



**THE AMERICAN LEGION**  
**Department of Tennessee**  
**Knoxville Post 2**  
**Post Office Box 52668**  
**Knoxville, Tennessee 37950-2668**

# **CONSTITUTION AND BYLAWS**

**Revision 8**  
**Approved by the Membership March 2024**

# **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 per cent Americanism; to preserve the memories and incidents of our associations in All Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

# **CONSTITUTION**

## **Article I Name**

The name of this Post shall be Knoxville Post No. 2, The American Legion, Department of Tennessee, and is incorporated under the laws of the State of Tennessee, being of record in the Register's Office of Knox County, Tennessee.

## **Article II Objects**

The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of the American Legion.

### **Article III Nature**

Section 1: Knoxville Post No. 2, The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by their military or naval title in any convention or meeting of the Legion.

Section 2: Knoxville Post No. 2, The American Legion shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles nor the promotion of the candidacy of any person seeking public office or preferment.

### **Article IV Membership**

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

Section 2. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the member as prescribed in the Department Constitution.

Section 3. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 4. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the Department Executive Committee of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 5. Eligibility for American Legion post officers will be certified by their Adjutant with notification to the Department Adjutant.

Section 6. Eligibility for American Legion department officers will be certified by the Department Adjutant.

## **Article V Charter Members**

Members who joined this Post prior to September 25, 1919, shall be known as charter members.

## **Article VI Amendments**

Section 1: Amendments to this Constitution may be made at any meeting of the Post, regular or special, by a two-thirds vote of the members present, provided the proposed amendment shall have been offered and read at the preceding meeting of the Post, or provided notice in writing of said proposed amendment shall have been given to the members of the Post thirty days prior to such meeting.

Section 2: In the event of any conflict between the provisions of the National or Department Constitution and Bylaws and the Post Constitution and Bylaws, the National Constitution shall prevail over both.

## **Article VII American Legion Auxiliary**

Section 1: This post recognizes an Auxiliary organization to be known as the Auxiliary Unit 2 of Knoxville Post No. 2, The American Legion.

Section 2: Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

# **BYLAWS**

## **Article I Name and Object**

Section 1. The situs of this Post shall be in the County of Knox, State of Tennessee, with the headquarters or club rooms at such place as the Post from time to time may designate.

Section 2. The Post existing under these bylaws shall be known as Knoxville Post No. 2, The American Legion, Department of Tennessee.

Section 3. Knoxville, Post 2, of The American Legion, Department of Tennessee, is located at 5700 Old Rutledge Pike, Knoxville, TN 37924

Section 4. The object of this Post is set forth in the Post Constitution.

## **Article II Management**

Section 1. The government and management of the Post is entrusted to the Executive Committee, subject to approval by Post members in regular or called meetings assembled.

Section 2. The management and control of any real property owned by the Post is entrusted to the Executive Committee, subject to approval or change by the Post members in regular or called meeting assembled.

Section 3. The Executive Committee shall consist of 15 members and one advisor. The members of the Executive Committee will be as follows:

1. The Post Commander
2. The First Vice Commander
3. The Second Vice Commander
4. The Third Vice Commander

5. Immediate Past Post Commander
6. Second Immediate Past Post Commander
7. Third Immediate Past Post Commander
8. The Adjutant
9. The Finance Officer
10. First At-Large Member
11. Second At-Large Member
12. Third At-Large Member
13. Fourth At-Large Member
14. Fifth At-Large Member
15. Sixth At-Large Member

The At-large members will serve three-year terms with two being elected each year at the annual meeting.

The Post Judge Advocate should be present in an advisory capacity at all meetings of the Executive Committee.

In the event that one person meets the criteria for two spots on the executive committee, they shall fill only one spot and the other spot shall be considered vacant, and at-large. This vacancy shall then be filled in accordance with these bylaws.

Section 4. In the event of a vacancy on the Executive Committee, for any cause other than expiration of a term of office, a successor shall be elected by the originally electing body in a regular or called meeting. A person so elected shall hold office for the unexpired term of the member they succeed.

## Article III Officers and the Executive Committee

Section 1. The Officers of Post 2 shall be a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, a Finance Officer, a Historian, a Chaplain, a Service Officer, a Sergeant-at-Arms, a Public Relations Officer, and a Judge Advocate. The Commander, three Vice Commanders, Finance Officer, Historian, Chaplain, and Sergeant-at-Arms shall be elected by the members of the Post at the annual meeting. The Adjutant, the Service Officer, the Public Relations Officer, and the Judge Advocate shall be elected by the Executive Committee. All officers shall hold office for one year or until their respective successors shall have been elected and installed.

Section 2. The government and management of the Post is entrusted to an Executive Committee of 15 members, to be known as the "Executive Committee."

Section 3. The Executive Committee shall consist of 15 members including the officers of the Post and together with the other officers of this Post shall be elected annually at the May meeting and take office at the meeting next following that of the election. All elections of officers and executive committee members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. In the event of the absence of the Commander and the Vice Commanders, the members present at such meeting may elect an officer to preside. The Commander shall be an ex officio member of all committees.

Section 4. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Section 5. The Commander of the Post leads the post on a daily basis outside of the executive and post meetings. Implements the activities of the officers and committees in support of executive committee decisions. Presides over both the executive and post meetings. Serves as the voice of the post to the membership and the community. The commander is the primary contact with the Tennessee Department, the East Tennessee Vice Commander, and the 2<sup>nd</sup> District Commander. In the event of the Commander's absence, the senior Vice Commander, shall preside at all meetings of the Post and the Executive Committee. In the event of the Commander's absence, the First Vice Commander shall preside at all meetings of the Post and the Executive Committee.

Section 6. The First Vice Commander is responsible for all activities of membership. This includes membership itself by processing new, current referrals and member transfers. Directs and assists the Buddy Check Team and supports members by contact and follow-up. The First Vice Commander shall be charged with the collection of annual dues, which will be immediately reported to the Post Finance Officer; and shall give a report as directed by the Commander.

Section 7. The Second Vice Commander is responsible for and directs the Internal Programs team. Maintains calendar and continuity book for each program. Ceremonies and social activities of the post, to include but not limited to, picnics, POW/MIA ceremonies, flag retirements. The Second Vice also oversees the external programs team which includes the annual Veterans Day Parade, Pearl Harbor Ceremony, Memorial Day ceremony and other Post attended/supported events. Ensures we have a POC on each activity.

Section 8. The Third Vice Commander is responsible for the Post Facility and Post Grounds Teams. Directs all property and facility procurement activities. Solicit & collect information regarding design, construction, and cost of any building projects. Prepare project design and differential avenues of project preparation and proposals for the consideration of the executive committee and post membership. Serve as primary point of contact for all design and construction entities. Leads the Post Grounds Team, Recruits members to maintain the property such as grass cutting, flagpole maintenance, etc. Coordinates these activities so as not to



interfere with any construction activity. All activities performed by the Third Vice Commander shall be closely coordinated with the executive committee.

Section 9. The Adjutant is the Post administrative officer (Chief of Staff), and shall give notice of all called meetings of the Post and of the Executive Committee and shall keep the minutes of all meetings. The Adjutant shall maintain records of the correspondence and keep the records of the Post including the names, addresses, and previous military or service organizations of the members. The Adjutant shall notify candidates for membership of their election. The Adjutant shall be responsible for the publication and the distribution of the Post 2 Newsletter. The Adjutant shall insure that all filings are made with the appropriate governmental offices to keep the Post's incorporation and nonprofit status current. The Adjutant shall insure that the Post Consolidated Report is prepared accurately and filed on time with the Department. Serves in accordance with the American Legion Adjutant's Manual.

Section 10. The Finance Officer shall be charged with the custody of all funds paid into the Legion from every source. It shall be the duty of the Post Officers and others responsible for handling funds to turn over such funds to the Finance Officer, exacting a receipt, therefore. The Finance Officer shall be responsible for disbursement of funds and payment of bills subject to the approval of the Executive Committee. The Finance Officer shall make a report of receipts and expenditures which report shall show the condition of Post finances. This report shall be available for inspection by all members in good standing of the Post. The Executive Committee or their designated representative shall review the accounts of the Adjutant and the Finance Officer annually. The Finance Officer will ensure that the annual tax returns of the Post are filed in a timely manner so as to preserve the non-profit status of the Post. The Finance Officer will collect monthly financial reports from the Riders and the Sons and present those each month to the Executive Committee.

Section 11. The Post Chaplain shall perform such divine and non-sectarian services as may be necessary, referring to such ceremonial rituals as may be recommended by national headquarters from time to time. The Chaplain shall, as much as they can, minister to sick and distressed members and recommend any action needed

from the Post to the appropriate officer. As the post's spiritual leader provides support at post activities such as executive committee and post membership meetings, patriotic activities, funeral (when requested) and dedication ceremonies. Works closely with the First Vice Commander's "Buddy Check" team to identify the needs of members and provides required support.

Section 12. The Historian works on matters of historical interest. The Post Historian shall collect from year to year all records and data of value and interest for Knoxville Post No. 2 of the American Legion and shall compile during his term of office a complete history of the year's activities.

Section 13. The Sergeant-at-Arms shall perform all such duties as are required of the office and shall also advance and retire the colors at regular meetings, and other ceremonies, and shall maintain order at the Post meetings. Welcomes all visitors and new members at post meetings.

Section 14. The Executive Committee shall have charge of the government and management of the Post between Post meetings. The Executive Committee shall approve all activities carried on within the Legion Building, shall approve all employees employed for more than two weeks, shall approve the expenditure of all funds of the Legion, and shall approve all activities for which the expending of funds is necessary. It is empowered to employ such persons to carry on business activities within the Post property, as it may desire, or it may delegate the authority to employ or dismiss employees but subject to its approval, and it may discharge any employees not working under contract.

Section 15. Said Executive Committee shall require of any person conducting monetary transactions for the Legion of any nature whatsoever that such person keep an accurate record of all transactions and that any such person make a good and solvent surety bond with corporate surety guaranteeing the Post against any loss or misapplication; provided, however, that the cost of such bonds shall be borne by the Post. For temporary employees, the Executive Committee may waive such bond by unanimous action.

Section 16. No expenditure of funds of the Post in excess of \$100.00 may be made except by check, transfer, or similar transaction that creates a permanent record. No payment may be made on account of any contract with the Post unless such contract shall be evidenced by a writing duly signed by a person authorized to make such contract.

Section 17. The Executive Committee may expel or suspend any member of the Post by a two-thirds vote of the whole executive committee for any violation of these by-laws, for neglect of duty, for dishonesty, or for conduct unbecoming a member of the American Legion. The Executive Committee shall expel any member who shall advocate or belong to any organization which advocates a change in our form of government by any means other than by democratic processes. Before such suspension or expulsion, however, charges in writing and duly sworn to, which may be filed by any member by handing them to the Commander, shall be filed and the member charged shall be notified of the charges and shall be entitled to a hearing by at least two-thirds of the Executive Committee on notice of not less than three days. At such hearing the accused shall be entitled to be represented by counsel of his choice. Two-thirds of the hearing panel must agree to suspend or expel the member before any negative action may be taken. The decision of the Executive Committee shall be made public at the completion of any hearing if such publication is requested in writing by an accused. Any member who has been suspended or expelled shall have the right of appeal to the Department Executive Committee or to the Department Convention, according to the provisions of the bylaws of the Department. The decision of the Department shall be final.

Section 18. The Executive Committee shall control any real property owned by the Post and shall fix rules for the use of the Legion Home or Post Headquarters, shall fix penalties for the violation of such rules, and shall designate such person or persons as it may see fit to enforce the same. It may authorize the use of the Post's real property by persons outside the Legion on such terms as it may see fit. It shall be custodian of any funds set aside and designated as a "Building Fund" and may expend such fund for such furnishings and repairs as it may deem proper, provided however, that it shall not commit the Post to any major alteration in any of its real

property without the approval of a majority vote at a regular or called meeting of the Post, upon ten days written notice of such proposed action, to the entire membership of the Post. The Executive Committee retains authority to approve repairs or upgrading of existing facilities.

Section 19. In the event of the death, disability, or removal of the Commander during his term of office, the Commander shall be succeeded in office by the First Vice Commander who shall serve as Commander for the remainder of the term. In the event of the death, disability, removal, or succession to the Commandership of the First Vice Commander the Second Vice Commander shall succeed to such office. In the event of the death, disability, or removal, or succession to First Vice Commander of the Second Vice Commander, their successor shall be elected in accordance with these bylaws.

#### **Article IV Finance**

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

Section 2. The amount of such membership and the amount of such annual post dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to departmental headquarters the national and departmental membership dues for every member of the Post.

Section 4. The annual dues shall be payable by October 20 of the preceding membership year. Department and National dues shall be paid for the full year regardless of the month in which the member shall join the Post.

Section 5. The Post Commander will appoint three post members each year to serve on the Financial Review Committee. This committee shall review the bank

statements for Post 2 on a quarterly basis. The committee will have access to all bank records and supporting documentation they need to conduct an effective financial review of the post finances. The committee will report to the Post Executive Committee the results of their quarterly financial review.

Section 6. The American Legion Riders and the Sons of the American Legion which are part of Post 2, shall provide monthly financial reports to the Post 2 Executive Committee. It shall be the duty of the Post Finance Officer to see that these reports are provided to the Executive Committee.

## **Article V Penalties**

Section 1. Annual membership dues shall be paid by October 20, of each year prior to the start of the next calendar year. Legion membership is annual, the Legion year being from January 1 to December 31. Department and National dues shall be paid for the full year, irrespective of the month in which the member shall join the local Post. Membership dues are three-fold, Post, Department and National. Membership is not considered current until paid and transmitted to all three levels. If membership dues have not been paid by January 1 of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless as a member with no privilege to vote, or hold office except that of reinstatement by vote of the Post and payment of dues; and dues not being paid, such membership continues without privileges for a period of five months, to June 30, at which time the member is dropped from the roll by Constitutional mandate and the membership forfeited.

Section 2. The Post shall be entitled to representation in the State organization, as hereinafter provided, only upon the basis of the number of members who have actually paid their dues thirty days prior to the annual Department Convention.

## **Article VI**

### **Representation of the Post in the American Legion**

Delegates and alternates to represent the Post at the Department Convention and representatives of the Post shall be elected, at the meeting for the month immediately preceding the convention they are to attend, by a majority vote of those present at the meeting. A Chairman and Secretary of the Delegates shall be elected at the same meeting.

## **Article VII**

### **Notices**

Section 1. Every member shall furnish the Post Adjutant an address to which all notices and documents may be sent, and the same shall be held to have been duly sent to or served upon a member when posted or otherwise mailed to them at the address so furnished. It shall be the responsibility of each member to ensure the post has their current phone number, physical address, and email address.

Section 2. Twenty-four hours previous notice shall be given of all meeting of the Post other than regularly scheduled monthly meetings as defined in Article IX of these bylaws, and twenty-four hours previous notice of all meeting of the Executive Committee shall be given either by physical mail, email or through local newspapers, or by personal contact, or telephone, or by posting on the Post 2 website, unless a regular meeting schedule is agreed to by the Executive Committee.

## **Article VIII**

### **Meetings**

Section 1. The Annual Meeting of the Post shall be held at Post Headquarters at the regular monthly meeting of the Post preceding the month of the annual Department Convention.

Section 2. The regular meetings of the Post shall be held on the first Monday of each month. When the first Monday is a holiday, the meeting will be on the following Tuesday, except as determined by the Executive Committee. The

Executive Committee may move the regular post meeting to another day of the week provided that members are given at least thirty days' notice of such a change. The time and location of regular meetings shall be determined by the Executive Committee.

Section 3. The Commander or a quorum of the Executive Committee shall have the power to call a special meeting of the Post.

Section 4. Upon the written request of five percent of the members, the Executive Committee shall call a special meeting of the Post.

Section 5. The members present shall constitute a quorum at any meeting of the Post, consisting of at minimum 11 members.

Section 6. Resolutions shall be presented to the post and may be passed upon majority decision at two successive meetings or by unanimous decision when presented.

Section 7. Minutes of all meetings of the Post and the Executive Committee shall be kept in a permanent record, and if required by the Post or by the Executive Committee, copies of such minutes shall be posted upon a bulletin board.

## **Article IX Meeting of the Executive Committee**

Section 1. The Executive Committee shall meet on a schedule and at a time decided by them. Special meetings may be called by order of the Commander or on written request to the entire committee by at least five members of the Executive Committee.

Section 2. Five members shall constitute the quorum of the Executive Committee.

Section 3. If any officer of the Post or member of the Executive Committee shall be absent from the Post meetings or from Executive Committee meetings to the extent that such absence, in the opinion of the Executive Committee, impairs their ability to perform the duties of their office, their office shall be declared vacant by

the Executive Committee and such vacancy shall be filled in accordance with these bylaws.

## **Article X Election of Officers and Members of the Executive Committee**

Section 1. The annual election by the Post shall be conducted on the date of the annual meeting of the Post. At such election, the voting shall be by voice vote unless circumstances, in the opinion of the Commander, require written ballots. A majority of the votes cast shall be necessary to elect.

Section 2. Nominations to office shall be made by a Nominating Committee appointed by the Post Commander. The Committee report shall be made at the April meeting. Nominations may also be made from the floor at both meetings. If an office becomes vacant following annual elections and installation, the successor may be elected at the next regular meeting (without the normal one month's notice, providing the vote is unanimous).

Section 3. To be nominated for an office or seat on the Executive Committee, and to hold an office or seat on the Executive Committee, a person must be a member of Post 2 and in good standing.

## **Article XI Programs**

Section 1: The Post recognizes a Chapter of the American Legion Riders, to be known as the American Legion Riders of Tennessee, Post No. 2, Knoxville, Tennessee.

Section 2: Membership in the American Legion Riders shall be governed by their constitution and bylaws and by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion or approved by The Department of Tennessee Executive Committee.



Section 3. This Post recognizes a Sons of The American Legion Organization known as the Sons of the American Legion Squadron 2, of Post No. 2, The American Legion, Department of Tennessee.

Section 4: Membership in the Sons of The American Legion shall be governed by their constitution and bylaws and by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion or approved by The Department of Tennessee Executive Committee.

### **Article XII Rules**

Rules of procedure at meeting of the Post shall be those set forth in Robert's Rules of Order, except as otherwise expressly provided herein.

### **Article XIII Amendments**

Amendments to these bylaws may be made at any meeting of the Post, regular or special, by a vote of two-thirds of the members present, provided in the event of a regular meeting such proposed amendments shall have been read at the meeting of the Post next preceding such regular meeting, or provided in the event of a special meeting thirty days previous written notice of such proposed amendment shall have been given in the call for such special meeting to all members of the Post.

**Revision 8  
Approved by the Membership March 2024**

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**Norita Cruz  
Adjutant**

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**Michael Testerman  
Commander**