

Preamble of the Constitution of The American Legion

For God and country, we associate ourselves together for the following purposes:
To uphold and defend the Constitution of the United States Of America;
To maintain law and order;
To foster and perpetuate a one hundred percent Americanism;
To preserve the memories and incidents of our association 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 safe guard and transmit to posterity the principles of justice, freedom and democracy;
To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Constitution

Article 1 — Name

The name of this organization shall be (J.W. Conway) Bunker Hill Post 26, The American Legion, Department Of Massachusetts.

Article II — Nature and Objects

Section 1. This organization is a civilian organization and membership therein does not affect nor increase liability for military or police service. Rank does not exist therein, nor shall any member be addressed by his military or naval title at any meeting of this post.

Section 2. (J.W. Conway)Bunker Hill Post 26 shall be absolutely non-political and shall not be used for the dissemination of partisan principals nor for the promotion of the candidacy of any person seeking public office or preferment. No candidate for, or incumbent of, an elective public office shall hold any office in this post.

Section 3. The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

Article III — Membership

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

Section 2. There shall be two types of membership in this post; 1) an active membership as herein provided for and dues shall be paid annually in advance or paid for life in the National Organization's "Paid Up For Life" program and 2) The Post may, by two-thirds vote of the members in good standing, present and voting, at any regular meeting, notice having been given in the call of the meeting, be conferred life membership on any member of the Post who by his or her outstanding devotion to The American Legion has distinguished himself or herself and Bunker Hill Post 26. When such membership is conferred, the Post shall purchase

a 'Paid Up For Life' membership from the National Organization for said member. When so conferred life membership shall not be rescinded except by expulsion from The American Legion as hereafter provided for in Section 5.

Section 3. Each member of this Post shall perform his full duty as a citizen according to his or her conscience and understanding.

Section 4a. Application for membership shall be made in writing under such regulation as may from time to time be prescribed by a vote of the Executive Committee at any regular meeting. Application for membership must be accompanied by documentary proof of service and dues for one year

Section 4b. All application for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 5. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing and fair trial had upon the same.

Section 6. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in a Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 7. No person who has been expelled from a post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, He or she may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post and shall be ineligible for membership until such permission is granted.

Article IV — Charter Members

Members who joined Bunker Hill Post 26 prior to January 1, 1920 shall be know as Charter Members.

Article V — Headquarters

Section 1. The (J.W. Conway) Bunker Hill Post 26 is located in the Charlestown District of the City Of Boston, Suffolk County, the Commonwealth Of Massachusetts. The headquarters and principal office is located and situated in the Charlestown District of the City Of Boston, Suffolk County, the Commonwealth Of Massachusetts.

Article VI — Officers

Section 1. The administrative affairs of this post shall, except as may otherwise be provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of the officers of the Post and seven other members. The term of office of the members of the Executive Committee shall be one year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of the Post shall be a Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Graves Registration Officer, Americanism Officer and Sergeant-At-Arms. There shall be an additional seven post members elected who shall be known as Executive Committeemen.

Section 3. All Officers and Executive Committeemen shall be elected annually and they shall hold office until their successors are duly installed. Any officer or Executive Committeeman may be removed for cause of inefficiency by the Executive Committee, a two-thirds of said committee being necessary to effect such removal.

Section 4. Every member of this Post in good standing shall be eligible for office in this Post, except as otherwise provided in Article II, Section 2 hereof. No person shall hold two elective offices at the same time.

Section 5. Vacancies in any office or Executive Committeeman during the term of office shall be filled for the remainder of the term by the Executive Committee, unless otherwise provided for herein. The duties of officers and executive committeeman shall be those usually appertaining to such officers or committeemen and as further provided in these By-Laws.

Article VII — Finance

Section 1. The revenue of this post shall be derived from membership or initiation fees, from annual and P.U.F.L. membership dues and from such other sources as may be approved by the Post Executive Committee. Source of revenue disapproved by the Post Executive Committee may be overridden by a two-thirds vote of the Post members present and voting at a regular Post meeting.

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by the Post membership at a regular Post meeting.

Section 3. The Post shall transmit to the Department Of Massachusetts Headquarters the national and departmental annual membership per capital assessment for each member of the Post upon the Post receiving annual membership dues from each Post member.

Article VIII — American Legion Auxiliary

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of (J.W. Conway) Bunker Hill Post 26, The American Legion.

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

ARTICLE IX – Sons of the American Legion

Section 1. This Post recognizes an organization to be known as the Sons of American Legion *Squadron* of (J.W. Conway) Bunker Hill Post 26.

Section. 2. The Sons of American Legion of (J.W. Conway) Bunker Hill Post 26 shall be organized in accordance with the provision of the National and Department Constitution and By-laws and shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and approved by Department.

Article X – Privacy

Section 1. The American Legion respects the privacy of its members and the Post will make every effort to protect the personal information of Post members.

Article XI - Amendments

Section 1. This Constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the Department Constitution of Massachusetts, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular meeting by vote of two-thirds of the members in good standing attending such meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post and providing, further, that written notice of the proposed amendment shall have been given to all members at least fourteen days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

By-Laws of (J.W. Conway) Bunker Hill Post #26 The American Legion, Department of Massachusetts

Article I — Charter

Section 1. The Charter of this post shall be displayed at all meetings as a legal prerequisite to the legal transaction of business.

Article II — Meetings

Section 1. The regular meetings of this post shall be held once a month, except during July and August there will be no regular meetings. The date and time of regular monthly meetings shall be set by the commander. The annual meeting shall be the first meeting in September of each year.

Section 2. Should the regular meeting occur on the eve or night of any national holiday, or of any special occasion, Section 1 of this Article may be suspended by a two-thirds vote of the members in good standing present and voting at a previous meeting and a new date set.

Section 3. Special meetings may be held at any reasonable time by: (a) a two—thirds vote of members present at a previous meeting; (b) by order of the Commander, and; (c) the Commander shall call a special meeting of the post whenever a majority of members thereof in good standing make a request therefore in writing, giving notice of the particular business which they wish to bring before the meeting; provided further, that the Commander shall require the Adjutant to send notices of all special meetings as provided herein to all members in good standing, stating in the notice the purpose of the meeting, in sufficient time to be received by the members at **least fourteen (14)** days in advance of the date of the special meeting.

Section 4. **Eight (8) members** in good standing shall constitute a quorum at any official meeting for the legal transaction of business.

Section 5. The Order of business for all meetings shall be:

- (a) Opening in form as prescribed in the National Manual of Ceremonies of The American Legion. Reading of the minutes of the previous meeting.
- (b) Balloting on applications.
- (c) Initiation of candidates.
- (d) Committee Reports
- (e) Unfinished Business
- (f) Bills and Communications
- (g) New Business
- (h) The Good of the Legion. (The membership shall be permitted to make any suggestions of any kind, character or description, save of religion or partisan politics.)
- (i) Closing in form as prescribed in the National Manual of Ceremonies of The American Legion.

Section 6. Any of the foregoing business may be suspended or transposed by the presiding officer, or any closed order may be referred back to and reopened by him.

Section 7. Action on orders, communications, etc., read under sub—sections (d), (e) and (f) of Section 5 of this Article shall be taken up under the order of “New Business” unless they can be disposed of without debate. The election of officers and the appointment of committees shall be taken up under the order of “New Business”

Section 8. In the absence of the Commander, the Vice-Commanders in the order named herein, or in their absence the immediate Past Commander, shall preside. In the absence of all of the above named the meeting shall choose a presiding officer pro—tempore.

Section 9. The rules of procedure of the meetings of this post shall be those as set forth in Roberts’ Rules of Procedure (revised), except as otherwise provided herein.

Article III — Duties of Officers

Section 1. Duties of Post Commander. The duties of the Commander shall be:

- (a) He shall be the Chief Executive Officer of the post and shall be, ex officio, Chairman of the Executive Committee.
- (b) He shall preside at all meetings of the Post and Executive Committee.
- (c) He shall enforce within the post all rules, regulations, enactments, and By—Laws of the National and State Departments of The American Legion, the lawful orders of superior offices, and the By—Laws and enactments of this post, and for this purpose he shall issue such orders as may be necessary.
- (d) He shall appoint all committees and officers, the election or appointment of whom is not otherwise provided for herein, provided that such committees and officers are authorized by the post in regular meeting, and he shall serve as a member, ox officio, on all committees of the post.
- (e) He shall approve all disbursements of the Finance Officer and shall countersign all checks issued by him in excess of **(\$2,000) Two Thousand Dollars**.
- (f) He shall see that all dues and required reports be forwarded to the National and State Department⁸ of The American Legion without delay and shall personally sign all communications sent by him and shall personally endorse all reports and communications of subordinate officers and members affecting the post.
- (g) He shall render to the post at the annual meeting in September of each year a complete report in writing of his administration showing the condition of the post in all material respects, which report shall contain a summary of the reports previously furnished to him by all subordinate officers and he may include in such report such matters of interest and such recommendations as he deems to be of value to the post.

Section 2. Duties of Vice—Commanders. The Vice—Commanders shall, in the absence of the Commander, act in his stead in the order named, and in the event of the death, resignation or removal from office of the Commander the 1st Vice—Commander shall automatically succeed to that office for the unexpired term.

Section 3. Duties of Adjutant. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national organizations may require, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander handle all correspondence of the post. He shall, ex officio, act as Secretary of the Executive Committee. He shall receive such gratuity as the Executive Committee may deem advisable for his services, such gratuity to be subject to the approval of the post.

Section 4. Duties of Finance Officer. The Finance Officer shall be charged with the collection and custody of all funds of the post, including all membership, fees and annual membership dues and shall keep the accounts of the post as prescribed in the Code of the Finance Officer contained herein. He shall furnish such surety and bond in such sum as shall be fixed by the Executive Committee. The premium for said bond shall be paid for by the post. He shall receive such gratuity as the Executive Committee may deem advisable for his services, such gratuity to be subject to the approval of the post. His accounts shall be audited monthly by the Auditing Committee as provided in Section 12 of this Article.

CODE OF THE FINANCE OFFICER:

- 1) **Books of Account.** The principal book of account shall be the check book to be reconciled monthly with the bank statement and checked with the bank pass book. The Finance Officer shall keep a complete list of members arranged in the numerical order of their membership card numbers and shall note against each name the card number of the member for the previous year, or in the case of new members and suspended members restored to good standing, the amount of the initiation fee collected. He shall note against each name the date of payment of the per capita tax.
- 2) **Deposits.**
 - (a) All funds received will be deposited promptly. Deposits shall be made not less than once each week.
 - (b) The Finance Officer shall have the deposits recorded at the bank in the pass book.
 - (c) A record of all deposits shall be made on the back of the check book stub in careful detail as to the source of the funds.
 - (d) Deposits of receipts from post committees must be supported by a signed copy of the statement of the committee's finances which has been reported at the Post meeting. If the committee's funds have been audited, a statement in support thereof must be signed by the Auditing Committee.
 - (e) The Finance Officer shall execute and give a receipt on standard numbered form (a similarly numbered carbon duplicate to be retained in the receipt book) to all parties turning over money to the post's account, WITH THE EXCEPTION OF MONEY IN PAYMENT OF ANNUAL MEMBERSHIP DUES. The requisite for the execution of a receipt specifically includes committee's funds. In the event of any donations to the post treasury a carbon copy of the receipt must be signed by another post officer, other than the Commander, attesting to the correctness of the amount received.
 - (f) The Finance Officer shall not act as Treasurer of any post committee nor shall he handle any special funds such as for Legion caps, uniforms, accoutrements, etc.

... (CODE OF THE FINANCE OFFICER continued)

3) Disbursements.

(a) By Check: All routine obligations of the post must be met promptly and, if possible, within the month in which the debt was incurred in order that the monthly audit will reveal the true status of the post finances. All cash and trade discounts must be taken if post funds are adequate. All disbursements must be supported by signed vouchers. Per capita tax must be paid promptly and department cards forwarded within the month of receipt of annual membership dues so that the post finances will not be artificially inflated at the time of the audit by the per capita tax. Whenever possible, checks should not be drawn to the order of members of the post except for salaries and where debt is incurred with the member in his private business capacity.

(b) By Cash from the Imprest Fund: This fund is created principally for the purpose of having change on hand at all times for post purposes. When a small debt is incurred, which it is not practical to pay by check, it may be paid by cash from the Imprest Fund and a standard form receipt obtained. The maximum amount of any bill to be paid by cash from this fund shall not exceed TWO DOLLARS (\$2.00). The fund shall at all times equal Fifteen DOLLARS (\$15.00) represented by cash, or cash and vouchers. The Finance Officer will be required to exhibit such fund if the Auditing Committee wishes. When the cash of the fund is depleted a check should be drawn to the order of "Cash" and cashed at the bank. Items for which cash was expended will be charged on the check book stub and the check supported by the vouchers obtained. Unless the Imprest Fund is increased or lessened, no further charge or credit to the Imprest Fund is in order except that the entire fund shall be deposited in the hank, and the Imprest Fund credited, just prior to the end of the fiscal year and the fund recreated immediately after the opening of the new fiscal year.

Section 5. Duties of Historian. The post Historian shall be charged with the individual records and incidents of the post and post members. He shall keep a permanent historical record of the post and shall be charged with the security of all historical documents, relics, paraphernalia, etc. committed to the safekeeping of the post.

Section 6. Duties of Chaplain. The post Chaplain shall be charged with the spiritual welfare of the members of the post and will offer divine service in the event of dedications, funerals, public functions, meetings, etc. adhering to such rituals as are prescribed and recommended in the National Manual of Ceremonies of The American Legion.

Section 7. Duties of Graves Registration Officer. The Graves Registration Officer shall keep a permanent record of the location of the graves of all deceased post members and shall be responsible for the placing of an appropriate decoration on each such grave on Memorial Day and at such other times as the post may elect.

Section 8. Duties of Americanism Officer. The post Americanism Officer shall, ex officio, be the Chairman of the Child Welfare Committee of the post. In addition, he shall, when requested and directed by the post, cause the convening of classes for the instruction of non—citizens of the United States in the principles of American citizenship with a view towards their eventual successful admission to United States citizenship.

Section 9. Duties of Sergeant-at-Arms, The post Sergeant-at-arms shall preserve order at all meetings of the post and shall perform such other duties as may be from time to time assigned to him by the post Commander.

Section 10. Duties of Service Officer, The Post Service Officer shall acquaint himself with the Department Service Officer staff. The Post Service Officer shall assist all comrades pertaining to the prosecution of all just claims against the United States or State Governments, in employment, relief, and other worthy cases; and perform such other duties as are usual and incident to the office.

Section 11. Duties of Executive Committee. The post Executive Committee shall be vested with the general executive powers and management of the post. It shall prescribe and enforce such rules and regulations as may be necessary for the conduct of the post. It shall have authority by a two—thirds vote of its members present at any meeting to fill a vacancy occurring among its members or in any elective office of the post for the unexpired term of office except as otherwise provided herein. It shall have the power to remove from office for good cause any elective officer or suspend from membership any member of the post after a fair and impartial hearing on the charges brought against such officer or member.

Section 12. Judge Advocate. At the first meeting following the annual installation of officers the Commander shall appoint a post Judge Advocate whose duty it shall be to rule, when requested, by the Commander, on any parliamentary matter before the post or the Executive Committee * The post Judge Advocate shall not be considered an elective officer of the post unless he shall have been duly elected to one of the elective post offices outlined in Sections J. or 2, Article VI of the Constitution. He shall have a seat in all regular and special meetings of the Executive Committee but shall have no vote in matters brought before the Executive Committee.

Section 13. Auditing Committee. At the first meeting following the annual installation of officers the Commander shall appoint an Auditing Committee of three (3) members in good standing who shall audit the books of the Finance Officer monthly immediately following the closing of the fiscal month. The Auditing Committee shall insure that the Code of the Finance Officer as prescribed in Sub—Section 4 of Article III of the By—Laws is being faithfully adhered to, and shall report at the next regular post meeting the results of their audit. At the completion of the term of the Finance Officer the Auditing Committee shall render a detailed report in writing of the finances of the post for the entire year showing, in careful detail, all items of receipt and expenditure.

Article IV — Election of Officers, Delegates to Suffolk County Council, and Delegates to the Department Convention

Section 1. At the first regular post meeting in **March** of each year the Commander shall appoint an Election Committee who shall receive nominations for post officers up to and including the first regular post meeting in **April** at which additional nominations may be made from the floor. Separate nominations must be made for each office. A nomination submitted in writing must be signed by a member in good standing as the maker and by another member in good standing as the seconder. Nominations made from the floor must be seconded by another member from the floor. The election shall take place at the regular meeting in **May** of each year.

Section 2. The Election Committee shall have ballots printed and conduct the election in accordance with the Australian ballot system.

Section 3. The plurality of votes cast shall be necessary for election to each office.

Section 4. The annual installation of post officers shall take place at the first regular post meeting in **June** of each year.

Section 5. Delegates and alternates to Suffolk County Council, District #7, The American Legion, Department of Massachusetts, shall be elected by the post members at the regular meeting in **May** of each year in conjunction with the annual election of post officers. Delegates and alternates shall not be considered as elective officers of the post.

Section 6. Delegates and alternates to the Annual Department Convention, in the number authorized by The American Legion, Department of Massachusetts, shall be elected at a meeting preceding the date of the annual department convention by at least thirty (30) days. Nominations for delegates and alternates shall close at regular post meeting preceding the meeting at which the election takes place and the Commander shall appoint an Election Committee to receive nominations and conduct the election on the Australian Ballot system.

Article V —Dues

Section 1. The Annual dues shall be set by the Executive Committee.

Section 2. Dues shall be payable on the 20th day of October each year for the following calendar year, and members in arrears after March 31st shall be automatically suspended and dropped from the Post.

Section 3. Members dropped from membership may be reinstated as new members as provided in Article III, Section 6. of the Constitution.

Article VI — Special Disbursements

Section 1. Special disbursements of the funds of the Post, outside of ordinary expenses, can be voted only when notice has been given of such disbursement at a previous meeting not held on the same date or in writing to members, provided further, that no sum in excess of Fifty Dollars (\$50.00) shall be expended for any purpose without reference to the Executive Committee

Article — VII House Rules

Section 1. The rooms shall be open from 9 A. M. until midnight, Daily and Sunday. No member, except an official in the duties of his office shall be allowed to remain in the rooms after the closing hour.

Section 2. Only comrades in good standing will be allowed the privileges of the Post, except in the case of a comrade who may invite one or more guests who are non-members, but he should first ask permission of a Post Officer, provided further that the Executive Committee

shall have the power to extend the courtesies of the Post to Honor Guests. Members shall be held strictly responsible for the conduct of their guests.

Section 3. When any member using the rooms is asked to show his credentials as to his right to the privileges of the Post, by a Post Officer, he must comply with the request of the official who asks it.

Section 4. No intoxicating liquor, or any obnoxious persona, whether under the influence of liquor or not, shall be allowed on the premises. This rule will be rigidly enforced.

Section 5. Profanity or other unseemly conduct will not be permitted.

Section 6. Any person or persons desiring the use of the room for any special purpose of meeting shall submit a written request to the Chairman of The Executive within a reasonable time before the use of said room is desired. The Executive Committee will then take such action as may be deemed necessary. They will recommend to the body for either approval or rejection.

Section 7. Great care should be exercised by all comrades to see that none of the furniture, lights, or any part of the building are injured, or that there is any unnecessary waste of light or water.

Section 8. A committee of three shall be appointed by the commander, they will be members of the executive committee and their duties will be **to take charge of the hall** and all times held there, for the benefit of the Post auxiliary and the Community. When any member who, upon being cautioned regarding the breaking of any of the above rules, refuses to desist, or acts in a contrary manner, he may be ejected from the premises. When any comrade is warned as above and does not immediately desist, he shall be reported to the Chairman of the Executive Committee who in shall lay the matter before the Executive Committee for such action, as they may deem necessary.

Section 9. As these rooms are maintained for the pleasure and recreation of all members, it is the duty of each and every comrade to see that all of the above rules are strictly enforced.


Commander

Feb. 20, 2010



Feb 20, 2010

Feb 20

Bob Gullen

Billy Boyle

Flo Johnson

Pat Harris

AL GALLAGHER

Edward F. Kelly

Bill Galvin

Lillian Locke

Hugh Ferguson

Pat Sheehan

Ronald J. Taylor (RET)

Jeremiah Sheehan

Paul Morrew

Ed Hodge - Spin



BUNKER HILL POST 26 AMERICAN LEGION

Bunker Hill Post 26
American Legion
P.O. Box 376
Charlestown, Mass 02129

February 22, 2010

Leslie "Whitey" McKittrick, Department Adjutant:
Department of Massachusetts
American Legion
24 Beacon St
Rm 546-2 State House
Boston MA 02133

Dear: Mr. McKittrick

This letter is to inform you that the Constitution and By-Laws of the (J W Conway) Bunker Hill Post 26 were amended by a unanimous vote of the post members present at the recent regular monthly meeting held on Saturday, February 20, 2010 at the post quarters on Adams St in Charlestown. A copy of the afore mentioned documents and the sign in sheet from that meeting are attached for your records.

Sincerely Yours


Paul Morceau, Adjutant