

CONSTITUTION

Suffolk County Organization

The American Legion
Department of New York

Amended June 9, 2007

CONSTITUTION

ARTICLE I – NAME

Section 1. The name of this organization shall be ‘Suffolk County Organization, Department of New York, The American Legion’.

ARTICLE II – OBJECTIVES

Section 1. The objectives of this organization shall be:
To uphold and defend the Constitution of the United States of American; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and 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 III – MEMBERSHIP

Section 1. Eligibility for membership in the American Legion in this county shall be as prescribed by the Constitution of the National Organization.

Section 2. There shall be no form or class of membership except as active membership and as prescribed by the Constitution of the National Organization.

ARTICLE IV – NATURE OF THE ORGANIZATION

Section 1. The American Legion is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any convention or meeting of the American Legion.

Section 2. The American Legion shall be absolutely non-political and shall not be used for the dissemination of principles nor for the promotion of the candidacy of any person seeking public office or preferment. No candidate for, or incumbent of, a remunerative elective public office shall hold any elective office in the American Legion or any sub-division or Post thereof.

Section 3. Each member shall perform his duty as a citizen according to his conscience and understanding.

ARTICLE V – LOCAL UNIT

Section 1. The local unit shall be termed the ‘Post’, which shall have a minimum membership of fifteen. All applications for the formation of a Post and for the required Charter shall be made to the County Committee in accordance with the provisions and requirements of the Constitution and By-Laws of the National Organization, the Department of New York and the Suffolk County Organization.

ARTICLE VI – ADMINISTRATION

Section 1. The administrative affairs of this organization shall, except as may be otherwise provided by this Constitution or the By-Laws, be under the supervision of the County Officers and the Executive Committee.

Section 2. The legislative body of this organization shall be the County Committee which shall consist of the County Offices, Past County Commanders who are members in good standing of a Post that is under the jurisdiction of the Suffolk County Organization and the County Committeemen or their designated Alternates from each Post.

Section 3. The County Officers, the Executive Committee and the County Committeemen shall be as prescribed by ARTICLES IX, X and XI respectively of this Constitution.

Section 4. The County Committee shall meet on the first Friday of every month, except July and August, at such place as may be designated by the County Committee at its previous meeting or, if such designation is not made, at such place as may be designated by the County Commander. When a quorum is not present on a regular County Committee meeting night, the County Commander is empowered to call a meeting of the County Committee. Such Authority is necessary due to weather conditions or the first Friday being a special religious or secular holiday. The significance of which was overlooked by the County Committee at its previous meeting. If the County Committee did, in its deliberations, give consideration to the fact that a certain first Friday was also a holiday, but took no action in respect thereto. The County Commander has no power to change the date of that meeting because of such holiday.

Section 5. The fiscal year shall be from July 1st thru June 30th of the following year.

Section 6. The Suffolk County Organization is sub-divided into five (5) Divisions as provided elsewhere in this Constitution and By-Laws. Subject to provisions of this Constitution and By-Laws, each Division shall:

- A) Adopt a set of By-Laws for the conduct of its internal affairs. Such By-Laws must be approved by the County Committee in the same manner as individual Post By-Laws.
- B) Hold a meeting in September at which meeting an Adjutant shall be appointed or elected as proscribed in said By-Laws.
- C) Hold a meeting in the month of May at which meeting it shall elect its Commander for the coming year.
- D) Hold a meeting in any other month as may be called for in its own By-Laws or when so requested by at least one-third of the Post in that Division or when called by the Division Commander.
- E) Ensure that each Post shall have but one vote on any one question at Division meetings.
- F) Each Division shall pass upon every application for a Post Charter within their own Division.

ARTICLE VII – ANNUAL CONVENTION

Section 1. The annual meeting of the Suffolk County Organization shall be a County Convention held at least fifteen (15) days prior to the close of the fiscal year (June 30th following).

Section 2. The annual meeting shall be for the purpose of electing the County Officers, submission of annual reports of Officers and Committees and other such business as may properly come before it.

Section 3. Voting members of the County Convention shall be:

- A) The County Officers.
- B) Past County Commanders who are members in good standing in a Post that is under the jurisdiction of the Suffolk County Organization.
- C) The County Committeemen or, in their absence, their alternates from each Post as prescribed by ARTICLE XI.
- D) Delegates or, in their absence, their alternates from each Post as prescribed by Section 4 hereof.

Section 4. Each Post shall be entitled to two (2) Delegates plus one additional Delegate for each fifty (50) members in excess of the minimum membership prescribed by ARTICLE V of this Constitution. Such membership shall be based upon the record of paid-up membership as shown by the books of the County Treasurer at the close of the fiscal year (June 30th) of the preceding year. Each Post shall be entitled to an Alternate for each Delegate, who shall substitute for absent Delegates in the order in which the names appear on the roster of Delegates and Alternates submitted to the County Credentials Committee.

ARTICLE VIII – COUNTY ORGANIZATION

Section 1. The County shall be divided into five (5) areas each headed by a County Vice Commander of Suffolk County.

Section 2. The areas shall consist of the Posts whose permanent meeting places are located within the Townships as set forth below:

- Area One: Babylon and Huntington Townships
- Area Two: Islip and Smithtown Townships
- Area Three: Brookhaven Township, with the exception of the hamlet of Eastport.
- Area Four: Riverhead, Shelter Island & Southold Townships
- Area Five: The hamlet of Eastport And East Hampton and Southampton Townships

ARTICLE IX – COUNTY OFFICERS

Section 1. The County Officers shall be a Commander, Five (5) Vice Commanders who shall serve without seniority, Adjutant, Treasurer, Chaplain, Historian, Service Officer and Sergeant at Arms.

Section 2. Such Officers shall be elected at the County Convention held and constituted as provided in ARTICLE VII of this Constitution excepting the Adjutant and Service Officer, both of whom shall be appointed by the County Commander to serve at his pleasure.

ARTICLE X – EXECUTIVE COMMITTEE

Section 1. There shall be an Executive Committee composed of the County Officers, Past County Commanders in good standing, and the Commanders of the Posts in the County Organization, which shall have the power to act in the same manner and with the same effect as the County Committee in the interim between regular meetings, thereof provided, however, that such acts receive conformation by the County Committee at its next regular meeting. The County Judge Advocate shall be a non-voting member of the Executive Committee to advise them on the interpretation of the County, Department and National Constitution & By Laws and the legality of any issues which may come before them. If the Judge Advocate is entitled to a vote on the Executive Committee by way of an appointed or elected position, past or present, this right is not expunged.

Section 2. The Executive Committee shall meet within ten (10) days of the close of the County Convention to approve the Budget for the fiscal year, and all appointed Committee Chairman. The Executive Committee shall also meet prior to the regular December, February and May meetings of the County Committee.

ARTICLE XI – COUNTY COMMITTEEMEN

Section 1. Each Post shall be entitled to one County Committeeman plus one additional County Committeeman for each one hundred fifty (150) members or major fraction thereof in excess of the minimum membership prescribed by ARTICLE V of this Constitution. Such membership shall be based upon the record of paid-up membership as shown on the books of the County Treasurer at the close of the fiscal year (June 30th) of the preceding year. Each Post shall be entitled to an Alternate for each County Committeeman, who shall substitute for absent County Committeeman in the order in which the names appear on the roster of County Committeeman and Alternates submitted to the County Adjutant.

ARTICLE XII – DUES

Section 1. Each Post shall pay annually to the County Treasurer the sum of four dollars (\$4.00) in addition to whatever amount is required to be paid to the Department and National Organizations for each and every individual member. Such payments shall be made on or before the 20th day of the month following the payment by such member of his Post dues. The minimum annual dues of the individual members to be charged by a Post shall be nineteen dollars (\$19.00).

Section 2. The sum retained by the County Organization, four dollars (\$4.00) shall be placed in the General Fund.

ARTICLE XIII – QUORUM

Section 1. A Quorum shall exist at a County Committee meeting when there are present accredited representatives from one-third (1/3) or more of the Posts entitled to representation thereof.

ARTICLE XIV – RULES

Section 1. The order of business and rules of procedure of County Committee meetings shall be prescribed by the American Legion Manual of Ceremonies.

Section 2. Roberts Rules of Order, revised, shall apply in all cases not covered by Section 1. of this ARTICLE.

ARTICLE XV – AFFILIATED ORGANIZATIONS

American Legion Auxiliary – The Suffolk County Organization of the American Legion recognizes an Auxiliary Organization known as the ‘American Legion Auxiliary, Suffolk County Committee, Department of New York’.

Sons of the American Legion – The Suffolk County Organization of the American Legion recognizes the ‘Sons of the American Legion, Suffolk County Division, Department of New York’.

ARTICLE XVI – AMENDMENTS

Section 1. This Constitution may be amended by a two-thirds (2/3) vote of the members of the County Committee present at any meeting thereof, provided that the said Proposed Amendment is read at the last preceding meeting of the County Committee and that fifteen (15) days written notice of the Proposed Amendment has been given to each County Committeeman and Post in the County Organization by the County Adjutant.

Section 2. This Constitution may be amended by a majority vote of the qualified representatives registered and voting at any County Convention without prior notice, subject to the following regulations:

- 1) The Proposed Amendment must be submitted by a Delegate or the Chairman of a Standing Committee.
- 2) The Proposed Amendment must be in writing and delivered to the County Adjutant prior to the close of the first session of the County Convention.
- 3) The Proposed Amendment will be voted upon at the second session of the County Convention, immediately after the final report of the Resolution Committee.

AMENDMENTS

February 1991 – Updated Copy of Constitution & By Laws mailed with County Minutes, as part of general mailing.

November 1991 – General Membership Meeting

ADDED - ARTICLE VI – Section 6, F)

Each Division shall pass upon every application for a Post Charter within their own Division.

December 1998 – General Membership Meeting

ADDED - ARTICLE X - Section 1., last two sentences

The County Judge Advocate shall be a non-voting member of the Executive Committee to advise them on the interpretation of the County, Department and National Constitution & By Laws and of the legality of any issues which may come before them. If the Judge Advocate is entitled to a vote on the Executive Committee by way of an appointed or elected position, past or present, this right is not expunged.

June 15, 2002 – County Convention – Resolution #2

AMENDED - Article X - Section 2

FROM:

The Executive Committee shall meet at least two (2) weeks prior to the regular September meeting of the County Committee and prior to the regular December, February and May meetings of the County Committee.

TO:

The Executive Committee shall meet within ten (10) days of the close of the County Convention to approve the Budget for the fiscal year, and all appointed Committee Chairman. The Executive Committee shall also meet prior to the regular December, February and May meetings of the County Committee.

June 15, 2002 – County Convention – Resolution #4

AMENED - Article XI - Section 1

FROM:

Each Post shall be entitled to one County Committeeman plus one additional County Committeeman for each one hundred (100) members or major fraction thereof in excess of the minimum membership prescribed by ARTICLE V of this Constitution. Such membership shall be based upon the record of paid-up membership as shown on the books of the County Treasurer at the close of the fiscal year (June 30th) of the preceding year. Each Post shall be entitled to an Alternate for each County Committeeman, who shall substitute for absent County Committeeman in the order in which the names appear on the roster of County Committeeman and Alternates submitted to the County Adjutant.

TO:

Each Post shall be entitled to one County Committeeman plus one additional County Committeeman for each one hundred fifty (150) members or major fraction thereof in excess of the minimum membership prescribed by ARTICLE V of this Constitution. Such membership shall be based upon the record of paid-up membership as shown on the books of the County Treasurer at the close of the fiscal year (June 30th) of the preceding year. Each Post shall be entitled to an Alternate for each County Committeeman, who shall substitute for absent County Committeeman in the order in which the names appear on the roster of County Committeeman and Alternates submitted to the County Adjutant.

June 15, 2002 – County Convention – Resolution #5

AMENDED - Article VII - Section 4

FROM:

Each Post shall be entitled to four (4) Delegates plus one additional Delegate for each twenty-five (25) members in excess of the minimum membership prescribed by ARTICLE V of this Constitution. Such membership shall be based upon the record of paid-up membership as shown by the books of the County Treasurer at the close of the fiscal year (June 30th) of the preceding year. Each Post shall be entitled to an Alternate for each Delegate, who shall substitute for absent Delegates in the order in which the names appear on the roster of Delegates and Alternates submitted to the County Credentials Committee.

TO:

Each Post shall be entitled to two (2) Delegates plus one additional Delegate for each fifty (50) members in excess of the minimum membership prescribed by ARTICLE V of this Constitution. Such membership shall be based upon the record of paid-up membership as shown by the books of the County Treasurer at the close of the fiscal year (June 30th) of the preceding year. Each Post shall be entitled to an Alternate for each Delegate, who shall substitute for absent Delegates in the order in which the names appear on the roster of Delegates and Alternates submitted to the County Credentials Committee.

June 14, 2003 – County Convention – Resolution # 2

AMENDED – Article XII Section 1 & Section 2

FROM:

Section 1. Each Post shall pay annually to the County Treasurer the sum of two dollars (\$2.00) in addition to whatever amount is required to be paid to the Department and National Organizations for each and every individual member. Such payment shall be made on or before the 20th day of the month following the payment by such member of his Post dues. The minimum annual dues of the individual members to be charged by a Post shall be ten dollars and fifty cents (\$10.50).

Section 2. Of the sum retained by the County Organization, forty cents (\$0.40) shall be deposited in a Convention Fund Savings Account; of the remaining one dollar and sixty cents (\$1.60); forty cents (\$0.40) shall be placed in the Hospital Welfare Fund and one dollar and twenty cents (\$1.20) shall be placed in the General Fund.

TO:

Section 1. Each Post shall pay annually to the County Treasurer the sum of four dollars (\$4.00) in addition to whatever amount is required to be paid to the Department and National Organizations for each and every individual member. Such payments shall be made on or before the 20th day of the month following the payment by such member of his Post dues. The minimum annual dues of the individual members to be charged by a Post shall be nineteen dollars (\$19.00).

Section 2. The sum retained by the County Organization, four dollars (\$4.00) shall be placed in the General Fund.

June 9, 2007 – County Convention – Resolution #2

AMENDED – Article VIII Section 1 & Section 2

FROM:

Section 1. The County shall be divided into five (5) Divisions, each headed by a Division Commander who shall be the County Vice Commander for that Division.

Section 2. The Divisions shall consist of the Posts whose permanent meeting places are located within the Townships as set forth below:

- First Division: Babylon and Huntington Townships
- Second Division: Islip and Smithtown Townships
- Third Division: Brookhaven Township
- Forth Division: Riverhead, Shelter Island & Southold Townships
- Fifth Division: East Hampton and Southampton Townships

TO:

Section 1. The County shall be divided into five (5) areas each headed by a County Vice Commander of Suffolk County.

Section 2. The areas shall consist of the Posts whose permanent meeting places are located within the Townships as set forth below:

- Area One: Babylon and Huntington Townships
- Area Two: Islip and Smithtown Townships
- Area Three: Brookhaven Township, with the exception of the hamlet of Eastport.
- Area Four: Riverhead, Shelter Island & Southold Townships
- Area Five: The hamlet of Eastport and East Hampton and Southampton Townships