **DISTRICT HEADQUARTERS POST PROGRAM COMMITTEE**

**Section 12.** The District Headquarters Post Program Committee shall be appointed by the Department Commander as he/she so wishes

and shall meet every regularly scheduled Department Conference and Convention. Their purpose is to plan, implement and oversee the District Headquarters Post Program.

### **DEPARTMENT STRATEGIC PLANNING COMMITTEE**

**Section 13.** The Strategic Planning Committee shall consist of the current Department Commander, the current membership chairperson, the leading candidate for Department Commander, the leading candidate's membership chairperson, the four (4) commission chairpersons and the Department Adjutant or his/her designee.

This committee will establish long-term membership goals for numeric growth in membership for the Department, set forth appropriate strategies for goal attainment, monitor and evaluate membership strategies, and revise goals as circumstances warrant or every five (5) years, whichever occurs earliest. The subsequent Department Commander, immediately upon his/her election to office, may accept or reject the goals and strategies and direct the Strategic Planning Committee to revise the same to his/her satisfactions.

## **ARTICLE II**

### **DUTIES OF OFFICERS**

**Section 1. DEPARTMENT COMMANDER.** The Department Commander shall be the Executive head of THE AMERICAN LEGION, Department of Indiana, with full power to enforce provisions of the Department and National Constitutions, Department and National By-Laws and the will of the Department Executive Committee and the Department Convention. He/she shall be the Chairman of the Department Convention and the Department Executive Committee.

He/she shall appoint all necessary committees subject only to such restrictions as may be set forth by this Constitution and By-Laws. The Department Commander shall name the Chairman of each of the Department Standing Committees. The District Commander shall recommend to the Department Commander the name of one member for each of the Department Standing Committees, except those otherwise expressly set up by this Constitution and By-Laws.

Such recommendations shall be made in writing to the Department Commander not later than fifteen (15) days after the adjournment of the Department Convention. In the event any District Commander fails to make such recommendations on or before this specified date, then the Department Commander shall make such appointments. The Department Commander shall have the authority to remove any member of such standing Department Committees not expressly appointed by this Constitution, for failure to perform the duties assigned him or her or for conduct unbecoming a Legionnaire. He/she shall perform such other duties as are usually incident to such office. Should the Department Commander become incapacitated for any reason, he/she shall select one of the Vice-Commanders to act in his/her capacity. Should the Department Commander be unable to select such Vice-Commander, then the Department Adjutant shall act as a temporary chairman and the Executive Committee shall select a temporary presiding officer.

**Section 2. DEPARTMENT VICE-COMMANDERS.** The Department Vice-Commanders shall act as representatives of the Department Commander and the Department of Indiana on all matters referred to them by the Executive Committee or the Department Commander, and perform such other duties as are usually incident to such office.

**Section 3. DEPARTMENT ADJUTANT.** The Department Adjutant shall be charged with the administration of policies and mandates of the Department Convention, the Department Executive Committee and the Department Commander. He/she shall be charged with the general co-ordination of all Committees and shall report when and as required to the Executive Committee or Department Commander on the activities of such Committees.

The Department Adjutant shall act as the Secretary of the Department Executive Committee and the Secretary of the Department Convention. He/she shall be authorized in the event of death, resignation or removal of the Department Commander, to summon the Department Executive Committee for the election of a successor. He/she shall perform such other duties as are usually incident to such office.

**Section 4. DEPARTMENT FINANCE OFFICER.** The Department Finance Officer shall be the custodian of the funds of the Department Organization. He/she shall sign all checks disbursing the funds of the Department Organization and shall make reports upon the condition of the Department Treasury when called for by the Department Commander or the Department Executive Committee. He/she shall perform all other duties as are usually incident to such office. In the event of the temporary absence of the Department Finance Officer, the Finance Committee may designate one of their members to sign Department checks during such absence. Any depository selected by the Finance Officer shall be first approved by the Finance Committee and the deposits safeguarded in so far as said committee can do so.

**Section 5. DEPARTMENT JUDGE ADVOCATE.** The Department Judge Advocate or the Assistant Judge Advocate, in the absence of the Department Judge Advocate, shall advise the Department Officers and the Department Executive Committee on all legal matters including the construction and interpretation of the Department Constitution and By-Laws and shall perform such other duties as are usually incident to such office. All opinions rendered shall be reduced in writing and placed in a permanent file. The Department Judge Advocate may delegate duties to the Assistant Judge Advocate as, in his/her opinion, will assist him/her in the efficient administration of the duties required of his/her office.

**Section 6. DEPARTMENT CHAPLAIN.** The Department Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the Department Headquarters or National Headquarters from time to time.

**Section 7. DEPARTMENT SERGEANT-AT-ARMS.** The Department Sergeant-at-Arms shall be charged with the responsibility of preserving the decorum of all conventions and Executive Committee meetings of the Department and shall perform such other duties as are usually incident to such office.

**Section 8. ASSISTANT DEPARTMENT FINANCE OFFICER.** The Assistant Department Finance Officer shall be delegated duties by the Department Finance Officer as, in his/her opinion, will assist him/her in the efficient administration of duties required by his/her office.

**Section 9. DEPARTMENT HISTORIAN.** The Department Historian shall be charged with the responsibility of researching, organizing, compiling, and preserving the significant activities of the officers and membership of the Department, providing assistance and guidance to Historians at the District and Post levels.

### **ARTICLE III DISCIPLINE OF MEMBERS**

Charges against any member shall be made under oath and in writing. Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of THE AMERICAN LEGION. Said charges shall specify with reasonable particularity the act, or omission, constituting the offense complained of, together with a definite statement as to the time and place of said act or omission.

Charges shall be presented to the Commander of the Post to which the member belongs, or in whose jurisdiction he/she may reside, if a sojourning member. The Post Commander shall then, without making the nature of the charges or names of the parties thereto known to the Post, submit the same to a committee of three (3) members of the Post, to be by him/her appointed, who shall investigate the matter and endeavor to reconcile the parties making the charges and the accused, if the matter be merely personal, and, should they fail to effect an amicable arrangement, or the charges be of such nature to require the action of the Post, they shall report accordingly. If the Post Commander be charged, then the Vice-Commander shall appoint the Investigating Committee.

When the Committee has reported that a trial is necessary, the Post Adjutant shall serve upon the accused a copy of the charges, the names of the witnesses relied upon to prove the same, and summon him/her to appear and answer the charges in writing within ten (10) days from the time the same shall have been served upon him/her, and to furnish the names and residences of such witnesses as he/she may wish to examine in his/her defense.

After the expiration of ten (10) days, whether the accused has answered or not, the Post shall fix a time for trial and summon all the members of the Post then living in its jurisdiction, the party accused, and all witnesses who are members of THE AMERICAN LEGION, to appear at a time appointed; and should there be witnesses who cannot attend the meeting, the Post Commander shall appoint a committee of three (3) members to take testimony of such witnesses. This committee shall give due notice to the accused of the time and place of taking such testimony, shall reduce the same to writing, and cause it to be sworn to by the party giving it.

At the time fixed for the trial, if either the accuser or the accused show cause why a continuance is necessary, the Commander of the Post or the person he/she selects to preside at that meeting shall grant a reasonable continuance and shall declare the case continued to a subsequent specific date. Other necessary continuances may be made in the same manner, but only with the consent of the Post. If either the accuser or the accused is not present at the time a continuance is granted, the Adjutant of the Post shall forthwith notify him/her thereof by a registered letter mailed to his/her last known place of residence.

In all Posts having a Judge Advocate, it shall be his/her duty, whenever called upon by the Commander or the acting Commander of the Post, to handle the prosecution of the accused. In Posts not having a Judge Advocate, any member of the Post may be designated by the Commander or acting Commander of the Post to handle the prosecution of the accused. If at the time set for the trial, or the date to which the same has been continued, the accused shall not be present, and providing the notices here and before mentioned have been given, the trial shall nevertheless proceed and the verdict or decision shall be rendered on the evidence introduced, and the penalty, if any, shall be fixed the same as if the accused were present.

At the trial, both the accuser and the accused may be represented by counsel, if they so desire. Trial shall be by the Post of which the accused is a member and it shall take a two thirds (2/3) vote of the members thereof who attend the trial, and who are neither accuser, accused, nor the counsel nor material witness of either, to find the accused guilty, and a like vote to fix the penalty.

After the evidence and the arguments have been concluded, the accuser and the accused and the material witnesses and counsel of both, shall be excluded from the meeting so that the deliberation of the members shall not be interfered with. The Post shall proceed at once to vote on the guilt or innocence of the accused, taking a separate vote on each specified charge. If found guilty, the vote shall then be taken in the following order, on the different degrees of punishment:

- First: Expulsion;
- Second: Indefinite Suspension;
- Third: Suspension for a fixed period of time, taking the vote first on the longest period proposed;
- Fourth: Reprimand.

In no case shall a member be allowed to vote who is not present at the commencement and during the whole progress of the trial. The result of the trial and the penalty, if any, shall be written into the minutes of the Post by the Adjutant prior to the next regular meeting of the Post.

Any person convicted shall have the right to appeal within thirty (30) days to the Department Executive Committee and no sentence shall be pronounced and judgment rendered until such period has elapsed or sentence has been confirmed by the Department Executive Committee.

Any member who has been suspended or expelled shall, on giving notice in writing, within thirty (30) days after receiving notice of his/her sentence, be allowed an appeal, by record only, to the Department Executive Committee, and shall immediately forward to the Department Adjutant the grounds upon which he/she relies for a reversal of the verdict and judgment of the Post; whereupon, the Post Commander within thirty (30) days after the reception of such notice, shall cause to be made up and forwarded to the Department Adjutant, a complete transcript of all proceedings, documents, and testimony in the case.

Should the Department Adjutant, upon advice of the Department Judge Advocate, find the transcript incomplete, he/she shall, under the instructions of the Department Commander, order the Post forthwith to complete the transcript and in case the Post should neglect to send in the transcript in the first instance, within the time required, or should refuse to that effect, the Post Commander shall be held guilty of contempt and be punished accordingly; and any member taking an appeal from a sentence against him/her, failing to forward to the Department Adjutant his/her reason for a reversal shall have his/her appeal dismissed by the Department Executive Committee.

Should any of the grounds for a reversal be that the trial was not conducted in conformity with these By-Laws, the papers shall be referred at once to the Department Judge Advocate, who shall proceed to examine the case, and if he/she finds that the proceedings have been irregular, he/she shall report the same to the Department Commander, who shall remand the case to the Post for a new trial in conformity with the By-Laws, the Department Adjutant furnishing the Post with a copy of the report made by the Department Judge Advocate.

If a sentence of expulsion or suspension be reversed and annulled by the Department Executive Committee, it shall restore the party to membership in his/her Post. A member who has been expelled and sentence affirmed, cannot be restored to membership except by the

Department Executive Committee, and on the recommendation of the Post which expelled him/her by the vote required for expulsion, provided, that an application for reinstatement, in cases other than suspension for non-payment of dues, shall be read at a stated meeting, due notice having been given in writing to members of the Post of intended action.

No Post shall give any other notice of the expulsion or suspension of a member than to the Department Adjutant, which it shall do immediately, and the Department Adjutant shall notify National Headquarters and take such other action as the Department Executive Committee may prescribe.

## **ARTICLE IV FINANCES**

**Section 1.** THE DEPARTMENT FINANCE COMMITTEE. The Department Commander shall appoint, subject to ratification by the Department Executive Committee, a Department Finance Committee to be composed of three (3) members. The members of the Committee as now constituted shall serve out the term for which they were appointed and thereafter each succeeding appointee shall serve for the full three-year term, or until removed by two-thirds vote of the Department Executive Committee. The Department Commander, Judge Advocate and Department Finance Officer shall be ex-officio members of said committee, and the Department Adjutant shall be ex-officio Secretary of the said committee. The Department Finance Committee shall be charged with the preparation of the yearly budget and the handling of funds under that budget. All appropriations by the Department Executive Committee or expenditures of funds by Department officials shall be subject to the prior consideration and recommendation of the Department Finance Committee. The action of the Department Finance Committee in the preparation of the budget or the handling of funds under the annual budget shall be subject to the approval of the Department Executive Committee. The Chairman and Vice Chairman of the committee shall be appointed by the Commander and they shall be selected from the appointed members of the committee.

**Section 2.** DEPARTMENT SPECIAL RESERVE FUND COMMITTEE. The Department Commander shall appoint, subject to ratification by the Department Executive Committee, a Special Reserve Fund Committee composed of three (3) members who shall serve for a term of three (3) years, two (2) years and one (1) year respectively. Vacancies occurring on the committee for any reason shall be filled by appointees who shall serve the un-expired term of the member whose place he/she takes. The members of the committee, as above constituted, shall serve out the term for which they were appointed or until removed by two-thirds (2/3) vote of the Department Executive Committee, and thereafter each succeeding Department Commander shall appoint one member who shall serve for three (3) years. The Department Commander shall name the chairman of this committee each year.

The Special Reserve Fund Committee shall be charged with the protection and investment of the Department Reserve Fund. Investments shall be limited to the purchase of government securities. Funds held by the Special Reserve Fund Committee shall be spent only upon the joint approval of the Department Finance Committee and a four-fifths (4/5) majority of the members of the Department Executive Committee present and voting at the regularly called meetings of the Department Executive Committee.

**Section 3. DEPARTMENT RETIREMENT FUND COMMITTEE.** The Retirement Committee shall be constituted of three (3) members appointed by the Department Commander and confirmed by the Department Executive Committee, one to serve for two (2) years, one for four (4) years, and one for six (6) years, or until their successors shall have been appointed and qualified, and their successors shall be appointed for a full term of six (6) years each. The Department Finance Committee Chairman, the Department Finance Officer and the Department Adjutant shall be ex-officio members thereof. The duties of the Retirement Committee shall be to carry out the provisions of the Retirement Fund Plan and Trust Indenture as approved by the United States Internal Revenue Service and the Department Executive Committee.

### **BONDING OF OFFICERS**

**Section 4.** All Department, District and Post officials and employees handling American Legion funds shall be properly bonded by a good and solvent bonding and surety company in such amount as good business practice dictates. All bonds and bonding companies shall be first approved by the Department, District, or Post Executive Committee whichever pertains.

### **MEMBERSHIP CARDS**

**Section 5.** Department Headquarters shall mail to all Posts an appropriate number of membership cards and shall make a charge against such Post at the Department and National per capita dues rate. No membership card will be counted towards a Post without payment of this charge. Any membership card received without payment will be held and not counted until National and Department per capita has been received. Each Post is responsible for per capita dues to cover each card given to them at the beginning and during the year. Deductions will be made by the receipt of per capita dues for each card, transfers, duplicates, deceased members or the return of unused cards. The Department Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any of the Posts. All unused cards must be returned to the Department Headquarters not later than the closing date of the Department Convention.

### **DISSOLUTION OF POSTS**

**Section 6.** In the event of the demise of any Post, either through dissolution or cancellation of charter, or in the event any such Post shall become dormant for one year or longer, all property and rights existing in such Post and its auxiliaries, shall pass to and vest in, THE AMERICAN LEGION, Department of Indiana, subject to the payment of the debts of the demised or dormant Post or its auxiliaries, but in no event shall the Department of Indiana be liable for any sum greater than the actual cash value of the property and effects of such Post and its auxiliaries actually received by the Department of Indiana.

Such property so taken over by the Department shall be held in trust for a period of at least one (1) year and administered by the Department Commander or his/her successors in office. The property may be held in kind or may be converted into cash and the proceeds so realized shall be placed at the discretion of the Department Commander, and such property or cash may be returned to such re-organized Post or turned over to such new Post for Legion purposes under such restrictions as the Department Commander and the Department Judge Advocate may prescribe. If after twelve (12) months there is no new



Post, then the proceeds including property held in kind will remain the property of the Department, subject to disposition of the Finance Committee.

The Department Judge Advocate shall make a full, written report to the Department Convention of any such property so handled by the Department since the preceding convention.

## **ARTICLE V REGALIA**

**Section 1.** Wearing, exhibition or use of THE AMERICAN LEGION emblem shall be authorized only by the Department Commander or his/her designated representative, subject to the approval of the National Constitution and By-Laws. The wearing of the uniforms or insignia bearing the emblem of THE AMERICAN LEGION, which trade mark is owned by the National Organization, shall be regulated by the Department Executive Committee within the limits provided by the National Organization.

**Section 2.** American Legion Caps. The official American Legion, Department of Indiana cap shall be the standard navy blue cap produced under the minimum specifications as provided by the National Emblem Sales Division, and is the official insignia of the Legionnaire, with the following exceptions only:

- (a) The white American Legion cap may be worn by the current elective Department Officers, the Department Adjutant, the Department Assistant Adjutant, the Department Chaplain, the Director of Rehabilitation, the Assistant Director of Rehabilitation, Department Service Officer(s), the Department Judge Advocate, the Department Assistant Judge Advocate, the Department Assistant Finance Officer, the Department Historian, and the Department Membership Chairman during their term of office only.
- (b) The blue bottom and white top cap may be worn by the current elective District Officers, the District Adjutant and the District Judge Advocate, during their term of office only.
- (c) The white bottom and blue top cap may be worn by the current elective County Officers, the County Adjutant and County Judge Advocate, during their term of office only.
- (d) Post, County, District and Department officers and chairmen of Department committees may attach a patch such as furnished by the National Emblem Sales Division, indicating their present rank or may state their present title as authorized above. Past Post, County, District and Department officers shall wear the regulation blue Legion cap but may attach a patch such as is supplied by the National Emblem Sales Division, indicating their former rank or state their past title with year(s) held.
- (e) No subsidiary unit such as musical organizations, drill teams, color guards, etc. shall wear any cap authorized for National, Department, District or County officers.

## **ARTICLE VI RECORDS AND REPORTS**

All records of the Department, any District, Post or Committee are the property of THE AMERICAN LEGION and shall be turned over to the successors in office or in the case of a committee, to the proper Adjutant upon discharge.

**ARTICLE VII  
USE OF MEMBERSHIP LISTS**

The Department will not use the membership list for any type of mailing for the purpose of soliciting money without first being approved by the Department Finance Committee and two-thirds (2/3) vote of the Department Executive Committee.

**ARTICLE VIII  
AMENDMENTS**

**Section 1.** These By-Laws may be amended at any Department Convention by a vote of two-thirds (2/3) of the total authorized representation thereat, present and voting thereon, provided that the proposed amendment shall have been submitted through the Department Adjutant to the several Posts of the Department by mailing same to said Posts at least thirty (30) days prior to the convening of the next Department Convention; any such proposed amendment may be amended without further notice by a two-thirds (2/3) vote of the total authorized representation thereat, present and voting thereon, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitution and By-Laws; provided further, it may be amended by unanimous vote at any Department Convention without notice; and, such amendment shall become operative upon adoption, unless otherwise provided by such amendment.

**Section 2.** The By-Laws of any District may be amended by a majority vote of the total authorized representation at a District meeting and become operative upon such adoption, provided that the amendment be distributed to all Posts within the District thirty (30) days prior to its adoption.

**Section 3.** The By-Laws of any Post may be amended as provided by the Post Constitution and By-Laws.

## APPENDIX

### **Indianapolis, July, 2011**

A great number of changes have been made to both the Constitution and the By-laws, incorporating typographical, grammatical, and substantive changes. For a complete, detailed comparison of the 2005 and this edition of the Constitution, contact Department Headquarters for a marked up copy of the 2005 edition. Previous editions of the Constitution and By-laws from 1920 are also on file for review.



# Index

<b>A</b>	
Amendments	22
Amendments to Constitution	11
American Legion Auxiliary	10
Application for Membership	2
Assistant Department Finance Officer	16

  

<b>B</b>	
Bonding of Officers	20
Boys State Board of Directors	14
By-Laws	13

  

<b>C</b>	
Caps	21
Commander's Advisory Committee	14

  

<b>D</b>	
Delegates	3
Delegates to National Convention	9
Delinquent Members	2
Department Adjutant	16
Department Chaplain	16
Department Commander	15
Department Convention	2, 3
Department Convention Delegates	2, 5
Department Convention Quorum	3
Department Convention Rules of Procedure	3
Department Executive Committee	3, 13
Department Finance Officer	16
Department Judge Advocate	16
Department Officers - Vacancies	5
Department Resolutions	
Screening Committee	14
Department Retirement Fund Committee	20
Department Sergeant-At-Arms	16

  

Department Special Reserve Fund Committee	19
Department Strategic Planning Committee	15
Department Vice-Commanders	15
Dissolution of Posts	20
Distinguished Service Awards Committee	13
District Commanders - Vacancies	13
District Executive Committee	6
District Officers - Election	6
District Organization	5
Dues	9
Dues, Post Failure to Remit	9

  

<b>E</b>	
Eligibility	1
Eligibility – Department Officers	4
Emblem	21
Expelled Members	2

  

<b>F</b>	
Finances	19
Fiscal Year	10

  

<b>L</b>	
Legal Committee	14
Life Membership	9

  

<b>M</b>	
Member Discipline	8
Member Transfers	8
Members - Discipline	17
Membership	2
Membership Cards	20
Membership Lists	22

  

<b>N</b>	
Name	1
National Convention Delegates	9
Nature of Organization	1

## O

Officers - Department (Appointed)	4
Officers – Department (Elected)	4
Officers - Duties	15

## P

Past Department Commanders	5
Past National Executive Committeemen	5
Political Restrictions	1
Post Charters Automatically Suspended	7

Post Discipline	8
Post Name	8
Post Officers - Election	7
Post Organization	7
Preamble	1
Program Committees	14

## R

Records and Reports	13, 21
Regalia	21

## S

Sons of The American Legion	10
Structure Of Organization	1