THE CONSTITUTION OF THE AMERICAN LEGION
DEPARTMENT OF MASSACHUSETTS INC

ARTICLE I
NAME

The name of this organization shall be:
THE AMERICAN LEGION, DEPARTMENT OF MASSACHUSETTS INC.

ARTICLE II
OBJECT

The object of this organization shall be as set forth in the National Constitution of THE AMERICAN LEGION.

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 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 safeguard and transmit to prosperity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

ARTICLE III
NATURE

Section 1. 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. THE AMERICAN LEGION shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor shall it be used for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Freedom of Conscience: Each member shall perform their full duty as a citizen according to his own conscience and understanding.

ARTICLE IV
ELIGIBILITY

Section 1. An individual is eligible for membership in The American Legion only if the individual-

(1) has served in the Armed Forces of

(A) the United States at any time during-

(i) the period of April 6, 1917, through November 11, 1918; or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States Government during a period of time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period of time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; 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 ground to subject themselves to military discipline or unqualified service.

Section 2. There shall be no form of 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. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to the National Headquarters within thirty (30) days, shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, such person may then appeal to the Executive committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V
MEMBERSHIP QUALIFICATIONS

Section 1. No person shall be eligible for membership in THE AMERICAN LEGION unless such person possesses all the eligibility qualifications and none of the eligibility disqualifications, as stated in Article of IV of this Constitution.

Section 2. Each Post shall be the judge of the qualification of its members, provided such members are eligible for membership in THE AMERICAN LEGION.

Section 3. The words "American Legion" shall not be used on any membership cards whatsoever except those issued by the National Organization to active members of THE AMERICAN LEGION.

ARTICLE VI
EXPULSION OF MEMBERS

Section 1. Members may be expelled or suspended from any 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 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 2. 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 VII
DEPARTMENT OFFICERS

Section 1. The following officers of the Department shall be elected annually by the Department Convention by a plurality of vote under the Australian ballot, except as hereinafter provided in this section.

(a) A Commander, who shall be Chairperson of the Department Executive Committee.

(b) A Senior Vice Commander

(c) Three Vice Commanders who shall serve without seniority

(d) A Historian

(e) One Department Executive Committee member, who shall be a woman, to be elected at large

(f) A Member of the National Executive Committee and an Alternate Member shall be elected biennially to serve a period of two years in odd years. They shall not succeed themselves.

Section 2. (a) One Department Committee Member and one Alternate, who shall be respectively the District Commander and Vice Commander, from each District as hereinafter defined shall be nominated by the Delegates from each such District and elected by the Convention.

(b) The Alternate National Executive Committee Member and the District Alternates may attend all meetings of the Executive Committee, but shall vote only in the absence of their respective Principles.

(c) A Judge Advocate, Treasurer, and a Chaplain shall be appointed by the Department Commander with the approval of the Department Executive Committee.

(d) The immediate Past Department Commander shall be an ex-officio member of the Department Executive Committee and shall have a vote.

(e) All Past Department Commanders, in good standing, shall have a voice at Department Executive Committee meetings without a vote, unless otherwise provided for.

(f) All Past National Commanders, in good standing, in the Department of Massachusetts shall be permanent members of the Department Executive Committee with voice and vote and all other privileges granted to members of the Department Executive Committee

Section 3. (a) The Commander shall be the Chief Executive Officer of the Department and shall be the presiding Officer on all occasions. No person shall be eligible for subsequent election to the office of Department Commander.

(b) The Department Senior Vice Commander shall be the Membership Chairperson and fulfill the duties of the Department Commander in his/her absence and perform other duties as assigned by the Department Commander. In the case of a vacancy in the Office of Commander the Senior Vice-Commander will complete the Commander's term of office.

There shall be three (3) other Department Vice Commanders who shall assist the Department Senior Vice Commander in membership and perform other duties as assigned by the Department Commander.

(c) The Department Adjutant shall be Chief Administrative officer of the Department and by virtue of their office shall be Secretary of the Department Executive Committee and shall be responsible for the performance of all duties incidental to the administration of that office. The Department Adjutant shall comply with the policies and administrative mandates of the Department Conventions, the Department Executive Committee and the Department Commander. For the purpose of carrying out the missions of that office with harmony and efficiency, he or she shall be responsible for the employment in the Department Headquarters and the Department Service Office, and the Department Adjutant shall submit an itemized budget for office and administrative expenses for the Department Office and Department Service Office to the Department Finance Committee for consideration in the Annual Department budget.

(d) The Treasurer with the assistance of a staff person shall be charged with the collection and custody of funds of the Department including all dues and shall keep the accounts and report thereon at the regular meetings of the Department Executive Committee. He or she shall be the Treasurer of all committees of the Department whose functions entail the receipt and disbursement of funds. Their accounts shall be audited annually. He or she shall disburse funds only in accordance with the approved annual budget, and/or special funds not included in the budget. He or she shall be bonded in accordance with Article VI, Section 1 of the National Constitution and By-Laws. All negotiable instruments of the Department of Massachusetts, The American Legion, Inc. shall require at least 2 signatures from the list of 4 authorized signatories enumerated hereafter: 1. The Department Treasurer; 2. The Department Adjutant; 3. The Chairman of the Dept Finance Committee; or 4. The Vice-Chairman of the Department Finance Committee.

(e) The Historian shall keep a historical record of the Department.

(f) The Chaplain shall officiate at all Conventions and State Ceremonies.

(g) The Judge Advocate shall advise the Department Officers and the Department Executive Committee of all legal matters including the interpretation of the National Constitution and By-Laws and the Department Constitution and By-Laws and shall perform such other duties as are usually incident to the office. The Judge Advocate shall render opinions only upon the request of the Department Convention, The Department Executive Committee in legal sessions assembled, or at the request of the Department Commander.

(h) No paid employees of the Department of Massachusetts, The American Legion shall also be an elected officer of the Department Executive Committee except as otherwise provided for in the Constitution.

(I) No elected Officer of the Department of Massachusetts shall hold more than one (1) elected office at the same time.

ARTICLE VIII
DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The general executive power and management of the affairs of the Department shall be vested in the Department Executive Committee. The Voting Membership of the Department Executive Committee shall be comprised of the following Officers: the Department Commander; 1 Senior Vice Commander; 3 Vice Commanders; the Department Historian; the Department Executive Committee Woman-at-Large; the Immediate Past Department Commander; all Massachusetts Past National Commanders; the National Executive Committee Member and each of the 9 District Executive Committee Members, or their respective Alternates, as otherwise provided in this Constitution and By-Laws. The meetings of the Department Executive Committee shall be held at a time and place specified by the Department Commander during the year in accordance with the following schedule: One meeting after the Department Convention for the regular order of business, appointments and National pre-convention caucus; one meeting in September; three subsequent meetings at the call of the Department Commander. Additional meetings of the Department Executive Committee may be held in an emergency when called by the Commander or when requested in writing by the majority of the Department Executive Committee.

(a) The Department Executive Committee shall appoint from its own members or otherwise such sub-committees as it may determine to be necessary to carry on the business of the Department. It shall not delegate, however, the power of decision in matters affecting the policy and external relations of The American Legion.

(b) It shall have the power by a two-thirds vote of members present and voting at any meeting to cancel, revoke and to suspend, subject to the approval of the National Executive Committee, the charter of any Post for any violation of the Constitution or for conduct unbecoming or prejudicial to the best interest of The American Legion. But no such vote or revocation or suspension shall be adopted without giving one month's written notice of the contemplated action and charges of the Post in question before the expiration of which month the Post may make answer to the charges against it. In referring to the National Executive Committee the record of the vote of revocation of the charter of any Post the Department Executive Committee will in every case forward therewith the answer made by the post to the charges against it.

(c) It shall prescribe and enforce such rules and regulations as may be necessary for the conduct of the Department Headquarters.

(d) It shall have authority by a two-thirds vote of the members present at any meeting to fill vacancies created in its composition by death or other eventuality among its members, provided that if the vacancy occurs in the District membership of the committee it shall be filled by the election of a member from that District. It shall have further authority to fill any vacancy among the Department Officers not otherwise provided for.

(e) It shall have the power by a two-thirds vote of the members present at any meetings to suspend or remove from office for good cause any elective officer of the Department or any elective Post or District Officer within the Department after a fair and impartial hearing on the charges brought against such officer, or to expel or suspend from membership in The American Legion any member of any Post within its jurisdiction, for such causes as are provided in the National Constitution and By-Laws.

(f) Each District Committee Member shall promote the welfare of each Post in his or her District, with the right to attend the meetings of each Post. Each District Committee Member shall have the duty to guide the Post and to report conditions therein to the Department Executive Committee. He or she shall, at least once a year, make and visitation to each Post in their District.

(g) The Right to attendance at Executive Session(s) of the Department Executive Committee is expressly granted to all serving Officers of the Department who are elected at any Department Convention,

including both the Alternate National Executive Committeeman and the Alternate Department Executive Committee Members from each District.

Section 2. A majority of the members of the Department Executive Committee shall constitute a quorum.

(a) The Executive Committee in regular of special meeting assembled, shall not appropriate nor spend any sum of money in excess of Twenty-Five Hundred Dollars ($2500.00), without following the procedure hereby set forth. The subject matter shall be fully explained and discussed at one meeting, accepted as a first reading and the vote on said subject matter be then postponed until the next regular meeting of the Executive Committee, only, to allow time for the Department Officers and Executive Committee Members to discuss it with their various Districts, to gain their opinion and direction on the subject matter, for their voting at the next meeting.

ARTICLE IX
DISTRICTS

Section 1. For the purpose of the business of the Department, Massachusetts shall be divided into nine (9) Districts. A District shall consist of all Posts within an area defined in this article. Each District shall consist of geographic areas as indicated below:

District	County
1	The Berkshire District
3	Pioneer Valley District
4	Central District
5	Northeast District
6	Southeast District
7	Metropolitan Boston District
8	Northeast Shore District
9	Southeast Shore District
10	South Shore, Cape Cod, and the Island District

Section 2. The Posts of each District may organize a District or County Council with a District Commander and Senior Vice Commander as provided in Article VI,

Section 2a. Including such other Officers as they may by Constitution and By-Laws prescribe. Such a District or County Council may operate in such a manner and way as it may provide but without conflict with the rights and powers of the Department and Post organizations.

Section 3. Election for all Officers in each District shall be conducted so as to enable those elected to assume the duties of their Office at the close of Department Convention each year.

ARTICLE X
DISTRICT COMMANDERS

Section 1. There shall be one District Commander for each of the Districts in the Department.

Section 2. District Commanders shall be elected by one of the following methods:

(a) At the Department Convention by the Delegates from respective District in which the Rules of Department Convention shall govern, or

(b) At a pre-convention caucus of the Department convention delegates, to be held not earlier than thirty (30) days prior to the Department Convention, at a time and place designated by the District Commander.

(c) The District Commander shall notify each Post within his district of the place, time and purpose of such pre-convention caucus, at least ten (10) days prior thereto. A plurality of the votes of the delegates present and voting shall be necessary to elect a District Commander. They may also conduct such other business as may come before the caucus.

Section 3. District By-Laws shall determine the method of election to be used in the respective district.

Section 4. In the event that a District Commander fails to function or does not perform the duties prescribed for him or her to the satisfaction of his Department Commander and the Department Executive Committee, or fails to attend two (2) successive Department Executive Committee meetings without giving reasons for their absence therefrom, the Department Commander, with the consent of the Department Executive Committee, may declare the office vacant.

Section 5. In the event of a vacancy in the office of District Commander, the Senior Vice Commander for that District, elected at the Department Caucus, as specified in Article X, Section 1 (a) shall replace the District Commander.

ARTICLE XI
DEPARTMENT CONVENTIONS

Section 1. The Legislative body of the Department shall be the Department Convention.

(a) There shall be a Department Convention held annually at such time and place as voted by the Department Standing Committee and approved by the Department Executive Committee and subject to the Department Convention.

(b) A special Convention may be called at any time, either

1. By a majority of the Department Executive Committee, or

2. By a written application of at least fifty (50) chartered Posts in good standing, representing at least seven (7) Districts.

(c) The notice of any Convention shall be given to the Post Adjutant by the Department Adjutant at least thirty (30) days prior to the dated fixed for such Convention.

(d) When the holding of a Department Convention, as provided for under Section 1, is made impracticable by reason of a state of war, operation or force of law, or other extraordinary or unforeseen contingency, all the functions, powers and duties of the annual Department Convention shall be submitted for consideration and decision to each Post by mail, in lieu of Delegates to said Convention, provided that this method shall have been authorized by vote of three-fourths of the Department Executive Committee.

(e) 1. Determination of all matters so submitted shall be by a majority of the vote recorded, except amendments to the Constitution shall be amended by a two-thirds vote. The election of officers shall be by the Australian ballot and by a plurality vote.

2. The Department Executive Committee is empowered to prescribe the requisite procedure for carrying into execution the foregoing provisions.

Section 2. (a) A Convention shall be composed of delegates in good standing from all Posts. The Posts may elect alternate delegates in a number not to exceed the number of authorized delegates.

(b) The delegates to a Department Convention shall be elected by each Post from the membership of said Post, by a plurality vote of those present at a meeting called for that purpose, unless otherwise provided by the By-Laws of the Post.

(1 .) Each Post shall supply to the Department Adjutant, at least ten (10) days prior to opening of the Convention, a complete listing of the Delegates and Alternates who will represent the Post at said Convention.

(c) Each Post shall be entitled to one delegate up to fifty (50) members and also an additional delegate for each one hundred (100) members or major fraction thereof.

(d) All Department Officers enumerated in Article VII, Section 1 and 2, shall be additional delegates to all Conventions within this Department, their votes to be credited to the Posts of which they are respectively members. The District Alternates shall be by virtue of their office, Alternate Delegates to the Department Convention.

(e) All Past Department Commanders while in good standing in their respective Posts shall be delegates to the Department Convention.

Section 3. (a) Upon payment of registration fee to the Department (amount as set by the Department Executive Committee) for each qualified delegate authorized herein, credentials shall be issued by the Department to each such delegate. All registration fees must be turned over to the Convention Committee with the approval of the Department Executive Committee. If not paid, at the time of registration, fees will be doubled and the Department will invoice said Post for delegate fees.

(b) For the purpose hereof, members are those whose dues are paid up at Department Headquarters thirty (30) days prior to the date of any convention.

(c) No member shall be entitled to more than one (1) vote at any Department Convention.

Section 4 (a) A majority of Posts registered in good standing, represented by duly elected delegates, shall constitute a quorum.

(b) The will of the convention on all matters, excepting election of officers and amendments of the Constitution and By-Laws, shall be recorded by vote of a majority of the delegates present and voting.

Section 5. The annual Department Convention shall elect four delegates at large and such other delegates as are permitted by the National Constitution to the National Convention, elect the Department Officers as hereinafter provided and may pass resolutions, legislate and amend the constitution and transact such other business as may be brought before it. The delegates, other than the delegates at large, shall be apportioned among the several districts by the Executive Committee according to membership, and the delegates from each district to the Department Convention shall nominate the number of delegates so apportioned to such districts for election by the Department Convention. In addition to the four delegates at large to the National Convention elected as heretofore provided, the Department Commander and the National Executive Committee members shall also be delegates at large to the National Convention and the Department Adjutant shall be the secretary of the Department delegation to the National Convention and shall accompany the delegates in that capacity.

Section 6. The rules of procedure at a Department Convention shall be as adopted by the Convention and all difference of opinions in regard to points of order or modes of procedure, not otherwise provided for, shall be governed by parliamentary practices as set forth in Robert's Rules of Order (Revised).

Section 7. The Commander shall appoint, subject to the ratification by the Department Executive Committee, an official reporter, who shall take the convention proceedings, verbatim, and shall be charged with compiling of said proceedings.

Section 8. Rules and regulations governing the conduct of elections under Australian ballot at Department Conventions shall be adopted by the Convention, rules to stand until changed by some subsequent convention. The term "Australian ballot" shall be construed to include the use of voting machines.

Section 9. District Delegates to the Department Convention may meet in caucus, prior to the opening of the convention for the purpose of expediting the business of the convention and may meet as such other times during the period of the convention as the district delegates shall determine.

A district body when separately assembled is a separate body. The first business of the district delegation shall be to elect a Chairman and a Secretary who shall remain as its officers during the sessions of the convention.

ARTICLE XII
THE LOCAL UNIT: THE POST

Section 1. Formation of a New Post: The local unit of the Department shall be the Post, the minimum of which shall be fifteen (15). Those who desire to form a Post shall, subject to the provisions of this Constitution and the By-Laws of the Department, make application for charter upon forms to be supplied by the Department Adjutant.

Section 2. Post Charter: Post Charters, when issued by the National Commander and National Adjutant, shall be duly countersigned by the Department Commander and the Department Adjutant upon approval of the Department Executive Committee.

Section 3. Post Officers: The Officers of the Post may be as follows:

(a) Post Commander
(b) Two Vice Commanders
(c) Post Adjutant
(d) Post Finance Officer
(e) Post Historian
(f) Post Chaplain
(g) Post Judge Advocate
(h) Post Service Office
(i) Such other officers as the Post shall prescribe.

Section 4. Election of all Post Officers shall be held before July 1st, and the Post Commander, as the Post shall prescribe, shall appoint such other officers before July 1st, and the Department Adjutant shall be notified, of all officers on or before July 15th.

Section 5. Duties of the Post Officers: The duties of these officers shall be defined by their respective Posts, and shall conform as nearly as may be, to the duties imposed on similar offices of the Department.

Section 6. Post Meetings: The Post meeting shall be opened and closed in accordance with the ritual provided by National and the Department. All candidates for membership in the Post shall be properly initiated.

Section 7. Post Constitutions: Subject to the provisions of the National and Department Constitutions, By-Laws and Regulations, each Post shall adopt its own Constitution, By-Laws and Regulations.

(a) No Provision of a Post's Constitution, By-Laws or Regulations may be in conflict with either the National or Department Constitution, By-Laws or Regulations which shall in all cases be controlling.

(b) A Post may incorporate as a not-for-profit entity, under the laws of the Commonwealth of Massachusetts only, to protect its Membership from individual liabilities because of the actions of the Post and to conduct such business as its corporate charter may allow.

(c) A Post may establish a "Building Association," "House Committee," or such other subordinate unit as it may deem necessary to its successful operation.

(d) Entities established under (b) and/or (c) above shall be subordinate to and compliant with the will of the Post Membership as expressed in an action by the Post in a regular or special meeting properly convened except in the case of the sale, lease, exchange or other disposition of all or substantially all of its assets in which event a vote of two thirds of its members present and entitled to vote thereon at a properly convened meeting duly called for such purpose after notice thereof to the membership.

Section 8. Revocation of Post Charters:

(a) Upon recommendation in writing, submitted by the District Commander, the Department Executive Committee may recommend revocation of the charter of a Post which is less than fifteen (15) members in any one year as of thirty (30) days prior to the Department Convention of each year; provided that written notice of the intention to revoke said charter, and the reasons thereof, be served personally or by certified mail or registered mail upon the proper Post Officers, at least sixty (60) days before the date set for the recommendation of the revocation of the charter.

(b) The charter of any Post may be revoked, canceled or suspended by the Department Executive Committee, in accordance with the Uniform Code of Procedure for Revocation, Cancellation of suspension of Post Charters, as appended to the Department By-Laws.

Section 9. Where the action of any Post is being discredited in the public press where criminal proceedings have been instituted against a Post, or where otherwise the actions of a Post are such as to be scandalous or inimical to the very purpose or aim of The American Legion, the Department Commander may take summary actions as follow:

(a) Forthwith appoint a special plenary subcommittee of five (5) members of the Department Executive Committee.

(b) Summon the said sub-committee into immediate and summary session.

(c) Upon and with consent of four-fifths of the members of the said committee temporarily suspend the charter of the Post involved.

(d) Give five (5) days notice to the Post Commander to exercise the right of appeal as provided in the Uniform Code of Procedure adopted by the resolution of the National Executive Committee.

(e) In the event no right of appeal is so exercised the Department Commander may summon the Department Executive Committee to special session and a quorum being present, the majority of those present shall determine whether to revoke the charter of the Post involved.

(f) No Post shall be named after a living person.

ARTICLE XIII

NATIONAL EXECUTIVE COMMITTEE MEMBERS

Section 1. The Department Convention shall elect the National Executive Committee Member and the Alternate National Executive Committee Member for a term of two (2) years as prescribed in the National Constitution, and they shall not succeed themselves upon completion of a full term in odd years.

Section 2. In the event of a vacancy in the office of National Executive Committee Member, the Alternate National Executive Committee Member shall serve the remainder of the unexpired term. In the event of a vacancy in the office of Alternate National Executive Committee Members, such vacancy to serve the unexpired term shall be filled by a two-thirds vote of the Department Executive Committee present and voting. This election shall be called for, and conducted by the Department Commander, within thirty (30) days. They shall not succeed themselves.

ARTICLE XIV
REPRESENTATION AT THE NATIONAL CONVENTION

Section 1. Delegates-at-Large: The Department shall be represented at the National Convention by the following delegates-at-large: the Department Commander, four (4) additional delegates and five (5) alternate delegates to be elected by the Convention-at-large.

Section 2. National Convention Delegates:

(a) Each District within the Department shall elect National Convention Delegates to represent the District at the National Convention. Each District shall be entitled to one (1) delegate for each one thousand (1,000) paid members or fraction thereof in District, determined as of the date of the annual Department Convention. Further, each District shall elect an alternate for each delegate on the same basis.

(b) National Convention Delegates and their Alternates shall be elected at the same time and in the same manner as District Commanders are elected.

(c) Vacancies among the elected delegates to the National Convention shall be filled by the Department Commander with alternate delegates from the same district if possible.

(d) The Department Commander shall be the chairman of the delegation to the National Convention. The Department Adjutant shall be the secretary of the delegation to the National Convention.

Section 3. Other Delegates: The Department Commander shall appoint any other delegates to the Department in addition to those designated in Section 1 and 2 of this Article.

ARTICLE XV
AMENDMENTS TO THE DEPARTMENT CONSTITUTION

Section 1. Amendments to this Constitution may be proposed by any Legionnaire, Post District, County Committee, Department Standing Committee at any time not later than forty (40) days prior to the Annual Convention and shall be forwarded to the Department Adjutant, who shall give notice thereof to all Posts in the Department at least thirty (30) days prior to said Convention. The Department Executive Committee shall have the authorization to propose amendments to this Constitution upon notice to all Posts in the Department given at least thirty (30) days prior to said convention. Such amendment shall be considered adopted upon a two-thirds affirmative vote of the delegates present at any session.

Section 2. Amendments to the Constitution as proposed by any Legionnaire, Post, District, County Committee, and Department Standing Committee or by the Executive Committee may be presented to a special Convention called for such purpose in conformity with the provisions of this Constitution, provided that thirty (30) days notice of such amendments shall be duly given to every Post. Such amendments shall be considered adopted upon a two-thirds affirmative vote of the Delegates present at any session of such Special Convention.

Section 3. In the event the National Constitution is amended and thereby any provisions of the Department Convention come in conflict therewith, then the Department Constitution shall be deemed automatically amended so as to conform to the National Constitution as amended.