

CONSTITUTION OF THE AMERICAN LEGION OF IOWA

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 percent 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 1

Name

Section 1. The name of this organization shall be The American Legion of Iowa. Wherever the name appears as Department or Department of Iowa, reference is to this organization.

ARTICLE II

Nature

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any convention or meeting of the American Legion, unless such person is on active duty in the armed forces.

Section 2. The American Legion 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 or preferment.

ARTICLE III

Eligibility

Section 1. Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive; or who being a citizen of the United States at the time of his entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during any of the aforesaid periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, 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 to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at one time of more than one post.

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 may then appeal to the Executive Committee of the department of the

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expelling post for permission to be admitted for membership in another post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV

Administration

Section 1. The legislative body of the organization shall be the Department Convention to be held annually at a place to be fixed by majority vote of the convention. The place of the convention shall be fixed annually two years in advance. In the event that a convention does not fix a place, or in the event that the place fixed becomes unable to meet the requirements for such convention, such place shall be fixed by the Department Executive Committee.

Section 2. The annual convention shall be composed of delegates from each post. Each post shall have representation at the annual Department Convention on the basis of two delegates from each post composed of fifteen members and one delegate for each additional fifty members or major fraction thereof who current dues have been received in the office of the Department Adjutant thirty days prior to the meetings of said convention, or which are mailed to the office of the Department Adjutant in an envelope postmarked prior to midnight of that day. Each post represented at the Department convention is entitled to cast the voting strength of its post provided all its annual dues to the Department organization are paid. In the event of there being no delegate present to cast the vote of a post when a district is polled, the vote of the post shall be prorated between the total majority and the total minority votes of the district delegates present at the time of the poll. All Past Department Commanders of the Iowa Department of The American Legion, who are members in good standing in any post in the Department, present and in attendance at the Department convention, shall be entitled to all the privileges of a delegate to said convention, and entitled to a vote therein.

Section 3. The delegates to the Department Convention shall be chosen by each post in the manner prescribed in the Bylaws.

Section 4. The executive power shall be vested in a Department Executive Committee to be composed of one representative from each district chosen annually by each district; the Department Commanders having been duly elected and qualified and having acted as such during the three years preceding the annual convention, and the following members by virtue of their office: Department Commander, five Department Vice-Commanders of equal rank, National Executive Committeeman and his Alternate. Department Adjutant, Department Finance Officer, Department Historian, Department Judge Advocate, Department Service Officer, Department Sergeant-At-Arms, and Department Chaplain shall serve with voice but without vote.

Section 5. That any Past National Commander who is a continuing member in good standing of any Post in the Iowa Department shall be a member of the Iowa Department Executive Committee, with voice and vote, for a period of three (3) years from and after his termination as National Commander.

ARTICLE V

Personnel

The constitutionally recognized personnel of the Department Organization shall be as follows: Commander, five Vice-Commanders, Adjutant, Finance Officer, Judge Advocate, Historian, Chaplain, Sergeant-At-Arms, Service Officer, National Executive Committeeman and Alternate.

ARTICLE VI

District Organization

This Constitution and By-Laws was duly adopted the 15th day of July 2018, effective at the close of the 100th Annual Convention of this department.

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Section 1. The Department Shall be divided into nine districts, each of which shall comprise the following counties of Iowa:

District 1:

Cedar, Jefferson, Muscatine, Des Moines, Johnson, Van Buren, Henry, Lee, Washington, Iowa, Louisa

District 2:

Clinton, Jackson, Linn, Dubuque, Jones, Scott

District 3:

Benton, Franklin, Marshall, Black Hawk, Grundy, Tama, Bremer, Hardin, Wright, Butler

District 4:

Allamakee, Clayton, Howard, Buchanan, Delaware, Mitchell, Cerro Gordo, Fayette, Winneshiek, Chickasaw, Floyd, Worth

District 5:

Appanoose, Keokuk, Ringgold, Clarke, Lucas, Union, Davis, Mahaska, Wapello, Decatur, Monroe, Wayne, Jasper, Poweshiek

District 6:

Dallas, Marion, Story, Madison, Polk, Warren

District 7:

Adair, Guthrie, Page, Adams, Harrison, Pottawattamie, Audubon, Mills, Shelby, Cass, Montgomery, Taylor, Fremont

District 8:

Boone, Greene, Palo Alto, Calhoun, Hamilton, Pocahontas, Carroll, Hancock, Webster, Crawford, Humboldt, Winnebago, Emmett, Kossuth

District 9:

Buena Vista, Lyon, Plymouth, Cherokee, Monona, Sac, Clay, O'Brien, Sioux, Dickinson, Osceola, Woodbury, Ida

Section 2. Each district shall annually elect a representative to the Department Executive Committee, who shall also serve as District Commander, and such other officers as the district may deem necessary. Such officers shall be chosen at a district meeting held prior to the Department Convention, at which district meeting each post shall be entitled to cast the number of votes to which it was entitled at the last Department Convention.

ARTICLE VII

County Organization

Section 1. In each county having more than one post such posts may organize a county association and elect a County Commander and a County Adjutant and such other officers as the county association may desire, which officers shall be elected on or before the Department Convention of each year, and their terms of office shall begin on the day following the close of the annual Department Convention of this organization. Such county organizations of each county may adopt a constitution and bylaws not in conflict with the National, Department and District constitutions and bylaws. All vacancies in the county offices shall be filled in the same manner as prescribed for annual election of county offices and shall hold office for the unexpired term.

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ARTICLE VIII

Post Organization

Section 1. The local unit shall be termed the post. No post shall be received into this organization until it shall have received a charter. Those who desire to form a post shall make application for a charter to the Department Commander. The charter shall be issued by the National Commander and National Adjutant upon receipt of the application, properly executed by the members of the projected post, but only when such application is approved by the Department Commander or by the Department Executive Committee. Post charter shall be countersigned by the Department Commander and the Department Adjutant.

Section 2. No application for charter shall be honored from a new post until all posts within the city after location of the proposed post shall have had a 60-day written notice, and if any written objection has been filed within that sixty-day period by any said post the said application shall be referred to the next meeting of the Department Executive Committee for final approval.

Section 3. Post charters may be suspended, canceled, or revoked by the Department Executive Committee as provided in the bylaws.

Section 4. No post shall be named after any living person.

ARTICLE IX

Finance

Section 1. Each Post shall pay the Department's annual dues of \$34.00 for each member. Of these dues, \$18.50 shall be paid by the Department to the National Organization and shall entitle the member to a paid up one year subscription of the American Legion Magazine. Fifteen dollars and fifty cents (\$15.50) will be retained by the Department to assist in defraying the expenses of the Department.

Section 2. Each Post shall pay to the Department in the same remittance as defined in Section 1, the district dues as certified by the District Commander on or before July 1st of each year and said District dues shall be remitted to the several Districts every 30 days.

Section 3. A member may participate in the national organization "paid up for life membership plan" and dues derived therefrom shall be distributed in accordance with such agreements as may exist now or in the future between this Department and National Organization.

Section 4. The Department shall establish and maintain a permanent restricted endowment fund to be known as the American Legion of Iowa Foundation. Contributions to that fund shall be held, invested and managed for the benefit of furthering the programs and policies of the American Legion of Iowa with distribution limited to yearly and accumulated fund income. The principal shall not be invaded until the American Legion of Iowa is dissolved, terminated or otherwise ceases to exist at which time, said fund shall be paid over and distributed to one or more qualified public charitable nonprofit organizations, funds, or foundations organized and operated exclusively for the charitable, scientific, educational or medical purposes provided said organization, fund or foundation agrees to restrict its usage as indicated above.

ARTICLE X

Quorum

Section 1. A quorum shall exist at a Department convention when a majority of the districts are represented in whole or in part.

ARTICLE XI

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Rules

Section 1. This corporation shall, at each annual convention, adopt rules for the procedure and government of said convention.

Section 2. Matters not provided for in rules adopted for the procedure and government of the convention is covered by the constitution and by-laws of this corporation, shall be governed by Robert's Rules of Order.

ARTICLE XII

Discipline

Section 1. The Department Executive Committee, after notice and hearing, may suspend, cancel or revoke the charter of a post which violates this constitution, or which fails adequately to discipline any of its members for any such violation, and may provide for the government and administration of such post during such suspension or upon such revocation.

ARTICLE XIII

Change of Residence

Section 1. Any member in good standing in a post removing from this Department shall be entitled to a certificate from his post stating his membership and the duration thereof.

ARTICLE XIV

Auxiliary

Section 1. The Department recognizes an auxiliary organization to be known as "The American Legion Auxiliary."

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

ARTICLE XV

Amendments

Section 1. This constitution may be amended at any annual Department Convention by a two-thirds vote of the total authorized representation thereat, provided that no proposed amendment shall be submitted to or considered by the said convention unless the same shall have been filed in duplicate with the Department Adjutant in accordance with the resolution filing deadline as specified in the annual Call to Convention.

Section 2. The Department Executive Committee is empowered and authorized to amend this constitution by a two-thirds vote of the members to conform to any changes made at any time in the national constitution of The American Legion when said amendments cannot, in the opinion of a majority of the Department Executive Committee, be deferred to the next annual convention of The Iowa Department of The American Legion. The action of the said committee shall be placed before the next annual Department Convention held thereafter for ratification according to the provisions of section one (1) of this article.

BY-LAWS OF THE AMERICAN LEGION OF IOWA

ARTICLE I

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The personnel of the Department organization shall be as provided in the constitution.

ARTICLE II

Section 1. Department officers of this corporation, with the exception of the National Executive Committeeman and Alternate, Department Adjutant, Department Finance Officer, Department Chaplain, Department Historian, Department Judge Advocate, Department Service Officer and Department Sergeant at Arms shall be elected annually by "roll call", except where there is but one nominee for an office, the vote may be by voice at the Department Convention.

Section 2. The National Executive Committeeman and Alternate shall hold office for two years, and shall be elected by "roll call", except where there is but one nominee for an office, the vote may be taken by voice at the Department Convention.

Section 3. The Department Finance Officer, Department Chaplain, Department Historian, Department Judge Advocate and Department Sergeant at Arms shall be appointed annually at the first meeting of the Department Executive Committee following the Department Convention, subject to ratification and confirmation by a two-thirds vote of the Department Executive Committee; the Department Adjutant and Department Service Officer shall be appointed for three (3) years by the Department Commander at the first meeting of the Department Executive Committee following the Department Convention, subject to ratification and confirmation by a majority vote of the Department Executive Committee; and said officers can be removed only upon a two-thirds vote of the Department Executive Committee.

Section 4. The Department Officers, with the exception of the National Executive Committeeman and Alternate, shall enter upon the duties of their respective offices immediately upon election, and shall hold office until their successors are duly installed. The Adjutant shall conduct his duties at the permanent state headquarters in Des Moines, Iowa.

Section 5. The terms and duties of the National Executive Committeeman and his Alternate shall be as prescribed by the National Organization.

Section 6. Vacancies occurring in any of the elective offices of the Iowa Department shall be filled by the Department Executive Committee, and any member of the Iowa Department of The American Legion, in good standing shall be eligible for election to such vacancy.

Section 7. The Department Executive Committee shall adopt at its first meeting following the Department Convention, a proper operating structure for the Department so as to implement and promulgate American Legion programs as determined by the National Organization and/or the Department Convention of the Department Executive Committee.

ARTICLE III

Duties and Powers of Officers

Section 1. It shall be the duty of the Commander to preside at all meetings of the Department in convention assembled and the Department Executive Committee; to enforce a strict observance of the constitution and by-laws, and to perform such other duties as custom and parliamentary usage require.

Section 2. The Department Vice-Commanders shall assist the Department Commander and perform the duties of the Department Commander in his absence.

Section 3. The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee, and of the Department Commander. He shall perform such other duties as are usually incident to the office. He shall also be authorized, in event of the death or resignation of the Department Commander, to summon the Department Executive Committee for the election of a successor, and in the event the Department Adjutant shall fail, refuse or neglect within ten days after said death or resignation, to issue a call for

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said meeting of the Department Executive Committee to be held within ten days after said death or resignation, then said meeting for the purpose of electing a successor may be held upon the written demand therefor signed by ten or more members of the Department Executive Committee, giving ten days' notice thereof.

Section 4. The Department Adjutant shall engage in no other occupation or profession during the incumbency of his office, but shall devote his entire time and interest to the duties of his office. He shall receive for his service an annual income, the amount to be determined by the Executive Committee.

Section 5. The Department Adjutant shall, prior to assuming his duties as such officer, execute and deliver a surety bond, payable to the Iowa Department of The American Legion to be approved by the Department Executive Committee, in the sum as determined by the Department Executive Committee, conditioned on the faithful performances of his duties as such officer. The premium on said bond to be paid by the Iowa Department.

Section 6. A. The Department Finance Officer shall receive from the Department Adjutant all monies collected by him from any source whatsoever and shall keep proper and suitable records of all receipts of such money. He shall monthly disburse any and all monies of this organization for the transaction of its business, provided that said expenditures shall be authorized by the Finance Commission hereinafter provided for.

B. The Department Finance Officer shall serve without pay.

C. The Department Finance Officer shall, prior to assuming his duties as such officer, execute and deliver a surety bond, payable to the Iowa Department of The American Legion in a sum no less than the bond as determined by Department Executive Committee, said bond to be conditioned on the faithful performance of his duties as such officer. The premium on said bond to be paid by the Iowa Department.

Section 7. The Department Judge Advocate shall advise the Department officers and the Department Executive Committee on all legal matters including the construction and interpretation of its constitution and by-laws and shall perform such other duties as are usually incident to the office, and shall annually review the Articles of Incorporation, Constitution and By-Laws of this Corporation.

Section 8. The Department Historian's duties shall be to keep a complete history of the Iowa Department of The American Legion from its inception, and he shall make an annual report to the Department Convention of the progress of the organization during the preceding year.

Section 9. The Sergeant-At-Arms shall perform duties as directed by the Department Commander.

Section 10. The Department Chaplain shall perform such divine and non-sectarian services as may be necessary and proper, adhering to the National Ceremonial Manual.

Section 11. A. It shall be the duty of the Department Executive Committee to pass upon all matters relating to the administration of this organization; to review, accept or reject all audits or reports of the business and accounts of the Department Adjutant and Finance Officer, and the said Department Executive Committee may at any time during its term of office call upon the Department Adjutant and Finance Officer for a report of accounts and of business transacted by them in the execution of their offices.

B. The Department Executive Committee may suspend, cancel or revoke a post charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

C. Any post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a post or

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merging with one or more other posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary, shall upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

D. Upon revocation, cancellation or suspension of the charter of a post, said post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to the Department Commander or Department Executive Committee, and the Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said post; provided, however, that nothing herein shall be construed as requiring the Department to take over or assume any financial responsibility as to such property. Said Department Executive Committee may provide for the transfer of the members in said post to other posts of their choice, subject to the approval of such other post.

E. Any officer of this organization may be suspended or expelled from his office for inefficiency and from this organization for conduct grossly detrimental to the interests of this organization and for any other grave cause, by two-thirds vote of the total membership of the Department Executive Committee, after serving a 20 day notice in writing of the pendency of hearing thereon, and after a hearing before said Committee.

F. The Department Executive Committee shall meet in business sessions at least twice a year and at any time upon call of the Department Commander or of any five members of the Department Executive Committee. Fifteen members shall constitute a quorum of the Department Executive Committee.

G. Any matter relating to the business of this organization not specified in these by-laws shall be referred to the Department Executive Committee for determination and adjustment thereof.

H. The Finance Commission shall consist of the three immediate Past Department Commanders, the Department Finance Officer and one member of the Department Executive Committee to be appointed by the Department Commander. The Department Commander and the Department Adjutant shall serve by virtue of their office.

Section 12. The delegates and alternates to the National Convention shall be as follows: the retiring Department Commander, the newly elected Department Commander and the Department Adjutant shall by virtue of their offices be delegates at large, and the newly elected Department Vice-Commanders shall be alternates at large: each district shall recommend one delegate and one alternate; and other delegates and alternates shall be recommended to the convention by the various districts. Each district shall recommend to the convention a number of delegates and alternates based upon its numerical representation in the convention, and these delegates and alternates shall be elected by the conventions.

Section 13. The Liaison Committee shall consist of three representatives from each district, selected according to the rules established in each district, and shall function at no expense to the Department and shall exercise the usual functions of such a committee.

ARTICLE IV

Post Information

Section 1. A post may be formed and a charter issued by the authority of the National Executive Committee on the recommendation of the Department, upon the written application of not less than fifteen persons eligible to membership in The American Legion, and no post shall be recognized by the members of The American Legion, unless acting under a legal and unforfeited charter. Likewise, no post shall be officially recognized while maintaining less than the required membership of fifteen.

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Section 2. Each post in the Iowa Department shall be numbered consecutively in the order in which the applications for post charters are received at Department headquarters.

Section 3. Any member may be expelled, upon a proper showing of cause, from membership in any post by a three-fourths vote of the membership present at the regular or special meeting; provided that thirty days' written notice of such meeting shall have been given to each member of such post by mail, addressed to his last known address, which notice shall contain the substance of the matter to be presented at such meeting; and provided that charges are made under oath in writing by the accusers upon one or more of the following grounds, to-wit:; disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of The American Legion; and provided further such member against whom charges have been preferred shall have been given at least thirty days' notice in writing of the charges preferred against him; and provided further than such member may have the right of appeal from the action of the post to the Department Executive Committee. The action of the Department Executive Committee shall be final.

Section 4. The officers of each post shall be as determined by the post and will be elected and hold office for a period of one year. All post officers shall be elected on or before the Department Convention of each year and their terms of office shall begin on the day following the close of the annual Department Convention of this organization. All vacancies in the post offices shall be filled in the same manner as prescribed for annual election of post officers and shall hold office for the unexpired term.

Section 5. The duties of post officers shall be as prescribed in the Post Officers Manual of the National Organization. Each post shall elect delegates to the annual Department Convention. Post delegates to the annual Department Convention shall be elected at least fifteen days prior to such convention and the Post Adjutant shall immediately thereafter notify the Department Adjutant, giving the names of each delegate.

Section 6. Each post may prescribe its local dues in addition to the stated National and Department dues.

Section 7. The time and place of post meetings shall be determined by each post.

Section 8. Each post may make such by-laws as are not inconsistent with the National and Department Constitution and By-Laws.

ARTICLE V

Transfers

Transfers of members in good standing from one post to another in the Iowa Department of The American Legion, may be made at any time; provided, such transfer be made in accordance with the National Constitution and By-Laws and rulings of the National Executive Committee.

ARTICLE VI

A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If his dues are paid on or before February 1, he shall be automatically reinstated. If he is still delinquent after February 1, he shall be suspended from all privileges. If he is still under suspension on June 30th of such year, his membership in The American Legion shall be forfeited. A member so suspended, or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. The Post, at its option, may also require a member whose membership has been so forfeited to pay one year's arrears in dues as condition present to reinstatement.

ARTICLE VII

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Any officer of any post may be removed from office for just cause by three-fourths vote of the membership present at a regular or special meeting; provided, thirty days notice in writing of the pendency of the hearing shall be given to said officer before such vote for removal from office shall be taken; and provided that thirty days notice of such meeting shall have been given to each member of such post by mail or email, addressed to his last known address, which notice shall contain the substance of the matter to be presented at such meeting.

ARTICLE VIII

All membership contests shall terminate at midnight of the day thirty days prior to the Department Convention, and only those memberships shall count in said contests for which cards are in the office of the Department Adjutant prior to this time, fully paid, or which are mailed to the office of the Department Adjutant in Des Moines, in an envelope postmarked prior to midnight of that day.

ARTICLE IX

These by-laws may be amended by any annual Department Convention of The American Legion by the vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been filed in duplicate with the Department Adjutant in accordance with the resolution filing deadline as specified in the annual Call to Convention.

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John A. Derner, Department Adjutant

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