

CONSTITUTION AND BY LAWS OF POWDER RIVER DISTRICT NUMBER 10

THE AMERICAN LEGION DEPARTMENT OF MONTANA

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

Section 1. The name of this association and organization shall be "powder River District Number 10. The American Legion, Department of Montana.

ARTICLE II

Nature, objects, purposes and jurisdiction

Section 1. The Powder River District Number 10, The American Legion, Department of Montana shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 2. Each Member shall perform his full duty as a citizen according to his own conscience and understanding.

Section 3. The P.R. District Number 10, The American Legion, Department of Montana shall not become involved in any controversy regarding litigation, purported policies of the Legion or other serious matter without approval of the Executive Committee of the American Legion, Department of Montana.

Section 4. The objects and purposes of this organization are and shall be uphold, maintain, and promote the principles and policies enunciated and advocated by the National and Department Constitutions and By-Laws.

Section 5. to assist and further as far as possible, all projected designated for and tending to promote the welfare, good fellowship and acquaintance of posts in P.R> District Number 10, The American Legion Department of Montana and in the State of Montana.

Section 6. To assist and further as far as possible, all posts of the American Legion, Department of Montana who are member of this organization.

Section 7. The P.R. District Number 10, The American Legion, Department of Montana, shall have that jurisdiction within the boundaries which are determined and fixed by the Executive Committee of The American Legion, Department of Montana and designated as District Number 10.

ARTICLE III

Organization and membership

Section 1. All local Posts of the American Legion, Department of Montana, within the jurisdiction of District Number 10 of that organization shall become members of the P.R. District Number 10, of the American Legion, Department of Montana.

Section 2. Powder River District 10, The American Legion, Department of Montana shall have advisory and supervisory powers over the posts included within its District, under this constitution and by-laws, subject to the National and Department constitution and by-laws.

Section 3. Any Post organized within the Powder River District Number 10, The American Legion, Department of Montana, which has not paid the legal dues prescribed to the said Powder River District Number 10, or who refuses to obey the lawful mandate, constitution, or by-laws of the said Powder River District Number 10, shall not be entitled to official representation at any meeting of Powder River District Number 10. The American Legion, Department of Montana until such failure has been met by a compliance therewith.

Section 4. No Post organization shall be named after any living person; in case the name of a deceased person conforms with the name of a living person known within the State where the name is to be used, a statement showing the facts known must be filed with the Department Adjutant of the American Legion, Department of Montana.

Section 5. The Executive Committee of the American Legion, Department of Montana shall approve all names, numbers, and constitutions and by-laws of the Post before any authority to use the name is granted legally.

ARTICLE IV

Revenue

Section 1. Each post of this organization shall remit to the District Adjutant a sum equal to fifty cents per capita of its membership as of September first of each year. This sum is to be remitted on or before May First of the same year. The District Adjutant shall prepare and submit a proper bill showing the sum due the District to the Commander of each Post in the District and said Post Commander shall be responsible for the prompt and correct payment of said dues.

Section 2. The fiscal year of the District shall be from January First to December Thirty first inclusive in every year. The fiscal year of District 10 is to begin upon the installation of the District Commander and is to run until the completion of his term.

Amendment #1) (Handwritten) Dist. dues for the preceding year are due May 30th and become delinquent if not paid in thirty (30) Days. Based on membership as of May 30th.

ARTICLE V

Legislative Administration

Section 1. The legislative power of Powder River District Number 10, The American Legion, Department of Montana shall be District Meetings to be held from time to time at a place and time to be fixed as provide by this constitution, subject to the legislative power of the National and Department Conventions.

Section 2. Meetings of this organization shall be held on such day and at such place in the District as may be decided upon by the last preceding meetings. There shall be at least two meetings held annually. At all meetings representatives from thirty percent of the Posts belonging to this organization shall constitute a quorum.

Section 3. All District officers except the District Commander shall be entitled to one vote each; in case of a tie the District Commander may vote.

Section 4. The apportionment of voting power at all District conventions shall be as follows: provided that all current dues and assessments are paid:

- (a) Each Post shall have at least one vote.
- (b) Each Post shall have one additional vote for each 50 members or major faction thereof.

(c) Post membership shall be considered as that recorded at Department Headquarters on September First of each year.

Section 5. No Post shall have the right to participate in any voting at any meeting unless represented by a duly authorized delegate or alternate. The delegate or delegates shall have first right to cast all the votes their Post is entitled to. An alternate may only act in case of absence of the delegate or delegates. All delegates attending the convention, must present credentials before they may take part in the convention, and it shall be the duty of the adjutant to note all absences of delegates, acting alternates and notify their respective Posts after the convention. Absence on Committee work shall not be recorded.

Section 6. Every past district officer and every present and past post commander shall be entitled to attend all district meetings and serve on any committee thereof, and shall have the rights of a delegate but may not vote unless he is a duly elected delegate from a local post.

Section 7. Notice of each meeting shall be given each Post belonging to this organization by written notice addressed to each Post at its office as indicated by the records of the District Adjutant, with postage prepaid thereon, at least 30 days before such meeting.

Section 8. The order of business at the district meeting shall be as follows:

- (a) Roll call of Officers and Posts;
- (b) Statement by the Adjutant showing giving of notice of the meeting, as required herein;
- (c) Reading and disposal of unapproved minutes;
- (d) Appointing of Resolutions Committee;
- (e) Report of Finance Officer of receipts and expenditures since the last meeting;
- (f) Report of Standing and Special Committees;
- (g) Reading of communications and action thereon;
- (h) Reading of Reports of activities by Delegates of each Post;
- (i) Commander's and Adjutant's reports;
- (j) Unfinished business
- (k) Report of Resolutions Committee;
- (l) Election and installation of officers at last meeting just prior to the Annual Department Convention; (installation takes effect at close of Department's Convention);
- (m) New business and good of the Legion;
- (n) Announcement of Committee appointments;

- (o) Selection of next meeting place and probable date thereof;
- (p) Adjournment

Section 9. The District Commander shall be called in to the Department Convention to represent Powder River District Number 10, The American Legion, Department of Montana.

Section 10. Deleted

ARTICLE VI

District Officers

Section 1. At the last meeting prior to the Department Convention this organization shall elect the following named District Officers who shall take office at the same time the Department Officers take office after adjournment of the annual Department Convention:

- (a) District Commander
- (b) District Vice Commander
- (c) District Finance Officer
- (d) District Sergeant-at-Arms
- (e) District Chaplain

Section 2. The District Adjutant shall be appointed by the District Commander and shall hold office at the will of the District Commander.

Section 3. All said officers shall hold office until their successors are elected and qualified.

ARTICLE VII

Duties and Powers of Officers

Section 1. Commander. The duties of the District Commander shall be to preside at all meetings of this District, to act as Chairman of the Executive Committee, to sign all checks drawn on the depository and perform such other duties as are usually performed by such officer and as may be prescribed in this Constitution and By-Laws and in the National and Department Constitutions and By-Laws.

Section 2. Vice-Commander. The District Vice Commander shall officiate in the absence of the Commander and shall perform the duties of the Commander in the latter's absence, and shall perform such duties as may devolve upon him as a member of the Executive Committee.

Section 3. Adjutant. The District Adjutant shall keep all records and minutes of the District meetings, shall receive all communications addressed to the organization and answer same on orders from the Executive Committee, shall draw warrants on the treasury for authorized expenditures, shall collect and receive all moneys due the organization from the various Posts and turn same to the District Finance Officer, shall make an accounting at each meeting of the organization of all moneys received by him since the previous meeting and turned over to the District Finance Officer ; and shall perform such other duties as pertain to such officer. The District Executive Committee may by resolution required the District Adjutant to furnish a surety bond at the expense of the District.

Section 4. The Finance Officer. The Finance Officer shall receive from the Adjutant and have charge of all moneys of the District and disburse same upon warrants properly drawn by the Adjutant; sign all checks drawn upon the treasury; keep a correct roster of each member post and its financial standing; notify the Commander at each meeting as to the Posts in arrears in the payment of dues; receipt for all dues received from the Adjutant and perform such other duties as are prescribed and are usual to such office. The District Executive Committee may by resolution require the District Finance Officer to furnish a surety bond at the expense of the District.

Section 5. Sergeant-at-Arms. The District Sergeant-at-Arms shall assist the Commander in preserving order at all conventions and perform such other duties as he shall direct and are customary to such office and shall have the power to appoint such deputies at any convention as he shall deem necessary in his discretion.

Section 6. Chaplain. The District Chaplain shall perform the duties usually pertaining to his office in similar organizations.

ARTICLE VIII

Executive Committee.

Section 1. The district executive committee shall consist of the following officers:

- (a) Commander
- (b) Vice-Commander
- (c) District Adjutant
- (d) District Finance Officer
- (e) All Post Commanders, within the district

Section 2. The Adjutant shall attend the meetings of the Executive Committee and act as Secretary thereof.

Section 3. The Executive committee shall be charged with the responsibility of administering the affairs of the District, subject to the restrictions of this Constitution and By-laws in the interim between meetings. No officer or member of the Executive Committee shall receive any salary from this District.

Section 4. The Executive Committee shall have authority to fill any vacancies in elective offices in the interim between conventions, nay officer so selected to fill any vacancy to hold office until the next annual meeting of the District, and until his successor is elected and qualified.

Section 5. The Executive Committee may select such subcommittees as it may see fit, for the purpose of carrying out its duties.

Section 6. The Executive Committee is charged with the responsibility of aiding in organizing city and county Posts and is empowered to carry on any work designed to assist the Posts.

Section 7. Such notice of the meetings of the Executive Committee shall be given as will enable the members thereof to attend. All meetings of said committee shall be held at such place as the District Commander may designate. Said Committee may adopt its own rules of procedure which shall not be inconsistent with this Constitution.

Section 8. The Executive Committee shall be charged with the interpretation of this Constitution, whenever any controversy shall arise as to the construction of any of its provisions; and a majority of the entire Executive Committee shall be necessary to adopt a final interpretation of such provision or provisions.

Section 9. The Executive Committee shall from time to time direct the District Finance Officer to invest the District funds, not required for immediate use, in such securities as will in their judgment bring the greatest return consistent with safety.

Section 10. At the Annual District Meeting the Executive Committee shall prepare and adopt a budget for the ensuing year. And no other officer shall expend a greater amount than allotted in his budget without the sanction of the Executive Committee.

ARTICLE IX

Other Committees and Duties

Section 1. The District Commander, within two weeks after his installation into office, shall appoint the following standing committees, to hold office during his term as Commander; Membership Committee; Publicity Committee and Auditing Committee.

Section 2. The Membership Committee, which shall consist of not less than three nor more than seven members, shall contact the various Posts of the District and assist in increasing their membership.

Section 3. The Publicity Committee, which shall consist of three members, shall ensure favorable and timely publicity in the daily press and by radio of the activities, meetings, and accomplishments of the District.

Section 4. The Auditing Committee, which shall consist of three members, shall have supervision of the accounts and records of the District; shall audit all bills against the District prior to their being paid; shall make a complete written audit and report at least twice during the year and perform such other duties as may be assigned to it from time to time.

Section 5. Prior to each District Meeting, it shall be the duty of the District Commander to appoint a District Committee on resolutions of five members, and in the call for the District Meeting the name of the Chairman of the District Committee on resolutions for that meeting shall be communicated to each post in the District. It shall be the duty of the resolutions committee to consider all resolutions before presentation to the floor of the District Meeting, and to report for consideration at the District Meeting all resolutions that shall meet the approval of such committee, and such resolutions as are not prohibited by the National or Department or District Constitutions and By-Laws. No resolution which has not been first presented to the resolutions committee shall be discussed or voted upon in the District Meeting. It shall be the duty of all Post Adjutants to submit Post resolutions to be acted on in the District Meeting to the District Adjutant within five days after the adoption by the Post. It shall be the duty of the District Adjutant to transmit the resolutions received to the Chairman of the resolutions committee for the next District Meeting.

Section 6. The District Commander may appoint new committees to take over the functions of any committee which fails to act.

ARTICLE X

Elections

Section 1. Elections shall be by secret ballot unless only one nomination is made and motion carries that an unanimous ballot of election be cast for the candidate.

Section 2. All other voting shall be by voice. A roll call may be requested by any delegate at a District Meeting.

ARTICLE XI

Emergency District Meeting

Section 1. Whenever the Executive Committee, or fifty percent of the Post's petition, that an emergency exists which requires the calling of an emergency District Meeting, such a meeting shall be called.

Section 2. At least ten days' notice of such an emergency meeting shall be given in writing by the District adjutant to all Posts and which notice shall specify the emergency that exists and the reason for calling the meeting.

Section 3. Only business pertaining to the emergency for which said meeting is called may be transacted at said meeting.

ARTICLE XII

Liabilities

Section 1. No Post in the Powder River District Number 10, The American Legion, Department of Montana shall be liable for any more than its per capita dues.

Section 2. Powder River District Number 10, The American Legion, Department of Montana, shall not be liable for any debts or contracts of local Posts.

ARTICLE XIII

Amendments

Section 1. This Constitution may be amended at any authorized convention by a vote of two-thirds of the delegates present, providing there is a quorum.

ARTICLE XIV

Rules of Order

Section 1. The rules of the parliamentary law and procedures at all conventions and meetings shall be those set forth in Robert's Revised Rules of Order.

ARTICLE XV

Section 1. This constitution and By-Laws and all articles and Sections thereof shall have full force and effect on and after the 17th day of October 1947, at 6:00 P.. o' clock noon of the said day. The Constitution heretofore duly adopted and all articles and section thereof, together with all amendments thereto are hereby repealed and shall cease to be effective on and after the 17th day of October 1947, at 6:00 o'clock P.M. of said day.

The above Constitution and By-Laws was regularly proposed and favorably voted upon and adopted at a duly called District Meeting held on the 17th day of October 1947, and the said Constitution and By-Laws are hereby presented to the Department Judge Advocate for his approval as provide in Section 2, Article III, of the Constitution and By-Laws of the American Legion, Department of Montana.