

**CONSTITUTION AND BY LAWS**  
**THE GENERALS WARD & CHENNAULT & LT. HELSETH**  
**POST. NO 1 (CHINA)**  
**THE AMERICAN LEGION- DEPARTMENT OF FRANCE**

**CONSTITUTION**

**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 OBLIGATIONS 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 FOR PROSPERITY THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY; TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

**ARTICLE I- NAME AND HEADQUARTERS**

SECTION 1 THE NAME OF THIS ORGANIZATION SHALL BE THE GENERALS WARD & CHENNAULT AND LT. HELSETH POST NO. 1 (CHINA) ALSO KNOWN AS CHINA POST NO. 1 THE AMERICAN LEGION

SECTION 2 CHINA POST NO. 1 IS INCORPORATED AS A NON-PROFIT ORGANIZATION IN THE STATE OF TEXAS AS GENERALS WARD AND CHENNAULT AND LT. HELSETH POST NO. 1 (CHINA) THE AMERICAN LEGION. THE DIRECTORS OF THE CORPORATION PRESENTLY SERVE ON THE POST EXECUTIVE COMMITTEE. THE OFFICERS ON THE POST EXECUTIVE COMMITTEE SHALL SERVE AS THE OFFICERS OF THE CORPORATION, AS ESTABLISHED IN THE ARTICLES OF INCORPORATION AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

SECTION 3 CHINA POST. 1 HEADQUARTERS IS CURRENTLY IN EXILE. UNTIL SUCH TIME A LOCATION IS ESTABLISHED, THE EXECUTIVE COMMITTEE, BY MEMORANDUM TO THE ADJUTANT, WILL DESIGNATE A MAILING ADDRESS IN THE UNITED STATES AND AN ADDRESS FOR SERVICE IN TEXAS OR AS OTHERWISE PRESCRIBED BY THE EXECUTIVE COMMITTEE.

SECTION 4 CHINA POST NO. 1 WILL BE PERMITTED TO TRANSFER POST HEADQUARTERS FROM ONE PLACE TO ANOTHER OR MAY TRANSFER TO ANOTHER DEPARTMENT IN A MANNER SIMILAR TO THE TRANSFER OF INDIVIDUALS FROM ONE POST TO ANOTHER (REFER TO ARTICLE VII: TRANSFERS OF POST, BY-LAWS OF THE AMERICAN LEGION) SUBJECT TO THE APPROVAL OF THE DEPARTMENT AND POST EXECUTIVE COMMITTEE.

**ARTICLE II- OBJECTIVES**

SECTION 1 THE OBJECTIVES AND PURPOSES OF THIS POST AND ITS SCATTERED MEMBERSHIP SHALL BE TO PROMOTE THE PRINCIPLES AND POLICIES SET FORTH IN THE FOREGOING PREAMBLE, AND THE NATIONAL AND DEPARTMENT CONSTITUTIONS AND BYLAWS OF THE AMERICAN LEGION.

SECTION 2 AND TO PERPETUATE THE MEMORY AND FOUNDING OF CHINA POST NO. 1, THE AMERICAN LEGION.

**ARTICLE III- NATURE**

SECTION 1 THE POST IS A CIVILIAN ORGANIZATION AND MEMBERSHIP THEREIN DOES NOT AFFECT OR INCREASE LIABILITY FOR MILITARY OR POLICE SERVICE. RANK DOES NOT EXIST IN THE AMERICAN LEGION.

SECTION 2 THIS ORGANIZATION SHALL BE ABSOLUTELY NON-POLITICAL AND NON SECTARIAN AND SHALL NOT BE USED FOR THE DISSEMINATION OF PARTISAN PRINCIPLES NOR THE PROMOTION OF THE CANDIDACY OF ANY PERSON SEEKING PUBLIC OFFICE OR PREFERENCE.

#### **ARTICLE IV- MEMBERSHIP**

SECTION 1 ELIGIBILITY FOR MEMBERSHIP IN THIS POST SHALL BE AS PRESCRIBED BY THE NATIONAL CONSTITUTION OF THE AMERICAN LEGION.

SECTION 2 APPLICATIONS OF MEMBERSHIP SHALL BE MADE IN WRITING ON THE POST'S APPLICATION FORM UNDER SUCH REGULATIONS AS MAY FROM TIME TO TIME BE PRESCRIBED BY THE POST EXECUTIVE COMMITTEE. FUNDS SHALL ACCOMPANY APPLICATIONS AND SHALL BE PAYABLE IN U.S. CURRENCY OR CHECKS DRAWN ON U.S. BANKS.

SECTION 3 ALL APPLICATIONS FOR MEMBERSHIP SHALL BE ACTED UPON BY THE EXECUTIVE COMMITTEE UPON RECEIPT OF SUCH APPLICATION AND SHALL BE ACCEPTED, REJECTED OR REFERRED FOR FURTHER INVESTIGATION AND CONSIDERATION. IF THE MAJORITY OF THE EXECUTIVE COMMITTEE CASTS A VOTE FOR THE ACCEPTANCE OF SAID APPLICANT, THEN SUCH APPLICATION SHALL BE RECORDED AS ACCEPTED SUBJECT TO THE APPROVAL OF THE POST.

SECTION 4 NO PERSON MAY BE A MEMBER AT ANY ONE TIME OF MORE THAN ONE POST

SECTION 5 MEMBERS MAY BE SUSPENDED OR EXPELLED FROM THIS POST OF THE AMERICAN LEGION ONLY UPON PROPER SHOWING OF CAUSE. CHARGES SHALL BE BASED UPON DISLOYALTY, NEGLIGENCE OF DUTY, DISHONESTY OR OTHER 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 HIS MEMBERSHIP UNTIL GIVEN A FAIR TRIAL BY THE CHINA POST NO. 1 EXECUTIVE COMMITTEE IN SUCH MANNER AND FORM AS THE NATIONAL AND DEPARTMENT CONSTITUTIONS AND BYLAWS SHALL PRESCRIBE. THIS ACTION SHALL GOVERN PROCEDURE WHENEVER CHARGES ARE BROUGHT AGAINST ANY PERSON AT ANY TIME APPEARING UPON THE ROLLS OF THIS POST AS A MEMBER UPON THE GROUNDS OF HIS INELIGIBILITY TO MEMBERSHIP IN THE POST. ALL CHARGES MUST BE FILED WITH THE POST ADJUTANT.

SECTION 6 A MEMBER WHO AS BEEN EXPELLED OR SUSPENDED FROM THIS POST FOR ANY CAUSE MAY BE REINSTATED TO MEMBERSHIP BY A TWO-THIRDS VOTE OF THE EXECUTIVE COMMITTEE AND PAYMENT OF CURRENT DUES FOR THE YEAR WHICH THE REINSTATEMENT OCCURS.

SECTION 7 AN APPLICANT FOR MEMBERSHIP WHO HAS BEEN EXPELLED FOR ANY REASON FROM ANOTHER POST SHALL NOT BE ADMITTED TO THIS POST WITHOUT A WRITTEN CLEARANCE FROM THE EXPELLING POST OBTAINED BY HIMSELF BY LETTER ADDRESSED TO THIS POST RECEIVED AND AUTHENTICATED.

SECTION 8 ANY MEMBER OF THIS POST IN GOOD STANDING DESIRING TO TRANSFER TO ANOTHER POST IS ENTITLED TO A CERTIFICATE FROM THE POST STATING HIS MEMBERSHIP, DURATION THEREOF, AND THE DATE TO WHICH HIS DUES ARE PAID.

#### **ARTICLE V- OFFICERS CHINA POST NO. 1**

SECTION 1 THE ADMINISTRATIVE AFFAIRS OF CHINA POST NO. 1 DUE TO THE PECULIAR NATURE OF OPERATING ON A WORLDWIDE BASIS BECAUSE OF THE EXPULSION FROM SHANGHAI, CHINA SHALL EXCEPT AS MAY BE OTHERWISE PROVIDED BY THE BY-LAWS, BE UNDER THE SUPERVISION OF AN EXECUTIVE COMMITTEE. THE

EXECUTIVE COMMITTEE SHALL CONSIST OF AT LEAST FIVE (5) ELECTED MEMBERS. THE TERM OF OFFICE FOR THE EXECUTIVE COMMITTEE SHALL BE FOR ONE YEAR AND SHALL CONFORM TO GOVERNING LAWS. THE POST, BY ITS BY-LAWS, MAY PROVIDE FOR SUCH STANDING COMMITTEES AS THE BUSINESS OF THE ORGANIZATION MAY REQUIRE.

SECTION 2 THE OFFICERS OF THE POST SHALL BE A COMMANDER, AT LEAST THREE VICE COMMANDERS, AN ADJUTANT, A TREASURER AND ONLY SUCH OTHER OFFICERS AS MAY BE DEEMED NECESSARY BY THIS ORGANIZATION. THEY SHALL BE NOMINATED IN ACCORDANCE WITH THE POST BY-LAWS PRECEDING THEIR ELECTION. THE FIRST VICE COMMANDER SHALL ALSO BE KNOWN AS THE DEPUTY COMMANDER.

SECTION 3 ALL OFFICERS AND EXECUTIVE COMMITTEEMEN SHALL BE ELECTED FOR A ONE YEAR TERM AND THEY SHALL HOLD OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED AND DULY INSTALLED OR AS OTHERWISE PROVIDED. ANY OFFICER OR EXECUTIVE COMMITTEEMAN MAY BE REMOVED FOR INEFFICIENCY BY THE EXECUTIVE COMMITTEE, A TWO-THIRDS VOTE FOR SAID COMMITTEE BEING NECESSARY TO EFFECT SUCH REMOVAL.

SECTION 4 EVERY MEMBER OF THIS POST IN GOOD STANDING SHALL BE ELIGIBLE TO HOLD OFFICE IN THIS POST.

SECTION 5 THE DUTIES OF OFFICERS AND THE EXECUTIVE COMMITTEEMAN SHALL BE THOSE USUALLY APPERTAINING TO SUCH OFFICERS OR COMMITTEEMEN AND AS FURTHER PROVIDED BY THE BY-LAWS.

#### **ARTICLE VI- FINANCE**

SECTION 1 THE REVENUE OF THIS POST SHALL BE DERIVED FROM MEMBERSHIP OR INITIATION FEES, FROM ANNUAL MEMBERSHIP DUES, AND FROM OTHER SOURCES AS MAY BE APPROVED BY THE POST EXECUTIVE COMMITTEE.

SECTION 2 THE POST SHALL PAY TO DEPARTMENTAL HEADQUARTERS THE NATIONAL AND DEPARTMENTAL ANNUAL MEMBERSHIP DUES FOR EVERY MEMBER OF THE POST.

SECTION 3 THE AMOUNT OF MEMBERSHIP OR INITIATION FEES AND THE AMOUNT OF ANNUAL POST DUES SHALL BE FIXED AND DETERMINED BY THE EXECUTIVE COMMITTEE.

SECTION 4 ANY FUNDS RECEIVED BY THE POST OR DEDICATED PURPOSES SHALL BE ACCOUNTED FOR IN SEPARATE GENERAL LEDGER ACCOUNTS. SUCH FUNDS WILL ONLY BE USED FOR THOSE PURPOSES FOR WHICH THEY WERE SOLICITED OR DONATED.

SECTION 5 DISBURSEMENT OF THE POST FUNDS SHALL BE THE DUTY AND RESPONSIBILITY OF THE OFFICERS AND THE EXECUTIVE COMMITTEE AND AS MAY BE FURTHER PROVIDED BY THE BY-LAWS.

#### **ARTICLE VII- CHARTER & FOUNDING MEMBERS**

SECTION 1 MEMBERS WHO JOINED THIS POST PRIOR TO 20 APRIL 1920 (OR MEMBERS WHO JOINED THIS POST PRIOR TO THE ISSUANCE OF ITS CHARTER) SHALL BE KNOWN AS CHARTER MEMBERS.

SECTION 2 MEMBERS IN GOOD STANDING AT THE TIME A POST HOME IS RE-ESTABLISHED SHALL BE KNOWN AS FOUNDING MEMBERS.

#### **ARTICLE VIII- AMERICAN LEGION AUXILIARY**

SECTION 1 THE POST RECOGNIZES AN AUXILIARY ORGANIZATION KNOWN AS THE AUXILIARY UNIT OF CHINA POST NO. 1 THE AMERICAN LEGION.

SECTION 2 MEMBERSHIP IN THE SAID AUXILIARY ORGANIZATION SHALL BE GOVERNED BY SUCH RULES AND REGULATIONS AS MAY BE PRESCRIBED BY THE NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION AND THEREAFTER APPROVED BY THE DEPARTMENT OF FRANCE OF THE AMERICAN LEGION.

#### **ARTICLE IX- SONS OF THE AMERICAN LEGION**

SECTION 1 THIS POST RECOGNIZES A SONS OF THE AMERICAN LEGION PROGRAM KNOWN AS THE SONS OF THE AMERICAN LEGION SQUADRON OF CHINA POST NO. 1, THE AMERICAN LEGION, DEPARTMENT OF FRANCE.

SECTION 2 MEMBERSHIP IN THE SONS OF THE AMERICAN LEGION SHALL BE GOVERNED BY SUCH RULES AND REGULATIONS AS MAY BE PRESCRIBED BY THE NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION AND THEREAFTER APPROVED BY THE DEPARTMENT OF FRANCE EXECUTIVE COMMITTEE.

#### **ARTICLE X- AMENDMENTS**

SECTION 1 THIS CONSTITUTION IS ADOPTED SUBJECT TO THE PROVISIONS OF THE NATIONAL CONSTITUTION OF THE AMERICAN LEGION AND THE CONSTITUTION OF THE DEPARTMENT OF FRANCE, THE AMERICAN LEGION. ANY AMENDMENT TO SAID NATIONAL OR DEPARTMENT CONSTITUTION WHICH IS IN CONFLICT WITH ANY PROVISIONS HEREOF SHALL BE REGARDED AS AUTOMATICALLY REPEALING OR MODIFYING THAT PROVISION OF THIS CONSTITUTION TO THE EXTENT OF SUCH CONFLICT.

SECTION 2 THIS CONSTITUTION MAY BE AMENDED BY VOTE OF TWO-THIRDS OF THE MEMBERS OF SAID POST. PROVIDING THAT THE PROPOSED AMENDMENT SHALL HAVE BEEN SUBMITTED IN WRITING TO THE MEMBERSHIP PRECEDING THE VOTE OF SAID POST, AND PROVIDING FURTHER THAT WRITTEN NOTICE SHALL HAVE BEEN GIVEN TO ALL MEMBERS AT LEAST 90 DAYS IN ADVANCE OF THE DAY WHEN SUCH AMENDMENT IS TO BE VOTED UPON, NOTIFYING SAID MEMBERS THAT A VOTE TO AMEND THE CONSTITUTION IS TO BE VOTED UPON.

### **BY-LAWS**

#### **ARTICLE I- NAME AND OBJECTIVE**

SECTION 1 THE POST EXISTING UNDER THESE BY-LAWS IS TO BE KNOWN AS THE GENERALS WARD & CHENNAULT AND LT. HELSETH POST NO. 1 (CHINA) OR CHINA POST NO. 1, THE AMERICAN LEGION.

SECTION 2 THE OBJECTIVES OF THIS POST ARE AS SET FORTH IN THE POST CONSTITUTION.

#### **ARTICLE II- ADMINISTRATION**

SECTION 1 THE ADMINISTRATION OF THE POST AFFAIRS AND ALL DAILY OPERATIONS AND OFFICIAL FUNCTIONS OF THE POST BETWEEN MEETINGS OF THE POST EXCEPT AS MAY BE OTHERWISE PROVIDED IN THESE BYLAWS SHALL BE HANDLED THROUGH THE OFFICE OF THE POST'S ADJUTANT UNDER THE SUPERVISION OF THE EXECUTIVE COMMITTEE.

SECTION 2 THE MEMBERS OF THE EXECUTIVE COMMITTEE TOGETHER WITH THE OFFICERS OF THE POST SHALL BE INSTALLED FOR A TERM OF ONE YEAR. ALL ELECTIONS OF OFFICERS AND EXECUTIVE COMMITTEEMAN SHALL BE BY A VOTE OF THE MEMBERSHIP. THE POST EXECUTIVE COMMITTEE SHALL ESTABLISH THE PROCEDURES FOR THE

ELECTION OF THE POST OFFICERS AND EXECUTIVE COMMITTEEMAN IN ACCORDANCE WITH ROBERTS RULES OF ORDER. THE CANDIDATE OR CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO THE RESPECTIVE OFFICE OR OFFICES FOR WHICH THEY ARE CANDIDATES, AND THEY SHALL HOLD OFFICE UNTIL THEIR SUCCESSOR ARE DULY INSTALLED OR AS OTHERWISE PROVIDED. CANDIDATES FOR ELECTIVE OFFICE SHALL BE PROVIDED BY A NOMINATING COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE. NOMINATIONS PRIOR TO ELECTIONS SHALL BE PERMITTED FROM THE FLOOR. ANY ELECTIVE OFFICER OR EXECUTIVE COMMITTEEMAN MAY BE REMOVED FOR INEFFICIENCY BY A TWO-THIRDS VOTE OF THE EXECUTIVE COMMITTEE.

SECTION 3 ALL VACANCIES EXISTING IN THE EXECUTIVE COMMITTEE, OR IN ANY OFFICE OF THE POST FROM ANY CAUSE OTHER THAN THE EXPIRATION OF TERM OF OFFICE, SHALL BE FILLED BY A MAJORITY VOTE OF THE REMAINING MEMBERS OF THE COMMITTEE, AND A PERSON CHOSEN SHALL HOLD OFFICE FOR THE UNEXPIRED TERM OF THE MEMBER OF THE COMMITTEE OR THE OFFICER WHO HE SUCCEEDS. A VACANCY SHALL EXIST WHEN A MEMBER OF OFFICER IS ABSENT FROM HIS POST FOR A CONTINUOUS PERIOD CONSIDERED DETRIMENTAL TO THE INTEREST OF THE POST BY THE EXECUTIVE COMMITTEE.

### **ARTICLE III- POST EXECUTIVE COMMITTEE**

SECTION 1 THE POST EXECUTIVE COMMITTEE SHALL MEET FOR THE ORGANIZATION AND SUCH OTHER BUSINESS AS MAY COME BEFORE IT AT THE CALL OF THE POST COMMANDER. THEREAFTER THE POST EXECUTIVE COMMITTEE SHALL MEET AT THE CALL OF THE COMMANDER AS OFTEN AS SAID COMMANDER MAY DEEM NECESSARY. THE COMMANDER SHALL CALL A MEETING OF THE POST EXECUTIVE COMMITTEE UPON THE JOINT WRITTEN REQUEST OF THREE OR MORE MEMBERS OF SAID POST EXECUTIVE COMMITTEE; FOUR MEMBERS OF THE COMMITTEE SHALL CONSTITUTE A QUORUM THEREOF. DUE TO THE SCATTERED MEMBERSHIP, TELEPHONE CONFERENCE CALLS, FAX, EMAIL OR OTHER ELECTRONIC MEANS, AND POSTAL FACILITIES MAY BE UTILIZED AS AN OFFICIAL MEETING OF THE EXECUTIVE COMMITTEE IF AGREED UPON BY MEMBERS OF SAID COMMITTEE.

SECTION 2 THE POST EXECUTIVE COMMITTEE OR THE POST EXECUTIVE COMMITTEE ACTING THROUGH THE ADJUTANT SHALL HIRE SUCH EMPLOYEES AND OR INDEPENDANT CONTRACTORS AS MAY BE NECESSARY, SHALL AUTHORIZE AND APPROVE ALL EXPENDITURES, SHALL HEAR THE REPORTS OF POST COMMITTEE CHAIRMEN AND MEMORIAL DIVISIONS, AND GENERALLY SHALL HAVE CHARGE OF AND BE RESPONSIBLE FOR THE MANAGEMENT OF THE AFFAIRS OF THIS POST BETWEEN MEETINGS OF THE POST.

SECTION 3 ALL PERSONS HAVING ACCESS TO, OR CUSTODY OF, POST FUNDS WILL BE PROPERLY BONDED AS NECESSARY AND AS APPROVED BY THE EXECUTIVE COMMITTEE IN ACCORDANCE WITH THE NATIONAL CONSTITUTION OF THE AMERICAN LEGION WITH SUCH BONDS TO BE PAID BY THE POST.

### **ARTICLE IV DUTIES OF OFFICERS**

SECTION 1 DUTIES OF THE POST COMMANDER. IT SHALL BE THE DUTY OF THE POST COMMANDER TO PRESIDE AT ALL MEETINGS OF THE POST AND TO HAVE GENERAL SUPERVISION OVER THE BUSINESS AND AFFAIRS OF THE POST AND SUCH OFFICER SHALL ALSO BE THE CHIEF EXECUTIVE OFFICER OF THE POST AND SERVE AS A DIRECTOR OF THE CORPORATION. HE SHALL APPROVE ALL ORDERS DIRECTING THE DISBURSEMENT OF FUNDS AND SHALL MAKE AN ANNUAL REPORT COVERING THE BUSINESS OF THE POST FOR THE YEAR, AND RECOMMENDATIONS FOR THE COMING YEAR, WHICH SHALL BE READ AT THE ANNUAL MEETING AND A COPY THEREOF IMMEDIATELY FORWARDED TO THE DEPARTMENT ADJUTANT. HE SHALL PERFORM SUCH OTHER DUTIES AS DIRECTED BY THE POST.

SECTION 2 DUTIES OF THE 1<sup>ST</sup> VICE COMMANDER, HEREAFTER REFERRED TO AS THE DEPUTY COMMANDER. THE

DEPUTY COMMANDER SHALL ASSUME AND SHALL DISCHARGE THE DUTIES OF THE POST COMMANDER IN THE ABSENCE OF OR DISABILITY OF, OR WHEN CALLED UPON BY, THE POST COMMANDER. THE DEPUTY COMMANDER WILL ALSO SERVE AS A DIRECTOR OF THE CORPORATION.

SECTION 3 DUTIES OF THE POST VICE COMMANDERS. THE POST VICE COMMANDERS WILL, IN ORDER OF SENIORITY, DISCHARGE SUCH DUTIES AS PRESCRIBED BY THE COMMANDER AND/OR THE DEPUTY COMMANDER.

SECTION 4 DUTIES OF THE POST ADJUTANT. THE INDIVIDUAL ELECTED TO THE POST ADJUTANT WILL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING THE OFFICE REQUIRED TO HANDLE THE DAY-TO-DAY ADMINISTRATION/OPERATION OF THE POST'S AFFAIRS TO INCLUDE, BUT NOT LIMITED TO, MAINTAINING RECORDS OF PROCEEDINGS OF ALL OFFICIAL MEETINGS; KEEPING SUCH RECORDS AS THE NATIONAL AND DEPARTMENT ORGANIZATION MAY REQUIRE; RENDERING MONTHLY AND ANNUAL MEMBERSHIP REPORTS; OR WHEN CALLED UPON AND UNDER THE DIRECTION OF THE COMMANDER, WILL HANDLE THE CORRESPONDENCE OF THE POST INCLUDING ANNUAL FEDERAL AND STATE TAX REPORTS AND THE WRITING AND PUBLICATION OF THE POOP SHEET (NEWSLETTER), THE PERSON HOLDING THIS OFFICE SHALL ALSO SERVE AS A DIRECTOR OF THE CORPORATION.

IN ADDITION, THE ADJUTANT WILL ALSO BE RESPONSIBLE TO ESTABLISH AND PROVIDE ADEQUATE AND SAFE STORAGE FOR THE POST'S ARCHIVAL MATERIAL AND MUSEUM ARTIFACTS IN A MANNER TO BE APPROVED AND MONITORED BY THE EXECUTIVE COMMITTEE. THE ADJUTANT OF THE POST SHALL HAVE CHARGE OF ALL FINANCES AND SEE THAT THEY ARE SAFELY DEPOSITED IN A DULY AUTHORIZED BANKING INSTITUTION AS APPROVED BY THE EXECUTIVE COMMITTEE AND SHALL REPORT TO THE EXECUTIVE COMMITTEE THE CONDITION OF THE FINANCES OF THE POST, WITH SUCH RECOMMENDATIONS AS HE MAY DEEM EXPEDIENT OR NECESSARY FOR RAISING FUNDS WITH WHICH TO CARRY ON THE ACTIVITIES OF THE POST. HE SHALL SIGN ALL CHECKS ON THOSE ACCOUNTS CONTAINING THE OPERATING FUNDS OF THE POST AND SHOULD BE ONE OF THE REQUIRED SIGNATURES ON ALL ACCOUNTS THAT REQUIRE MORE THAN ONE ENDORSEMENT FOR THE WITHDRAWAL OF FUNDS.

SECTION 5 DUTIES OF THE TREASURER. THE TREASURER IS RESPONSIBLE TO RETAIN LOCAL CERTIFIED PUBLIC ACCOUNTANT SERVICES TO FILE ALL REQUIRED GOVERNMENT REPORTS AND WILL CERTIFY TO THE BOARD OF DIRECTIONS AND THE EXECUTIVE COMMITTEE A FINANCIAL STATEMENT ON AN ANNUAL BASIS. THE BOARD OF DIRECTORS IS AUTHORIZED, AT POST EXPENSE, TO RETAIN A CERTIFIED PUBLIC ACCOUNTANT SERVICE TO PROVIDE AN INDEPENDENT AUDIT OF THE FINANCIAL RECORDS OF THE POST AS DEEMED NECESSARY.

## **ARTICLE V- FINANCES AND DUES**

SECTION 1 THE AMOUNT OF ANNUAL POST DUES SHALL BE DETERMINED BY THE EXECUTIVE COMMITTEE PRIOR TO THE BEGINNING OF EACH MEMBERSHIP YEAR.

SECTION 2 A MEMBER WHOSE DUES FOR THE CURRENT YEAR HAVE NOT BEEN PAID BY JANUARY FIRST SHALL BE CLASSIFIED AS DELINQUENT. IF HIS DUES ARE PAID OR BEFORE FEBRUARY FIRST HE SHALL BE AUTOMATICALLY REINSTATED IF HE IS STILL DELINQUENT AFTER FEBRUARY FIRST, HE SHALL BE SUSPENDED FROM ALL PRIVILEGES AND MEMBERSHIP IN THE POST. IF HE IS STILL UNDER SUCH SUSPENSION OF JUNE THIRTEENTH OF SUCH YEAR, HIS MEMBERSHIP IN THE AMERICAN LEGION SHALL BE FORFEITED. A MEMBER SO SUSPENDED OR WHOSE MEMBERSHIP HAS BEEN SO FORFEITED MAY BE REINSTATED TO ACTIVE MEMBERSHIP IN GOOD STANDING BY A VOTE OF THE EXECUTIVE COMMITTEE AND PAYMENT OF CURRENT DUES FOR THE YEAR IN WHICH THE REINSTATEMENT OCCURS. THESE PROVISIONS MAY BE WAIVED WITH REFERENCE TO FORMER MEMBERS WHO HAVE BEEN PREVENTED FROM THE PAYMENT OF DUES BY REASON OF ACTIVE MILITARY SERVICE.

## **ARTICLE VI- DELEGATES**

DELEGATES AND ALTERNATES TO REPRESENT THE POST AT ALL MEETINGS OR CONVENTIONS AS MAY BE REQUIRED, PURSUANT TO SUCH PROPORTIONAL REPRESENTATION COVERING SUCH DELEGATE OR ALTERNATES AS MAY BE PROVIDED FOR BY THE CONSTITUTION AND BY-LAWS OF THE DEPARTMENT AND NATIONAL ORGANIZATION, SHALL CONSIST OF THE COMMANDER AND THE DEPUTY COMMANDER AND OTHERS SELECTED TO REPRESENT THE POST BY THE EXECUTIVE COMMITTEE.

#### **ARTICLE VII- APPOINTMENTS**

THE POST COMMANDER WILL APPOINT STANDING COMMITTEES CONSISTING OF SUCH MEMBERS AND THE CHAIRMAN THEREOF AS NECESSARY TO CARRY OUT THE FUNCTIONS OF THE POST AND THE IDEALS OF THE AMERICAN LEGION AS SET OUT IN THE CONSTITUTION. THE COMMANDER MAY FURTHER APPOINT AD HOC OR TEMPORARY COMMITTEES AS NECESSARY TO ENSURE THAT THE POST FUNCTIONS AND AFFAIRS ARE PROPERLY HANDLED, AND ADVISORY VICE COMMANDERS AND ADVISORY EXECUTIVE COMMITTEEMAN TO HANDLE AREAS OF RESPONSIBILITY AND ASSIGNMENTS AS THE NEED ARISES.

#### **ARTICLE VIII- RESOLUTIONS**

ALL RESOLUTIONS OF STATE OR NATIONAL SCOPE PRESENTED TO THIS POST BY A MEMBER OR REPORTED TO THIS POST BY A COMMITTEE SHALL MERELY EMBODY THE OPINION OF THIS POST ON THE SUBJECT AND A COPY OF SAME SHALL BE FORWARDED TO THE DEPARTMENT HEADQUARTERS FOR ITS APPROVAL BEFORE ANY PUBLICITY IS GIVEN OR ACTION OTHER THAN MERE PASSAGE BY THE POST IS TAKEN THAT REFLECTS THAT OPINION ON THIS POST OR THE AMERICAN LEGION. IN ACCORDANCE WITH GUIDELINES SET UP BY THE NATIONAL EXECUTIVE COMMITTEE, RESOLUTIONS WILL NOT EMBODY POSITIONS THROUGH WHICH NON-LEGION ORGANIZATIONS SEEK TO ACHIEVE THEIR GOALS.

#### **ARTICLE IX- MEETINGS**

SECTION 1 A REGULAR ANNUAL MEETING OF THE POST SHALL BE HELD AT THE POST HEADQUARTERS OR AT A PLACE DECIDED BY THE EXECUTIVE COMMITTEE AT WHICH MEETING MAY BE TRANSACTED SUCH BUSINESS AS MAY PROPERLY BE BROUGHT UP FOR ACTION.

SECTION 2 THE POST COMMANDER OR A MAJORITY OF THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO CALL A SPECIAL MEETING OF THE POST AT ANY TIME.

SECTION 3 A QUORUM FOR A MEETING SHALL CONSIST OF ONE HUNDRED OF THE MEMBERS OF THE POST.

SECTION 4 ABSENTEE BALLOTING OR VOTING BY PROXY IS NOT ALLOWED

#### **ARTICLE X- NOTICES**

SECTION 1 EACH MEMBER SHALL FURNISH THE POST ADJUTANT WITH AN ADDRESS FOR MAILING PURPOSES AND WILL INFORM THE ADJUTANT OF ANY CHANGE IN SUCH ADDRESS INCLUDING EMAIL ADDRESS.

SECTION 2 THE POST NEWSLETTERS, THE POOP SHEET, IS THE OFFICIAL PUBLICATION OF THE POST. AS SUCH, IT WILL BE USED TO FORWARD NOTICES TO ALL MEMBERS AS REQUIRED. SPECIAL NOTICES MAY ALSO BE SENT OUT FROM THE ADJUTANT IF NECESSARY.

SECTION 3 TO PROTECT MEMBERS PRIVACY AND SECURITY THE POST WILL NOT PUBLISH ADDRESS LISTS. ALL POST MATTERS AND CORRESPONDENCE WITH INDIVIDUAL MEMBERS WILL BE THROUGH THE ADJUTANT'S OFFICE.

## **ARTICLE XI- RULES**

THE ORDER OF PROCEDURE AT MEETINGS OF THIS POST SHALL BE GOVERNED BY ROBERT'S RULES OR ORDER, REVISED, EXCEPT AS OTHERWISE PROVIDED HEREIN.

## **ARTICLE XII- LIMITATION OF LIABILITY**

THIS POST SHALL NOT INCUR, NOR CAUSE TO BE INCURRED ANY LIABILITY OR OBLIGATION WHATEVER WHICH WILL SUBJECT TO LIABILITY ANY OTHER POST, SUBDIVISION GROUP, MEMBERS OF THE AMERICAN LEGION, OR OTHER INDIVIDUAL CORPORATION OR ORGANIZATIONS.

## **ARTICLE XIII- MEMORIAL DIVISIONS**

**SECTION 1** PREAMBLE: WHEREVER AND WHENEVER THERE ARE CONSISTENTLY TEN (10) POST MEMBERS AVAILABLE IN A GEOGRAPHIC AREA OR WHOSE COMMON EXPERIENCES ALLOW THEM TO BAND TOGETHER TO PROMOTE THE COMRADESHIP OF AMERICANS AND LEGIONNAIRES IN A GIVEN AREA OR AS A MEMBERS WHO HAVE SHARED COMMON EXPERIENCES, THEY MAY CREATE A MEMORIAL DIVISION OF THE POST FOR THE COMMON GOOD OF THE INDIVIDUALS AND THE COMMUNITY WITH THE APPROVAL OF THE POST EXECUTIVE COMMITTEE.

**SECTION 2** THE MEMORIAL DIVISION NAME IS TO BE SELECTED WITH CARE AND IN KEEPING WITH THE SITUATION. THE POST WILL OBTAIN AND PAY FOR TWO PODIUM BANNERS; ONE TO BE RETAINED BY THE POST FOR ARCHIVES AND REUNION PURPOSES, THE OTHER TO GO THE DIVISION FOR THEIR USE, CARE AND DISPLAY.

**SECTION 3** THE OBJECTIVE AND PURPOSES OF THE MEMORIAL DIVISIONS SHALL BE TO PROMOTE THE PRINCIPLES AND POLICIES SET FORTH IN THE CHINA POST CONSTITUTION AND BY-LAWS AND MEMORIAL DIVISION PREAMBLE ABOVE IN THE ACCORDANCE WITH THE PRINCIPLES AND POLICIES OF THE DEPARTMENT AND NATIONAL CONSTITUTIONS AND BY-LAWS OF THE AMERICAN LEGION.

**SECTION 4** MEMBERSHIP: ONLY MEMBERS OF CHINA POST. NO. 1 ARE ELIGIBLE FOR MEMBERSHIP IN A MEMORIAL DIVISION OF THE POST. MEMBERSHIP IN A MEMORIAL DIVISION SHALL BE DETERMINED BY THE MEMBERS IN THE GEOGRAPHICAL AREA OR THIS SPECIFIC ORGANIZATION THAT THE MEMORIAL DIVISION IS FORMED TO REPRESENT.

POST MEMBERS MAY BE MEMBERS OF MORE THAN ONE OR OF NO MEMORIAL DIVISION. RESIDENCE IN A PARTICULAR AREA DOES NOT OBLIGATE INDIVIDUAL POST MEMBERS TO MEMBERSHIP IN A MEMORIAL DIVISION FOR THAT AREA NOR IS IT NECESSARY FOR MEMORIAL DIVISIONS TO ADMIT ALL ELIGIBLE MEMBERS WITHOUT THEIR SPECIFIC ELECTION TO THE DIVISION MEMBERSHIP. ALL POST MEMBERS ARE MEMBERS OF THE POST AS INDIVIDUALS AND ARE FREE TO ASSOCIATE WITH MEMORIAL DIVISIONS AT THEIR CONVENIENCE.

**SECTION 5** ADMINISTRATION OF DIVISION AFFAIRS BETWEEN MEETINGS OF THE MEMORIAL DIVISION SHALL BE UNDER THE SUPERVISION OF A DIVISION EXECUTIVE COMMITTEE WHICH WILL CONSISTS OF A MINIMUM OF THREE (3) MEMBERS, ONE OF WHICH SHALL BE THE PRESENT MEMORIAL DIVISION COMMANDER. MEMBERS OF THE POST EXECUTIVE COMMITTEE AND ADVISORY SENIOR POST VICE COMMANDERS, WHEN IN AREAS OF OPERATING MEMORIAL DIVISIONS, SHALL AUTOMATICALLY BE MEMBERS OF THE EXECUTIVE COMMITTEE OF THE MEMORIAL DIVISION.

**SECTION 6** THE MEMORIAL DIVISION OFFICERS SHALL CONSISTS OF AT LEAST A MEMORIAL DIVISION COMMANDER, A VICE COMMANDER AND AN ADJUTANT WHOSE CEREMONIAL DUTIES WILL CORRESPOND TO THOSE OFFICES WITHIN THE POST. SUCH OFFICERS HAVE NO AUTHORITY TO CONDUCT BUSINESS OF THE POST AND THESE POSITIONS ARE STRICTLY FOR THE SOCIAL STRUCTURE OF DIVISION. THE MEMORIAL DIVISION OFFICERS



WILL BE RESPONSIBLE FOR SENDING COPIES OF ALL DIVISION CORRESPONDENCE TO THE POST ADJUTANT'S OFFICE. THE MEMORIAL DIVISIONS MAY NOT CHARGE DIVISIONS DUES RELATED TO THEIR OWN ACTIVITIES. THE MEMORIAL DIVISIONS SHALL NOT OBLIGATE THE POST FINANCIALLY NOR ARE THEY AUTHORIZED TO FORM A DISTINCT BUSINESS OPERATING UNIT.

SECTION 7 ALL CORRESPONDENCE FROM MEMORIAL DIVISIONS ADDRESSED TO NATIONAL, TO DEPARTMENT, OR TO OTHER OPERATING MEMORIAL DIVISIONS, MUST COME TO THE ADJUTANT'S OFFICE OF THE POST FOR TRANSMITTAL.

SECTION 8 THE POST ALLOWS BOTH THE CREATION OF MEMORIAL DIVISIONS AND THEIR AUTONOMOUS OPERATION FOR THE MOST PART. HOWEVER, THEY ARE STILL INTERNAL ORGANIZATIONS WITHIN THE POST AND CAN ONLY EXIST, OPERATION, AND SELECT THEIR OFFICERS WITH THE APPROVAL OF THE POST EXECUTIVE COMMITTEE AND SHALL CONTINUE IN OPERATION IN ACCORDANCE WITH THE RULE AND REGULATIONS OF THE POST EXECUTIVE COMMITTEE.

#### **ARTICLE XIV- AMENDMENTS**

SECTION 1 THESE BYLAWS ARE ADOPTED SUBJECT TO THE PROVISIONS OF THE NATIONAL AND DEPARTMENT CONSTITUTIONS AND BYLAWS. ANY AMENDMENT TO SAID NATIONAL OR DEPARTMENT CONSTITUTIONS OR BYLAWS WHICH ARE IN CONFLICT WITH THE PROVISIONS HEREOF, SHALL BE REGARDED AS AUTOMATICALLY REPEALING, AMENDING, OR MODIFYING THAT PROVISION OF THESE BY-LAWS TO THE EXTENT OF SUCH CONFLICT.

SECTION 2 THESE BY-LAWS MAY BE AMENDED AT ANY REGULAR POST MEETING CALLED BY THE POST EXECUTIVE COMMITTEE AT WHICH A QUORUM IS PRESENT BY A VOTE OF TWO-THIRDS OF THE MEMBERS ATTENDING PROVIDED THAT THE AMMENDMENTS SHALL HAVE BEEN SUBMITTED IN WRITING AND READ AT PRECEDING REGULAR MEETING OF THE POST. PROVIDED FURTHERMORE, THAT WRITTEN NOTICE VIA THE POOP SHEET SHALL HAVE BEEN GIVEN TO ALL MEMBERS IN ADVANCE OF THE DATE WHEN SUCH AMENDMENT IS TO BE VOTED UPON NOTIFYING THE MEMBERS THAT AT THE MEETING A PROPOSAL TO AMEND THE BY-LAWS IS TO BE VOTED UPON.

#### **ARTICLE XV- SPECIAL PROVISIONS**

SECTION 1 NO OFFICER OF THE POST SHALL SELL, CONVEY, MORTGAGE OR DISPOSE OF ANY OF THE TEMPORALITIES AND PROPERTY OF THE POST EXCEPT BY AND UNDER IT'S DIRECTION DULY HAD OR GIVEN BY THE EXECUTIVE COMMITTEE ACCORDING TO THE CONSTITUTION AND BY-LAWS.

SECTION 2 THE NAMES, ADDRESSES AND INFORMATION ABOUT POST MEMBERS THAT ARE MAINTAINED BY THE POST AND THAT ARE PUBLISHED IN POST COMMUNICATIONS ARE FOR THE USE OF MEMBERS ONLY. NO PUBLICATION OF INFORMATION ABOUT CHINA POST NO. 1 OR IT'S MEMBERS DERIVED FROM THESE SOURCES IS AUTHORIZED BY MEMBERS WITHOUT WRITTEN APPROVAL OF THE POST COMMANDER AND/OR DEPUTY COMMANDER.