

Post 128 Constitution

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

ARTICLE I

NAME

SECTION 1. The name of this organization shall be The American Legion, Bernard L. Tobin Post 128, Incorporated, Department of Maryland.

ARTICLE II

OBJECTS

SECTION 1. 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 Departmental Constitution of the American Legion.

ARTICLE III

NATURE

SECTION 1. This Post is a civilian organization and membership therein does not effect or increase liability for 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.

SECTION 3. Rank does not exist in the American Legion; no member shall be addressed by his or her military title in any meeting of this Post.

ARTICLE IV

MEMBERSHIP

SECTION 1. Any person shall be eligible for membership in this Post of the American Legion who was a member of the Army, Navy, Marine Corps. Coast Guard or Air Force of the United States and assigned active duty at the times set forth by National Headquarters.

SECTION 2. There shall be no form of membership except an active membership as herein provided, and dues shall be paid annually or for life.

SECTION 3. No member shall be a member at any time of more than one Post.

SECTION 4. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by this Post, and shall be acted upon by this Post. Each member shall be notified and instructed within one (1) year

after acceptance. A rejected application shall not again be considered until the expiration of six (6) months from the date of said rejection.

SECTION 5. An application for membership in this Post who has been suspended from another Post of the American Legion for misconduct or misrepresentation shall not be admitted in this Post until a thorough investigation has been made by the Post Executive Committee, who shall then recommend what they deem advisable.

SECTION 6. Any member of this Post may be expelled or suspended for cause by a two-thirds vote of the Executive Committee. The procedure shall include the filing of written charge in triplicate, verified by affidavit to the accuser, serving on the accused a copy of the charges, and notice of the hearing at least fifteen (15) days prior to the date of the hearing. A hearing before the Post Executive Committee with an opportunity to both sides to present witnesses, who shall be sworn. The right to the accused to challenge for cause not more than two members of the Executive Committee. The finding of the Executive Committee shall be in writing and a copy of said findings be furnished the accused.

To expel a member of this Post of the American Legion, two thirds of the members of the Executive Committee who heard the case must vote in the affirmative. Any member who has been expelled or suspended shall have the right to appeal to the Department Executive Committee. Such an appeal shall be taken in writing within forty (40) days after the judgment of the expulsion or suspension. Pending the determination of such appeals such member shall stand expelled or suspended as the case may be.

SECTION 7. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by two thirds vote of the total membership of the Post Executive Committee, provided however, that he or she shall make payment of any arrears of his or her dues at the time of the expulsion or suspension and also other regular dues which have been payable in the interval between their expulsion or suspension and their reinstatement.

ARTICLE V

OFFICERS AND ELECTIONS

SECTION 1. The administrative affairs of this Post of the American Legion shall, except as may be otherwise provided for in the Post By-Laws, be under the supervision of the Post Executive Committee which shall consist of three (3) members in addition to the Officers of this Post, the Department Executive Committee (D.E.C.) person, all Department Officers, and Past Post Commanders. The term of office of members of the Executive Committee, including Officers, shall be for one (1) year. This does not apply to Past Post Commanders. This Post, by its By-Laws, may provide for such other standing committees as the business of the Post may require.

SECTION 2. The Officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Judge Advocate, Historian, Chaplain, Sergeant-At-Arms, Adjutant, Service Officer, and Department Executive Committee person.

SECTION 3. All Officers, except the Adjutant and the Service Officers who shall be appointed by the Commander Elect, shall be elected annually at the Regular meeting in May prior to the State Convention. Officers Elect must be installed within twenty (20) days after the completion of said State Convention. They shall hold office until their successors are duly elected or appointed and installed. Any Officer or Executive Committeeman may be removed by the Executive Committee for inefficiency or other cause. A two-thirds vote of the remaining members of the Executive Committee being necessary to effect such removal. This does not apply to Past Post Commanders.

SECTION 4. Every member of this Post in good standing shall be eligible to hold office.

SECTION 5. The duties of the officers and the Executive Committee shall be those usually appertaining to such officers and committees and as provided for in the By-Laws.

SECTION 6. Nominations and Elections shall be held annually in accordance with the By-Laws of this Post.

ARTICLE VI

FINANCE

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

SECTION 2. The amount of such annual membership dues shall be fixed and determined by the Post.

SECTION 3. The Post shall pay to Department Headquarters the National and Departmental annual membership dues for every member of this Post.

ARTICLE VII

CHARTER MEMBERS

SECTION 1. The membership in good standing for the year 1936 shall constitute the Charter Membership of Bernard L. Tobin Post No. 128, the American Legion, Department of Maryland.

ARTICLE VIII

THE AMERICAN LEGION AUXILIARY

AND

THE SONS OF THE AMERICAN LEGION

SECTION 1. This Post recognizes an Auxiliary organization to be known as Auxiliary Unit of Bernard L. Tobin Post No. 128, The American Legion.

SECTION 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion.

SECTION 3. This Post recognizes the Sons of the American Legion organization to be known as the Sons of the American Legion, Bernard L. Tobin Squadron No. 128.

SECTION 4. Membership in the Sons of the American Legion shall be as prescribed by the National Constitution and By-Laws of the Sons of the American Legion.

ARTICLE IX

AMENDMENTS

SECTION 1. This Constitution is adopted to the provisions of the National Constitution of the American Legion and the Department of Maryland, the American Legion. Any amendment to said National 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 meeting by a vote of two thirds of the members of said Post attending such regular meeting providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon. Providing however, no amendment shall be adopted inconsistent with the foregoing provisions of this Constitution except with prior written approval of the Department, Executive Committee. All amendments must be submitted to the Department Judge Advocate before being voted on by the floor of this Post.