

# **CONSTITUTION**

**AND**

# **BY-LAWS**

**THE**

**AMERICAN LEGION**



**DEPARTMENT OF ARKANSAS**

**AS ADOPTED AUGUST 19, 1931**

**AND LAST AMENDED JUNE 14-16, 2024**

**DEPARTMENT CONVENTION, NORTH LITTLE ROCK, AR**



# **CONSTITUTION OF THE AMERICAN LEGION DEPARTMENT OF ARKANSAS**

## **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 goodwill on earth; to safeguard and transmit to Posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## **ARTICLE I NAME**

**Section 1.** The name of this organization shall be **THE AMERICAN LEGION, DEPARTMENT OF ARKANSAS.**

## **ARTICLE II NATURE**

**Section 1.** The American Legion, Department of Arkansas, is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no members shall be addressed by their military or naval title in any convention or meeting of the Legion.

**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.

**Section 3.** Each member shall perform their full duty as a citizen according to their own conscience and understanding.

## **ARTICLE III ORGANIZATION**

**Section 1.** The American Legion, Department of Arkansas, shall be organized into areas, districts, and Posts.

## **ARTICLE IV**

### **ELIGIBILITY AND MEMBERSHIP**

**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.** Members may be suspended or expelled from the Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial in such manner and form as provided by the By-Laws of this Department.

**Section 5.** Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee, according to the provision in the By-Laws of the Department. The decision of the Department Executive Committee shall be final.

**Section 6.** 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, they may then appeal to the Department Executive Committee of the Department of the expelling Post for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

## **ARTICLE V**

### **DEPARTMENT CONVENTION**

**Section 1.** The legislative body of The American Legion, Department of Arkansas, shall be the Department Convention to be held annually at a place to be fixed by the preceding Department convention four (4) years preceding; provided, however, that in the event of an emergency the place may be fixed by the Department Executive Committee. The time of the Department Convention shall be fixed by the Department Executive Committee.

**Section 2.** In the Department Convention each Post with a current charter shall be entitled to one delegate and one delegate for each additional 25 members, or major fraction thereof, and to one alternate for each delegate. Paid up members as used herein means those members whose current dues have been received by the Department Headquarters ten days prior to the meeting of the convention as delegates to which they are elected. The delegates shall be elected at regular Post meetings to be held not less than two weeks before the Department Convention.

**Section 3.** Each delegate shall be entitled to one vote; provided their name shall have been certified to the Department Adjutant as a delegate by noon on the opening day of the convention and provided further the convention registration fee fixed by the Convention or the Department Executive Committee shall have been paid to the Department Headquarters or registration committee. Each Post shall be responsible for registering its full delegate strength. The vote of any certified and registered delegate absent and not represented by an alternate shall be cast by the majority of the delegates present from their Post.

**Section 4.** A quorum shall exist at a Department Convention when fifty-one percent of the registered delegates are present or represented as provided in Section 3 of this Article.

**Section 5.** The rules of procedure at the Department Convention shall be those set forth in Robert's Rules of Order or by convention mandate.

## **ARTICLE VI**

### **DEPARTMENT OFFICERS**

**Section 1.** The Department Convention will elect a Department Commander, a Department First Vice Commander; a Department Second Vice Commander; a Department Third Vice Commander; a Department Fourth Vice Commander; and a Department Historian. The Department of Arkansas will be divided into four areas with four Districts per area, these to be known as North-Western Area, with Districts No's. 1, 2, 13 and 16; North-Eastern Area, with Districts No's. 3, 4, 5 and 6; South-Western Area with Districts No's. 11, 12, 14 and 15; South-Eastern Area, with Districts No's. 7, 8, 9 and 10. A Senior Vice Commander shall be selected from the North-Western Area for the Legion year of 1967, and each succeeding year the Senior Vice Commander shall be designated by moving clockwise around the State. This would enable each Area to have the Senior Vice-Commandership every four years. The Department Commander may succeed themselves for one additional year but are required to announce their intention and be elected by the Membership per the Constitution. Likewise, Department Vice Commanders shall be eligible to succeed themselves for one additional year.

**Section 2.** Such officers shall take office at the adjournment of the Department Convention at which they are elected and shall serve until the adjournment of the succeeding Department Convention or until their successors are chosen. A Department Chaplain shall be appointed by the incoming Department Commander. Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee.

**Section 3.** The Department Executive Committee at its first meeting shall elect a Department Finance Officer, a Department Judge Advocate, and a Department Service Officer upon the nomination of the Department Commander, such officers to hold office at the pleasure of the electing power. Vacancies occurring in the above offices shall be filled by appointment of the Department Commander subject to the approval of the Department Executive Committee at its

next regular meeting. All persons having the custody of funds shall give adequate bonds, which shall be approved by the Department Executive Committee.

**Section 4.** All past Department Commanders while in good standing in their respective Posts shall be life members of the Department Executive Committee without a vote and shall be life delegates to all Department Conventions without a vote, except that the Junior Past Department Commander shall be entitled to vote at Department Convention and shall be a voting member of the Department Executive Committee.

**Section 5.** The Department Executive Committee at its first meeting following the adoption of this Section shall elect a Department Adjutant upon the recommendation of the Department Commander. Such Department Adjutant shall hold office until removed for cause by a two-thirds vote of the Department Executive Committee. Any vacancy occurring in the office of Department Adjutant shall be filled in like manner. The Department Adjutant shall give adequate bond, which shall be approved by the Department Executive Committee.

## **ARTICLE VII**

### **NATIONAL EXECUTIVE COMMITTEEMAN**

**Section 1.** The Department Convention shall elect one National Executive Committeeman and one Alternate National Executive Committeeman to represent the Department on the National Executive Committee. The term of office of the National Executive Committeeman and the Alternate National Executive Committeeman shall be two years and shall commence immediately upon the adjournment of the National Convention next ensuing after the election and shall end at the adjournment of the second next succeeding National Convention.

**Section 2.** In case of a vacancy in the office of National Executive Committeeman, or Alternate National Executive Committeeman, a successor shall be elected by the Department Executive Committee.

## **ARTICLE VIII**

### **EXECUTIVE COMMITTEE**

**Section 1.** Between Department Conventions the administrative power shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, the Junior Past Department Commander, the Department Vice Commanders, the Department Judge Advocate (Voice, without vote), the Department Finance Officer (Voice, without vote), the Department Chaplain (Voice, without vote), the Department Historian, the National Executive Committeeman, the Department Service Officer (Voice without vote) and the District Executive Committeemen. In the temporary absence of any District Committeeman, the District Commander or District Vice Commander shall serve as an alternate. Vacancies occurring in the office of the District Executive Committeemen because of death, resignation, or removal from the district in the first year of the committeeman term shall be filled by the District Commander or District Vice Commander, serving as an alternate, until the Department Convention, at which time a committeeman who shall have been elected by the district in convention to fill the unexpired term, shall take office. No one person shall hold more than one position with voting rights on the Department Executive Committee unless that person shall be a District Commander or District

Vice Commander temporarily serving as a Department Executive Committee member and also holding a voting position on the Department Executive Committee; in that case the individual shall cast one vote.

**Section 2.** District Executive Committeemen shall be elected for a term of two years at District Conventions to be held at least twenty (20) days and not more than one hundred twenty (120) days preceding the Department Convention. Committeemen are eligible to succeed themselves in office. Their terms of office shall commence immediately upon the adjournment of the Department Convention, next ensuing after their election, and shall end at the conclusion of the second succeeding annual Department Convention, unless otherwise terminated in accordance with provisions of the Constitution and By-Laws of the Department. Their terms shall be staggered, odd-numbered districts electing in odd years and even numbered districts electing in even years.

## **ARTICLE IX**

### **DISTRICT ORGANIZATION**

**Section 1.** Districts shall be defined by the By-Laws and shall be composed of the Posts within their respective areas.

**Section 2.** Each district shall have a District Commander, District Vice Commander, District Executive Committeeman, and a District Adjutant. The District Adjutant shall be appointed by the District Commander. The term of office of such District Adjutant shall be one year, unless otherwise terminated in accordance with the provisions of the Constitution and By-Laws of the Department. The term of office of each District Commander and District Vice Commander shall commence immediately upon adjournment of the Department Convention next ensuing after the election and shall end at the adjournment of the next succeeding Department Convention. District Commanders are permitted to serve a second one-year term of office, when and where desired provided that no District Commander holds the office more than two consecutive terms.

**Section 3.** Counties having two or more Posts may elect a county commander who shall assist the District Commander in their county in all Legion activities. District officials (except District Adjutant) shall be elected at a District Convention to be held at least twenty (20) days and not more than one hundred twenty (120) days preceding the Department Convention. The District Commander and District Vice Commander may be elected from the same county, provided, however, the District Commander and District Vice Commander may not be elected from the same Post.

**Section 4.** In the event such district officers are not elected as herein provided, then the incoming Department Commander shall appoint a District Commander and Vice Commander.

**Section 5.** Notice of the time and place of District Convention shall be given in writing by the District Commander to all Posts within their respective districts at least fifteen (15) days prior to holding such convention provided such notice signed by the District Commander and published in *The Arkansas Legionnaire* at least fifteen (15) days before the date of the District Convention shall be considered as meeting the above requirements for written notice to all Posts. Representation and voting power for District Conventions shall be the same as in Department Conventions.

**Section 6.** In the event of a vacancy in the office of District Commander the District Vice Commander shall succeed to that office and in the event of a vacancy in both offices a District Commander shall be appointed by the Department Commander subject to ratification of the Department Executive Committee at the next regular meeting.

## **ARTICLE X**

### **POST ORGANIZATION**

**Section 1.** Those who desire to form a Post shall make an application for a charter to the Commander of The American Legion, Department of Arkansas. When such application is approved by the Commander of the Department, or by the Department Executive Committee, the charter will be issued by the National Commander and the National Adjutant upon receipt of the application properly executed by the charter members of the proposed Post. Post charters shall be countersigned by the Commander and the Adjutant of The American Legion, Department of Arkansas.

**Section 2.** The Minimum membership of a Post shall be determined by the Executive Committee of the Department.

**Section 3.** The Department may prescribe the constitution of its Posts. Post charters may be suspended, canceled, or revoked by the Department Executive Committee as provided in the By-Laws.

**Section 4.** No Post shall be named after any living person.

## **ARTICLE XI**

### **FINANCE**

**Section 1.** The revenue of The American Legion, Department of Arkansas, shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

**Section 2.** Each Post, for each of its individual members, shall pay annually to The Department of Arkansas as Department Dues a sum to be fixed by Convention mandate and as National dues such sum as may be fixed by The National Organization.

**Section 3.** The annual dues shall be collected by each Post and to Department Headquarters.

**Section 4.** Annual dues shall be payable by October 20th of each year.

## **ARTICLE XII**

### **THE ARKANSAS LEGIONNAIRE**

**Section 1.** The Arkansas Legionnaire shall be the official publication of The Department and shall be published under supervision and direction of the Executive Committee and shall be issued at such intervals and in such size and form as the Executive Committee shall direct. The



Executive Committee is authorized to set aside funds necessary for the publication of the Arkansas Legionnaire.

## **ARTICLE XIII**

### **DISCIPLINE**

**Section 1.** The Department Commander and Executive Committee shall follow the By-Laws Article V – Charters and Article VI – Post Organization in the correction and disciplining of Post Organization.

## **ARTICLE XIV**

### **ELIGIBILITY REQUIREMENTS OF OFFICE**

**Section 1.** Any Legionnaire who is a member of a Post within the Department of Arkansas shall be considered a resident of the State of Arkansas regardless of where the Legionnaire domiciles. Residency shall be defined as the City in which the Post was chartered and where a Legionnaire maintains their membership and pays their annual dues known as their Home Post.

**Section 2.** Any Legionnaire who desires to hold any elected or appointed office within the Department of Arkansas shall be a member of a Post in the district they wish to represent as defined by Article XIV Section One.

## **ARTICLE XV**

### **AUXILIARIES**

**Section 1** The American Legion, Department of Arkansas, recognizes the auxiliary organization known as "The American Legion Auxiliary, Department of Arkansas.

**Section 2.** Membership in The American Legion Auxiliary shall be limited to:

(1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and

(2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918, and any time after December 7, 1941, who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;

(3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and

(4) to those women who of their own right are eligible for membership in The American Legion.

**Section 3.** The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department.

## **ARTICLE XVI**

### **SONS OF THE AMERICAN LEGION**

**Section 1.** The American Legion, Department of Arkansas, recognizes the organization The Sons of the American Legion, Detachment of Arkansas.

**Section 2.** Any male descendant, adopted sons, and stepsons of members of The American Legion, and such descendants of male and female veterans who died in service, during the Great Wars as defined in the Constitution of The American Legion, who dies subsequent to honorable discharge for such service shall be eligible for membership in The Sons of the American Legion, Detachment of Arkansas.

**Section 3.** The Sons of the American Legion shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department.

## **ARTICLE XVII**

### **RATIFICATION**

**Section 1.** All acts performed and charters heretofore granted by the temporary organization of The American Legion are hereby ratified and confirmed.

## **ARTICLE XVIII**

### **AMENDMENTS**

**Section 1.** This constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the Department Adjutant to the several Posts by mailing same to them or by publishing the same in The Arkansas Legionnaire, at least thirty (30) days prior to the convening of the next Department Convention; and provided further, it may be amended by unanimous vote at any convention without notice.

**Section 2.** All amendments adopted pursuant to Section 1 of this Article will take effect and be in force from and after the adjournment of the convention session at which they may be adopted, unless otherwise provided in the Amendment.

**Section 3.** This Constitution shall be considered to be amended whenever and wherever it is in conflict with The National Constitution of The American Legion and will comply, in all respects, with The National Constitution of The American Legion.

## **ARTICLE XIX**

## **DEPARTMENT INCORPORATION**

This Constitution is adopted conformable to the Act of the General Assembly of the State of Arkansas, (Approved March 29, 1929.)

**BY-LAWS  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF ARKANSAS**

**ARTICLE I  
DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** The Department Executive Committee shall meet at the call of the Department Commander within twenty-two (22) days after adjournment of the Department Convention and shall also meet immediately preceding the succeeding Department Convention. Special meetings may be held upon reasonable notice at the call of the Department Commander. The Department Commander shall call a meeting upon the written request of a majority of the members of said Executive Committee.

**Section 2.** A majority of the voting members of the Department Executive Committee shall constitute a quorum of the Department Executive Committee.

**Section 3.** The Department Commander shall name such committees as they shall deem advisable,

**Section 4.** The Department Commander shall appoint, subject to ratification by the Department Executive Committee, a Department Finance Committee to be composed of five members. Of the five members appointed, one; must be from each Area and one appointed at-large to represent all Legionnaire members. North-East Area, one (1) year, North-West Area, two (2) years, South-West Area three (3) years, South-East Area four (4) years and the at-large five (5) years, provided that the present members of the Department Finance Committee whose terms would otherwise expire at the close of the Department Convention in the year of 1997, shall serve until the appointment and qualifications of their successors. Thereafter each succeeding appointee shall serve for a full five (5) year term or until removed by the majority vote of the Department Executive Committee. The Department Commander and the Department Finance Officer shall be ex-officio members of said committee. The Department Finance Committee shall be charged with the preparation of the yearly budget and handling of funds under the budget, and such other duties as shall be prescribed by the Department Commander, subject to the approval of the Department Executive Committee.

**Section 5.** There shall be the following standing committees: Rehabilitation, Americanism, Child Welfare and Legislation. The committees shall consist of such a number of members of The American Legion, Department of Arkansas, as the Department Executive Committee may from time to time, determine. Appointments to such committees shall be made by the incoming Department Commander with the approval of the Department Executive Committee.

**Section 6.** Except as otherwise provided in these bylaws, only special meetings of the Department Executive Committee can be conducted through use of Internet meeting services designated by the Department Commander that support anonymous voting and support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of the DEC shall be subject to all rules adopted by the Convention mandate or DEC procedures, to govern them, which may include any reasonable limitations on, and requirements for, DEC members' participation. Any such rules adopted by the DEC shall supersede any conflicting rules in the parliamentary authority but may not otherwise conflict with or alter any rule or decision of the organization. An anonymous vote conducted through the designated Internet meeting service shall be deemed a ballot vote, fulfilling any requirement in the bylaws or rules that a vote be conducted by ballot.

## **ARTICLE II**

### **OATH OF OFFICE**

**Section 1.** Upon the election of the Department officers at the Department Convention, the retiring Department Commander shall administer to each newly elected officer the following oath of office, to-wit: "I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States of America, the State of Arkansas, and the Constitution of The American Legion and The American Legion, Department of Arkansas, and truly perform the duties of my office, to the best of my ability, so help me God." After which said newly elected officers shall be deemed qualified and shall assume their respective duties at the time and in the manner prescribed by the constitution of the Department. In the event of the absence from the convention of any newly elected officer, the above oath of office shall thereafter be administered by the Department Adjutant or Department Commander.

## **ARTICLE III**

### **DUTIES OF OFFICERS**

**Section 1.** Department Commander: The Department Commander shall be the executive head of The American Legion, Department of Arkansas, with full power, to enforce the provisions of the Department Constitution, Department By-Laws, and the will of the Department Convention. They shall be the chairman of the Department Convention and the Department Executive Committee. They shall appoint all necessary committees, subject to the ratification of the Department Executive Committee, and shall perform such other duties as are usually incident to the office.

**Section 2.** Department Vice Commanders: The Department Vice Commanders shall act as representatives of the Department Commander on all matters referred to them by the commander, and shall, on his or her request, preside over the meetings of the Department Convention or Department Executive Committee and perform such other duties as are usually incident to the office.

**Section 3.** Department Adjutant: The Department Adjutant shall be charged with the administration of the policies and the mandates of the Department Convention, the Department Executive Committee and of the Department Commander. They shall perform such other duties as are usually incident to the office. They shall also be authorized in the event of the death or resignation of a Department Commander, to summon the Department Executive Committee for the election of a successor.

**Section 4.** Department Finance Officer: The Department Finance Officer shall be the custodian of the funds of the Department organization. He or she shall ensure a secure means to process all Department obligations with either a check or by online banking to pay the obligations of the department in a timely manner. The Department Finance Officer shall make reports on the condition of the Department finances when called for by the Department Commander or the Department Executive Committee. The Department Finance Officer shall furnish a surety bond as hereinafter prescribed. He/she shall perform such other duties as are usually incident to the office.

**Section 5.** Department Judge Advocate: The Department Judge Advocate shall advise the Department officers and the Department Executive Committee on all legal matters, including the interpretation of the National and Department Constitutions and By-Laws, and shall perform such duties as are usually incident to the office.

**Section 6.** Department Chaplain: The Department Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and Department Headquarters from time to time.

**Section 7.** Department Historian: The Department Historian shall collect from year to year all records and data of value and interest for the Department Headquarters of The American Legion, Department of Arkansas, and shall compile during their term of office a complete history of the Department's year's activities. They shall also assist Post historians so as to coordinate and unify the work of these officials and shall have such other duties as the Department Executive Committee shall prescribe.

**Section 8.** The Department Service Officer shall perform fundamental unselfish work not only for the benefit of members of this Department, but all veterans. They shall be available to advise and counsel the Post and district service officers.

**Section 9.** It shall be the duty of all Department and District officers, elective and appointive, to submit to Department Headquarters within fifteen days of election or appointment certified copies of documents establishing eligibility to membership in The American Legion in accordance with the qualifications prescribed by the Department Constitution. If such evidence of eligibility be not submitted within the above required time, the office of the person failing to submit such proof shall be declared vacant by the Department Commander and shall be filled in the same manner as a vacancy in such office occurring otherwise.

Section 10. All questions affecting the election, eligibility, and conduct of Department officers and Department Executive Committeemen shall be referred to and determined by the Department Executive Committee. Any such officer or committeeman may be removed or suspended from office for inefficiency, inattention to duty, disloyalty, dishonesty or conduct unbecoming a member of The American Legion, upon notice and hearing, to be had in the same manner and form as for removal or suspension from office of Post commander as elsewhere herein provided.

## **ARTICLE IV**

### **DEPARTMENT ORGANIZATION**

**Section 1.** The Department shall be divided into sixteen (16) Districts:

District No. 1 shall be composed of Benton, Washington, Madison, and Carroll counties.

District No. 2 shall be composed of Newton, Boone, Marion, Baxter, Searcy and Van Buren counties.

District No. 3 shall be composed of Fulton, Izard, Independence, and Stone counties.

District No. 4 shall be composed of Randolph, Clay, Greene, Lawrence, and Sharp counties.

District No. 5 shall be composed of Craighead, Mississippi, Poinsett and Crittenden counties.

District No. 6 shall be composed of White, Woodruff, Cleburne, and Jackson counties.

District No. 7 shall be composed of St. Francis, Lee, Cross and Phillips counties.

District No. 8 shall be composed of Lonoke, Prairie, Monroe, and Arkansas counties.

District No. 9 shall be composed of Jefferson, Lincoln, Dallas, Grant and Cleveland counties.

District No. 10 shall be composed of Bradley, Ashley, Chicot, Drew and Desha counties.

District No. 11 shall be composed of Nevada, Columbia, Union, Ouachita, and Calhoun counties.

District No. 12 shall be composed of Howard, Sevier, Little River, Hempstead, Lafayette and Miller counties.

District No. 13 shall be composed of Crawford, Franklin, Sebastian, Scott and Polk counties.

District No. 14, shall be composed of Pike, Montgomery, Garland, Hot Spring and Clark counties.

District No. 15 shall be composed of Saline, Pulaski, Faulkner, Conway, and Perry counties.

District No. 16 shall be composed of Yell, Logan, Johnson, and Pope counties.

## **ARTICLE V CHARTERS**

**Section 1.** The Department Executive Committee, after notice, investigation to determine facts and a hearing, may suspend the Charter of a Post which violates this Constitution and By-Laws, 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. Further action by the Department Executive Committee against a Post that has not responded to actions required to correct the reasons for suspension, may be to take action, with approval of the National Executive Committee, to revoke the charter of a Post which violates this Constitution and By-Laws, or which fails adequately to discipline any of its members for any violation that brings dishonor to The American Legion.

**Section 2.** The Department Executive Committee may designate, appoint and authorize a subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the charter of any Post of The American Legion Department of Arkansas after said Post shall have received due and proper notice of said hearing and trial. Said subcommittee shall make its written findings and recommendations to the Department Executive Committee for its approval or rejection, and the action of said Department Executive Committee upon such findings and recommendations shall be final and conclusive.

**Section 3** The hearing and trial of any cause involving the cancellation, suspension, or revocation of the charter of any Post in The American Legion Department of Arkansas shall be had and held under the rules of procedure to be adopted by the National Executive Committee.

**Section 4** Upon suspension of the charter of any Post of The American Legion Department of Arkansas, the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of and belonging to such Post, and to provide for the government and administration of such Post during said suspension.

**Section 5** The Department cannot provide for the government and/or administration of a Post without first suspending the Post through first performing an investigation to determine facts and conducting a hearing, to determine if a suspension or revocation of a charter is in order.

**Section 6** Upon cancellation or revocation of the charter of any Post of The American Legion Department of Arkansas, the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of such Department, and to take all necessary and proper steps and proceedings to conclude and close the affairs of such Post, and the Department Executive Committee may provide for such continued recognition and activities of Posts as it may deem proper.

## **ARTICLE VI POST ORGANIZATION**

**Section 1.** Each Post shall have a headquarters and a Post Office address, to which all notices and documents shall be sent. It shall be the duty of the Post at the time of application for a charter to notify the Department Adjutant of such address, and subsequently of any changes in address. All notices and documents shall be held to have been duly sent to or served on such Post when mailed to its last address so furnished. In the event, a Post fails to furnish an address at the time of making application of the charter, any notice or documents mailed to it at the address of its

commander or adjutant or other members signing the application shall be held to have been duly served upon such Post.

**Section 2.** Each Post shall have a Constitution and By-Laws to govern its affairs and shall have a Post Commander, such a number of Vice Commanders as is provided by the Post Constitution and By-Laws, a Post Adjutant, and a Post Finance Officer and such other officers as may be provided by the Post Constitution and By-Laws.

**Section 2-A.** Post officers shall be elected and installed annually before the Department Convention. It shall be the duty of the Post Adjutant to certify to Department Headquarters, on forms provided for that purpose, the names and eligibility of the newly elected officers immediately after their election. In the event a Post does not elect, install, and certify to Department Headquarters Post officers as provided in this Section, the District Commander shall appoint necessary officers for such Post.

**Section 3.** It shall be the duty of all Post Adjutants to submit to Department Headquarters within fifteen days of election or appointment of Post Officers copies of documents establishing eligibility for membership in The American Legion in accordance with the qualifications prescribed by the Department Constitution. If such evidence of eligibility be not submitted within the above required time, the office of the person failing to submit such proof shall be declared vacant by the Department Commander and shall be filled in the same manner as a vacancy in such office otherwise occurring.

**Section 4.** Each Post shall submit a copy of its Constitution and By-Laws for approval of the Department Executive Committee. In the absence of the adoption of a Post constitution and/or By-Laws and its approval by the Department Executive Committee as herein provided, the Post Constitution and By-Laws shall be as outlined in The Department Constitution and By-Laws and The National Organization.

**Section 5.** Posts are separate entities, therefore if a post elects to have a canteen or bar that serves alcohol, those actions are between that post and the State Alcohol Beverage Control Division. The Department does not provide leadership, administration or accept any liability for events related to the post activities involving alcoholic beverages. However, a post shall not violate the principles of the four pillars of the National and Department Constitution by bringing negative attention or dishonor, public or private, to The American Legion.

## **ARTICLE VII**

### **DISCIPLINE OF POSTS AND POST MEMBERS**

**Section 1.** Each Post of The American Legion, Department of Arkansas, shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws of The Department and The National organization.

**Section 2.** In the event, charges are preferred seeking expulsion or suspension of a member the procedure shall be as follows: The accused shall be given ten days' written notice sent by registered mail, return receipt requested. Such notice shall specify the time and place of a regular meeting at which such charges shall be considered and shall contain a copy of such charges. The accusers and the accused shall be given an opportunity to introduce such evidence as they may see fit relating to the guilt or innocence of the accused and upon the completion of the testimony, the Post by a majority vote shall find the accused guilty or not guilty. If the accused be found guilty, the Post shall by majority vote decide whether the accused shall be expelled or suspended, and if suspended, the length of such suspension. In the event of suspension or expulsion, a copy of all proceedings, including the testimony and the verdict of the Post shall be sent to Department Headquarters within ten days after the hearing.

**Section 3.** Any member who has been suspended or expelled from a Post of this Department, and desires to appeal from the Post action shall give notice of appeal to the Department



Commander who shall appoint a Sub-Committee of not more than five, nor less than three members, of the Department Executive Committee, for the purpose of passing upon the action of the Post in suspending or expelling such member. This committee shall meet prior to the meeting of the Department Executive Committee next following the notice of such appeal and to this committee shall be referred the complete record in writing of said suspension or expulsion with such exceptions thereto as are made by the expelled member. This committee shall review the cause and recommend to the Department Executive Committee the action to be taken thereon. The Department Judge Advocate shall be an Ex-Officio member of said Sub-Committee.

**Section 4.** Failure of a Post, expelling or suspending a member, to furnish a full and complete record of the trial and proceedings had of the accused, shall be considered an abandonment of the charges and the accused shall be reinstated to membership upon application to the Department Adjutant.

**Section 5.** A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If their dues are paid on or before February 1st, they shall be automatically reinstated. If they are still delinquent after February 1st, they shall be suspended from all privileges. If they are still under such suspension on June 30th of such year, their 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 a vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Posts, Departments and the National organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service. 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 a condition precedent to reinstatement.

## **ARTICLE VIII**

### **MONEYS AND COLLECTIONS**

**Section 1.** All Department and Post officials handling American Legion moneys shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average amount of money handled in a single year. In case of delinquencies in the payment of amounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. The bonds provided by Department or Post officials shall be approved by the Department Judge Advocate and the Department Executive Committee.

**Section 2.** Department Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any of its Posts.

## **ARTICLE IX**

### **POLICY COMMITTEE**

**Section 1.** There is hereby created in the Arkansas Department of The American Legion, a permanent Policy Committee to be composed of five members who shall be appointed by the Department Commander upon ratification of the Department Executive Committee.

One from the North-East Area, one year.

One from the North-West Area, two years.

One from the South-West Area, three years.

One from the South-East Area, four years.

The fifth member will serve at-large for five years.

As vacancies occur thereafter by the expiration of term, their successors shall be appointed by the Commander then in office, for a term of five years. Vacancies that occur prior to the expiration of the term for which the member is chosen may be filled by the Department Commander for the remainder of the term.

**Section 2.** In order to be eligible to serve on the Policy Committee, an appointee must be eligible and in good standing at the time of their appointment. They shall understand and be in sympathy with the purposes, policies, and programs of the Legion, a person of integrity and solicitous for the welfare of the organization.

**Section 3.** Before an appointee may serve on the Policy Committee, they must first have been approved by the Department Executive Committee, the members of which shall first satisfy themselves as to their fitness and qualifications. Any member or appointee so chosen may be removed from membership on the Policy Committee by the Department Executive Committee for cause, or by convention mandate.

**Section 4.** The Department Commander, Department Adjutant, and the Judge Advocate shall be eligible to meet with the Policy Committee and take part in the discussions and give such advice and recommendations as may be proper.

**Section 5.** It shall be the duty of the Policy Committee to determine the Legion policy of the Department of Arkansas.

- (a) It shall see that the mandates of the Department and National Conventions and orders of the Department Executive Committee are put into full force and effect;
- (b) Fix the policy of carrying out said mandates and orders;
- (c) Ensure the carrying on of a complete and well-rounded Legion program;
- (d) As set up by the Finance Committee, regulate travel and prescribe the travel allowance, forms of receipts, vouchers, and disbursements of all Department Officials and representatives on Department business;
- (e) Coordinate expenses of the Department in keeping with the rules and mandates of the convention and the Executive Committee.
- (f) Coordinate the functions and duties of Legion officials and committees, the Detachment Commander and other officers of the Sons of the Legion;
- (g) The Committee herein provided shall be notified at the same time as are the members of the Executive Committee and the Finance Committee, of all meetings of these Committees; and, shall sit with these Committees in an advisory capacity without a vote. (Amended July 21, 1956.)

**Section 6.** The Committee herein provided shall as soon as feasible submit to the Executive Committee, for its consideration and action, any new or revised policy in keeping with this resolution.

**Section 7.** Any policy that may be contrary to Legion interest, or otherwise, is subject to review and may be changed by the Department Convention or Department Executive Committee, provided that any policy adopted shall in no way conflict with State and National American Legion convention mandates.

## **ARTICLE X AMENDMENTS**

**Section 1.** These By-Laws may be amended by any Department Convention of The American Legion, Department of Arkansas, by the vote of the majority of the total authorized representation

thereat, provided that the proposed amendment shall have been read at such convention at least 24 hours before the vote thereon.

**Section 2.** These By-Laws shall be considered amended whenever and wherever they are in conflict with The National By-Laws of The American Legion and will comply, in all respects, with the National By-Laws.

## **ARTICLE XI**

### **BOYS STATE COMMISSION**

**Section 1.** There is hereby created a Commission known as The American Legion Boys State Commission of The American Legion Department of Arkansas.

**Section 2.** The purpose of this Commission is to conduct annually an American Legion Boys State to teach the youth of Arkansas the fundamental principles of and by practice, a respect for the Government of the Republic of United States of America, the states and the Commonwealths therein and the municipalities thereof.

**Section 3.** The Commissioners named herein shall have the sole, entire and complete control of this Commission, and shall have the power to employ a Director, Assistant Director, counselors, instructors, employees, helpers, and assistants, as they deem expedient, and to fix and determine the remuneration of the appointed or employed persons, conditioned however that no person may be appointed in any administrative capacity unless such person is a qualified and active Legionnaire, and conditioned further that all expenditures over \$50.00 be approved by the Commission.

**Section 4.** This Commission is composed of five (5) members of whom all shall be qualified, active Legionnaires and whose terms shall run for five years with staggered ending dates. These Commissioners shall serve until their successors are appointed and qualified. All appointments are for a term of five (5) years and shall be made by the Department Commander of the American Legion and such appointment shall be subject to the approval of the Department Executive Committee. All appointments terminate at the close of the Department American Legion Convention when the respective years appointment for each Commissioner terminates. All new appointments begin with the approval of the Executive Committee. Any Commissioner may be removed from office for cause after notice and hearing by the Executive Committee or by the Convention, such notice and hearing to be in accordance with Article XI of the National Constitution and By-Laws of the American Legion applicable to revocation of Post Charters.

**Section 5.** The Commission shall be required to qualify as a non-profit charitable corporation under the laws of the State of Arkansas.

**Section 6.** The program, rules, regulations, and By-Laws governing this Commission in conducting an American Legion Boys State, shall conform to the programs, rules, regulations and By-Laws of the Model Boys State Program, promulgated by the National Americanism Commission of the American Legion of January 25, 1949, except as amended by local conditions and the mandates of the Conventions of The Arkansas Department of The American Legion.

**Section 7.** The Commission shall be required to make a detailed report and audit of its annual activities to the Department Convention of the American Legion each year. The Commission shall be required to make a detailed report and audit of its annual activities to the Department Executive Committee at Mid-Winter Conference each year.

**Section 8.** The Department Adjutant shall serve as an Ex-Officio, non-voting member of said Commission. All monies collected in connection with the operation of The American Legion Boys State shall be disbursed by check, which check shall be countersigned by the Department Adjutant.

**Section 9.** The Boys State Commission shall prepare and submit a budget for complete operation of the Boys State Commission to the Department's Budget and Finance Committee prior to the Department Executive Committee meeting required to be held within fifteen days after the Annual Convention, with such budget to be submitted together with the budget from the Department of Arkansas for the approval of the Department Executive Committee. The Boys State Commission shall prepare and submit a budget for complete operation of the Boys State Commission to the Department's Budget and Finance Committee at the Mid-Winter Conference, with such budget to be submitted for the approval of the Department Executive Committee.

**Section 10.** The financial operation of the Boys State Commission shall be placed on a fiscal year based on November 1 to October 31.

## **ARTICLE XII**

### **DEPARTMENT CHAIRMAN TO THE NATIONAL CONVENTION**

**Section 1.** The immediate Past Department Commander shall be the Chairman of the Arkansas Delegation to the National Convention and the National Executive Committeeman from Arkansas shall be Vice Chairman and the Department Adjutant shall be Secretary.

**Section 2.** In the event that both the Department Commander and Executive Committeeman are absent, the delegates to the National Convention shall elect the Chairman and Vice Chairman from its own membership at a meeting of a majority of those certified delegates attending the Convention.

## **ARTICLE XIII**

### **CONVENTION COMMITTEE**

**Section 1.** There is hereby created a committee known as the American Legion Convention Committee of Department of Arkansas.

**Section 2.** The purpose of this committee is to manage and assist in the managing of the productions and promotions of conventions for Arkansas Legionnaires.

**Section 3.** The convention committee will be composed of five members who will be appointed by the Department Commander, subject to ratification of the Department Executive Committee.

One from the North-East Area, one year.

One from the North-West Area, two years.

One from the South-West Area, three years.

One from the South-East Area, four years.

The fifth member will serve at-large for five years.

As vacancies occur thereafter by the expiration of term, their successors shall be appointed by the Department Commander then in office, for a term of five (5) years. Vacancies that occur prior to expiration of the term for which the member is chosen may be filled by the Department Commander for the remainder of the term. Any member or appointee may be removed from the convention committee (for cause) by the Department Executive Committee.

Note: If the committee to be known as the convention committee is adopted by convention mandate on July 15, 16, & 17, 2005, at Little Rock, Arkansas, the association known as the

“convention association” shall be terminated. Those members presently serving on the convention association shall serve the remaining years of their original appointments as convention committee members.

## **ARTICLE XIV**

### **BASEBALL COMMISSION**

**Section 1.** There is hereby created a Commission to be known as the American Legion Baseball Commission of The American Legion Department of Arkansas.

**Section 2.** The purpose of this Commission is to conduct an American Legion Baseball Program annually, for the development of the youth of the State of Arkansas, in keeping with the American Legion's great Americanism Program.

**Section 3.** The Department Commander shall appoint a State Baseball Commissioner, subject to the approval of the Department Executive Committee, whose duty it will be to carry out the provisions of Section 2. The State Baseball Commissioner will serve for a one (1) year term and may succeed themselves. The State Baseball Commissioner will select the Area Commissioners with whom they will work in carrying out the Baseball Program.

**Section 4.** In addition to the State Baseball Commissioner, this Commission shall be composed of seven (7) Area Commissioners, all of whom shall be qualified, active Legionnaires and/or qualified members of the Sons of The American Legion (SAL), and whose terms shall run for a period of five (5) years. Vacancies created by the departure of an Area Commissioner, other than the completion of their term, shall be filled by the State Baseball Commissioner to fulfill the remainder of the unexpired term. If it is necessary, at any time in the future the State Baseball Commissioner may increase or decrease the number of commissioners.

**Section 5.** The State Baseball Commissioner, at their discretion, may appoint a Deputy State Baseball Commissioner and/or Deputy Area Commissioner for any or all areas as the need arises. The duties of the Deputy Commissioners will be to assist the Area Commissioners as needed. The Deputy Commissioners will have a vote on the Commission only in the absence of a duly appointed commissioner.

**Section 6.** Any of the commissioners, either state or area, may be removed for cause, after notice, and hearing by the Executive Committee or by the Convention. Such notice and hearing are to be in accordance with Article XI of the National Constitution and By-Laws of The American Legion, applicable to Revocation of Post Charters.

**Section 7.** The Department Adjutant shall serve as an Ex-Officio, non-voting, member of the Commission.

**Section 8.** The Commission shall be required to qualify as a non-profit charitable corporation under the laws of the State of Arkansas.

**Section 9.** All money collected in connection with the Baseball program shall be disbursed by the State Baseball Commissioner and/or State Deputy Commissioner, and all checks shall be countersigned by the Department Adjutant. The Commission shall have sole authority to appoint or employ any person or persons necessary to assist in carrying out the program, and to determine the remuneration to be paid such appointed or employed person or persons. The American Legion Baseball Commission shall prepare and submit a budget for the complete operation of its Commission to the Department Budget and Finance Committee at the Mid-Winter Conference for approval by the Department Executive Committee.

**Section 10.** The Commission shall be required to make a detailed annual financial report of its activities to the Department Convention of The American Legion, Department of Arkansas. The financial operations of the Baseball Commission are on a fiscal year based on November 1<sup>st</sup> to October 31<sup>st</sup>.

## **ARTICLE XV**

### **CHILDREN AND YOUTH COMMITTEE**

**Section 1.** There is hereby created a Committee to be known as The American Legion Children and Youth Committee of The American Legion Department of Arkansas.

**Section 2.** The purpose of this Committee is to put in place a well-established and coordinated Children and Youth Program in Arkansas of The American Legion, Department of Arkansas, and to fulfill its obligation to the community, state, and nation, to-wit: To develop, coordinate and administer all aspects of programs for the benefit of the Children and Youth of Arkansas.

**Section 3.** This Committee is composed of a total of seven (7) members who shall be qualified, active Legionnaires. One (1) member will be appointed from each of the four (4) areas. In addition, the Education and Scholarship Chairman, the Child Welfare Director and the Department Adjutant shall be Ex-Officio members of this committee with voting privileges. These committee members shall serve until their successors are appointed and qualified. All appointments shall be made by the Department Commander of The American Legion and such appointments shall be subject to the approval of the Department Executive Committee. All appointments terminate at the close of the Department Convention when the respective year's appointment for each committee member terminates. All new appointments begin with the approval of the Executive Committee. The Committee shall elect its own chairperson. Any Committee member may be removed from office for cause after notice and hearing by the Executive Committee or by the Convention, such notice and hearing to be in accordance with Article XI of the National Constitution and By-Laws of The American Legion applicable to revocation of Post Charters.

## **ARTICLE XVI**

### **AMERICAN LEGION DEPARTMENT OF ARKANSAS FOUNDATION, INC.**

**Section 1.** The Foundation shall be a non-profit corporation organized under the laws of the State of Arkansas. It is being created to financially support, to the extent of its assets, the endeavors carried out from time to time by The American Legion Department of Arkansas, for those charitable purposes recognized under the Foundation's Articles of Incorporation, including financial support as to the following endeavors now conducted by the Department:

1. Rehabilitation, e.g., restoring Veterans' health and usefulness to society;
2. Teaching patriotism to children and youth;
3. The American Legion Baseball Program;
4. The American Legion Boys State Program;
5. Scholarships;
6. Oratorical Contest, e.g., subject of the U.S. Constitution;
7. Children and Youth programs addressing problem areas facing youth, e.g., drug abuse prevention, child abuse prevention and teenage suicide prevention;
8. Support of the Coudret Trust Endowment, under the auspices of the Department now operating in the State of Arkansas, whose income is used to preserve the physical, mental, emotional and spiritual welfare of the children and to provide scholarships;
9. The Department Disaster Relief Fund;
10. The Department Building Fund;

11. Support of Scouting – Boys and Girls;
12. Honor Guards for Veterans' funerals;
13. Any other future charitable programs of similar purpose and kind.

**Section 2.** The Foundation's organizational structure shall be as defined by its bylaws. The Department Adjutant shall serve as an Ex-Officio member of the Foundation and shall countersign all checks.

**Section 3.** The management of the affairs and business of the Foundation shall be vested in its Board of Directors. The Board of Directors shall have full, unqualified, and unrestricted control of all the activities, funds, property, and employees of the Foundation and they may do any and all things in their discretion necessary or advisable for the accomplishment of the Foundation's objectives.

**Section 4.** The Bylaws of the Foundation may be amended at any time upon the affirmative vote of two-thirds (2/3) of all voting members of the Foundation's Board of Directors, subject to the confirmation by the Department Executive Committee, provided that no such amendment shall be made which is inconsistent with the purposes imposed by the Foundation's Articles of Incorporation or which shall jeopardize the Foundation's classification as an exempt Section 501(c)(3) entity under the Internal Revenue Code of 1986, as amended (or under any comparable provisions of any future United States Internal Revenue Law.) Notice of such meeting shall be given fourteen (14) days advance written notice with all provisions to be voted on in the notice.

**Section 5.** No Director, officer or employee of the Foundation, or any private individual, shall be entitled to share in the distribution of any of the Foundations assets in the dissolution of the corporation. The corporation shall be dissolved when The American Legion, Department of Arkansas is dissolved, terminated, or otherwise ceases to exist. At that time, all then-existing funds of the corporation, which remain after paying or making provisions for payment of all terminating expenses of the corporation, shall be paid over and distributed, as the Corporation Board of Directors shall then determine, for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal tax code) or shall be distributed, as said Board shall then determine, to the Federal, State or Local Government for a public purpose.

## **ARTICLE XVII**

### **AMERICAN LEGION RIDERS**

**Section 1.** The American Legion Riders (ALR) is formed to promote the aims and purposes of The American Legion as a family-oriented motorcycling activity for members of The American Legion, The American Legion Auxiliary, and The Sons of The American Legion. The ALR is a program established within The American Legion Department of Arkansas.

**Section 2.** The ALR organizational structure shall be as defined by its bylaws. The ALR upholds the declared principles of The American Legion, as well as conforms to and abides by the regulations and decisions of the Department, Post, or other duly constituted governing body.

**Section 3.** The officers of the ALR Department of Arkansas are: Director, four (4) Area Vice Directors, Secretary, Finance Officer, Sergeant-at-Arms, Historian, and Chaplain, who shall be elected annually at the ALR Department Convention. Between ALR Department meetings, the administrative power of the Department shall be vested in the ALR Department Executive Committee (DEC), whose voting members shall consist of all elective officers for the current year and the immediate Past ALR Department Director.

**Section 4.** The ALR Constitution and Bylaws may be amended at any regular ALR Department meeting by a vote of two-thirds of the membership attending such regular meeting provided that the proposed amendment shall have been submitted in writing and read at the immediately

preceding ALR Department meeting. Further, that traditional mail or electronic mail notice shall have been sent to all members' addresses of record at least 5 days in advance of the date which such amendment is to be voted upon, notifying said members that at such meeting there will be a proposal to amend the Constitution.

**Section 5.** The Department Judge Advocate shall approve all amendments to the ALR Constitution and Bylaws and will obtain Department DEC approval at the next scheduled DEC meeting.



**APPENDIX I**  
**Amendments**  
**to the**  
**Constitution and Bylaws**  
**of the Department of Arkansas**

**AMENDMENTS TO THE CONSTITUTION**

Adopted and approved, Article XIX, March 29, 1929.

- The Constitution is adopted conformable to the Act of the General Assembly of the State of Arkansas.

Adopted, Article VI, Section 2, August 16, 1933.

Amended, Article V, Section 2, September 4, 1935.

- Adopted

Stricken, Article II, Section 2, September 4, 1935.

- The substance of the said section being embodied in Section 8, Article 3.

Amended, Article XIV, Section 2, Adopted August 26, 1936.

- Repealed and Replaced to resolve conflict with National Constitution on June 22, 2019.

Adopted, Article X, Section 3, at Convention, July 26-27, 1943.

Adopted, Article IX, Section 5, 1946 Convention.

Adopted, Article XVII, September 2, 1947, at Convention.

Amended, Article VIII, Section 2, Department Convention 1949.

Amended, Article V, Section 4, Department Convention 1949.

Amended, Article IX, Section 5, 1949 Convention.

Repealed Article X, Section 5 at Convention, 1949.

- "A Post Charter in any city or community where there is an existing Post expressed by resolution regularly and duly adopted"
- Repealed by the 1949 Convention because it had been held by the National Judge Advocate to be in conflict with the National Constitution.

Amended, Article VI, Section 4, July 13, 1952.

Amended, Article VIII, Section 1, July 25-27, 1958.

- Amended July 8, 1990 at Department Convention.

Amended, Article VI, Section 3, August 1960.

Adopted, Article VI, Section 5, August 1960.

Amended, Article IX, Section 2, July 28-30, 1961.

Amended, Article VI, Section 2, June 25-27, 1965, Hot Springs, Arkansas; also  
Amended July 8, 1990,

- Amended July 8, 1990.

Amended, Article IV, Section 6, August 25, 1976, by National Convention mandate.

- Effect of the Amendment: most hotels, particularly those that are capable of hosting Department Conventions are booked a minimum of four years in advance. With the current one-year in advance limit in the current Article V, Section 1, it is difficult to adequately plan for Department Conventions.

Amended, Article IX, Section 3, June 28, 1981, Hot Springs Department Convention.

Amended Article XI, Section 2, July 9-11, 1982, Department Convention, Little Rock.

- Amended May 31 – June 2, 1996, Department Convention, Little Rock.
- Amended July 15 – 17 2005, Department Convention, Little Rock.

Amended, Article XII, Section 1, July 9-11, 1982, Department Convention, Little Rock.

Amended, Article V, Section 1, Department Convention, July 10-12, 1987, Little Rock, Arkansas.

Amended, Article XVIII, Section 3, July 10-12, 1987, Department Convention.

- Addition of Section 3.

Amended, Article VI, Section 2, July 8, 1990, Department Convention, Little Rock, Arkansas.

Amended, Article VIII, Section 2, July 8, 1990, Department Convention.

- The amendment voted on has the effect of making the Chaplains' office of the Department appointive instead of elected.

Amended, Article IV, Section 1, National Convention, August 30 to September 5, 1991, Phoenix, Arizona.

Amended, Article XV, Section 2, August 30-September 5, 1991, National Convention, Phoenix, AZ.

Amended Article XI Section 2, May 31- June 2, 1996, Department Convention.

- Amended July 15 – 17 2005, Department Convention, Little Rock

Amended Article XI Section 2, July 15-17, 2005, Department Convention

Repealed and Replaced, Article XIV Section 1 and Section 2, Department Convention  
June 22, 2019.

- Resolves conflict with National Constitution.

Amended Preamble, June 18-20, 2021, Department Convention

- Removed “the Great Wars”, replaced with “All Wars”

Amended Article IV, Section 1 June 18-20, 2021, Department Convention

- Changed Dates of Eligibility to match LEGION Act (Public Law 116-35)

Amended Article XV, Section 2, June 18-20, 2021, Department Convention

- Changed “Wives” to “Spouses” and changes Auxiliary Eligibility Dates to match LEGION Act (Public Law 116-35)

Amended Constitution in entirety, June 18-20, 2021, Department Convention

- Removed gender-specific references and replaced with gender-neutral

Amended Article VIII, Section 1, June 17-19, 2022, Department Convention

- Added/Restricted DEC voting eligibility.

Replaced Article IV, Section 1 in entirety, July 9, 2022, DEC Meeting

- Replaced language to conform to National Constitution for dates of eligibility due to LEGION Act and recognize addition of U.S. Space Force.

Replaced Article XV, Section 2 in entirety, July 9, 2022, DEC Meeting

- Replaced language to conform to National Constitution for dates of eligibility due to LEGION Act

Amended Article VI, Section 1, June 14-16, 2024 Department Convention

- Department Commander and Vice Commanders may succeed themselves

Replaced in entirety Article XIII, Section 1, June 14-16, 2024, Department Convention

- Revised Discipline procedures

Amended Article V, Section 2, June 14-16, 2024, Department Convention

- Defines Post Delegate entitlement.

## **AMENDMENTS TO THE BY-LAWS**

Adopted, Article VI, Section 3, August 17, 1932.

- Amended September 4, 1935.

Adopted, Article VI, Section 4 adopted August 17, 1932.

- (originally as Section 3, changed to Section 4).
- Amended September 4, 1935.

Amended, Article 1, Section 4, September 4, 1935.

Stricken, Article II, Section 2, September 4, 1935

- The substance of the said section being embodied in Section 8, Article 3.

Amended, Article III, Section 9, September 4, 1935.

- Addition

Amended, Article III, Section 10, September 4, 1935.

- Addition

Amended, Article VI, Section 2, September 4, 1935.

Amended, Article VI, Section 3, September 4, 1935.

Amended, Article VI Section 4 September 4, 1935.

Amended, Article IV, Section 1, August 26, 1936.

Adopted, Article IX, Section 7, July 17-19, 1939 Helena Convention.

Adopted, Article VII, Section 5, July 19-21, 1942, Fort Smith Convention.

- Amended July 10 – 12 1987.
  - Effects of the Amendment: The Department Constitution and By-Laws must conform with The National Organization's Constitution and By-Laws. The amendment has the effect of formalizing the procedures. Article X, Section 2.
- Amended January 2, 1991.
  - Dates changed in Section 5 are mandated by National Constitution and By-Laws of The American Legion.

Adopted, Article V, Section 1 and Section 3, July 26-27, 1943, Convention.

Adopted, Article VII, Section 5, July 19-21, 1942, Fort Smith Conventions.

Adopted, Article 1, Section 2, 1949 Convention.

- Amended June 15, 1997, Department Convention.

Amended, Article VI, Section 2A, August 20-22, 1950.

Amended, Article 1, Section 1, July 13, 1952.

Amended, Article XI, Section 6, November 15, 1957.

Adopted, Article XI, Section 7, July 25-27, 1958.

- First sentence.
- Amended June 15, 1997, Department Convention.

Amended, Article XIV, Section 3, June 20, 1971.

Amended, Article XIV, Section 7, June 20, 1971.

Amended, Article XI, Section 3, July 13, 1974.

- First Sentence.
- Amended June 15, 1997, Department Convention.

Adopted, Article XI, Section 8, July 13, 1974.

Adopted, Article XI, Section 9, July 13, 1974.

- First Sentence
- Amended June 15, 1997, Department Convention.

Adopted, Article XI, Section 10, July 13, 1974.

- Amended June 15, 1997, Department Convention.

Amended, Article XIV, Section 9, July 13, 1974

- Amended June 15, 1997.

Adopted, Article XI, Section 11, July 13, 1974.

- Repealed, Article XI, Section 11, (Date Unknown)

Adopted, Article XIV, Section 11, June 25, 1978

- Repealed, Date Unknown.

Amended, Article VII, Section 5, July 10-12, 1987, Department Convention.

- Effects of Amendment: the Department Constitution and By-Laws must conform with the National Organization's Constitution and By-Laws. This amendment has the effect of formalizing the procedures. Article X, Section 2.

Amended, Article X, Section 2, July 10-12, 1987, Department Convention.

- Effects of Amendment: the Department Constitution and By-Laws must conform with The National Organization's Constitution and By-Laws. This amendment has the effect of formalizing the procedures.

Amended Article VII, Section 5, January 2, 1991.

- Mandated by National Constitution & By-Laws of The American Legion

Amended Article 1, Section 4, Department Convention June 15, 1997.

Amended, Article XI, Section 3, June 15, 1997, Department Convention.

Amended, Article XI, Section 7 June 15, 1997. Department Convention  
Amended, Article XI, Section 9, June 15, 1997, Department Convention.  
Amended, Article XI, Section 10, June 15, 1997, Department Convention.  
Amended, Article XIV, Section 9, Department Convention, June 15, 1997.  
Amended, Article XIV, Section 10, Department Convention, June 15, 1997.

Adopted, Article XVI, Department Convention June 1998,

- AMERICAN LEGION – DEPARTMENT OF ARKANSAS FOUNDATION, INC., that defines the Foundation and its operation. This is to correct the failure to revise the Department of Arkansas Constitution and Bylaws that occurred in June 1998 when the Foundation was added to the Department's authorized programs. This completes the corrective action required by the National Adjutant when establishing a "subsidiary corporation" under the umbrella of THE AMERICAN LEGION.

Adopted, Article XVII, January 18, 2010 , Mid-Winter Conference in North Little Rock, AR

- AMERICAN LEGION RIDERS, that defines the ALR and its operation.

Amended, Article I Section 2, May 17, 2018, Department Convention.

- Effect of the amendment. A quorum shall exist when a majority of the voting members (fifty-one percent) are present. Past department commanders are lifetime non-voting members of the Department Executive Committee with the exception of the immediate past commander, who is a voting member. Non-voting members of the Department Executive Committee shall not be counted to establish a quorum.

Amended By-Laws in entirety, June 20, 2021, Department Convention

- Removed gender-specific references and replaced with gender-neutral

Amended Article I, Section 1, June 19, 2022, Department Convention

- Changed from 15 days to 22 days date to hold Post-convention DEC meeting

Amended Article XVII, Section, June 19, 2022, Department Convention

- Added sentence to define American Legion Riders as a Department Program
- Necessary to bring in compliance with NEC Resolution 5, May 5-6, 2021

Amended Article I, New Section added 6, June 18, 2023

- Allows electronic (internet) special meetings of the DEC

Amended Article III, Section 4, June 14-16, 2024, Department Convention

- Adds online banking as a payment option

Replaced Article V, Section 1-4, June 14-16, 2024, Department Convention

- New Sections 1-6 define conditions and procedures to suspend, revoke or cancel a Post Charter and provide for governing of Post under suspension

Amended Article VI, Section 2, June 14-16, 2024, Department Convention

- Eliminates DEC power to remove Post Commander

Add Article VI, New Section 5, June 14-16, 2024, Department Convention

- Defines that Department has no authority over Post operations involving a bar or canteen