

Constitution and By-Laws of the

Wilbur M. Comeau Post 4, Inc.

1314 Main Street

Haverhill, MA 01830



Adopted: April 20, 1920

**Amended: February 5, 1924; October 21, 1924; November 4, 1924; June 4, 1945;
May 3, 1954; May 10, 1965; April 7, 1986; May 1, 1989; July 1, 2004; October 7, 2013;
November 4, 2024**



Preamble to the Constitution of The American Legion

“For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our association 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

Section 1. The name of this Post shall be the Wilbur M. Comeau Post 4, Inc., The American Legion, Department of Massachusetts.

Section 2. The physical address is 1314 Main Street, Haverhill, MA 01830

Section 3. The word he as used in this Constitution and By-Laws shall mean either him or her.

Section 4. The Wilbur M. Comeau Post 4, Inc. hereinafter shall be the “Post”.

ARTICLE II

Nature

Section 1. The Post is a civilian organization. Membership therein does not affect nor increase liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his Military title at any convention or meeting of the American Legion.

Section 2. The Post shall be non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office; exception would be the rental of the function hall by any person running for a political government position, providing all candidates would have the same options for rentals.

Section 3. The Post shall co-operate with all duly recognized Veterans Organizations to the best of its ability in furtherance of The American Legion, thus providing an organization to promote and encourage comradeship among *ALL* Veterans, so that the public will forever be reminded and made aware that these Veterans, who fought and served our country to preserve peace, liberty and democracy for their nation will never be forgotten.

Section 4. Each person shall perform their full duty as a citizen according to their own conscience and understanding.

ARTICLE III

Eligibility

Section 1. Any person shall be eligible for membership in the Post who was / is a member of the Army, Navy, Marine Corps, Coast Guard, Air Force, Space Force or a Military Academy of the United States and assigned to active duty during World War I, as well as serving at some time since December 7, 1941; have been honorably discharged, or are still serving, you are eligible for membership in The American Legion; provided, further, that no person shall be entitled to membership who being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service. The Post

membership reserves the right to vote on any new member joining Post 4, after receiving a recommendation from the Membership Committee.

**Because eligibility dates remain open, all active-duty members of the U.S. Armed Forces are eligible to join The American Legion at this time, until the date of the end of hostilities as determined by the government of the United States.*

***U.S. Merchant Marine eligible only from December 7, 1941 to December 31, 1946 (WWII).*

Section 2. There shall be no form or class of membership except an active membership as herein above provided.

Section 3. Honorary membership will not be granted. In lieu thereof a Certificate of Merit may be awarded, suitably inscribed, given by the Post to those who have rendered distinct service to the Post, Community and/or to any Veteran or their family. An annual award called "Legionnaire of the Year" may be awarded by the outgoing Commander at the Installation of Officers ceremonies, to a Post member or members who he / she feels has performed for him / her and The American Legion, during their term of office, above and beyond the call of duty to better promote the image and ideals of The American Legion. The Recipient of this award, up until the time of presentation, should only be known by the Commander.

Section 4. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If the dues are paid on or before February 1st, the member shall be automatically reinstated. If still delinquent after February 1st, the member shall be suspended from all privileges and should be notified by the Post Adjutant. If still under suspension on June 30th of such year, membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership, in good standing, by a vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Posts, Department and National Organization may waive the provisions hereof in reference to former members who have been prevented from payment of dues by reason of active military service. After consideration by the membership committee, payment of dues for Active-Duty members can be made directly by the Post.

Section 5. No member of this Post shall be a member of any other American Legion Post, in any state, at the same time.

Section 6. Any member who has maintained forty, (40), or more, continuous membership years, in good standing, shall have their per capita dues paid for by the Post.

Section 7. This Post shall be the sole judge of the qualification of its members, provided such members are eligible for membership in The American Legion.

Section 8. Members may be expelled or suspended from this Post of The American Legion upon a proper showing of cause. Charges shall be based upon:

- (a) Disloyalty to the United States or The American Legion;

- (b) The advocacy of, or membership in, any organization advocating un-American principles, including anarchy, communism, or other forms of radicalism, which are contrary to the precepts of The American Legion;
- (c) Dishonesty; or
- (d) Conduct unbecoming a member of this Post or The American Legion.

All charges must be made under oath in writing by the accuser, and no member in good standing shall lose membership until given a fair hearing in such manner and form as prescribed in the Rules of Procedure in Discipline of Members, as set forth by the National By-Law's and Constitution.

Section 9. No person who has been expelled or suspended by a Post, shall be admitted to membership in another Post, without the consent of the previous Post, except that where such consent has been asked for and denied by such Post, an appeal may be made to the Executive Committee of the Department of the previous Post for permission to be admitted to membership to another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV

Meetings

Section 1. This Post shall hold regular meetings on the first Monday of each month except as described in Section 2, below. There are no membership meetings during the months of July and August, with the exception of Special Meetings per Section 5. The Commander will publish an annual schedule of meeting dates and times which will be posted on the Post website as well as posted in the Members Lounge. This scheduled meeting listing should also be included with the members annual dues renewal, card mailing. Meeting dates and times can be adjusted by the Executive Committee provided at least a 20 day notification has occurred, (this can be electronic, website and or mailing).

Section 2. If the date of the regular meeting falls upon a holiday, the meeting shall be held on the following Monday.

Section 3. Meetings will be held at Post 4 and as technology allows, meetings shall be made available virtually. Those participating in remote, (virtual), meetings shall be able to participate, and vote, the same as if they were physically attending the Post meeting.

Section 4. The regular September meeting shall be the Annual Meeting of the Corporation. Installation of Officers should be held in this same time frame with coordination of the installing District or Department Officers.

Section 5. Special Meetings shall be called by the Commander, through the Adjutant, upon written request of five (5) members, stating fully the reason for the meeting. Notice shall be sent to all members at least five (5) days before a special meeting is to be held and stating the reason for such meeting. This notification can be by mail, electronic, verbal, telephonic or virtual meetings.

Section 6. Five (5) members, qualified to vote, shall constitute a quorum at meetings of the Post, providing there are at least three (3) elected officers present to preside over the meeting.

Section 7. All Post property or equipment owned or leased by the Post, can only be disposed of when approved by a majority vote at a regularly scheduled meeting and so recorded in the Meeting Minutes.

Section 8. The 'Rules of Procedure' at all meetings shall be those as set forth in Robert's Rules of Order.

ARTICLE V

Officers

Section 1. The officers of this Post shall be elected annually to a term of one (1) year, per Section 3. Elected officer positions shall comprise of: Commander, Senior Vice-Commander, Junior Vice-Commander, Adjutant, Treasurer, Assistant Treasurer, Historian and three (3) Executive Committee Members. The retiring Commander will automatically become an advisor / member of the Executive Committee together with the duly elected Post Officers. All of the above-named Officers and the three-member Executive Committee shall be elected by an Australian ballot, as well as defined in Section 3, below.

Section 2. Nomination of Officers shall be made at the regular May meeting. Nominations may be made in addition thereto by any member, in good standing, of the Post from the floor at the regular May meeting. Nominations may also be made by any member, in good standing, by electronic means, telephone or virtual, once the May scheduled meeting begins and before the election opens in June. Self-nomination is acceptable.

Section 3. Any member in good standing shall have the right to vote. The voting polls shall be open to members in good standing from 4:00pm to 6:30pm at the Post quarters during the day of the scheduled June meeting, as well as members in good standing who wish to vote by electronic means, telephone or virtual. Two members present, (one Officer, one member), at the scheduled June meeting must be aware of and confirm any votes cast by any member who is not physically present. The Commander will appoint two (2) members to oversee the balloting and to report the results to the membership at the conclusion of the in-Post polling, which closes at 6:30pm, per above.

Section 5. No campaigning by or for a candidate shall be conducted in the building or within fifty (50) ft. of the ballot box.

Section 6. All incoming officers will assume their responsibilities on July 1st, following the election.

Section 7. The Commander shall be the Chief Executive Officer of the Post. He / she shall be a member of and Chairman of the Executive Committee. He / she is allowed to attend any committee meeting if they so desire. He / she shall be a delegate to the State Convention, with vote to be exercised by them as this Post's Representative. Additional delegates and alternates shall be elected at the regular May meeting; delegate and alternate numbers are to be based on published Department guidelines. The Post shall pay for the registration fee for each delegate. A Sgt-of-Arms, Chaplain and Service Officer shall be appointed annually by the newly elected Commander with the approval of the membership. The Post Commander is also allowed to attend, and contribute, to any organization utilizing the Post 4 relationship, (*Sons of The American Legion Squadron 4, Auxiliary Unit 4 and American Legion Riders Chapter 4*).

Section 8. The Senior and Junior Vice-Commanders shall be members of the Executive Committee and in order of priority shall, in the absence of the Commander, act in his / her stead. In case of a vacancy in the office of Commander, again in order of priority, a Vice Commander shall complete the Commander's term in office.

Section 9. 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, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence of the Post. They shall, in the name of the Commander, transact and accomplish such business as the Commander may delegate to them. The Adjutant shall be a member of and act as secretary of the Executive Committee. The Adjutant is responsible for all Post provided equipment, as well as returning all documents, notes and equipment upon completion of their term in office. The Adjutant should also be a signatory on the Sons of The American Legion Squadron 4 and American Legion Riders Chapter 4 banking / financial accounts.

Section 10. The Treasurer of the Post shall have charge of all finances and see that they are safely deposited in a local bank or banks and shall report once a month to the membership body the condition of the finances of the Post, with such recommendations as they may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Treasurer shall sign all checks disbursing the monies of the Post and shall furnish such surety bonds in such a sum as shall be fixed by the Post membership. The Treasurer shall oversee the preparation of the books and records of the finances of the Post; the preparation of financial reports of the accounts for each meeting; and the preparation and filing of all end of year financial reports to include Federal and State tax reports. An additional Post Officer shall be listed as an additional signatory, authorized to disburse funds on behalf of the Post. The Treasurer shall be a member of the Executive Committee.

Section 10a. An Assistant Treasurer, if elected, shall assist the Treasurer in completing the duties, above, as well as assuming the Treasurers position in the case of extended absence, resignation or death.

Section 11. The Historian shall be charged with the individual records and incidents of the Post and post members. The Historian will also be responsible for assembling the annual history book for submission to the Department when necessary.

Section 12. The Chaplain appointed, shall be charged with the spiritual welfare of the Post and will offer divine, but nonsectarian service, in the event of meetings, dedications, funerals, public functions, etc., and shall adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 13. The Sgt-at-Arms appointed shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Commander.

Section 14. The Service Officer appointed shall perform in the best interests of all members of this Post and their families. They shall secure all rights and privileges under acts of the Congress of the United States or the State Government for all member of the Post or any veteran, whether or not, a member of this Post.

Section 15. Any Officer may be removed from their office that misses three (3) consecutive regular meetings without excuse. Said office shall be deemed vacant and will be filled by election at the

next scheduled meeting. An Officer or Executive Committee member may resign only by submitting a written resignation to the Commander, or to the Executive Committee, if the Commander is the resigning party. Any resignation letter(s) must be presented by the Adjutant at the next regularly scheduled membership meeting so that proper replacement action can be taken.

Section 16. The Commander may appoint the Judge Advocate. The primary duty is to supply professional advice in the conduct of the Post business or to procure proper counsel from the Department or National Headquarters and is the guardian of the Constitutional form of Post government.

Section 17. No elected Officer of this Post shall hold more than one (1) *elected* office of this Post, at the same time; this does not apply to serving as an elected Officer in a subordinate organization.

Section 18. No currently serving Officer, or member of the Executive Committee, can simultaneously serve in their elected position as well as serve as the [compensated], Lounge / Bar / Canteen Manager, of record.

Section 19. Conflict of Interest: Any Officer, Executive Committee member, employee or committee member having an interest in a contract or other transaction, or determination presented to the membership or committee of this Post for recommendation, authorization or approval shall give prompt, full and frank disclosure of his / her interest to the members / committee prior to acting on such contract or transaction. The meeting minutes shall reflect the disclosure made.

Section 20. Compensation: The Officers and the Executive Committee shall serve without compensation for their service as Officers or Committee members, however, they can be reimbursed for expenses reasonably incurred on behalf of the Post.

ARTICLE VI

Post Executive Committee

Section 1. The Executive Committee should meet immediately prior to each monthly membership meeting, or for any emergency that may arise, with enough time to accomplish the appropriate information gathering / decision making process to present to the scheduled meeting body. The Executive Committee shall meet for such other business as may come before it at the call of an elected officer. An elected officer shall call a meeting of the Executive Committee upon the joint written request of two or more members of the Post. Three (3) members of the Executive Committee, which includes Post Officers, shall constitute a quorum.

Section 2. The Executive Committee shall have the power to recommend to the proper officials by a two-thirds vote of the members present at any meeting the expulsion or banning of any Member, or guest, for any violation of the Constitution and By-Laws, or for conduct unbecoming, dishonesty or prejudicial to the best interest of the Post; but no recommendation shall be made without thirty (30) days written notice to the Member in question, before the expiration of which the Member may make answer to the charges against him / her. In making the recommendation for expulsion, or banning of a member, the Executive Committee will, in every case, forward with the recommendation, the answer made by the Member to the charges against them. In all cases, the Constitution and By-Laws of the National and Department will be complied with. The Executive Committee shall have the power to ban any person, (member or guest), from the Post facilities, to include the members lounge while the process above develops.

Section 3. The Executive Committee may prescribe and shall enforce such rules and regulations as may be necessary for the conduct of the Post facilities and operations. The Executive Committee shall review / revise and publish the '*Adopted Lounge Rules*' on a continual basis.

Section 4. The Executive Committee shall have the authority by two-thirds vote of the Members present at any meeting to fill vacancies occurring in its composition by resignation or death among its Members.

ARTICLE VII

Finance

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

Section 2. The annual dues shall include per capita dues as levied by the Department of Massachusetts and the National Headquarters and shall be collected by the Post Treasurer and transmitted to the proper officials.

Section 3. The annual dues shall be determined by the membership. Any changes that are voted on commence at the beginning of the next following membership year.

Section 4. The Commander, at his / her discretion, may appoint an Auditing Committee as he / she determines necessary to oversee the accounting procedures and methods of internal financial control.

Section 5. The Treasurer shall read the latest Corporation Annual Report, to the Post Membership, once it has been prepared by an outside accounting firm; said report should be given during the December Post meeting.

ARTICLE VIII

Amendments

Section 1. All Constitution and By-Laws of the Post and affiliated sub organizations should reflect and adhere to those of the Department of Massachusetts as well as the National organizations that they are affiliated with.

Section 2. This Constitution and By-Laws may be altered, amended or repealed by a two-thirds vote of the members voting at any regular scheduled meeting of this Post, provided that written, electronic, telephonic or virtual notice of the proposed changes has been given in the call of the meeting and has been made available to the members at least ten (10) days before the date of the meeting.

Section 3. This Constitution and By-Laws of the Post is to be made available to every member of the Post, when requested. That availability can be paper or electronic; the most current Constitution and By-Laws, in effect, should also be posted on the current Post web site.

Section 4. All amendments to this Constitution and By-Laws should be read at two (2) consecutive regular meetings and voted upon after the third meeting. The Adjutant shall then send a copy of the amended Constitution and By-Laws to the proper authority of the Department of Massachusetts for final ratification and approval.

Section 5. The acceptance of a newly amended Constitution and By-Laws will supersede all previous ones.

Article IX

Sub Organizations

Section 1. This Post recognizes an auxiliary organization known as Auxiliary Unit 4, Sons of The American Legion organization known as Squadron 4 and American Legion Riders organization known as American Legion Riders Chapter 4.

Section 2. Membership in the Auxiliary, Sons of The American Legion and the American Legion Riders shall be as prescribed by the National Constitution of said organizations.

Section 3. Sub organizations Constitution and By-Laws of Auxiliary Unit 4, Sons of The American Legion Squadron 4 and the American Legion Riders Chapter 4 must be submitted to and approved by Post 4 Executive Committee and shall conform to Post, Department of Massachusetts and National Organization requirements, as published. If any sub organization does not have an active, ratified Constitution & By-Laws of its own, they will adhere to the latest published Post Constitution & By-Laws currently in effect.

ARTICLE X

Corporation

Section 1. The Wilbur M. Comeau Post 4, Inc., American Legion, Department of Massachusetts, was incorporated under the laws of the Commonwealth of Massachusetts as a charitable, non-profit corporation on 28 March 1923 as well as exemption granted pursuant to section 501 (c) (19) of the IRS Code dated June 1919. This was done for two reasons:

First: To protect all officers and members from personal lawsuits resulting from American Legion activities.

Second: To allow the Corporation to own real estate and conduct fund raising activities.

**This Constitution and By-Laws were revised in November 2024 by the following with a vote of approval of the members of Wilbur M. Comeau Post 4 after reading at 2 Post meetings; Constitution & By-Laws review committee was comprised of: Toby Lynch, Tim Dougherty, Paul Blinn & Dave DiCeglie.*

BE THE ONE

The number one issue facing veterans today is suicide. Far too many men and women who have served take their own lives. Sometimes these acts occur years after their military service. According to a recent National Veteran Suicide Prevention Annual Report, 17 U.S. veterans a day die by suicide. Estimates that include active-duty members and fentanyl death are even higher. Rather than focus on the wide-ranging estimates of how many veterans make this tragic decision, The American Legion is focused on the number one – as in ***Be the One*** to save a life.

The ***Be the One*** campaign:

- Destigmatizes asking for mental health support and creates opportunities for those with mental health issues to speak freely and get the support that they need.
- Provides peer-to-peer support and resources in local communities.
- Encourages all Legionnaires to regularly practice “buddy checks,” a program of engagement with all veterans in the community to build camaraderie and mutual well-being.

If you are a veteran in crisis

- **Call 988 and Press 1 or text 838255**
- **Visit veteranscrisisline.net to chat or view resources.**

