

# 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 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 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 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 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.

## **ARTICLE III**

### **Eligibility**

Section 1. An individual is eligible for membership in The American Legion only if the individual - (1) has served in the Armed Forces of (A) the United States at any time during - (i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or 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 themselves 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 any one time of more than one Post.

Section 4. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to the National Headquarters within 30 days, 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, such person may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to 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 or

more 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 15 members and one delegate for each additional 50 members or major fraction thereof whose current dues have been received in the office of the Department Adjutant 30 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 American Legion of Iowa, 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 three most recent Past Department Commanders, and the following members by virtue of their office: Department Commander, five Department Vice Commanders of equal rank, National Executive Committee Member and 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 years from and after 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 Committee Member and Alternate.

## **ARTICLE VI**

### **District Organization**

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.

## **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 a charter shall be honored from a new post until all posts within the city of the location of the proposed post shall have had a sixty-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. The Department shall retain \$15.50.

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**

### **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 as covered by the Constitution and Bylaws 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 that post stating that member's 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 American Legion of Iowa. 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 of this Article.

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This Constitution and By-Laws was duly adopted the 11th day of July 2021, effective at the close of the 102nd Annual Convention of this department.

John A. Derner, Department Adjutant