

**Constitution of District Five
The American Legion
Department of Colorado**

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 percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and 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.

Article I

Section 1. **NAME:** The name of this organization is District Five, The American Legion Department of Colorado.

Article II

Section 1. **NATURE:** This organization is a component part of The American Legion Department of Colorado, and has and possesses no powers, duties and obligations, excepting those conferred upon or possessed by it by virtue of the Constitution of The American Legion Department of Colorado, and the By-Laws and mandates thereof.

Section 2. **NON-POLITICAL:** It is non-political and it shall not be used for the dissemination of partisan principles or the promotion of the candidacy of any person seeking public office or preferment.

Article III

Section 1. **TERRITORIAL JURISDICTION:** The district shall comprise The American Legion Posts assigned or delegated to it by the By-Laws of The American Legion Department of Colorado, Article V, Section 5.

Article IV

GOVERNMENT

Section 1. **OFFICERS:** The officers of the district shall be those prescribed by the Constitution of The American Legion Department of Colorado, Article X, the District Five By-Laws, Article 1 and such other officers as the District Convention or District Executive Committee may from time to time create. Their duties shall be those set forth in the District Five By-Laws.

Section 2. **ELECTION AND TERM OF OFFICE:** Officer of this District, provided they are in good standing and a member of a Legion post within District Five, shall be elected annually at the District Five Convention for a term of one (1) year except the District Representative to the Department Executive Committee, who shall be elected for a term of two (2) years. Each elected officer shall hold office until their successors have been elected and qualified. Term of office shall commence upon adjournment of the Department Convention next held after their election.

Section 3. **VACANCIES:** Vacancies in any office shall be filled by the District Commander with the approval of the District Five Executive Committee, by the appointment of such person to fill vacancies as defined in Section 1 of this Article to serve until the District Convention shall elect persons to fill the same.

Section 4. **ADJUTANT AND JUDGE ADVOCATE:** The District Adjutant and Judge Advocate shall be appointed by the District Commander with the approval of the District Executive Committee.

Section 5. **DISTRICT CONVENTION:** The annual convention of District Five shall be held as stated in the Constitution of The American Legion, Department of Colorado, at least 30 days but no more than 90 days, prior to the Department Convention each year, at such time and place within the District as the District Five Executive Committee shall determine.

Section 6. **DISTRICT CONFERENCE:** The annual District Five Conference shall be held in accordance with the provisions of the Constitution of The American Legion, Department of Colorado, at such time and place within the District as the District Executive Committee shall determine.

Section 7. **DELEGATES TO DISTRICT CONVENTION:** Each post within the District shall be entitled to two (2) delegates (at large), and one (1) additional delegate for each ten (10) members, or major fraction thereof. Each delegate is entitled to one (1) vote. A registration fee of three dollars (\$3.00) shall be paid for each delegate. No delegate shall be permitted to vote or participate in its programs, whose fees have not been paid; and a post shall be entitled to only the number for which such registration has been paid. Voting by proxy shall not be permitted, and the votes of any delegate absent and not represented by an alternate, shall be cast by the majority of delegates present.

Section 8. **ATTENDANCE AT DISTRICT CONFERENCE:** There are no designated delegates to the District Conference; all Legionnaires are invited and urged to attend.

Section 9 **POST COMMANDER DELEGATE** Each Past District Commander, provided he is in good standing in a Post within District Five, shall be a delegate to each District Five Convention, and shall be entitled to vote, when present. No delegate fee is required.

Section 10. **VOTING AND QUORUM:** Each delegate shall be entitled to one vote. A quorum of the District Convention shall consist of a minimum of one (1) delegate from each of the majority of the Posts represented and qualified to vote at the Convention.

Section 11. **COURTSEY VOTING:** No post shall be permitted to vote as a courtesy.

Section 12. **PER-CAPITA DUES:** The Department of Colorado Finance Officer will periodically pay to the District Five Finance Officer the per-capita dues accumulated.

Article V

Section 1. **REVENUE:** The revenue of District Five shall be derived from sources permitted by the Constitution of The American Legion, Department of Colorado. The power to determine the amount of revenue needed and the source from which the same shall be derived, shall be determined by the District Five Budget and Finance Committee, with the right reserved by the District Convention to alter, amend or repeal any recommendation of the Budget and Finance Committee in this regard.

Article VI

DISTRICT EXECUTIVE COMMITTEE

Section 1. **COMMITTEE:** The District Five Executive Committee shall consist of The District Commander, District Senior Vice Commander, District Junior Vice Commander West, District Junior Vice Commander East, District Adjutant, District Finance Officer, Department Executive Committeeman, a past District Five Commander and one (1) member from each post within District Five, elected or appointed, provided only one (1) vote approved if member is already a District Five Executive Committee Officer.

Section 2. **QUORUM:** A quorum of the District Five Executive Committee shall consist of four (4) District Officers and a representative from at least three (3) other Legion posts within District Five. This is necessary to allow the District Executive Committee to conduct the necessary business of District Five.

Article VII

MISCELLANEOUS

Section 1. **COMMITTEES:** During the District Convention, and between sessions of the District Convention, the District Executive Committee may create such standing and special committees as may be necessary and proper to carry on the business of The American Legion and its programs.

Section 2. **OATH OF OFFICE:** Each officer of District Five, before entering upon the duties of his office, shall take the oath of office prescribed in the Constitution of The American Legion, Department of Colorado, Article XIII, Section 3.

Section 3. **AMERICAN LEGION AUXILIARY:** District Five, The American Legion, Department of Colorado, recognizes the organization known as The American Legion Auxiliary.

Section 4. **LAST SQUAD CLUB:** District Five, The American Legion, Department of Colorado, recognizes subsidiary organizations, each usually described as a Last Squad Club, organized in District Five.

Section 5. **PAST COMMANDERS CLUB:** District Five, The American Legion, Department of Colorado, recognizes The Past Commanders Club.

Section 6. **THE AMERICAN LEGION RIDERS:** District Five, The American Legion, Department of Colorado, recognizes The American Legion Riders as a committee of the Department of Colorado, with groups in District Five.

Article VIII

AMENDMENTS AND REVISIONS

Section 1. **AMENDMENTS TO CONSTITUTION:** This Constitution may be amended at any District Five Convention by two thirds vote of the delegates present when a quorum is present, provided the proposed amendment shall be presented in writing to the District Adjutant at least 45 days prior to the District Convention, and said District Adjutant presents said proposed amendment in writing to each post in the District at least 30 days prior to the District Convention.

Section 2. **REVISION OF CONSTITUTION:** After each District Convention, and at such times as may be designated by the District Commander, the District Adjutant, in cooperation with the District Judge Advocate, shall examine the text of this Constitution preceding a District Convention, and shall re-number the articles and sections and make appropriate changes in reference to other articles and sections, transfer sections and catch lines as they deem proper, and shall cause the same to be printed for the use of post officers and members of the District.

Article IX

BY-LAWS

Section 1. The District Five Executive Committee shall have the power to make, to alter, to amend or to repeal the By-Laws for the government of District Five, not consistent with this Constitution or with the Department of Colorado Constitution.

Article X

REPEAL AND SAVING CLAUSE

Section 1. This Constitution, adopted at the District Five Convention held in the year 2010, supersedes the previous approved Constitution.

Section 2. All alterations, amendments, repeals, additions and changes become effective at the close of the District Five Convention (May 1, 2010).

Article XI

Section 1. If any section herein shall be determined by proper authority to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the affected sections of this document.

Richard L. Humphrey
Commander, District 5

Clotilde Ferguson
Adjutant