

## **CONSTITUTION AND BY - LAWS**

Adopted at regular meeting

Allen McKinney Post #44

American Legion

Harrison, Arkansas

As adopted January 23, 1934

And as amended Jan. 24, 1934/Dec.13, 1962/Feb.14, 1963/March 13, 1990/

August 12, 2003 and January 13, 2018

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

For God and Country, we associate ourselves together for the following purposes: To maintain law and order; to uphold and defend the Constitution of the United States of American; to foster and perpetuate one hundred percent Americanism; to preserve the memories and incidents of our Association 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 the 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.

### **CONSITUTION ALLEN-MCKINNEY POST NO. 44 THE AMERICAN LEGION**

#### **ARTICLE I: NAME**

Section 1. The name of this organization shall be Allen-McKinney Post No. 44, The American Legion, The Department of Arkansas. (Amended March 6, 1963).

#### **ARTICLE 2: OBJECTS**

Section I. 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 department constitutions of the American Legion.

#### **ARTICLE 3: NATURE**

Section I. This post is a civilian organization and membership herein does not affect nor increase liability of military or police service.

Section 2. This organization shall be absolutely non-political and non-sectarian, and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment. (Amended, 2002).

Section 3. The Post membership roll shall not be used for anything other than Legion purposes.

Section 4. Rank does not exist in the American Legion: no member shall be addressed by his/her military or naval title in any meeting of this post. (Amended January 13, 2018)

#### **ARTICLE 4: ELIGIBILITY - MEMBERSHIP - DISCIPLINE**

Section 1. Any person shall be eligible for membership in the American Legion who was regularly enlisted, drafted or inducted or commissioned and who was accepted for and assigned to active duty in the Army, Navy Marine Corps, Air Force or Coast Guard of the United States at some time during the period between April 6, 1917 and November 11, 1918; between December 7, 1941 and December 31, 1946; between June 25, 1950 and January 31, 1955; and between February 28, 1961 to May 7, 1975; August 24, 1982 and July 31, 1984; December 20, 1989 and January 31, 1990: and August 2, 1990 until cessation of all hostilities as determined by the United States Government, all dates inclusive; (Amended August 12, 2003) or who being a citizen of the United States at the time of his/her entry therein, served on active duty in the naval, military or air forces of any of the governments associated with the United States during the great war provided no person shall be entitled to membership (Amended January 13, 2018)

- (a) who, being in the Army, Navy, Marine Corps, Air Force or Coast Guard of the United states during said period, refused on conscientious, political or other grounds, to subject himself to military discipline or unqualified service, or (b) who, being in such service, was separated therefrom under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable status. (Amended March 13, 1990.) (Amended January 13, 2018)

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one post.

Section 4. Members may be suspended or expelled from the Legion only upon a proper showing of cause.

Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of the American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose his/her membership until given a fair trial in such manner as provided by the by-laws of this department. (Amended January 13, 2018)

Section 5. Any member who has been suspended or expelled has the right of appeal to the department executive committee according to the provisions in the by-laws of the department. The decision of the department executive committee shall be final.

Section 6. No person who has been expelled by another 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 it shall be sufficient that permission to apply for membership in another post shall be granted by the State Executive Committee of the department of the expelling post.

## **ARTICLE 5: OFFICERS**

Section 1. The administrative affairs of this post of the American Legion shall be under the supervision of the executive committee which shall, as may be provided otherwise by the By-Laws consist of the chairmen of the standing committees in addition to the officers of the post. This post, by its by-laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this post shall consist of a Post Commander, a first and second vice commander, one or more adjutants, a post finance officer; a historian; a post chaplain; a post service officer: a post judge advocate and a Sergeant-at-Arms.

Section 3. All officers (except the Adjutant or Adjutants, Finance Officer, Post Service Officer, and the Post Judge Advocate) shall be elected annually and they shall hold office for one year and until their successors are duly elected and installed. The Adjutant or Adjutants, Finance Officer, Post Service Officer and the Post Judge Advocate shall be selected by the Post Commander with the advice and consent of the Executive Committee. Any officer may be removed or suspended from office for inefficiency, inattention to duty, disloyalty, dishonestly, or conduct unbecoming of a member of the American Legion. In the event charges are preferred seeking removal or suspension from office of an officer, the accused shall be given ten days' written notice, sent by registered mail, return receipt requested. Such notice shall specify the time and the place of a meeting of the Post Executive Committee at which such charges shall be considered and shall contain a copy of such charges. Opportunity shall be given for the introduction of evidence relating to the guilt or innocence of the accused, and upon the completion of the testimony, the committee shall find the accused guilty or not guilty. If the accused be found guilty, the committee shall by two-thirds vote decide whether the accused shall be removed or suspended, and if suspended, the length of such suspension. Such removal or suspension must be approved by a majority vote of members present at the following regular meeting of the post.

(Amended March 13, 1990.) (Amended January 13, 2018)

## **ARTICLE 6: FINANCE**

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

Section 2. The amount of such membership or initiation fees as the amount of such annual post dues shall be fixed and determined by this post.

## **ARTICLE 7: AMERICAN LEGION AUXILIARY**

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of Allen-McKinney Post No. 44, The American Legion, membership in which shall be as prescribed by the national constitution of the American Legion Auxiliary. (Amended January 31, 2018)

## **ARTICLE 8: AMENDMENTS**

Section 1. This constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Department Constitution of the American Legion, Department of Arkansas. Any Amendments to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this constitution to the extent of such conflict.

Section 2. This constitution may be amended at any regular post meeting by a vote of two-thirds of the members of the said post attending such regular meeting, provided that the proposed amendment shall have

been submitted in writing and read at the preceding regular meeting of said post, and provided, further, that written notice shall have been given to all members at least three days in advance of the date when such amendments are to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon. Publication in the Arkansas Legionnaire shall satisfy the requirements of written notice to all members.

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**BY-LAWS ALLEN MCKINNEY POST NO. 44**  
**THE AMERICAN LEGION**

**ARTICLE 1: MANAGEMENT**

Section 1. The government and management of the Post is entrusted to an executive committee to be known as the "Executive Committee".

Section 2. The executive committee shall consist of the chairmen of all standing committees, in addition to the officers of the Post. The officers of this post shall be nominated at the second regular meeting preceding the annual convention of the Arkansas Department, the American Legion. The election of post officers shall be by ballot and shall be held at the first regular meeting preceding the annual convention of the Arkansas Department, The American Legion, provided that no person shall be eligible to vote in said election unless such person has been a member of said Post in good standing for thirty days immediately prior thereto. Installation of Post officers shall be held immediately after the election committee, or judges, have reported on the successful candidates, provided, however, that the election committee, or judges must report on the night of the election.

If any office or offices shall be in doubt, the committee or judges shall report back to the post for its decision, or recommendations. All elections of officers shall be by ballot, and the candidate for each office receiving the highest number of votes shall be elected.

Section 3. It shall be the duty of all Post Officers, either elective or appointive, to submit to the District Commander, of the District within which this post is located, a certified copy of his/her discharge from the Army, Navy, Marine Corps, Air Force or Coast Guard within fifteen days of such election or appointments. If such Certified Copy be not submitted within such required time, a vacancy in the office shall exist and shall be filled as herein after provided. (Amended January 13, 2018)

Section 4. All vacancies existing 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 executive committee and a person so elected shall hold office for the unexpired term of the officer whom he/she succeeds. A vacancy shall exist when an officer shall fail or refuse to qualify within sixty days after his/her election. (Amended January 13, 2018)

**ARTICLE 2: POST EXECUTIVE COMMITTEE**

Section 1. The post executive committee shall meet for the organization and such other business as may come before it at the call of the Post Commander. The commander shall call a meeting of the Post Executive committee upon the joint written request of three or more members of said Post Executive Committee. Five members of the committee shall constitute a quorum thereof.

Section 2. The post executive committee shall hire such employees as may be necessary; shall authorize and approve expenditures; shall require adequate bonds from all persons having the custody of post funds: shall hear the reports of Post Committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of the Post.

**ARTICLE 3: DUTIES OF OFFICERS**

Section 1. DUTIES OF POST COMMANDER: It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the post. Such officer shall be the chief executive of the Post. He/She shall approve all orders directing the disbursements of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting. He shall perform such other duties as directed by the Post. (Amended January 31, 2018)

Section 2. DUTIES OF THE VICE COMMANDERS: The vice commander shall, in the order of his/her rank, assume and discharge the duties of the office of Commander in the temporary absence or disability of, or when called upon by the Post Commander. (Amended January 13, 2018)

Section 3. DUTIES OF THE POST ADJUTANT OR ADJUTANTS: The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national organizations may require and deliver the same to his/her successor in office, render reports of membership annually or when called upon by the Post and handle all correspondence of the Post. (Amended January 13, 2018)

Section 4. DUTIES OF THE FINANCE OFFICER: The finance officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks, the selection of which shall be approved by the Post Executive Committee, and shall report once a month to the regular meeting the condition of the finances of the Post, with such recommendation as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He shall sign receipts and disbursements of the previous year. (Amended January 31, 2018)

Section 5. DUTIES OF POST HISTORIAN. The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may determined by the Post Commander or the executive committee.

Section 6. DUTIES OF POST CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine, but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are, from time to time, recommended by the National or Department Headquarters.

Section 7. DUTIES OF SERGEANT-AT-ARMS. The Sergeant-at-Arms shall preserve order at all meetings, check membership cards, introduce guests and shall perform such other duties as may be assigned to him/her by the Post Executive Committee or Post Commander from time to time. (Amended January 13, 2018)

Section 8. DUTIES OF JUDGE ADVOCATE. The Post Judge Advocate shall serve as legal advisor to the post and its officers and shall serve as a member and advise the judicial committee in all matters that may be referred to that Committee by the Post or the Executive Committee.

Section 9. DUTIES OF POST SERVICE OFFICER. The Post Service Officer shall be charged with the duty of assisting comrades in the prosecution of all just claims against the United States and State Governments and with the obtaining of employment and relief for unemployed and needy veterans, and with such other duties pertaining to the community welfares as may reasonably come within the preview of this office.

#### **ARTICLE 4: DELEGATES**

Section 1. Delegates and alternates to a Department Convention shall be elected by ballot by the Post at the second regular meeting of the Post preceding the date of such convention.

#### **ARTICLE 5: APPOINTMENTS**

Section 1. The Post Commander shall appoint the following standing committees according to the needs of the post and the ability of the post to staff each said committee: Americanism, Children and Youth, Veterans Affairs & Rehabilitation, Post Activities, Membership and Eligibility, Media and Communications, Finance, Service and Judicial. Such standing committees shall consist of such members and the chair thereof, as shall be designated by the Post Commander. The Post Commander may remove any member of any committee at his/her pleasure. The Post Commander may appoint such other standing or ad-hoc committees as needed.

Section 2. Americanism: Chaired by the 1<sup>st</sup> Vice Commander, this committee seeks to inspire love of country and good citizenship through patriotic observances, flag etiquette, civic instruction in schools, the Americanization of immigrants, community service, and youth activities such as Boys State, Boy Scouts, Oratorical Contest, School Award Medals and American Legion Baseball.

Section 3. Children and Youth: Chaired by the Chaplain, this committee is charged with ensuring that any child of a veteran in need of care and protection shall receive proper and timely service and aid, strengthening the family unit, extending support to sound organizations and facilities that provide services for children and youth, and maintaining a well-rounded program that meets the needs of the young people in the community.

Section 4. Veterans Affairs & Rehabilitation: Chaired by the Service Officer, this committee assists veterans in pursuing claims, understanding their rights and obtaining their benefits. Committee members also visit comrades who are sick or disabled, and provide comfort to members' families in illness and bereavement. In addition, the post chaplain may serve as chair of a visiting committee.

Section 5. Post Activities: Chaired by the 2<sup>nd</sup> Vice Commander, this committee is responsible for building an "I like my post because ..." atmosphere in which Legionnaires have fun while doing the work of the Legion. The committee is responsible for running programs that spice up meetings and attract attendance. The social calendar should be filled months in advance with activities that will bring out the active members, as well as those who are just card-carrying Legionnaires. One of the duties of the committee shall be to contact other veterans and civic groups to see that each patriotic holiday and observance receives the attention it deserves. Post activities may also include post fund raising activities and activities that foster awareness of the post in the local community.

Section 6. Membership and Eligibility: Chaired by the Adjutant, this committee is responsible for obtaining, retaining and increasing post membership – specifically, renewals, enrollment of new members, transfers and reinstatements.

Section 7. Media & Communications: Chaired by an appointee of the Post Commander, this committee elevates awareness in the veterans' community and the community at large of the Legion's advocacy of veterans' issues, national security, Americanism, and youth. The American Legion is defined in the public eye by the values for which it stands. The

committee accomplishes this in two ways: placing radio and TV advertisements and public service announcements produced by the National Public Relations Division where they can be seen and heard, and developing relationships with editors and journalists in the post's community so that they cover programs supporting the Legion's four pillars. For example, the High School Oratorical Contest is the reporter's news peg, but the Legion's support for a "one hundred percent Americanism" is the story. Why and how the Legion is "still serving America" is the question the post's public relations committee should answer in the media. Public relations is a membership multiplier.

Section 8. Finance: Chaired by the Post Finance Officer, this committee supervises the receiving, disbursement and accounting of all post funds, prepares annual budget recommendations, and advises the post on all financial policies.

Section 9. Service: Chaired by the Service Officer, this committee is key to every successful post, assisting returning veterans in their transition to civilian life. Other concerns include employment, on-the-job training, and educating veterans on their rights and benefits. The committee should also maintain contact with any members of the armed forces from the post's community. This committee shall also screen and determine the eligibility and make recommendations to the Post Commander for disbursements from the Poppy Program fund.

Section 10. Judicial: Chaired by the Judge Advocate, this committee is charged with the legal supervision of the Post's legal affairs.

(Committee information amended March 13, 1990.) (Article 5 amended January 13, 2018)

## **ARTICLE 6: MEMBERSHIP, DISCIPLINE**

Section 1. In the event charges are proffered seeking expulsion or suspension of a member, the procedure shall be as follows: The accused shall be given ten (10) days written notice, sent by certified Mail, Return Receipt Requested. Such notice shall specify the time and place of a regular meeting at which time such charges shall be considered and shall contain a copy of such charges. The accusers and the accused shall be given an opportunity to introduce such evidence as they may see fit relating to the suit, guilt or innocence of the accused and upon completion of the testimony, the Post by a majority vote, shall find the accused guilty or not guilty. If the accused be found guilty, the Post shall, by majority vote, decide whether the accused shall be expelled or suspended, and if suspended, the length of such suspension. In the event of suspension or expulsion, a copy of all proceedings, including the testimony and the verdict of the Post, shall be sent to the Department headquarters within ten (10) days after the hearing.

## **ARTICLE 7. RESOLUTIONS OF STATE OR NATIONAL SCOPE**

Section 1. All resolutions of State or National scope presented to this Post by members or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **ARTICLE 8. MEETINGS**

Section 1. The regular meeting of the Post shall be held at the place and on the date selected by the Post Commander and the Executive Committee, at which time may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the Executive Committee of the Post.

Section 2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3. A majority of the Executive Committee members shall constitute a quorum. (Amended March 13, 1990.)

## **ARTICLE 9: NOTICES.**

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto. Publication of such notice in the Arkansas Legionnaire shall satisfy the requirements of written notice.

## **ARTICLE 10: RULES OF ORDER**

Section 1. All proceedings of this Post shall be conducted under the pursuant to ROBERTS Rules of Order xcept as herein otherwise provided.

ARTICLE 11: AMENDMENTS

Section 1. These by-laws may be amended at any regular Post meeting by vote two-thirds of the members of said Post attending such regular meetings, provided that the proposed amendments shall have been submitted in writing and read at the preceding regular meeting of said Post, and, provided, further, that written notice shall have been given to all members at least three days in advance of the date when such amendments are to be voted upon, notifying said members that at such meeting a proposal to amend the by-laws is to be voted upon. Publication of such notice in the Arkansas Legionnaire shall satisfy the requirements of written notice.

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By-Laws adopted in regular meeting of Roy Allen Post No. 44, American Legion, on January 23, 1934.

Amendments to By-Laws adopted in regular meeting of the Allen McKinney Post No. 44, American Legion, Harrison, Arkansas, on March 13, 1990.



IN THE MATTER OF THE INCORPORATION OF ROY ALLEN POST NO. 44 AMERICAN LEGION,  
DEPARTMENT OF ARKANSAS.      January 24, 1934

VACATION ORDER

On this day comes A. C. Christeson, Troy Coffman, Otis L. Peebles, Cleo H. Stewart, F. A. Humphreys, G. L. McAlister, L. C. Murray, G. Ven Wagley, W. E. Crowley, L. C. Stapleton, H. C. Hamilton, Woody Murray, H. H. Evans, E. E. Bonsteel, W. J. Cotton by their attorney, Woody Murray, Esq., and by leave of the court present their petition for incorporation as a benevolent association under the provisions of sections 1788 to 1795, inclusive of Crawford & Moses' Digest of the Statutes of Arkansas, under the name and style of Roy Allen Post No. 44 American Legion, Department of Arkansas," and said petition now coming on to be heard, same is submitted to the court and the court being well and sufficiently advised doth find that said petitioners have in all things complied with the law in such cases made and provided, by filing with their petition a list of members and a copy of their Constitution and doth grant said petition:

It is therefore considered, ordered and adjudged by the court that the petitioners by and they are hereby created a body politic and corporate under the name and style of Roy Allen Post No. 44 American Legion Department of Arkansas," with all the powers, privileges, and immunities, and subject to all the liabilities and exemptions granted in the law thereunto appertaining.

And the Clerk of this court is hereby directed to enter said petition, Constitution and list of members in a book kept for that purpose and to issue said petitioners a certificate of incorporation in the manner and form prescribed by the law governing such case.

J. F. Koone, Circuit Judge



REGULAR MEETING OF THE ALLEN \* MCKINNEY POST  
NO. 44, AMERICAN LEGION OF HARRISON, ARKANSAS,  
held on the 14 day of February, 1963

The above resolution was read at the regular meeting of Allen - McKinney Post No. 44, held on the 14 day of Feb., 1963, the last regular meeting held after the 13 day of Dec., 1962, which having been discussed in said regular meeting that notice of the above amendment had been given as required in Article Eight and Article Eleven of the heretofore adopted by-laws. Said proposed amendment in writing was re-read and presented to the meeting and was adopted by a unanimous vote.

Clarence W. James  
Commander

Ottis L. Peeble  
Attest Adjutant

AMENDMENT NO. 1 TO THE CONSTITUTION OF THE  
ALLEN-MCKINNEY POST NO. 44, AMERICAN LEGION  
OF HARRISON, ARKANSAS PROPOSED AT THE REGULAR  
MEETING OF SAID POST ON THE 13th DAY OF  
DECEMBER, 1962

BE IT RESOLVED that the name of Post No. 44 of the American Legion of Harrison, Arkansas, be the ALLEN-MCKINNEY POST NO. 44, and that Section 1 of Article 1 of the Constitution is hereby amended to read thusly:

"Section 1. The name of this organization shall be ALLEN-MCKINNEY POST NO. 44, THE AMERICAN LEGION, DEPARTMENT OF ARKANSAS.

BE IT FURTHER RESOLVED that any other reference to the Roy Allen Post NO. 44 shall mean and be the same as the ALLEN-MCKINNEY POST NO. 44."

Read and introduced at a regular meeting of the Allen-McKinney Post No. 44, American Legion of Harrison, Arkansas, held on the 13 day of December, 1962.

Clarence W. James  
COMMANDER

ATTEST: Ottis L. Peeble  
ADJUTANT

REGULAR MEETING OF THE ALLEN-MCKINNEY POST  
NO. 44, AMERICAN LEGION OF HARRISON, ARKANSAS,  
HELD ON THE 13 DAY OF DECEMBER, 1962.

The above resolution was read at the regular meeting of Allen-McKinney Post No. 44, held on the 13 day of December, 1962, the last regular meeting held after the 8th day of November, 1962, which having been discussed in said regular meeting that notice of the above amendment had been given as required in Article Eight and Article Eleven of the heretofore adopted by-laws.



That since that time the constitution of said post has been amended to change the name to Allen-McKinney Post #44, American Legion, Department of Arkansas, and a copy of said amendment is attached hereto;

That said constitution and by laws annexed to the above referred to order would not authorize the post to own and convey real property:

That the by laws of said post have now been amended to so provide and said amendment is attached hereto.

THEREFORE, the petitioners pray apt orders of this Court placing on record the attached amendment to the constitution and by laws of the Allen-McKinney Post #44, American Legion, Department of Arkansas, and to be a muniment of title.

T. F. Martinosky

John W. Strunk

R. C. Beene

Paul Drewry

Ottis L. Peebles

Troy Coffman

PROPOSED AMENDMENT NO. I, To the By-Laws  
of the Allen-McKinney Post No. 44, American  
Legion of Harrison, Arkansas proposed at  
the Regular Meeting of said post of the  
2/14th day of Feb., 1963

BE IT RESOLVED that Allen - McKinney Post No. 44, American Legion of Harrison, Arkansas may own & sell real-estate, the title to which shall be held in the name of three trustees, viz: John W. Strunk, R. C. Beene, and T. F. Martinosky who shall serve so long as they are in good standing as members of the Allen - McKinney Post No. 44, American Legion of Harrison, Arkansas

BE IT RESOLVED further that should at any time either or all of the above named Trustees become disqualified by death, or otherwise, as herein provided, the Commander of Allen - McKinney Post No. 44, American Legion of Harrison, Arkansas shall be authorized to appoint a member in good standing to succeed either or all of the above Trustees, Read and introduced at a regular meeting of the Allen - McKinney Post No. 44, American Legion of Harrison, Arkansas held on the 14 day of Feb., 1963.

Clarence W. James  
Commander

Ottis L. Peeble  
Attest Adjutant



IN THE CIRCUIT COURT OF BOONE COUNTY, ARKANSAS

IN THE MATTER OF THE AMENDMENT TO THE  
INCORPORATION OF ROY ALLEN POST #44,  
AMERICAN LEGION, DEPARTMENT OF ARKANSAS

ORDER

On this 6th day of March, 1963, comes T. F. Martinosky, R. C. Beene, Ottis L. Peebles, Troy Coffman, John W. Strunk and Paul Drewry and by leave of Court present their petition for amendments to the Articles of Incorporation of the Roy Allen Post #44, American Legion, Department of Arkansas, and the Court being well and sufficiently advised, doth find:

That on the 13th day of December, 1962, the name of the above benevolent corporation was changed to Allen-McKinney Post #44, American Legion, Department of Arkansas, all in accordance with the constitution and by laws as specified in a copy of the amendment attached to the petition.

And the Court further finds that said benevolent corporation the 14th day of February, 1963, amended its by laws to provide that it shall have the authority to own and sell real estate, specified in the amendment attached to the petition.

IT IS THEREFORE considered ordered and adjudged by the Court, that the constitution and by laws of Roy Allen Post #44, American Legion, Department of Arkansas, be, and they hereby are, amended as per the attached amendments; and the Clerk of this Court is hereby directed to enter said petition, amendments and order in a book kept for that purpose.

Woody Murray  
JUDGE

Filed 3-6-63

Troy Andrews, Clerk

IN THE CIRCUIT COURT OF BOONE COUNTY, ARKANSAS

IN THE MATTER OF THE AMENDMENT TO THE  
INCORPORATION OF ROY ALLEN POST #44,  
AMERICAN LEGION, DEPARTMENT OF ARKANSAS

Comes the undersigned, members of the Allen-McKinney Post #44, American Legion, Department of Arkansas, and for their petition to this Court doth state:

That the Roy Allen Post #44, American Legion, Department of Arkansas, was incorporated by this Court January 24, 1934, and said order is recorded in Circuit Court Record M at Page 583;



Said proposed amendment in writing was re-read and presented to the meeting and was adopted by a unanimous vote.

Clarence W. James

Commander

ATTEST: Ottis L. Peebles

ADJUTANT

Filed 3-6-63

Troy Andrews, Clerk

PROPOSED AMENDMENT TO THE CONSTITUTION AND BYLAWS

OF THE ALLEN-MCKINNEY POST #44

AMERICAN LEGION OF HARRISON, ARKANSAS

Proposed at the Regular Meeting February 13, 1990

The proposed amendment was discussed and adopted at the Regular Meeting on March 13, 1990, after having been prepared as required in Article Eight and Eleven of the Post Constitution and By-Laws.

Amendment: Be it resolved that our Constitution be amended so as to change eligibility dates to include the dates so designated by the American Legion National and Department of Arkansas Constitution and By-Laws: Namely adding eligibility dates as follows:

World War II - December 7, 1941 to December 31, 1946; Korean War - June 25, 1950 to January 31, 1955; Vietnam War - December 22, 1961 to May 7, 1975.

Elmer Mansmith

Commander

ATTEST: M. D. Dettinger

ADJUTANT



Proposed Amendment No. 5, To the By-Laws of the Allen-McKinney  
Post No. 44, American Legion of Harrison, Arkansas proposed at the  
Regular Meeting of said post of the 9<sup>th</sup> of July 2002

Be it resolved that Article 3, Nature, Section 2 be revised as follows. That section which states “ No candidate for or any incumbent of a remunerative elective public office shall hold any elective office or any appointive remunerative office in this post of the American Legion, and the declaration of candidacy for a public office by any person who is an officer of the post of the American Legion shall operate automatically to vacate his office in this post and the same shall be filled as hereinafter provided” shall be removed from the by-laws.

Article 3, Section shall read “ This organization shall be absolutely non-political and non-sectarian, and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office preferment”.

Ronald D. Foreman  
Commander

Rick Eddings  
Adjutant

REGULAR MEETING OF THE ALLEN McKINNEY POST  
NO. 44, AMERICAN LEGION OF HARRISON, ARKANSAS, HELD  
ON THE 13<sup>TH</sup> DAY OF AUGUST 2002

The above resolution was read at the regular meeting of Allen McKinney Post No. 44, held on the 9<sup>th</sup> day of July 2002. Having been is discussed in said regular meeting tht notice of the above amendment had been given as required in Article Eight and Article Eleven of the heretofore adopted by-laws. Said proposed amendment in writing was re-read and presented to the meeting and was adopted by a unanimous vote.

Ronald D. Foreman  
Commander

Rick Eddings  
Adjutant



7  
Proposed Amendment No. 6, to the By Laws of the Allen-McKinney  
Post No. 44, American Legion of Harrison, Arkansas proposed at the  
Regular meeting of said post of the 12<sup>th</sup> day of August 2003

Be it resolved that Article 4 Section 1, be revised to include undated dates of membership  
requirements as published by the National Committee of the American Legion. Since  
these dates are not subject to debate Post waives the prior notice to members as stated in  
Section 2, Article 8.

Additional legibility dates are: August 24, 1982 - July 31, 1984; December 20, 1989 -  
January 31, 1990 until cessation of all hostilities as determined by the United States  
Government.

Ronald D. Foreman  
Commander

Rick Eddings  
Adjutant

Regular Meeting of the Allen McKinney Post NO 44, American Legion of  
Harrison, Arkansas, held on the 12<sup>th</sup> day of August 2003

The above resolution was read at the regular meeting of Allen McKinney Post NO 44,  
held on the 12<sup>th</sup> day of August 2003. Having been motioned to and passed to waiver the  
prior notice required in Article 8, Section 2. The additional eligibility dates were  
approved by National Committee of the American Legion and shall be incorporated into  
the Allen McKinney Post NO 44 By - Laws and Constitution on this 12<sup>th</sup> day of August  
2003.

Ronald Foreman  
Commander

Rick Eddings  
Adjutant



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Proposed Amendment No. 6, to the By Laws of the Allen-McKinney  
Post No. 44, American Legion of Harrison, Arkansas proposed at the  
Regular meeting of said post of the 12<sup>th</sup> day of August 2003

Be it resolved that Article 4 Section 1, be revised to include undated dates of membership requirements as published by the National Committee of the American Legion. Since these dates are not subject to debate Post waives the prior notice to members as stated in Section 2, Article 8.

Additional legibility dates are: August 24, 1982 - July 31, 1984; December 20, 1989 –  
January 31, 1990 until cessation of all hostilities as determined by the United States  
Government.

Ronald D. Foreman  
Commander

Rick Eddings  
Adjutant

Regular Meeting of the Allen McKinney Post NO 44, American Legion of  
Harrison, Arkansas, held on the 12<sup>th</sup> day of August 2003

The above resolution was read at the regular meeting of Allen McKinney Post NO 44, held on the 12<sup>th</sup> day of August 2003. Having been motioned to and passed to waive the prior notice required in Article 8, Section 2. The additional eligibility dates were approved by National Committee of the American Legion and shall be incorporated into the Allen McKinney Post NO 44 By – Laws and Constitution on this 12<sup>th</sup> day of August 2003.

Ronald Foreman  
Commander

Rick Eddings  
Adjutant



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Mr. Jim Gandy  
Mr. Rick Eddings  
Mr. Jim Quinn

  
Ron Foreman-Commander



January 13, 2006

In accordance with Amendment No. 1 of Post 44 By-Laws , Commander Ron Foreman has made the following appointments a Trustees of the Title of the execution of the real estate owned by Allen McKinney Post #44.

Mr. Jim Quinn

Mr. Ernie Rowe

Mr. Rex Callicott

  
Commander Ron Foreman



Amendment to the Constitution of the Allen-McKinney Post No. 44  
The American Legion of the Great 2<sup>nd</sup> District and Department of Arkansas  
Passed at the regular meeting of said post on the 13<sup>th</sup> day of January, 2018

Be it resolved that all references to, “...the Army, Navy or Marine Corps...” be changed to read, “...the Army, Navy, Marine Corps, Airforce or Coast Guard...”.

Lonnie E. Anderson  
Commander

Carl Erwin  
Adjutant

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Amendment to the Constitution of the Allen-McKinney Post No. 44  
The American Legion of the Great 2<sup>nd</sup> District and Department of Arkansas  
Passed at the regular meeting of said post on the 13<sup>th</sup> day of January, 2018

Be it resolved that Article 4, Section 1, be amended as follows:

“... December 22, 1961...” be amended to, “... February 28, 1961...”

“... December 20, 1989 and January 31, 1990 until cessation of all hostilities...” be amended to, “... December 20, 1989 and January 31, 1990; and August 2, 1990 until cessation of all hostilities...”.

Lonnie E. Anderson  
Commander

Carl Erwin  
Adjutant

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Amendment to the Constitution of the Allen-McKinney Post No. 44  
The American Legion of the Great 2<sup>nd</sup> District and Department of Arkansas  
Passed at the regular meeting of said post on the 13<sup>th</sup> day of January, 2018

Be it resolved that Article 5, Section 3, beginning with the third sentence beginning with the words, “ Any officer may be removed...”, be amended to read as follows: “Any officer may be removed or suspended from office for inefficiency, inattention to duty, disloyalty, dishonestly, or conduct unbecoming of a member of the American Legion. In the event charges are preferred seeking removal or suspension from office of an officer, the accused shall be given ten days’ written notice, sent by registered mail, return receipt requested. Such notice shall specify the time and the place of a meeting of the Post Executive Committee at which such charges shall be considered and shall contain a copy of such charges. Opportunity shall be given for the introduction of evidence relating to the guilt or innocence of the accused, and upon the completion of the testimony, the committee shall find the accused guilty or not guilty. If the accused be found guilty, the committee shall by two-thirds vote decide whether the accused shall be removed or suspended, and if suspended, the length of such suspension. Such removal or suspension must be approved by a majority vote of members present at the following regular meeting of the post.

Lonnie E. Anderson  
Commander

Carl Erwin  
Adjutant

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Amendment to the Constitution of the Allen-McKinney Post No. 44  
The American Legion of the Great 2<sup>nd</sup> District and Department of Arkansas  
Passed at the regular meeting of said post on the 13<sup>th</sup> day of January, 2018

Be it resolved that Article 7, Section 1, be amended to change “... Roy Allen Post No. 44...” to read, “... Allen-McKinney Post No. 44...”.

Lonnie E. Anderson  
Commander

Carl Erwin  
Adjutant

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Amendment to the By-Laws of the Allen-McKinney Post No. 44  
The American Legion of the Great 2<sup>nd</sup> District and Department of Arkansas  
Passed at the regular meeting of said post on the 13<sup>th</sup> day of January, 2018

Be it resolved that Article 5 be amended to read as follows:

Article 5. Appointments

Section 1. The Post Commander shall appoint the following standing committees according to the needs of the post and the ability of the post to staff each said committee: Americanism, Children and Youth, Veterans Affairs & Rehabilitation, Post Activities, Membership and Eligibility, Media and Communications, Finance, Service and Judicial. Such standing committees shall consist of such members and the chair thereof, as shall be designated by the Post Commander. The Post Commander may remove any member of any committee at his/her pleasure. The Post Commander may appoint such other standing or ad-hoc committees as needed.

Section 2. Americanism: Chaired by the 1<sup>st</sup> Vice Commander, this committee seeks to inspire love of country and good citizenship through patriotic observances, flag etiquette, civic instruction in schools, the Americanization of immigrants, community service, and youth activities such as Boys State, Boy Scouts, Oratorical Contest, School Award Medals and American Legion Baseball.

Section 3. Children and Youth: Chaired by the Chaplain, this committee is charged with ensuring that any child of a veteran in need of care and protection shall receive proper and timely service and aid, strengthening the family unit, extending support to sound organizations and facilities that provide services for children and youth, and maintaining a well-rounded program that meets the needs of the young people in the community.

Section 4. Veterans Affairs & Rehabilitation: Chaired by the Service Officer, this committee assists veterans in pursuing claims, understanding their rights and obtaining their benefits. Committee members also visit comrades who are sick or disabled, and provide comfort to members’ families in illness and bereavement. In addition, the post chaplain may serve as chair of a visiting committee.

Section 5. Post Activities: Chaired by the 2<sup>nd</sup> Vice Commander, this committee is responsible for building an “I like my post because ...” atmosphere in which Legionnaires have fun while doing the work of the Legion. The committee is responsible for running programs that spice up meetings and attract attendance. The social calendar should be filled months in advance with activities that will bring out the active members, as well as those who are just card-carrying Legionnaires. One of the duties of the committee shall be to contact other veterans and civic groups to see that each patriotic holiday and observance receives the attention it deserves. Post activities may also include post fund raising activities and activities that foster awareness of the post in the local community.

Section 6. Membership and Eligibility: Chaired by the Adjutant, this committee is responsible for obtaining, retaining and increasing post membership – specifically, renewals, enrollment of new members, transfers and reinstatements.

Section 7. Media & Communications: Chaired by an appointee of the Post Commander, this committee elevates awareness in the veterans’ community and the community at large of the Legion’s advocacy of veterans’ issues, national security, Americanism, and youth. The American Legion is defined in the public eye by the values for which it stands. The committee accomplishes this in two ways: placing radio and TV advertisements and public service announcements produced by the National Public Relations Division where they can be seen and heard, and developing relationships with editors and journalists in the post’s community so that they cover programs supporting the Legion’s four pillars. For example, the High School Oratorical Contest is the reporter’s news peg, but the Legion’s support for a “one hundred percent Americanism” is the story. Why and how the Legion is “still serving America” is the question the post’s public relations committee should answer in the media. Public relations is a membership multiplier.



Section 8. Finance: Chaired by the Post Finance Officer, this committee supervises the receiving, disbursement and accounting of all post funds, prepares annual budget recommendations, and advises the post on all financial policies.

Section 9. Service: Chaired by the Service Officer, this committee is key to every successful post, assisting returning veterans in their transition to civilian life. Other concerns include employment, on-the-job training, and educating veterans on their rights and benefits. The committee should also maintain contact with any members of the armed forces from the post’s community. This committee shall also screen and determine the eligibility and make recommendations to the Post Commander for disbursements from the Poppy Program fund.

Section 10. Judicial: Chaired by the Judge Advocate, this committee is charged with the legal supervision of the Post's legal affairs.

Lonnie E. Anderson  
Commander

Carl Erwin  
Adjutant

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Amendment to the Constitution and By-Laws of the Allen-McKinney Post No. 44  
The American Legion of the Great 2<sup>nd</sup> District and Department of Arkansas  
Passed at the regular meeting of said post on the 13<sup>th</sup> day of January, 2018

Be it resolved that all references to “he” be changed to read “he/she”: all references to “his” be changed to read “his/her’s”; all references to “him” be changed to read “him/her”.

Lonnie E. Anderson  
Commander

Carl Erwin  
Adjutant