

Department of Arkansas American Legion
Department Convention
Held on June 14, 15, 16, 2024

Resolution

No.:

Title: American Legion Department of Arkansas Constitution Article VI – Department Officers, Section 1 – terms of office

Origin: Criswell-Robinson Post 71

WHEREAS, the current American Legion Department of Arkansas Constitution, Article VI, Section 1 limits the Department Commanders term of office to one year; and

WHEREAS, basic management principles clearly indicate that for an volunteer organization to effect change and effective management and leadership of that change takes longer then in an organization that is established to create a profit; and

WHEREAS, an annual election of the Department of Arkansas Commander is required by the Department of Arkansas Constitution per Section 1; therefore, be it

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, change American Legion Department of Arkansas Constitution, Article VI, Section 1 to read as follows,

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; Southeastern 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 this Constitution. Department Vice Commanders shall not be eligible to succeed themselves.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.

Chadwick Post Post 71 Commander

Chadwick Post Post 71 Adjutant

BELOW THIS LINE FOR DEPARTMENT RESOLUTION COMMITTEE USE ONLY

Approved Approved with Amendment Rejected Received and Recorded Consolidated with

Referred to Standing Commission or Committee on

Other Action

Signature of Chairman or Secretary

RESOLUTION
Department of Arkansas American Legion
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Held on June 14, 15, 16, 2024

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No.:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V – Charters

Origin: Criswell-Robinson Post 71

WHEREAS, United States Code Annotated Title 36, Chapter 217, Section 21704.Powers authorizes the American Legion to provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;

WHEREAS, the Charter of the American Legion National Constitution and By-Laws Article XIII – Discipline details the process to be followed in taking cancellation, suspension and revocation actions towards Posts for any good and sufficient cause;

WHEREAS. the current Department Constitution, Article XIII – Discipline, Section 1 states only that The Department Executive Committee, after notice and a hearing, may suspend or with the approval of the National Executive Committee, revoke the charter of a Post which violates this constitution or which fails adequately to discipline any of its members for any such violation, and may provide for the government and administration of such Post during such suspension or upon such revocation clearly not meeting national requirements; and

WHEREAS: the current Department Constitution By-Laws, Article V – Charters, Section 2 states that the Department Commander may order a Post to surrender their charter, a violation of the National Constitution and By-Laws; and

WHEREAS: the current Department Constitution By-Laws, Article V – Charters, Section 3 states that the procedure for revocation, cancellation, or suspension of Post charters shall be in accordance with the uniform code of procedure for the revocation, cancellation, or suspension of Post charter adopted by the national Executive Committee pursuant to provisions of the National By-Laws, however the only documented titled Uniform Code of Procedure document published by the American Legion is for the Organization of National Conventions; and

WHEREAS: recent events within the American Legion Department of Arkansas have resulted in the incorrect usage of the suspension and revocation process against some posts contrary to the American Legion National Constitution required actions; and

WHEREAS: Department Leadership in the past has directed direct intervention into the management of Posts and canteens a directed violation of United States Code Annotated Title 36, Chapter 217, Section 21704.Powers; therefore, be it

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, that the Department of Arkansas Constitution, Article XIII – Discipline shall be amended as follows,

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No.:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V – Charters

Origin: Criswell-Robinson Post 71

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.

BE IT FURTHER RESOLVED, that the Department Constitution By-Law Article V – Charters shall be amended as follows:

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 the 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 such 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 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 that 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.

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No.:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V – Charters

Origin: Criswell-Robinson Post 71

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.

Section 7. 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 Alcoholic 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 or the National and Department Constitutions by bring negative public attention or dishonor, public or private, to the American Legion.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.

Charles E. A. Post 71 Commander

Charles E. A. Post 71 Adjutant

BELOW THIS LINE FOR DEPARTMENT RESOLUTION COMMITTEE USE ONLY

Approved Approved with Amendment Rejected Received and Recorded Consolidated with

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Department of Arkansas American Legion
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Page 1 of 1

No.:

Title: American Legion Department of Arkansas Finance Officer Duties

Origin: Criswell-Robinson Post 71

WHEREAS, the current Department Constitution and By-Laws, Article III of the By-Laws Section 4 requires that the Department Finance Officer sign all checks disbursing the funds of the Department organization; and

WHEREAS, the signing of all checks is impractical since there will be times the Finance Officer is not available and a Department obligation must be met; and

WHEREAS, the Department of Arkansas is moving to electronic on-line banking and the signing of checks will not be necessary in many cases; therefore, be it

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, change By-Laws Article III – Duties of Officers, Section 4 shall be amended as follows,

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.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.

Charles M. Ed Post 71 Commander

Charles M. Ed Post 71 Adjutant

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RESOLUTION
Department of Arkansas American Legion
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Held on June 14, 15, 16, 2024

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No.:

Title: American Legion Department of Arkansas Constitution By-Laws Article VI – Post Organization
Origin: Criswell-Robinson Post 71

WHEREAS, United States Code Annotated Title 36, Chapter 217, Section 21704. Powers authorizes the American Legion to provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters; and

WHEREAS, the American Legion National Constitution and By-Laws Article IV – Discipline of Post and Post Members clearly states in Section 1 that each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion; and

WHEREAS, the American Legion National Constitution and By-Laws Article IV – Discipline of Post and Post Members states in Section 2 that a Post may suspend or expel a Post member from The American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/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 by the Post or Department in such manner and form as the Post or Department By-Laws and 15 Post or Department Executive Committee shall prescribe; and

WHEREAS, the American Legion National Constitution and By-Laws Article III -- Department Organization, Section 4 that the Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization; and

WHEREAS, recent events within the American Legion Department of Arkansas wrongfully removed a Post Commander from a Post Commander position that the Post membership had voted the member into and then the Department Executive Committee preceded to approve the removal action, further compounding the wrongful action per the Constitution of The American Legion and The Constitution of The Department of Arkansas, 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; therefore, be it

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No.:

Title: American Legion Department of Arkansas Constitution By-Laws Article VI – Post Organization

Origin: Criswell-Robinson Post 71

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, that the Department of Arkansas Constitution By-Laws Article VI – Post Organization, Section 2 shall be amended as follows,

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.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.

Charles W. Bell Post 71 Commander

Criswell R. Bell Post 71 Adjutant

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RESOLUTION
Department of Arkansas American Legion
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Held on June 14, 15, 16, 2024

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No.:

Title: American Legion Department of Arkansas Policy and Procedures Manual - Headgear

Origin: Criswell-Robinson Post 71

WHEREAS, Members of the American Legion are all veterans and have honorably served in the United States Military thereby are trained in the proper wearing of headgear, per their service branch, respective of different duties, functions, and uniforms; and,

WHEREAS: the American Legion 2022 Officer's Guide and Manual of Ceremonies states in Section 2, Manual of Ceremonies, paragraph 7 "Each officer shall be equipped with the official cap and proper official badge of the respective office."; and,

WHEREAS, the American Legion 2022 Officer's Guide and Manual of Ceremonies states: A member is considered to be in uniform if wearing an official Legion uniform cap; and

WHEREAS, the American Legion 2022 Officer's Guide and Manual of Ceremonies states: The Legion uniform cap should be worn by its members only when in attendance at official Legion meetings or ceremonies or as official guests at patriotic or other civil functions or by individuals when officially representing The American Legion on public occasions; and,

WHEREAS, The Officer's Guide and Manual of Ceremonies states: Female members of the Legion should wear their caps in the manner prescribed for female personnel of the armed services; and,

WHEREAS, American Legion Resolution No. 58: Official American Legion Caps established that the color of the headgear represents the respective level of leadership/duties performed: i.e. Red for National, White for Department, Blue/White for District and County, and Blue for Post levels; and,

WHEREAS, American Legion Resolution No. 58, Section 6b establishes a limitation on the wearing of different color headgear by stating: "No member of any organization, such as drum and bugle corps, bands, and so forth, sponsored by any post or intermediate organizations between the department and post levels, or by any department, shall wear the overseas cap having the color, or combination of colors, authorized for the sole use of county, district, department, or national officers, when the members of uniformed groups are not appearing in the full uniform of their group;" and,

WHEREAS: it would be inappropriate and confusing to membership for a Department Finance Officer who is also a Post Commander to wear a white headgear while conducting a Post Membership meeting since the white headgear would indicate that individual is conducting the meeting under the Department level of leadership and authority; now, therefore be it

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No.:

Title: American Legion Department of Arkansas Policy and Procedures Manual - Headgear

Origin: Criswell-Robinson Post 71

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, incorporate into Department Policy and Procedures Manual a policy that the color of headgear a member wears while performing duties for or representing the American Legion will correspond to the level leadership that member is functioning in or representing while performing American Legion duties, thereby, if a person has a Department position of leadership and also has a Post position of leadership and is performing that Post function, the individual will be required to wear the Post Blue headgear.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.

Charles W. Ed

Post 71 Commander

Charles W. Ed

Post 71 Adjutant

BELOW THIS LINE FOR DEPARTMENT RESOLUTION COMMITTEE USE ONLY

Approved

Approved with Amendment

Rejected

Received and Recorded

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Other Action

Signature of Chairman or Secretary

DEPARTMENT OF ARKANSAS AMERICAN LEGION

DEPARTMENT CONVENTION

Held on June 14,15 and 16, 2024

RESOLUTION

No.1:

Title: Protection of the American Legion from Sexual Predators and Violent Criminals

Origin: Riggs-Hamilton Post 20

WHEREAS, Legionnaires and veterans alike are to protect and defend all Americans and the Constitution of The United States of America, and

WHEREAS, our 4 pillars are "Children and Youth", "Veterans Rehabilitation", "National Security", "Americanism", and

WHEREAS, legionnaires are commonly around the elderly and children alike on a regular basis through our many programs, and

WHEREAS, sexual based and violent crimes have become a rising issue within not only our local communities but across the nation, and

WHEREAS, to safeguard and protect those from any harm in any manner we must be vigilant, and

WHEREAS, we must not allow any type of predatory or violent intents to the best of our ability, and

WHEREAS, it is imperative that members of The American Legion be held to a standard as such that they served in the Armed Forces, and

WHEREAS, there are members of The American Legion that are convicted predatory sexual based offenders and/or violent offenders, and

WHEREAS, there are no safeguard against those that may be prospective future members, that may be convicted sexual and/or violent offenders, and

WHEREAS, the safety and innocence of those we serve are being placed at risk and we are doing nothing to protect in this manner, therefore, be it:

RESOLVED, by Riggs-Hamilton Post 20, Department of Arkansas, Russellville, Arkansas, through District 16, Department of Arkansas, during their regularly stated district meeting on 25 February 2024 assembled in Bunch-Walton Post 22 American Legion Hut, 201 Legion Street, Clarksville, AR 72830 to amend the National Constitution and Bylaws and add to Article VI Section 5 to disqualify any and all convicted sexual offenders at any list level through the SORNA(Sexual Offender Registry Notification Act) or felonious violent crimes from gaining or retaining membership into or of any Post in The Department of Arkansas, and be it:

FINALLY RESOLVED, add Amendment to The American Legion National, Constitution and By-laws to read; Article IV Section 5 Any and all convicted sexual offenders at any list level through the SORNA(Sexual Offender Registry Notification Act) or felonious violent crimes are disqualified and membership will be denied. If a member is found to be on a registry they will be notified and allowed to resign as a member on their own accord or be subject to the terms of expulsion under Conduct unbecoming a Legionnaire as defined by their respective Department.

DEPARTMENT OF ARKANSAS AMERICAN LEGION

DEPARTMENT CONVENTION

Held on June 14,15 and 16, 2024

RESOLUTION

No.2:

Title: Protection of the American Legion from Sexual Predators and Violent Criminals

Origin: Riggs-Hamilton Post 20

WHEREAS, Legionnaires and veterans alike are to protect and defend all Americans and the Constitution of The United States of America, and

WHEREAS, our 4 pillars are "Children and Youth", "Veterans Rehabilitation", "National Security", "Americanism", and

WHEREAS, legionnaires are commonly around the elderly and children alike on a regular basis through our many programs, and

WHEREAS, sexual based and violent crimes have become a rising issue within not only our local communities but across the nation, and

WHEREAS, to safeguard and protect those from any harm in any manner we must be vigilant, and

WHEREAS, we must not allow any type of predatory or violent intents to the best of our ability, and

WHEREAS, it is imperative that members of The American Legion be held to a standard as such that they served in the Armed Forces, and

WHEREAS, there are members of The American Legion that are convicted predatory sexual based offenders and/or violent offenders, and

WHEREAS, there are no safeguard against those that may be prospective future members, that may be convicted sexual and/or violent offenders, and

WHEREAS, the safety and innocence of those we serve are being placed at risk and we are doing nothing to protect in this manner, therefore, be it:

Be it RESOLVED, by Riggs-Hamilton Post 20, Department of Arkansas, Russellville, Arkansas, through District 16, Department of Arkansas, during their regularly stated district meeting on 25 February 2024 assembled in Bunch-Walton Post 22 American Legion Hut, 201 Legion Street, Clarksville, AR 72830 to amend the Department of Arkansas bylaws and add to Article IV a section to disqualify any and all convicted sexual offenders at any list level through the SORNA(Sexual Offender Registry Notification Act) or felonious violent crimes from gaining or retaining membership into or of any Post in The Department of Arkansas.

Be it FINALLY RESOLVED, add Amendment to Department of Arkansas, Constitution and By-laws to read; Article IV, Section7: Any and all convicted sexual offenders at any list level through the SORNA(Sexual Offender Registry Notification Act) or felonious violent crimes are disqualified and membership will be denied. If a member is found to be on a registry they will be notified and allowed to resign as a member on their own accord or be subject to Section 4 of this Article.

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Department of Arkansas American Legion
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No. 3:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V - Charters

Origin: Criswell-Robinson Post 71

WHEREAS, United States Code Annotated Title 36, Chapter 217, Section 21704.Powers authorizes the American Legion to provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters,

WHEREAS, the Charter of the American Legion National Constitution and By-Laws Article XIII – Discipline details the process to be followed in taking cancellation, suspension and revocation actions towards Posts for any good and sufficient cause,

WHEREAS. the current Department Constitution, Article XIII – Discipline, Section 1 states only that The Department Executive Committee, after notice and a hearing, may suspend or with the approval of the National Executive Committee, revoke the charter of a Post which violates this constitution or which fails adequately to discipline any of its members for any such violation, and may provide for the government and administration of such Post during such suspension or upon such revocation clearly not meeting national requirements, and

WHEREAS: the current Department Constitution By-Laws, Article V – Charters, Section 2 states that the Department Commander may order a Post to surrender their charter, a violation of the National Constitution and By-Laws, and

WHEREAS: the current Department Constitution By-Laws, Article V – Charters, Section 3 states that the procedure for revocation, cancellation, or suspension of Post charters shall be in accordance with the uniform code of procedure for the revocation, cancellation, or suspension of Post charter adopted by the national Executive Committee pursuant to provisions of the National By-Laws, however the only documented titled Uniform Code of Procedure document published by the American Legion is for the Organization of National Conventions, and

WHEREAS: recent events within the American Legion Department of Arkansas have resulted in the incorrect usage of the suspension and revocation process against some posts contrary to the American Legion National Constitution required actions, and

WEREAS: Department Leadership has directed direct intervention into the management of Posts and canteens, a direct violation of the to include Commander and Executive Committee direct management of a Post and Canteen, a directed violation of United States Code Annotated Title 36, Chapter 217, Section 21704.Powers ; therefore, be it

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, that Article XIII – Discipline of the Department of Arkansas Constitution shall be amended as follows,

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Held on June 14, 15, 16, 2024

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No. 3:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V - Charters
Origin: Criswell-Robinson Post 71

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

BE IT FURTHER RESOLVED, that the Department Constitution By-Law Article V – Charters be amended as follows:

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 the 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 such 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 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.

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Department of Arkansas American Legion
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Held on June 14, 15, 16, 2024

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No. 3:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V - Charters

Origin: Criswell-Robinson Post 71

Section 5 The Department cannot provide for the government and/or administration of a Post without first suspending that Post through first performing an investigation to determine facts and a conducting a hearing, to determine is 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.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.
Post 71 Commander Post 71 Adjutant

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No. 4:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V - Charters
Origin: Criswell-Robinson Post 71

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

BE IT FURTHER RESOLVED, that the Department Constitution By-Law Article V – Charters be changed to read as follows:

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 the 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 such 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 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.

RESOLUTION
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No. 4:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V - Charters

Origin: Criswell-Robinson Post 71

WHEREAS, United States Code Annotated Title 36, Chapter 217, Section 21704.Powers authorizes the American Legion to provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters,

WHEREAS, the Charter of the American Legion National Constitution and By-Laws Article XIII – Discipline details the process to be followed in taking cancellation, suspension and revocation actions towards Posts for any good and sufficient cause,

WHEREAS. the current Department Constitution, Article XIII – Discipline, Section 1 states only that The Department Executive Committee, after notice and a hearing, may suspend or with the approval of the National Executive Committee, revoke the charter of a Post which violates this constitution or which fails adequately to discipline any of its members for any such violation, and may provide for the government and administration of such Post during such suspension or upon such revocation clearly not meeting national requirements, and

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WHEREAS: recent events within the American Legion Department of Arkansas have resulted in the incorrect usage of the suspension and revocation process against some posts contrary to the American Legion National Constitution required actions, and

WEREAS: Department Leadership has directed direct intervention into the management of Posts and canteens, a direct violation of the to include Commander and Executive Committee direct management of a Post and Canteen, a directed violation of United States Code Annotated Title 36, Chapter 217, Section 21704.Powers ; therefore, be it

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, that Article XIII – Discipline of the Department of Arkansas Constitution shall be amended as follows,

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Held on June 14, 15, 16, 2024

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No. 4:

Title: American Legion Department of Arkansas Constitution Article XIII – Discipline and By-Law Article V - Charters

Origin: Criswell-Robinson Post 71

Section 5 The Department cannot provide for the government and/or administration of a Post without first suspending that Post through first performing an investigation to determine facts and a conducting a hearing, to determine is 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.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.
Post 71 Commander Post 71 Adjutant

BELOW THIS LINE FOR DEPARTMENT RESOLUTION COMMITTEE USE ONLY

Approved Approved with Amendment Rejected Received and Recorded Consolidated with

Referred to Standing Commission or Committee on

Other Action

Signature of Chairman or Secretary

Department of Arkansas American Legion
Department Convention
Held on June 14, 15, 16, 2024

Resolution

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No.5:

Title: American Legion Department of Arkansas Finance Officer Duties

Origin: Criswell-Robinson Post 71

WHEREAS, the current Department Constitution and By-Laws, Article III of the By-Laws Section 4 requires that the Department Finance Officer sign all checks disbursing the funds of the Department organization, and

WHEREAS, the signing of all checks is impractical sense there will be times the Finance Officer is not available and a Department obligation must be met, and

WEREAS, the Department of Arkansas is moving to electronic on-line banking and the signing of checks will not be necessary, therefore, be it

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, change By-Laws Article III – Duties of Officers, Section 4 to read as follows,

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.

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No.6:

Title: American Legion Department of Arkansas Constitution By-Laws Article I – Department Executive Committee

Origin: Criswell-Robinson Post 71

WHEREAS, United States Code Annotated Title 36, Chapter 217, Section 21704.Powers authorizes the American Legion to provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters, and

WHEREAS, the American Legion National Constitution and By-Laws Article IV – Discipline of Post and Post Members clearly states in Section 1 that each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion, and

WHEREAS, the American Legion National Constitution and By-Laws Article IV – Discipline of Post and Post Members states in Section 2 that a Post may suspend or expel a Post member from The American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/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 by the Post or Department in such manner and form as the Post or Department By-Laws and 15 Post or Department Executive Committee shall prescribe, and

WHEREAS, the American Legion National Constitution and By-Laws Article III – Department Organization, Section 4 that the Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization, and

WHEREAS, recent events within the American Legion Department of Arkansas had a past State Commander wrongfully removed a Post Commander from a Post Commander position that the Post membership had voted the member into and then preceded to have the Department Executive Committee approve the removal action, further compounding the wrongful action per the Constitution of The American Legion and The Constitution of The Department of Arkansas, 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; therefore, be it

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No.7:

Title: American Legion Department of Arkansas Constitution By-Laws Article I – Department Executive Committee

Origin: Criswell-Robinson Post 71

WHEREAS, Members of the American Legion are all veterans and have honorably served in the United States Military thereby are trained in the proper wearing of headgear, per their service branch, respective of different duties, functions, and uniforms; and,

WHEREAS: the American Legion 2022 Officer’s Guide and Manual of Ceremonies states in Section 2, Manual of Ceremonies, paragraph 7 “Each officer shall be equipped with the official cap and proper official badge of the respective office.” and,

WHEREAS, the American Legion 2022 Officer’s Guide and Manual of Ceremonies states: A member is considered to be in uniform if wearing an official Legion uniform cap; and

WHEREAS, the American Legion 2022 Officer’s Guide and Manual of Ceremonies states: The Legion uniform cap should be worn by its members only when in attendance at official Legion meetings or ceremonies or as official guests at patriotic or other civil functions or by individuals when officially representing The American Legion on public occasions; and,

WHEREAS, The Officer’s Guide and Manual of Ceremonies states: Female members of the Legion should wear their caps in the manner prescribed for female personnel of the armed services; and,

WHEREAS, American Legion Resolution No. 58: Official American Legion Caps established that the color of the headgear represents the respective level of leadership/duties performed: i.e. Red for National, White for Department, Blue/White for District and County, and Blue for Post levels; and,

WHERE AS, American Legion Resolution No. 58, Section 6b establishes a limitation on the wearing of different color headgear by stating: “No member of any organization, such as drum and bugle corps, bands, and so forth, sponsored by any post or intermediate organizations between the department and post levels, or by any department, shall wear the overseas cap having the color, or combination of colors, authorized for the sole use of county, district, department, or national officers, when the members of uniformed groups are not appearing in the full uniform of their group;” and,

WHEREAS: it would be inappropriate and confusing to membership for a Department Finance Officer who is also a Post Commander to wear a white headgear while conducting a Post Membership meeting since the white headgear would indicate that individual is conducting the meeting under the Department level of leadership and authority; now, therefore be it

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No.7:

Title: American Legion Department of Arkansas Constitution By-Laws Article I – Department Executive Committee

Origin: Criswell-Robinson Post 71

RESOLVED, at The American Legion Department of Arkansas Department Convention in North Little Rock, AR, June 16, 2024, incorporate into Department Policy and Procedures Manual a policy that the color of headgear a member wears while performing duties for or representing the American Legion will correspond to the level that member is functioning in or representing while performing American Legion duties, thereby if a person has a Department position of leadership, but also has a Post position of leadership and is performing that Post function, the individual will be required to wear the Post Blue headgear.

This is to certify that this resolution was adopted by our Post but with Department action substituted for local resolving clause.
Post 71 Commander Post 71 Adjutant

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