

CONSTITUTION

Of

Fairfax Post No. 177, Department of Virginia

The American Legion, Inc.

Adopted in Regular Meeting

At

Town Hall, Fairfax, Virginia, November 12, 1945

And

As amended through May 14, 2014

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.

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## CONSTITUTION

### ARTICLE I

#### Name

The name of this organization shall be FAIRFAX POST NO. 177, DEPARTMENT OF VIRGINIA, THE AMERICAN LEGION, INC., hereinafter referred to as "Post," "the Post," and/or "this Post."

### ARTICLE II

#### Objectives

The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble and the National Constitution and By-Laws of the American Legion, hereinafter referred to as the "National Constitution," and the Constitution and By-Laws for The American Legion Department of Virginia, Inc., as amended, hereinafter referred to as the "Department Constitution." Precedent order will be the National Constitution, Department Constitution, and then this Post Constitution.

### ARTICLE III

#### Nature

Constitution, Article III, Section 1. Civilian Organization. This Post is a civilian organization and membership therein does not increase or diminish liability for military or police service.

Constitution, Article III, Section 2. Non-Political and Non-Sectarian. This organization shall be absolutely non-political and non-sectarian and shall not be used for the dissemination of partisan principles for the promotion of the candidacy of any person seeking public office or preferment. No candidate for nomination or election to, or no incumbent of; any remunerative elective public office shall hold office in this Post and the declaration of candidacy for such public office by any officer of this Post shall automatically vacate his office in the Post and same shall be filled as provided in the By-Laws.

Constitution, Article III, Section 3. Rank and Military Titles. Rank does not exist in The American Legion and no member shall be addressed by his military or naval title in any meeting of the Post.

### ARTICLE IV

#### Membership

Constitution, Article IV, Section 1. Eligibility. Eligibility to membership in this Post shall be determined by the Membership of the Post, consistent with the provisions of the National Constitution and the Department Constitution.

Constitution, Article IV, Section 2. Applications. Applications for membership shall be in writing under such regulations as may from time to time be prescribed by the membership.

Constitution, Article IV, Section 3. Eligibility Verification. Eligibility for membership must be verified by the First Vice-Commander, or in his absence the Commander, by examination of the applicant's DD-214 "Report of Transfer or Discharge", DD Form 256A "Honorable Discharge Certificate", or similar official documentation issued by the Armed Forces of the United States, and to verify compliance with ARTICLE IV Section 1 of the National Constitution. A copy of this documentation must accompany the application for membership or transfer of membership. Active duty military personnel may furnish a copy of

their military identification card in lieu of a DD-214, however upon discharge or retirement, they must provide a copy of their DD-214 for re-certification and to prove honorable discharge. Applicants for membership in Post 177 may not self certify themselves. Members transferring into the Post are subject to certification requirements of this section.

Constitution, Article IV, Section 4. 'Timely Processing. All applications for membership shall be acted upon at the next Regular Membership Post meeting following the making of such application and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If the majority of the members present at such meeting shall cast their vote against the acceptance of an application, then such application shall be recorded as rejected. The petition of the rejected application shall not be reconsidered until after the expiration of six (6) months from the date of the previous rejection.

Constitution, Article IV, Section 5. Member Expulsion. Any member of this Post may be expelled for cause and/or restored to membership, and any former member of any other post may be admitted to membership in this Post in accordance with the procedures and under the provisions of the National Constitution, Department Constitution, and Post Constitution. Suspension from Post 177's Social Quarters and/or Club, or another Post's Social Quarters or Club is addressed in the Department of Virginia's By-Laws in Article IV, Section 12. It states "Suspension or expulsion from privileges of a Post club or other non-Legion activity (alone) for disciplinary reasons does not constitute suspension or expulsion from the American Legion ... etc. However, it states that if severe enough, it may serve as a basis for expulsion.

Constitution, Article IV, Section 6. Voting Privileges. Voting privileges on any question before the Post shall be limited to members in good standing. A member in good standing is one who has been duly accepted for membership in Post 177 and who, under Article IV, section 4 of the National Constitution, has not been suspended or who has not forfeited membership for non-payment of dues.

## ARTICLE V

### Officers

Constitution, Article V, Section 1. Post Administrative Officers. The administration of this Post shall be under the supervision of an Executive Committee on behalf of the Members, which shall consist of three (3) members-at-large in addition to all, elected officers as listed in Section 2 of this Article, and the Junior Past Commander. The Junior Past Commander is a position of voice, but no vote, and refers only to 'the' Junior Past Commander: not 'a' Junior Past Commander. It is not a position to be backfilled should it become vacant. At the election following the adoption of this Constitution, the three (3) members-at-large of the Executive Committee will be elected to fill one three (3) year term, one two (2) year term, and one one (1) year term. In subsequent years one (1) member-at-large of the Executive Committee will be elected to a three (3) year term to fill the vacancy of the member whose term is expiring.

Constitution, Article V, Section 2. Elected Officers. The elected officers of this Post shall be a Commander, First Vice-Commander, Second Vice-Commander, Third Vice-Commander, Adjutant, Finance Officer, Judge Advocate, Service Officer, Chaplain, Historian, and Sergeant-at-Arms. All officers shall be nominated by a Nominating Committee, and from the floor at the regular April meeting each year, and elected on the day of the regular May meeting each year. No nomination for office shall be entered after the regular April meeting. No member shall simultaneously be a nominee for more than one (1) Executive Committee elective office. Duly elected officers shall be installed in their respective offices prior to the Department Convention, but not earlier than May 15 as prescribed in the Department of Virginia Constitution and By-Laws. All duly elected officers must have on file in the Post a hard-copy of proof of eligibility as described in ARTICLE IV Section 3 in compliance with State Corporation Law, ABC and Gaming Codes, before being eligible to be installed as an officer of the Post. All Executive Committee Officers must sign a Post's 'Conflict of Interest' and 'Whistle Blower Protection' form before being sworn in to their elected position.

Constitution, Article V, Section 3. Nominating Committee. The Nominating Committee, consisting of a minimum of three (3) members, shall be appointed by the Commander and approved by the Executive Committee during the month of

March of each year. Only members who have knowledge of Post affairs and administration shall be selected, it being recognized that the duties of the Nominating Committee are among the most important in the Post. The primary duty of this committee is to identify, certify and nominate a slate of candidates who are fully qualified, and fully available for the offices of the Post Executive Committee and the Corporate Board, on behalf of the Membership. It is also their duty to verify or re-verify all candidates' Post 177 membership eligibility and qualifications. Candidates may provide biographic and other informative credential information to be made available to the members before and on election day.

Constitution, Article V, Section 4. Post Positions and Chairmanships. The following Post positions and chairmanships shall be appointed by the Commander and approved by the Executive Committee: Boys State, Americanism, Athletic Officer; Children and Youth Officer; Assistant Adjutant; Chairman of the Charitable Contributions Committee; and Assistant Finance Officer. The following Post positions and chairmanships may be appointed by the Commander and approved by the Executive Committee as may be deemed necessary: Legislative Chairman; Oratorical Chairman; Sons of the American Legion Chairman; Boy Scout Chairman; Post Constitution and By-Laws, Policies and Procedures Chairman; Boys State Chair; and individual event chairmanships, such as for the Annual Picnic, the Independence Day Celebration and Float Construction, and entertainment and social events.

Constitution, Article V, Section 5. Executive Committeemen-at-Large. The three executive committeemen-at-large shall also be elected and shall take office at the time above provided for the elective officers of the Post, and all officers and executive committeemen-at-large shall hold office until their successors are duly installed or as otherwise provided herein.

Constitution, Article V, Section 6. Executive Committeeman Removal. Any officer or executive committeemen-at-large may be removed from office for inefficiency by a two-thirds vote of the members voting at any regular Post meeting, provided such action is a sworn statement in writing, on record, and has been read in the previous regular membership meeting, and announced in the previous newsletter or special mailing to the membership.

Constitution, Article V, Section 7. Executive Committee Eligibility. Every member in good standing of this Post shall be eligible to hold Executive Committee office in this Post, except as otherwise provided herein.

Constitution, Article V, Section 8. Officer Duties. The duties of the officers and the executive committeemen-at-large shall be those usually appertaining to such offices and as further provided in the Post By-Laws, and which are found in such publications as the Post Officer's Guides, the Adjutant's Manual, the Service Officer's Manual, the National Constitution, and the Department Constitution.

## ARTICLE VI

### Finance

Constitution, Article VI, Section 1. Revenue. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues, and from such other sources as may be approved by the Executive Committee or by this Post.

Constitution, Article VI, Section 2. Changes in Fees and Dues. Any change in the amount of such membership or initiation fees and the amount of such annual dues shall be fixed by this Post at the regular January meeting of the Post.

Constitution, Article VI, Section 3. Payments of Dues to the Department and National. The Post shall pay to the Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

Constitution, Article VI, Section 4. Bonding. By-Laws of The American Legion, Department of Virginia, Inc., Article V, Section 2., require "Post Adjutants and Post Finance Officers shall be bonded under regulations determined by the Department Executive Committee." In Post 177, additionally, any officer or employee that has access to funds of the Post (in its entirety

including the Corporate Board) or who is authorized to write checks on behalf of the Post or Corporate Board, shall be bonded. Within one (1) week after being sworn in, actions shall be taken to bond those officers and/or employees. 'Bonding' may be interpreted as being included in a Post insurance policy that provides the equivalent of a bond.

## ARTICLE VII

### Sons of the American Legion

The Post may establish a Squadron of the Sons of The American Legion (SAL) as specified by the National Constitution and Department Constitutions. Eligibility for membership in the SAL shall be as follows: all male descendents, adopted sons and stepsons of members of The American Legion, and such male descendants of veterans who died in service during World War I, World War II, the Korean War, the period of the Vietnam War, and during the delimiting periods set forth in Article IV, Section 1 of the National Constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion. There shall be no forms or class of membership except an active membership.

## ARTICLE VIII

### Charter Members

People who joined this Post on or before April 11, 1945, shall be known as charter members of Fairfax Post No. 177, Department of Virginia, The American Legion, Inc.

## ARTICLE IX

### Amendments

Constitution, Article IX, Section 1. Conflicts with the National and Departmental Constitutions. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department of Virginia Constitution. Any amendments to said Constitutions, which are in conflict with any provision herein, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict. Should such a conflict occur, Post 177's Constitution shall be annotated when such change is required, and shall be fully amended as soon as possible thereafter.

Constitution, Article IX, Section 2. Amendments to Post 177's Constitution and By Laws. This Constitution, and the By-Laws adopted pursuant thereto, may be amended at any regular Post meeting by two-thirds vote of the members in good standing of the Post attending such regular meeting provided that the proposed amendment shall have been submitted in writing at the preceding regular membership meeting of the Post, and amendments read. And provided further that written notice of the proposed amendment, which may include the use of the Post Newsletter or a timely direct mailing, shall have been mailed to all members of the Post at least ten (10) days in advance of the date when such amendment is to be voted upon, informing said members that at such meeting a proposal to amend this Constitution and/or By-Laws is to be voted upon.

## ARTICLE X

### Employment and Contractor Restrictions

Constitution, Article X, Section 1, Part 1. Restrictions on Employment of Family Members. Immediate family members of the Commander, Vice Commanders, or Finance Officer shall not be employees of the Post or Club, except to assist in special events or for occasional functions.



Constitution, Article X, Section 1, Part 2. Restrictions on Full-time Employees. Full-time employees of the Post Club (24 hours or more of regularly scheduled paid work per week) cannot hold Executive Committee elective office at Post 177.

Constitution, Article X, Section 2. Restrictions on Officers in a Contractor Relationship. If any officer shall be in, or intends to be in, a contractor relationship position with the Post 177, Post 177 Club, or Post 177 Corporate business interests, he/she shall recuse himself/herself from the marketing of and voting on all such actual or related initiatives.

## ARTICLE XI

### The Corporation

Constitution, Article XI, Section 1. Part 1. Board of Directors of the Incorporated Post. The title to all real and personal property shall vest in the Post in its corporate capacity, and management and control thereof shall be vested in the Board of Directors of the Incorporated Post, also known as the 'Corporate Board' or 'Board'. The Board will insure that adequate insurance is maintained on all Post properties, and taxes and fees paid. The Board of Directors will consist of seven (7) members-at-large to be elected at the regular election of Post officers in May 1979 as follows: two (2) to serve for one (1) year, two (2) to serve for two (2) years, and three (3) to serve for three (3) years. Thereafter Directors will be elected for a term of three (3) years to fill vacancies caused by expiring terms, an election of Directors will be held each year at the time of the regular election for Post officers. Any member in good standing, and whose qualifications for membership have been verified or re-verified by the nominating committee, and who is adequately available to serve, may run for these positions, except as restricted in Part 2 of this Article and Section. Beginning with the adoption of this amendment, The Board of Directors of the Corporation shall set a date to meet and elect from the seven (7) Directors, Board Officers of a President, Secretary, and a Treasurer, each of whom shall serve in such capacity for the current officer year, then henceforth, each year the Board of Directors of the Corporation shall set a date to meet and elect from the seven (7) Directors, offices of a President, Secretary, and a Treasurer. All Executive Corporate Board Officers must sign a Post's 'Conflict of Interest' and 'Whistle Blower Protection' form before being sworn in to their elected position.

Constitution, Article XI, Section 1, Part 2. Membership Restriction. In compliance with The American Legion, Department of Virginia, Inc., By Laws, As amended during the 90th Annual Department Convention, "No Department, District, or Post Officer shall hold the office of Commander, (any) Vice Commander, Adjutant, Finance Officer, or their equivalent in any other veterans organization during such person's term, except those two veteran's organizations known as "Twenty and Four" and La Soceite des 40 Hommes et 8 Chevaux." At Post 177, this is interpreted to include the elected Corporate Board of Directors.

Constitution, Article XI, Section 2. Post Commander as Ex Officio Member. In addition to the Board of Directors named above, the Post Commander, if not an elected member of the Board of Directors, will be an ex-officio member of the Board of Directors during his term as Post Commander. He will be a full voting member of the Board of Directors, however he shall not be eligible for one of the elected Board Officer positions on the Board of Directors.

Constitution, Article XI, Section 3. Compliance with Motions of the Membership. The Corporate Board of Directors is responsible to the Membership, through motions of the Membership, during Regular Membership Meetings or properly announced Special Membership Meetings when a proper quorum is present. The Corporate Board does not report to, nor take direction from the Executive Committee. The Corporate Board will comply with approved legal motions of the membership as described in the following Sections of this Article, in the time frame set forth by the motions, through written correspondence between the Commander or Adjutant, signed by the Commander and Adjutant, as directed by the Membership, as the result of Regular Membership meetings or properly announced Special Membership Meetings.

Constitution, Article XI, Section 4. Expenditures and Reporting. The Corporation shall receive all rent from Post 177

tenants and keep to proper records thereof, advising the Membership or Executive Committee of the financial status when called on to do so by the Commander or Executive Committee or not less than once every six (6) months. The President of the Corporate Board, or his designee, will report the Membership at each monthly meeting, recent transactions of the Corporate Board, the status of Post real property, and any actions that have been taken, or will be taken, by the Corporate Board for the maintenance of Post real or personal property. The Corporation shall not be allowed to expend more than ten thousand dollars \$10,000 for any one purpose except for emergency repairs, routine maintenance, scheduled repairs, equipment replacement, Post personal property replacement, facility upkeep, or to comply with health code, safety requirements or zoning requirements, to purchase adequate insurance on Post property, and/or to pay taxes [Note-The phrase 'and fees' has been deleted], without the prior approval of the Post Membership as described in Article XI, Section 3, preceding. Approval may be in the form of a membership approved multiyear budget and capital spending plan that may cover the Post 177 in its entirety.

Constitution, Article XI, Section 5. Acquisitions, Sales, Encumbrances, or Proposals. Acquisitions, sales, encumbrances, or proposals to acquire real property may be approved at any regular Post meeting by a two-thirds vote of the members in good standing of the Post attending such regular meeting, and may occur only provided that the proposed action shall have been submitted in writing and read at the regular membership meeting immediately preceding the meeting at which the vote is taken; and provided further that written notice of the proposed action, which may include use of the Post Newsletter or direct mailing, shall have been mailed to all members of the Post at least ten (10) days in advance of the date when such proposal is to be voted upon, informing said members that at such meeting that proposal is to be voted upon. Such proposals must provide adequate information for members to discuss and make informed decisions.

Constitution, Article XI, Section 6. Real Property Sales. In the event the Post sells any of its real property, the proceeds from such sale shall be placed in a Trust to insure that the corpus of said Trust shall be kept intact. These monies shall be known as the American Legion Post 177 Trust Fund. The Board of Directors of said Post shall conservatively invest and reinvest the Trust Fund at the maximum rate of return consistent with the safety of the corpus of the Trust, and in accordance with the laws of the Commonwealth of Virginia.

Constitution, Article XI, Section 7. Investment Earnings. The earnings from Corporate Board investments will be available to the Post for programs and projects identified by the Executive Committee or Membership, as are the proceeds from rentals of Post real property; however earnings from Corporate Board investments will not be treated as cash, unless they are separated from the investment instruments, and placed into the Corporate Checking Account. When unencumbered monies in the checking account(s) reaches an amount in excess of eighty-five thousand dollars (\$85,000) in the Corporation bank account(s), all monies in excess of fifty thousand dollars (\$50,000.00) shall be transferred and included into the corpus of the Trust Fund unless the monies shall have already been designated for a specific project approved by the Membership, or budgeted for expenditures as identified in Section 4 of this Article.

Constitution, Article XI, Section 8. Removal of Monies from the Trust Fund. Monies may only be removed from the corpus of the Trust Fund by a two-thirds vote of the members in good standing of the Post attending such Regular Post meeting; provided that the proposed action shall have been submitted in writing and read at the regular Post meeting immediately preceding the meeting at which the vote is taken; and provided further that written notice of the proposed action, which may include the use of the Post Newsletter or direct mailing, shall have been mailed to all members of the Post at least ten (10) days in advance of the date when such action is to be voted on. This notice is to inform the members that at a specific meeting a specified sum is to be removed from the corpus of the Trust Fund and for what purpose that sum is to be used.

Constitution, Article XI, Section 9. Protection of Corporate Cash Account Funds. The Corporate Board, having title to all real and personal property of the Post, is directly responsible for the upkeep, maintenance and configuration of all Post 177 real and personal property, including items in Section 4 of this Article, and the configuration thereof.. Should it be necessary to fund specific items with Corporation cash account funds, such funds must be available in a manner so as to not jeopardize the day-to-day business of the Corporation. Should funding or other initiatives conflict, the Corporate Board President will so notify the Commander.

Constitution, Article XI, Section 10. Filling Board of Directors Vacancies. Vacancies that may occur prior to the completion of a term of a member of the Corporate Board of Directors may only be filled for the duration of that 'term', by a vote of the membership during a regularly or specially scheduled meeting, after having received notice of announcement in the preceding regular membership meeting, and by nomination by a nominating committee attesting to the qualifications of the candidate(s) during that preceding meeting. Unless declared detrimental, by the President of the Corporate Board of Directors, or the Commander in his absence, to the functioning of the Corporate Board, any vacancy so arising after January 1, that would expire in June of that year, will not be filled for the remainder of that year. Such election will then occur during the normal May elections, subject to normal election processes.

Constitution, Article XI, Section 11. Annual Initial Business Review. The Corporate Board will meet within two weeks after the annual election in May, to review the records of the previous year, and attend to any pending business that may have occurred as the result of the annual membership meeting. During this meeting the President of the Corporate Board will appoint a Buildings and Grounds Chairman, with the approval of the Corporate Board. The Corporate Board shall create from among its members or the Post Membership, a Building and Grounds Committee, and select or remove a Chairman. The President of the Corporate Board may be the chair of the Buildings and Grounds Committee, but the Post Commander may not. The committee shall formulate and present to the membership an annual capital improvement and maintenance budget in the August Regular Membership meeting each year for approval. The Capital Improvement Plan associated with the Capital Improvement and Maintenance Budget, and Charitable Donations, shall be for multiple out years. The Chairman of the Buildings and Grounds Committee will subsequently provide a written monthly report at the Regular Membership Meetings, which will become an attachment to the Regular Membership Meeting minutes, and the Corporate Board Minutes.

Constitution, Article XI, Section 12. Required Meetings, Actions and Reports. The Corporate Board shall meet at least quarterly and prepare to brief the membership during the regular membership meeting in August, November, February and May of each year. A report of the bank accounts, investments, real estate holdings, and expenditures will be the minimum items covered. Corporate Board meeting times shall be announced at least one week in advance, but preferably two weeks in advance, by messages on the boards in the social quarters as a minimum, and also displayed on our web site, and published in the newsletter whenever possible.

1 BY-LAWS

2 Of

3 Fairfax Post No. 177, Department of Virginia

4 The American Legion, Inc.

5 Adopted in Regular Meeting

6 At

7 Town Hall, Fairfax, Virginia, November 12, 1945

8 And

9 As amended through May 14, 2014

10  
11 ARTICLE I

12 Name

13 The Post existing under these By-Laws shall be known as FAIRFAX POST NO. 177, DEPARTMENT OF  
14 VIRGINIA, THE AMERICAN LEGION, INC., hereinafter referred to as "Post," "the Post," and/or "this Post".

15 ARTICLE II

16 Management

17 By-Laws, Article II, Section 1. Government and management of Post 177. The government and management of this  
18 Post is entrusted to a committee of fifteen (15) members to be known as "the Executive Committee," who shall become  
19 members thereof in the manner provided by the Constitution of his Post and by these By-Laws.

20 By-Laws, Article II, Section 2. Executive Committee Members. The Executive Committee shall consist of three (3)  
21 members-at-large, elected officers of this Post as listed in Article V of the Constitution and the Junior Past Commander.

22 By-Laws, Article II, Section 3. Election of Officers and Executive Committeemen. All elections of officers and  
23 executive committeemen, except the Junior Past Commander, shall be by ballot of members present and voting and the candidate  
24 or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are  
25 candidates.

26 By-Laws, Article II, Section 4. Executive Committee Vacancies. All vacancies existing in the Executive Committee,  
27 except the position of the Junior Past Commander, from any cause other than expiration of the term, shall be filled by a majority  
28 vote of the remaining members of Executive Committee, and a person so elected shall hold office for the unexpired term of the  
29 member of the Executive Committee who he succeeds. A vacancy shall exist when a member is absent from his post for a  
30 continuous period considered detrimental to the interest of the Post by the Executive Committee, or cannot perform the duties of  
31 his office.

1 By-Laws, Article II, Section 5. Executive Committee Membership Forfeiture. An executive committeeman who  
2 absents himself from three (3) consecutive meetings of the Executive Committee, whether they be regular meetings held once a  
3 month or special meetings called by the Post Commander, without giving good and sufficient reasons for such absences shall  
4 forfeit his membership on the Executive Committee.

5 By-Laws, Article II, Section 6. Observation of Executive Committee Meetings. Meetings of the Executive Committee  
6 may be observed by the membership at large; except that when the presiding officer rules the committee is going into Executive  
7 Session all observers shall be requested to remove themselves from the meeting. Dates, times and places of such meetings should  
8 be placed on the bulletin board, announced during Regular Membership meetings, and placed in the newsletter, and on the Web  
9 Site when feasible.

## 10 ARTICLE III

### 11 Post Executive Committee

12 By-Laws, Article III, Section 1. Post Executive Committee Meetings Frequency. The Executive Committee shall meet  
13 for organization and such other business as may come before it at the call of the Post Commander on the date of, or within ten  
14 (10) days after the installation of the new officers. Thereafter, the Executive Committee shall meet at the call of the Commander  
15 at least once a month on the first Wednesday of the month, and also as often as the Commander may deem necessary. The  
16 Commander shall call a meeting of the Executive Committee upon the joint written request of three (3) or more members of the  
17 Executive Committee. Seven (7) members of the Executive Committee shall constitute a quorum thereof. In compliance with  
18 The American Legion, Department of Virginia, Inc., By Laws, As amended during the 90th Annual Department Convention,  
19 "No Department, District, or Post Officer shall hold the office of Commander, (any) Vice Commander, Adjutant, Finance  
20 Officer, or their equivalent in any other veterans organization during such person's term, except those two veteran's organizations  
21 known as "Twenty and Four" and La Soceite des 40 Hommes et 8 Chevaux." At Post 177, this is interpreted to include the  
22 elected Corporate Board of Directors.

23 By-Laws, Article III, Section 2. The Club Manager. The Post Executive Committee shall be responsible for the hiring  
24 (or firing) of a Club Manager to perform duties as stated in his or her contract. It shall authorize and approve all expenditures of  
25 the Club, other than normal operating, food, beverages and supplies, over seven hundred dollars (\$700.00), and it shall manage  
26 the affairs of the Post. It will require adequate bonds on all persons having the custody of the Post funds, including Corporate  
27 Board officers and the Club Manager.

## 28 ARTICLE IV

### 29 Duties of Elected and Appointed Officers

#### 30 Part 1 - Duties of Elected Officers

31 By-Laws, Article IV, Part 1, Section 1. Duties of Post Commander. It shall be the duty of the Post Commander to  
32 preside at all meetings of the Post and of the Executive Committee and to have general supervision over the business and affairs  
33 of the Post, and such officer shall be the chief executive of the Post. He shall appoint all standing and special committees, except  
34 as provided herein. He shall, ex-officio, be a member of all committees of the Post. He shall make an annual report covering the  
35 business of the Post which will cover the ending fiscal year, and expectations for the new fiscal year, that shall be read at the  
36 annual installation meeting of this Post. He shall make, or cause to be made by the Adjutant, the report of recommendations of  
37 the Executive Committee at the next regular meeting of this Post. He shall be Editor-in-Chief of the Post Newsletter and Web  
38 Site.

39 By-Laws, Article IV, Part 1, Section 2. Duties of the Vice-Commanders. The Vice-Commanders, in the order of their  
40 rank, shall assume and discharge the duties of Commander in the absence or disability of, or when called upon by, the Post

1 Commander. They shall act upon all matters referred to them by the Post and shall perform such other duties as are usually  
2 incident to their offices.

3 By-Laws, Article IV, Part 1, Section 3. Duties of the First Vice-Commander. In addition to the duties outlined in  
4 Section 2 above, he shall be responsible for Post membership. This includes, but is not limited to, the administration of and  
5 reporting on the Post Membership Account and ensuring eligibility for membership is verified. He shall be responsible for the  
6 inspiration of patriotism and good citizenship by arrangements for proper observances of patriotic occasions, encouragement of  
7 patriotic and civic phases of instructions in schools, and activities for community and civic betterment.

8 By-Laws, Article IV, Part 1, Section 4. Duties of the Second Vice-Commander. It addition to the duties outlined in  
9 Section 2 above, he shall be responsible for general editing, publishing, and distribution of the Post Newsletter. He shall also be  
10 the custodian, maintenance administrator, and general editor of the Post's Web Site. Also, he shall be responsible for the general  
11 areas of publicity and public relations, which includes all releases to newspapers, radio, and television outlets publicizing Post  
12 activities.

13 By-Laws, Article IV, Part 1, Section 5. Duties of the Third Vice-Commander. In addition to the duties outlined in  
14 Section 2 above, he shall be responsible for the general area of oversight of the Club Manager and Club Operations. This shall  
15 include acting as liaison between the Club Manager and the Executive Committee; the administration of and reporting on the  
16 Club Account; and publication of "House Rules" for the Club after receiving approval thereof from the Executive Committee.  
17 The Club Manager shall hire and fire employees with the approval of the Executive Committee; however the Commander may  
18 delegate, or rescind, that approval responsibility to the Third Vice Commander, with the approval of the Executive Committee.

19 By-Laws, Article IV, Part 1, Section 6. Duties of the Post Adjutant. The Adjutant shall have charge of and keep a full  
20 and correct record of the proceedings of all meetings, keep such records as the departmental and national organizations may  
21 require, render reports of membership annually or when called upon at a meeting, under direction of the Commander handle all  
22 correspondence of the Post, and perform those duties applicable to Post 177 as enumerated in the Post Adjutant's Handbook.

23 By-Laws, Article IV, Part 1, Section 7. Duties of the Post Finance Officer. The Finance Officer shall be responsible for  
24 all Post finances and shall act as chief financial agent of the Post. He shall manage the Post bank accounts and shall report  
25 monthly to the Post on the financial condition of the Post. Corporate accounts will be managed by the Corporate Board of  
26 Directors, and will be reported and audited as defined elsewhere in this document. The Finance Officer shall chair the finance  
27 committee. That committee shall produce Post and Club budgets for each fiscal year (July 1 to June 30) and the budgets and  
28 financial health shall be monitored, controlled and reported. The financial committee shall direct Comptroller functions of the  
29 'Club' (movement of funds among accounts when necessary), and draft initiatives to the Executive Committee, and subsequently  
30 to the Membership, the Commander and then to the Corporate Board.

31 By-Laws, Article IV, Part 1, Section 8. Duties of the Post Historian. The Post Historian shall be charged with individual  
32 records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as  
33 may be determined by the Post or the Executive Committee.

34 By-Laws, Article IV, Part 1, Section 9. Duties of the Post Chaplain. The Chaplain shall be charged with the spiritual  
35 welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, and public  
36 functions, etc., and adhere to such ceremonial rituals as are recommended by the national or departmental headquarters from time  
37 to time.

38 By-Laws, Article IV, Part 1, Section 10. Duties of the Post Judge Advocate. The Judge Advocate shall be the legal  
39 advisor of the Post Commander, the Post, and the Executive Committee and shall interpret this Post's Constitution and By-Laws,  
40 and rules on such other matters as may be required of him by the Post Commander, the Post, or the Executive Committee.

41 By-Laws, Article IV, Part 1, Section 11. Duties of Post Service Officer. The Service Officer shall render service to

1 comrades of World War I and II, the Korean War, the Vietnam Era, or other periods of eligibility for the American Legion, and to  
2 those who performed service at anytime in the military forces, including the Merchant Marine in World War II, or to those who  
3 performed service at any other time in the armed forces of the United States Government. He will provide basic veterans' benefit  
4 information and be aware of the VA laws and regulations as outlined in the American Legion Post Service Officer Guide. He  
5 will assist in matters of hospitalization, in the prosecution of just claims against the United States or State Governments for  
6 disability and death compensations or pensions, in matters pertaining to insurance under legislation of the Congress of the United  
7 States, etc. He shall also assist and direct the Post in service to community by cooperating with other welfare organizations.

8 By-Laws, Article IV, Part 1, Section 12. Duties of Post Sergeant-at-Arms and Assistant Sergeant-at-Arms. The  
9 Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be assigned him by the Post  
10 Commander. He shall be responsible for arranging and conducting all public and/or private ceremonial functions, dedications,  
11 funerals, Color ceremonies, etc., in which this Post may participate. An Assistant Sergeant-at-Arms shall assist him in the  
12 performance of his duties.

13 By-Laws, Article IV, Part 1, Section 13. Duties of the three (3) at-large Executive Committeemen. They shall be  
14 responsible for overseeing the audit function of Post financial records. To accomplish this function, they shall organize as a  
15 committee and elect a Chairman from their ranks. They shall insure that professional assistance is obtained in the performance of  
16 their duties. The Executive Committee shall approve such professional assistance. Audits shall be performed at least once each  
17 officer year of all Post financial records and accounts, including the Corporation. When possible, audits shall be conducted before  
18 the end of the officer year.

#### 19 Part 2 - Duties of Appointed Officers

20 By-Laws, Article IV, Part 2, Section 1. Duties of Assistant Finance Officer. The Assistant Finance Officer shall assist  
21 the Finance Officer in the maintenance of all Post accounts so that he shall be able to assume the duties of the Finance Officer  
22 when required.

23 By-Laws, Article IV, Part 2, Section 2. Duties of Assistant Adjutant. The Assistant Adjutant shall assist the Adjutant in  
24 all aspects of record keeping and administrative activities of the Post so that he shall be able to assume the duties of the Adjutant  
25 when required.

26 By-Laws, Article IV, Part 2, Section 3. Duties of the Post Athletic Officer. The Athletic Officer shall be responsible for  
27 the promotion of physical development and clean sports by the organization of Post athletic teams, recreations, etc., and he shall  
28 cooperate and support the general recreational and athletic programs of the community.

29 By-Laws, Article IV, Part 2, Section 4. Duties of the Post Children and Youth Officer. The Children and Youth Officer  
30 shall be responsible for promoting programs for the children of Post members and cooperating with other established youth  
31 agencies in the community.

32 By-Laws, Article IV, Part 2, Section 5. Duties of all other Post Officers. All other Post officers shall perform such duties  
33 as are usually assigned by the Post, the Executive Committee, or the Post Commander and which are usually incident to their  
34 respective offices.

#### 35 ARTICLE V

##### 36 Delegates

37 By-Laws, Article V, Section 1. Appointment of Delegates to Departmental and National Conventions. Delegates and  
38 alternates to the Departmental, or National conventions shall be appointed by the Post Commander and approved by the  
39 Executive Committee or by nomination and majority vote during a Regular Membership meeting. Only members so designated

1 and approved may represent the Post in an official or voting, capacity and be eligible for possible reimbursement of partial or full  
2 travel expenses, should such funds be available.

3 By-Laws, Article V, Section 2. Additional Department of Virginia Rules. Delegates to the National Convention are  
4 elected through additional rules and processes defined in the Department of Virginia Constitution and By-Laws.

5 By-Laws, Article V, Section 3. Election of Delegates to District Conventions. The Executive Committee shall elect  
6 delegates and alternates to the district convention.

## 7 ARTICLE VI

### 8 Appointments of Committees and Special Recognitions

9 By-Laws, Article VI, Section 1. Standing and Special Committees. Standing or special committees may be appointed  
10 by the Post Commander and approved by the Executive Committee.

11 By-Laws, Article VI, Section 2. Committee Performance. All committees shall perform the duties usually required of  
12 them and shall perform such additional duties as may be assigned them by the Post or the Post Commander, but no committee  
13 shall be required to perform the duties belonging to another committee.

14 By-Laws, Article VI, Section 3. Member Eligibility. Any member in good standing of this Post may be appointed to  
15 serve on one or more committees.

16 By-Laws Article VI, Section 4. Legionnaire of the Year. At the annual election of officers and upon a majority vote of  
17 members present, an outstanding member of Post 177 may be elected as 'Legionnaire of the Year' and shall retain the title for one  
18 year thereafter. The nominations for Legionnaire of the Year must be made in writing by proclamation at least one regular  
19 meeting prior to the annual election of officers, and after first being presented to the Executive Committee for approval.

20 By-Laws, Article VI, Section 5. Life Member and PUFL. At any regular meeting of the Post and upon a majority vote  
21 of the members present, an outstanding member of Post 177 may be elected a 'Life Member' of Post 177 if he has been a bone  
22 fide continuous member of Post 177 for a minimum of ten (10) full years. The nomination for Life Membership must be made  
23 in writing by proclamation at least one regular meeting prior to the regular meeting when the election will be held, and after first  
24 being presented to the Executive Committee for approval. The proclamation for Life Membership shall address inclusion, or not,  
25 of a Paid Up for Life (PUFL) membership in the American Legion, and/or other benefits,, or not, such as an engraved 'Life  
26 Membership Card' or engraved 'PUFL Card'. (but not both).

27 By-Laws, Article VI, Section 6. Fifty Years Service Award. A member of Post 177 for the previous 10 years and who  
28 has accumulated 50 years or more of continuous service in good standing in The American Legion shall be given a special tribute  
29 at the annual meeting, and shall receive a Certificate of Recognition signed by the Commander. His membership dues shall then  
30 be paid henceforth from a 'fund of donations' that may be used for that purpose.

## 31 ARTICLE VII

### 32 Meetings

33 By-Laws, Article VII, Section 1. Regular Meetings. The regular meetings of this Post shall be held in Fairfax, Virginia,  
34 on the second (2nd) Wednesday in each month at 1900 hours, unless otherwise designated by the Executive Committee, in  
35 which event all members shall be duly notified by the Adjutant of the change through a direct mailing or the newsletter to be  
36 mailed at least ten (10) days prior to the new meeting date, if time allows, otherwise, meetings or delays in beginning a meeting  
37 caused by weather, funeral services, disasters, or emergencies will be posted on the announcement board in the social quarters.



1 There shall be transacted at all regular meetings of this Post such business as may properly be brought before it for action, and  
2 such meetings may be converted into entertainment meetings as may be deemed advisable by the Executive Committee.

3 By-Laws, Article VII Section 2. Special Meetings. The Post Commander or a majority of the Executive Committee  
4 shall have the power to call a special meeting of this Post at any time.

5 By-Laws, Article VII, Section 3. Membership Called Special Meeting(s). Upon the written request of fifteen (15)  
6 members of this Post, the Executive Committee shall call a special meeting of this Post.

7 By-Laws, Article VII, Section 4. Quorum for election of Officers. A quorum for the election of officers (and other  
8 positions that must be filled by election) at the annual meeting of Post 177 shall be not less than 6% of the members in good  
9 standing. This quorum requirement may properly be achieved by including members in good standing who cast their ballots at  
10 the Post 177 home between 0730 and 1900 on the day of the annual (May) membership meeting, pursuant to procedures to be  
11 promulgated by the Post Commander. All such members casting their ballots on the day of the annual meeting, but prior to the  
12 commencement of the Annual Meeting, shall be considered present at the annual meeting (in addition to those actually present at  
13 the meeting) for purposes of achieving the required 6% election quorum. If the required 6% election quorum is achieved in part  
14 by including members who voted before the annual meeting is commenced, no other general business may be transacted at the  
15 annual meeting unless a quorum of 2% of members in good standing (as normally required for regular membership meetings) is  
16 physically present at that annual meeting.

17 By-Laws, Article VII, Section 5. Quorums for Addressing Real Property Initiatives and Accessing the Corporate Trust  
18 Fund. A quorum of 7% of members in good standing is required to address Corporate Board items, which regard acquisition,  
19 sales or encumbrances of real property, or the use of funds residing in the corporate trust fund.

20 By-Laws, Article VII, Section 6. Quorum for Routine Business. A quorum of 2% of members in good standing is  
21 required to conduct other regular membership meetings where other routine business is conducted, and candidates for  
22 membership are voted upon, or to request use of Corporate Cash funds.

23 By-Laws, Article VII, Section 7. Annual Meeting of the Corporate Board of Directors. The annual meeting of the  
24 Board of Directors of Fairfax Post No. 177, Department of Virginia, The American Legion, Inc., shall be within sixty (60) days  
25 after the annual election of officers. The date and time of this meeting will be announced in the Regular Membership meeting  
26 immediately preceding this meeting.

## 27 ARTICLE VIII

### 28 Notices

29  
30 By-Laws, Article VIII, Section 1. Member Addresses. Every member shall furnish the Post Adjutant his or her address  
31 for mailing purposes.

32 By-Laws, Article VIII, Section 2. Annual Election of Officers Day. By approval of this revised Constitution, notice is  
33 perpetually provided that election of officers of the Executive Committee and officers of the Corporate Board shall occur during  
34 the Annual Regular Membership Meeting each May. The Post Adjutant shall also cause notice of the annual election to be given  
35 in the Post Newsletter, prior thereto, as well.

## 36 ARTICLE IX

### 37 Rules of Order

1 All proceedings of this Post and all meetings of the Executive Committee shall be conducted under and pursuant to  
 2 Robert's Rules of Order, revised, except as otherwise provided herein.

3 ARTICLE X

4 Limits of Liability

5 This Post shall not incur, nor cause to be incurred, any liability or obligation whatever that shall be subject to liability on  
 6 any other Post subdivision, group of men or women, members of The American Legion, or other individuals, corporations, or  
 7 organizations.

8 ARTICLE XI

9 Effective Date, Outside Requirements, Record of Amendments

10 Part 1 -Effective Date of this Constitution and By-Laws

11 The foregoing Constitution and By-Laws adopted pursuant thereto shall be effective immediately upon adoption,  
 12 except as to officers theretofore elected and all acts of any nature theretofore consummated or duly authorized to be accomplished.

13 Part 2-Requirements and Notes from Higher tier American Legion Organizations.

14 The Constitution of The American Legion, Department of Virginia , Inc.,Article VII, Amendments contains the  
 15 following "NOTE" that "References to the masculine gender are for convenience and shall be taken to include persons of both  
 16 genders unless specifically stated otherwise.

17 Part 3 - Record of Amendments

18 The forgoing are the official Constitution and By-Laws of Fairfax American Legion Post No. 177, Fairfax, Virginia, 22030,  
 19 Department of Virginia, The American Legion, Inc.

- 20 • as originally drafted in 1945 by the Constitution and By-Laws Committee consisting of Charles Pickett, Karl O.
- 21 Spiess, and Rufus G. Caldwell and as originally adopted by the members present on November 12, 1945, Karl
- 22 O. Spiess, Commander & M. P. Ackerson, Adjutant;
- 23 • as amended on May 12, 1948, John Affleck, Commander & Maxwell H. Elliott, Adjutant;
- 24 • as amended on June 14, 1950, Lehman H. Young, Sr., Commander & Bernard R. Mulladay, Assistant Adjutant;
- 25 • as amended on November 12, 1958, Eston W. Taylor, Commander & Ernest M. Rubright, Adjutant;
- 26 • as amended on January 6, 1960, Fred Lachmund, Commander & Curtis Aasen, Adjutant;
- 27 • as amended on February 14, 1968, Edwin Williams, Commander & Richard A. Carr, Jr., Adjutant;
- 28 • as amended on May 14, 1969, Edwin Williams, Commander & Richard A. Carr, Jr., Adjutant;
- 29 • as amended on February 11, 1970, Richard A. Carr, Jr., Commander & Leonard V. Ulfing, Adjutant;
- 30 • as amended on April, 1979, Harry A. Moore, Commander & Helen Kingree, Adjutant;
- 31 • as amended on April, 1983, N. Thomas Holster, Commander & Jerome A Gabriel, Adjutant;
- 32 • as amended on May, 1987, Jerome A. Gabriel, Commander & William J. Anderson, Adjutant;
- 33 • as amended on September, 1987, Jerome A. Gabriel, Commander & William J. Anderson, Adjutant;
- 34 • as amended on March 8, 1989, Louis C. Frank, Commander & William J. Anderson, Adjutant;
- 35 • as amended on July 10, 1991, Louis C. Frank, Commander & William J. Anderson, Adjutant;
- 36 • as amended on June 13, 2001, Anthony Osborne, Commander & Larry Lamborn, Adjutant;
- 37 • as amended on May 12, 2004, Larry Lamborn, Commander & Anthony Osborne, Adjutant;
- 38 • as amended on October 13, 2010, Robert L. Parli, Jr., Commander & Michael F. Kimlick, Adjutant

- 1 • as amended on April 2, 2014, Michael Kimlick, Commander, Brad Watkins, Adjutant, and Post Constitution  
2 and By-Laws Revision Committee Chairman/Historian, Anthony Osborne  
3  
4