Prior to Covid, the Last 5 Years in The Department of Virginia

- **45%** **Membership Issues/ Questions on Article IV—Discipline** **(Dishonesty, Disloyalty, Conduct, Neglect of Duty)**
- **25%** **Alleged & Actual/Theft/Property/Gaming**
- **20%** **Constitution & By-Law Issues**
- **10%** **Bizarre to the Mundane**

Duties of the Department Judge Advocate

- Advise
- Review Written Complaints
- Determine if a Complaint has Validity
- Investigations directed by Department ExCom, Internal Affairs Committee, Department Adjutant
- Interpret National & Department C & B
- Direct & Supervise Investigations

American Legion Membership

- ✓ 21703. Membership
- ✓ "An individual is eligible for membership in the corporation only if the individual…"
- ✓ (2) "was honorably discharged or separated from that service or continues to serve honorably during or after that period."

DD-214 vs AHRC-3553

DD-214

- **Certificate of Release or Discharge from Active Duty**
- **Issued retirement, separation or discharge**
- **5 types of Discharges**

1. **Honorable**
2. **General**
3. **Other Than Honorable**
4. **Bad Conduct**
5. **Dishonorable**

AHRC-3553

- **Army Human Resources Command Form**
- **Statement of Military Service**
- **Shows Dates of AD Service**
- **Grade**
- **Legal Basis for Separation**
- **Reviewed & noted no great detail**

Background on the AHRC-3553 Issues

- Was an actual fire at NPRC in July 1973
- Army records from 1912 to 1960- 80%
- Air Force records from September 1947 to January 1964 -75%
- Boloney Sandwich

Department Direction

- **All recruiters should make every effort to obtain a DD-214 from prospective Legionaries**

- **The burden to provide this document falls upon the person applying to the Post**

- **Verification on any and all transfers into your Post**

New Member Issues

- DD-214
- Meets requirement date—currently, non-issue
- No Associate but some Honorary in Virginia
- No Dual Memberships in Posts
- Each Post Judges Qualifications
- May set other Reasonable Standards

The American Legion is a Non-Political Organization

- **Article II. Section 2.**
- **“shall be absolutely non-political”**
- **No partisan principles**
- **No promotion of (any) candidacy …public office**
- **No preferment**

LEADERSHIP WITHIN A POST

“Great leaders create more Leaders, NOT followers”.

Roy T. Bennett

Post Commander Issues

- **Lack of Decisive Action When Needed**
- **Lack of Understanding C & B**
- **Relies on “Past to Conduct Current Ops”**
- **Not following The American Legion Requirements**

Post Adjutant Issues

Adjutant Trends

- **Failure to take accurate notes/ NO notes**
- **Failure to post Minutes**
- **Failure to follow American Legion Procedures**
- **Failure to Safeguard Post information**

MONEY

“Rule Number 1.- Never lose money.

Rule Number 2. – Never forget Rule Number 1.”

- Warren Buffett

Post Finance Officer Issues

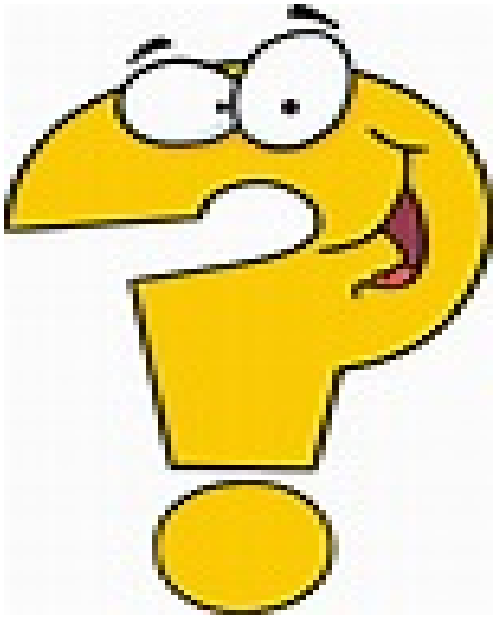
- No double signature checks
- Bonding Issues
- Lack of required Post Audits
- Failure to post Monthly Financial Reports

Post Finance Officer Issues

- Lack of Receipts
- Finance Records NOT within Post
- Lack of Physical Safeguards for Finances
- Receipt of cancelled Checks by same people

Suspected Theft within your Post

- Who, What, When , Where and How
- Confront or Report
- Police or The Department
- Suggest Immediate Action



Some Safeguards to Prevent Theft

- Develop Double Checks on $$$$
- Regular & Spot Audits
- Security Cameras
- Main person & Backup BOTH Trained

When will The Department Investigate a theft?

“The Department will investigation the suspected or actual theft of $500.00 or more or as directed by the Department ExCom or IAC”

Post Obligation

- **BAD NEWS DOESN'T GET BETTER WITH AGE**

- Report any and all Police/ Sheriff Investigations or Encounters

Post Audits

- **NOT** a request but a ***REQUIREMENT!***
- **Post Operations Manual & Post Building Guide**
- **Chairman/Excom appointed by ExCom**
- **“Qualified Public Accountant”**
- **Facilities, Building Association, Corporation and Post Operations**
- **Finance Officer NOT on Committee**

Post Audits- Part II

- **Verification Cash, Bank Accounts, Stocks, Bonds other Tangible Assets**
- **Membership $$$**
- **Audit Sheet = Balance Sheet of funds, assets and Liabilities**
- **Suggested 3- 4 Members**
- **3rd- 5th- 8th Checks/ Receipts**
- **No Secrets**

Basic Procedures for Post Audit

- 3- 4 Post Members
- No Finance Officer
- Appointed Chairman or ExCom Member
- Look at EVERYTHING!
- Verify and Report
- Yearly
- RECEIPTS & BAR

What If I Don't Conduct an Audit?

- **Article V. – Department By-Laws – Bonds**

- **Failure to cooperate with investigation or audit is cause for IMMEDIATE DEC approved Post suspension**

Articles of Incorporation

- **Protects your Post & Post Membership from Blanket Legal Actions**
- **July 2008 -90th Annual Conference- Required**
- **Who?**
- **Membership Input**

Post Executive Committee

- **Post Officer's Guide & Manual of Ceremonies**
- **Hire Employees, Authorize Expenditures, Bonding & Hearing Reports**
- **Generally Managing Post Affairs**

MOST IMPORTANT

- “Delegation of these functions to the ExCom is in NO WAY intended to USURP the powers of the MEMBERSHIP through regular Post meetings”

- **ExCom is NOT Royalty**

PROBLEMS WITH EXCOM

- Take Over Post Functions
- Disregard of Article IV- Discipline
- Overriding Membership
- Disregard of C & B

When Post Leadership Goes Rouge

Leadership Action	Membership Action
• Not following C & B	• Internal Issue
• Manipulation of Elections	• Department Issue
• Overriding Membership	• Department Issue
• Theft	• Department Issue
• Threats	• Department Issue

Negative Impact on Post & Community

- **Everything that takes place at Post IMPACTS Community**

- **Intramural Fire Fights**
- **This KILLS Membership Efforts**

Reporting Information to The Department

- **Anonymous**
- **Through Official Channels**
- **Made Public via Open Source**

Department Inquiries

- Informal Inquiry AKA “Courtesy Inspection”
- Formal Inquiry AKA “Pre-Investigation”
- Department Investigation

The Department's Authority

- **Article III- National By-Laws- Suspend or Revoke Post Charter**

- **Article X(Department).- Discipline of Post pursuant to Article III as noted above**

- **No Post without Department's Approval**

Challenge's to The Department's Authority

Has resulted in Department Investigations and the Suspension of Post Charters

Article IV. Discipline

- Variety of Charges based upon

1. Disloyalty

2. Neglect of Duty

3. Dishonesty

4. Conduct Unbecoming

REQUIRED PROCEDURES

➢POST

- Presented to Cmdr.
- Committee of 3
- Investigation
- Trial- Adj. serves copy of charges & witnesses
- Appear in 10 days

➢ACCUSED

- Identify his/ her witnesses
- After 10 days Post will affix date whether ACCUSED responds or not
- The ACCUSED witnesses who can’t attend- 3 members

CONDUCT of TRIAL

- Voice or Ballot
- Defense speaks or someone for them
- Simple majority vote on guilt
- 2nd vote on punishment
- Voters must be 100% present for trial
- Expulsion requires 75% of vote
- Check current American Legion status

Suspension versus Expulsion

“Suspension means …from the remainder of the current membership year …dues have been paid and the following membership year”.

“Expulsion means the member is NO LONGER eligible to be a member of The American Legion”

Absence of Accused

- Registered letter to address on file
- Can move forward without accused provided **DUE PROCESS**
- Provide written notification of trial verdict
- 30 days to appeal to The Department
- Complete review of all documents, photos and evidence

APPEAL

- We have had 1 appeal at Convention
- NO surrogate for this appeal
- Only a Post can restore what it took away
- 30 Days to appeal
- Must be a complete file

LAW ENFORCEMENT ISSUES

WHEN DO I CALL THE DEPARTMENT ?

"UNLIKE WINE & CHEESE…BAD NEWS DOESN'T GET BETTER WITH AGE…"

CHAIN OF COMMAND

- **Calls to National Headquarters – WHY???**
- **SAL** – Signing in guests
- **Post**- Membership questions
- **ALA**- Reporting on Internal Issues

NEWS FLASH

ALL ISSUES REFERRED BACK TO THE DEPARTMENT

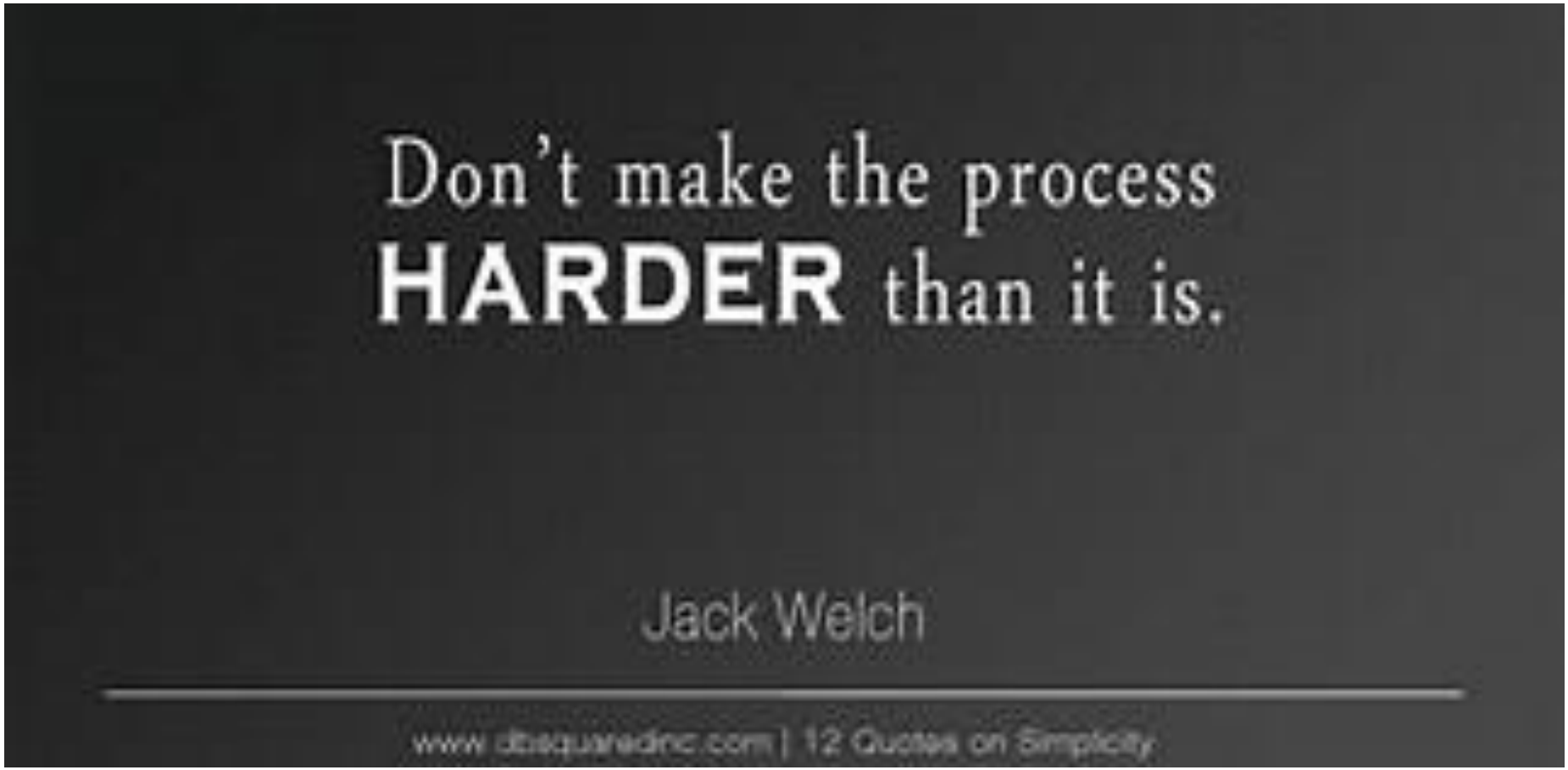
BY-LAWS

- **Required**
- **Suggested format in Officer's Guide-Page 87**
- **Don't Re-Invent the wheel**
- **Unique to your Post**
- **Common Sense**

WHAT NOT TO WRITE

- **Weaponized ExCom**
- **Change National or Departmental Directives**
- **Change Post Officer's Duties**
- **Change Discipline Issues- ARTICLE IV**

RULE OF THUMB



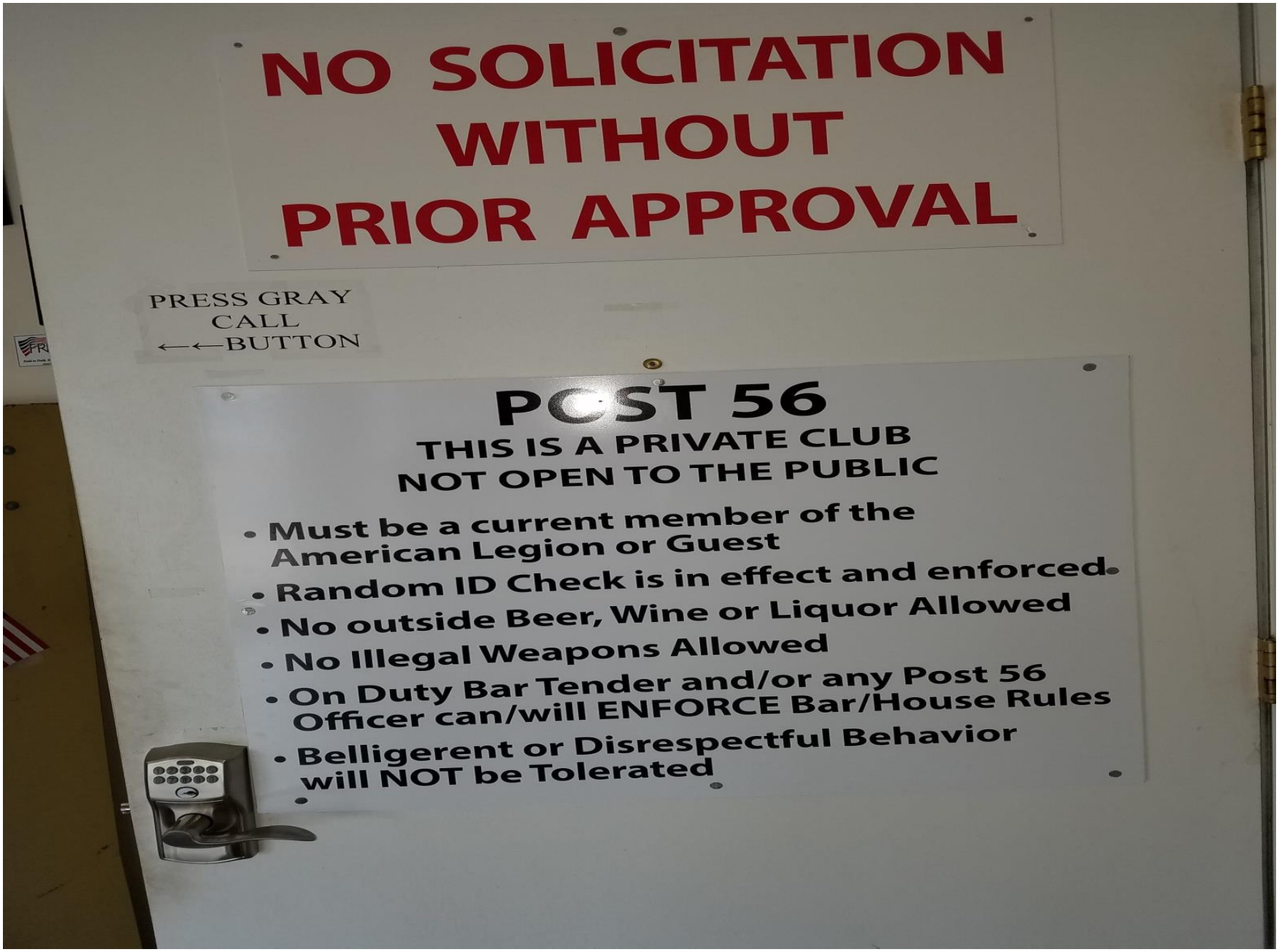
BAR & SOCIAL QUARTERS

BAR & SOCIAL QUARTERS

- NOT THE IMAGE WE WANT
- ECHO CHAMBER FOR THE AMERICAN LEGION
- 85% OF ISSUES TAKE PLACE HERE
- GUNS DRAWN, FIGHTS, ARGUMENTS

SUGGESTIONS?

- **MEET YOUR LOCAL ABC OFFICER**
- **PLAN AHEAD FOR ALL EVENTS**
- **ENSURE MEMBERSHIP IS AWARE**
- **ENFORCE RULES EQUALLY**


NO SOLICITATION
WITHOUT
PRIOR APPROVAL
PRESS GRAY
CALL
←←BUTTON
POST 56
THIS IS A PRIVATE CLUB
NOT OPEN TO THE PUBLIC
• Must be a current member of the American Legion or Guest
• Random ID Check is in effect and enforced
• No outside Beer, Wine or Liquor Allowed
• No Illegal Weapons Allowed
• On Duty Bar Tender and/or any Post 56 Officer can/will ENFORCE Bar/House Rules
• Belligerent or Disrespectful Behavior will NOT be Tolerated

WEAPONS?

- **FOLLOW CURRENT ABC RULES**
- **PRIVATE CLUB // UNDER STATE LAWS**
- **2nd AMENDMENT**
- **COMMON SENSE**

PAST INCIDENTS

- **GUN DRAWN IN MEN'S ROOM**
- COMMANDER THREATENS
- **OVERSERVED @ POST SHOTS FAMILY**
- WEAPON DRAWN DURING MEAL
- **LAW ENFORCEMENT IN BAR**
- OPEN CARRY ISSUES WITHIN POST
- **DRINKING WITH WEAPON- ABC ISSUE**

WHO'S RESPONSIBLE ?

POST SOCIAL QUARTERS/ BAR IS "ON THE HOOK" FOR ANY AND ALL INCIDENTS!!!

WHAT IF AN INCIDENT OCCURS?

- **REPORT IT ASAP**
- **DOCUMENT IT- SIR'S**
- **GATHER FACTS & STATEMENTS**
- **ALLOW LAW ENFORCEMENT TO DO THEIR JOB**

SAFETY IS MAIN CONCERN

NO HEROES

DON’T ESCULATE SITUATION

ALLOW LAW ENFORCEMENT TO DO THEIR JOB

RESTAURANT OR CLUB?

- PRIVATE CLUB
- GUESTS MUST BE SIGNED IN
- LEAVE WHEN “SPONSOR” DEPARTS
- SPONSOR RESPONSIBLE

PAST INCIDENTS

- **POSTS ADVERTISING OPEN TO PUBLIC MEALS**
- **UNDERSTAND MEANING OF SPECIAL EVENTS**
- **ALLOWING OUTSIDE GROUPS IN WITHOUT ANY SUPERVISION**

THE AMERICAN LEGION FAMILY

SONS OF THE AMERICAN LEGION

- **Falls under American Legion "Tax Umbrella"**
- **Post has Oversight on Finances - ARTICLE 1. Section 4.**
- **Good relationships a "MUST"**
- **Avoid "Tug of War"**
- **ONE FAMILY- NEVER FORGET THAT**

AMERICAN LEGION AUXILIARY

- **World's Largest Patriotic Service Organization**
- **Operates Independently**
- **"Widow Post" if NO Post available**
- **Indispensable to Legion Family**

AMERICAN LEGION RIDERS

- **Reports to Post**
- **Another Group of Extremely Talented People**
- **Force Multipliers**

WHAT FAMILY IS WITHOUT ISSUES?

- INTRAMURAL FIREFIGHTS
- “ATTEMPTED TAKE OVERS”
- LEADERSHIP DOESN’T FEEL THEY BELONG TO POST
- HUSBAND & WIFE “TEAMS”

WHAT DO YOU DO?

DIPLOMACY

- POST LEVEL
- TRANSPARENCY
- COMMON SENSE
- DISCIPLINE- ARTICLE IV.

SEXUAL HARASSMENT

- **ZERO TOLERANCE**

- **WILL BE INVESTIGATED**

WHAT IS SEXUAL HARASSMENT?

- AFFECTS JOB
- HOSTILE ATMOSPHERE
- UNWELCOME OR SEXUAL FAVORS
- SEXUAL IN NATURE
- VERBAL
- NON-VERBAL
- PHYSICAL CONTACT

DISCRIMINATION

- **FEDERAL OFFENSE**
- **NOT TOLERATED**
- **WILL BE INVESTIGATED**

- **RACE**
- **AGE**
- **SEX**
- **RELIGION**
- **SEXUAL ORIENTATION**

MILITARY EQUIPMENT

- **OFFICER'S GUIDE & MANUAL OF CEREMONIES**
- **ARMY STILL OWNS**
- **NO TRANSFERS // STORAGE ISSUES**
- **INSPECTION EVERY 3 YEARS**

GAMING

- Department of Agriculture
- Office of Charitable Regulatory Programs
- Bingo & Electronic Pull Tabs
- 804-371-0498 (???

OUR PROBLEMS?

- **ACCESS**
- **ACCURATE RECORDS**
- **REPORTS**

ALL THAT $$$ WHAT COULD GO WRONG?

KEY TO SUCCESS

TRUST BUT VERIFY

OVER 100 YEARS

- **VETERAN'S AFFAIRS & REHABILITATION**
- **NATIONAL SECURITY**
- **AMERICANISM**
- **CHILDREN & YOUTH**

THANK YOU

- QUESTIONS?

- CONCERNS?