

AMERICAN LEGION



CHEVERLY POST 108

CHEVERLY, MARYLAND

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CONSTITUTION AND BY-LAWS

1973

Page 6 notice

JOHN GASSNER

Commander

**CONSTITUTION OF
CHEVERLY POST NO. 108
DEPARTMENT OF MARYLAND
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 per cent Americanism; to preserve the memories and incidents of our association 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 1stNAME

Section 1. The name of this organization shall be Cheverly Post Number 108, American Legion, Department of Maryland.

ARTICLE 2ndOBJECTS

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 3rdNATURE

Section 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely non-political 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. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office, shall hold any elective office or any appointive remunerative office in this post of the American Legion, provided that members of post standing committees shall not be effected.

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

ARTICLE 4thMEMBERSHIP

Section 1. Eligibility to membership in this post shall be as prescribed by the national constitution and by-laws of the American Legion.

Section 2. Applications for membership shall be made by submitting appropriate American Legion application form, accompanied by a copy of individual's DD 214 form and sponsored by at least two (2) Post members in good standing.

Section 3. The post shall accept, reject, or refer back to the Membership Committee for further investigation, consideration, and recommendation any application properly before it for action.

Section 4. An application for membership rejected by two-thirds or more of the members present and voting against its acceptance may be resubmitted for action by the post, either by the Executive Committee or the Membership Committee at the 6th meeting of the post following its rejection or any subsequent meeting thereafter.

Section 5. On recommendation of the Executive Committee, any member of this post may be expelled or suspended for cause by a two-thirds vote, of the members present and voting, after charges are preferred under oath in writing, and a fair trial held upon the same. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of the American Legion.

Section 6. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by a two-thirds vote of the members present and voting in the post meeting; provided, however, that he shall make payment of any arrears in his dues at his time of expulsion or suspension, and also other regular dues which have been payable in the interval between his expulsion or suspension and his reinstatement.

Section 7. No person who has been expelled by a post shall be admitted to membership in this post without the consent of the expelling post, except that where such consent has been asked for and denied, and the Department Executive Committee on appeal by the applicant has granted permission to apply for membership in another post.

ARTICLE 5*OFFICERS

Section 1. The administrative affairs of this post of the American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee, which shall consist of four members in addition to the immediate Past Commander, and the following officers of the post: Commander, First Vice-Commander, Second Vice-Commander, Third Vice-Commander, Adjutant and Finance Officer. This post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this post shall be a Commander, First Vice-Commander, Second Vice-Commander, Third Vice-Commander, Sergeant-at-Arms, Adjutant, Finance Officer, Post Historian, Post Chaplin and Service Officer.

Section 3. All officers and executive committee men, except the immediate past Commander shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee man may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee present and voting being necessary to effect such removal.

Section 4. The duties of officers and the executive committee men shall be those usually appertaining to such officers or committee men and as further provided in the By-Laws.

ARTICLE 6*FINANCE

Section 1. The revenue of this post shall be derived from initial membership fees, from annual membership dues and from such other sources as may be approved by the post.

Section 2. The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this post.

Section 3. The post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the post.

ARTICLE 7*CHARTER MEMBERS

Section 1. The following persons, having been members at the time of the issuance of the charter of this post in 1934, shall be considered charter members of this post:

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|----------------------|--------------------|
| Nelson G. Tayman | William C. Petrie |
| Donald H. Wells | Carl R. Yagle |
| Eric S. Stearns | Harry L. Hall |
| William A. Link | Thomas G. Borden |
| Louis Arthur Scheidt | Glen Thompson |
| Alfred J. Owens | William C. Penske |
| H. K. Love | Adrian P. Swann |
| Robert G. Thompson | William P. Forbes |
| Charles C. Kidwell | Arthur J. McGrath |
| Horace Lake | William J. Roberts |
| John N. Ogle | John W. Augustine |
| M. B. Morehouse | |

**ARTICLE 8
AMERICAN LEGION AUXILIARY**

Section 1. This post recognized an Auxiliary organization to be known as the Auxiliary Unit of Cheverly Post No. 108, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the national constitution of the American Legion Auxiliary.

ARTICLE 9*AMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the national constitution of the American Legion and of the department constitution of the Department of Maryland, The American Legion. Any amendment to said national constitution 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 post meeting by a vote of two-thirds of the members of said post present and voting at such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at a regular meeting of the post and acted upon at the first regular meeting following such reading, and providing further that written notice shall have been given to all members at least ten days in advance of the date that 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.

**BY-LAWS
OF CHEVERLY POST NO. 108
DEPARTMENT OF MARYLAND
ARTICLE I^oNAME**

Section 1. The post existing under these By-Laws is to be known as Cheverly Post No. 108, the American Legion, Department of Maryland.

Section 2. The objects of this post are as set forth in the constitution.

ARTICLE II^oMANAGEMENT

Section 1. The government of the post is entrusted to certain designated members in good standing to be known as the "Executive Committee".

Section 2. The Executive Committee shall consist of the following officers of the Post: Commander, First Vice-Commander, Second Vice-Commander, ~~Third Vice-Commander~~, Adjutant, Finance Officer, the immediate past commander of the post, and four other members elected by the post who will take office immediately upon installation or appointment.

Section 3. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Commander within ten days after installation of the new officers. Thereafter it shall meet at the call of the Commander at least once each month and as often as said Commander may deem necessary except that the Commander shall call a meeting of the committee upon the joint written request of three or more of its members.

7

Section 4. A quorum for any Executive Committee meeting shall consist of at least five members.

Section 5. Each meeting of the Executive Committee will be conducted in a business-like manner and any member of the post in good standing without other privilege may attend any meeting of the committee.

Section 6. The Executive Committee shall require adequate bonds from all persons having custody of post funds, shall hear reports of chairmen of committees, shall generally have charge of and be responsible for the management of the affairs of the post, and shall hire such employees as may be necessary. The Executive Committee may authorize and approve emergency expenditures of post funds after consultation with the Finance Committee not to exceed \$500.00. After checking with the Post Finance Officer, the Bar Manager and the Building and Grounds Chairman may expend funds, not to exceed \$250.00 each for the normal operation and maintenance within their area of responsibility. Any expenditure not covered previously shall, after consultation with the Finance Committee, be referred to the post at the next regular meeting, and any expenditure authorized shall be reported to the post the next regular meeting.

Section 7. The Executive Committee shall appoint a nominating committee at least six weeks before the regular nominating meeting of the post, which committee shall consider and select from the eligible members of the post in good standing those members they find qualified for consideration in

8

filling the various offices of the post and report their findings at the regular nominating meeting. The recommendation made is for the guidance of the members and shall not preclude nominations from the floor.

Section 8. The Executive Committee shall act as a disciplinary committee in all cases concerning the Post Dugout. The Committee shall conduct an impartial hearing in all cases and shall either substantiate or dismiss such charges as are brought before it. The Committee shall have the power to suspend for any period up to but not exceeding ninety (90) days. It shall not have the power of expulsion but may make such recommendation to the membership who shall have final word as to an individual's expulsion. Should any member of the Executive Committee be involved in the action being heard by the Committee he (or she) shall immediately be disqualified as a member of the disciplinary committee and a substitute shall be appointed by the Commander. Should an individual's conduct warrant suspension of more than ninety (90) days, the Executive Committee shall bring that recommendation to the body who shall have final say. The action of this disciplinary committee shall be governed by the procedure set forth in the Department Constitution and By-Laws.

ARTICLE III^oDUTIES OF OFFICERS

Section 1. Duties of Post Commander. It shall be the duty of the Post Commander to preside at all meetings of the post and to have general supervision

over the business and affairs of the post and such officer shall be the chief executive officer of the post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the department adjutant. He shall perform such other duties as directed by the post.

Section 2. Duties of First Vice-Commander. The First Vice-Commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the post commander. In addition to the foregoing the First Vice-Commander shall be Chairman of the Membership Committee.

Section 3. Duties of Second Vice-Commander. The Second Vice-Commander shall be in charge of the ways and means of raising revenue and the social activities of the post.

Section 4. Duties of the Third Vice-Commander. The Third Vice-Commander shall be the post liaison officer for the Commander of the Post and any other assigned responsibilities by the Post Commander.

Section 5. Duties of Post Adjutant. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings of the post and Executive Committee, 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.

Section 6. Duties of the Finance Officer. The Finance Officer of the post shall be chairman of the Finance Committee and shall report once a month to the membership the condition of the finances of the post with such recommendations as may be expedient or necessary covering the expenditure of funds and the maintenance of the financial integrity of the post. He shall maintain a general fund checking account for post funds and shall sign all checks disbursing the funds from this account, and have the supervision over any checking account in which revenues received from the operation of the club facilities and the rental of that portion of the building and grounds available for public use are maintained, including the disbursement of funds from said accounts. He shall furnish such surety bond in such sum as shall be fixed by the Executive Committee.

Section 7. Duties of the Post Historian. The Post Historian shall be charged with the individual records and incidents of the post and post members, and shall perform such other duties as may properly pertain to the office as may be determined by the post or the Executive Committee.

Section 8. Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as

are recommended by the national or departmental headquarters from time to time.

Section 9. Duties of the Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be required from time to time assigned to him by the post Executive Committee.

ARTICLE IV*DELEGATES

Section 1. Delegates and alternates to a Department Convention shall be elected by ballot in the same manner and under the same regulations as officers of the post. The number of delegates and alternates elected shall comply with departmental regulations.

Section 2. Delegates and alternates shall continue to function as delegates of the post for any election or other specially called convention of the department found to be necessary between the time of their election and the election of new delegates and alternates.

ARTICLE V*ELECTIONS

Section 1. All elections of officers, executive committeemen and delegates and alternates to the Department Convention shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 2. Candidates for office in Cheverly Post, American Legion, must be members in good standing and must have attended ($\frac{1}{2}$) one half of the meetings of the Post during the current Post year.

For the purpose of this section only, the current Post year shall begin with the first regular meeting immediately following Post elections and shall end with the meeting at which elections are held for the officers to be elected for the next succeeding year. Under no circumstances shall it be construed that this section refers to more than one or less than one Post year. Members who shall be absent because of officially representing the Post at any meeting or function shall be counted as present for the purpose of this section. Elective or appointive officers of the Department or National organization whose duties prevent their attendance at a Post meeting may be excused by the Post Commander. To be considered present at a meeting a member must arrive by the call for "Old Business."

Section 3. Nominations for officers shall be made at the first regularly scheduled meeting at least sixty days in advance of the opening date set for the Department Convention, and the election of officers, delegates and alternates shall be held on the first regularly scheduled meeting immediately following the meeting in which the nominations are made. Provided: that when the interest of the Post can be better served or for the convenience of its members, delegates may be elected at a time other than the regular election of officers. Provided further that should said delegates be elected at some time other than the regular election they shall fulfill all qualifications of Section 2 above. All elections shall be by Australian ballot. A member nominated for office shall either announce his acceptance of the nomina-

tion and declare his intention to serve if elected from the floor at the nomination meeting, or if unable to appear in person at this meeting declare his intentions in writing addressed to the Adjutant five (5) days before the election date. Should no candidate be found to fill any office of the Post, the newly-elected Commander shall appoint a member in good standing to serve for two (2) months, after which a new election shall be held. Qualifications for office in said new election shall be based upon the then-current post year.

Section 4. Every member of this post who shall be in good standing prior to the opening of the regular meeting on election day shall be eligible to vote in the election. Voting on election day will be from the hours of 12:30 PM thru 8:00 PM.

Section 5. Installation of the newly-elected officers shall be held either at the first regular meeting following the election or at a special meeting called for that purpose by the Executive Committee to be held not later than fifteen days after the close of the Department Convention.

Section 6. All vacancies existing in the Executive Committee or in any office of the post from any cause other than the expiration of the term of office shall be filled by a majority vote of the members in good standing present and voting at the next regular meeting of the post, and a member so appointed shall hold office for the unexpired term of the member of the committee or officer he succeeds. A vacancy shall exist when a member or officer is absent from his post for a period considered detrimental to

the best interests of the post by a two-thirds vote, of the Executive Committee.

ARTICLE VI^a APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Membership, House, Entertainment, Finance, Audit, Publicity, Service and Rehabilitation, Visiting, Americanism, Athletic, Sons of the American Legion, Child Welfare, Defense Committee and such other committees as may be necessary. Such standing committees shall consist of those members as hereinafter set forth and the chairman thereof as shall be designated by Article IV of these by-laws or by the Post Commander.

Section 2. Membership Committee. The membership committee shall have charge of all matters pertaining to the membership of the post, including the procuring of new members, reinstatement and eligibility of members.

Section 3. Entertainment Committee. The entertainment committee shall have charge of all matters pertaining to and arrangements for social activities of the post.

Section 4. House Committee. The House Committee shall be responsible for all rentals of the Post, scheduling of the hall utilization and control of necessary janitorial services in so far as halls, kitchen and rest rooms are concerned.

Section 5. Finance Committee. The Finance Committee shall consist of the Finance Officer, Treasurer of the Board of Trustees, Building Corporation,

Chairman of the House Committee, and two members of the post selected by the Post Commander. It shall be charged with the administration of the financial policy, the preparation of budget recommendations, the supervision of receipt and expenditure of all funds of the post, and the proper accounting for all funds and revenues of the post. No expenditure of post funds or funds from any special fund accounts in the name of the post shall be made without the expenditure having been considered by the Finance Committee. Provided that by a majority vote of those members present and voting at a regular post meeting, funds may be expended without regard to the Finance Committee. This section shall not be in conflict with Section 6, Article II of these By-Laws. The Finance Committee shall meet not less than once each month and at such other times as may be required to consider a proposed expenditure of funds.

Section 6. Audit Committee. The Audit Committee shall consist of three members not connected with the disbursement of funds and shall be charged with causing an annual audit to be made by an outside auditing firm at the close of each Legion Year. Within 15 days after a new commander is installed, all books, accounts, and financial records of the post shall be turned over to said Audit Committee who shall in turn deliver said records to whatever auditing firm is to conduct the audit. The Audit Committee should make every effort to have in the hands of the Executive Committee the results of such audit

within 45 days after installation of the new commander.

Section 7. Publicity Committee. The Publicity Committee shall be charged with the assembly, publication and dissemination of the Post bulletin, the promotion of public support of the Legion's program by the establishment of proper contact with the American Legion Magazine, department and national Legion news service, and by local publicity of post programs and activities.

Section 8. Service and Rehabilitation Committee. The Service and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

Section 9. Building and Grounds Committee. The Building and Grounds Committee shall be responsible for the maintenance of and repairs to the Post Building and Grounds.

Section 10. Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools, including oratorical contests in the schools and Boys State; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc.; and activities for community and civic betterment.

Section 11. Athletic Committee. The Athletic

Committee shall be charged with the promotion of physical development and clean sports by the organization of post athletic teams, American Legion baseball, recreation, etc., and by cooperation and support in the general recreational and athletic program of the community.

Section 12. Sons of the American Legion Committee. This committee, shall have overseership of the operations of the Post's squadron of the Sons of the American Legion.

Section 13. Child Welfare Committee. The Child Welfare Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 14. Defense Committee. The Defense Committee shall work with and coordinate Legion efforts with the Local Defense Council on matters pertaining to national, civilian and home defenses. To assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

ARTICLE VII?RESOLUTIONS

Section 1. All resolutions of state or national

scope presented to this post by a member or reported to this post by a committee shall merely embody the opinion of this post on the subject and copy of same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

ARTICLE VIII?MEETINGS

Section 1. The regular meetings of the post shall be held at the post home on the third Monday of each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

Section 2. The post commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.

8 Section 3. A total of ~~15~~ members in good standing attending a regular or duly called special meeting shall constitute a quorum.

ARTICLE IX?NOTICES

Section 1. Every member shall furnish the post adjutant with his or her address for mailing purposes.

Section 2. The post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

ARTICLE X?RULES OF ORDER

Section 1. All proceedings of this post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

ARTICLE XI?MEMBERSHIP

Section 1. All applications for membership shall be acted upon at the first post meeting following the meeting at which such application is presented. This provision may be suspended at any post meeting for the purpose of acting on such applications received at that meeting by and with the consent of a majority of the members present and voting.

Section 2. The post shall accept, reject, or refer back to the Membership Committee for further investigation, consideration, and recommendation any application properly before it for action.

Section 3. An application for membership rejected by two-thirds or more of the members present and voting against its acceptance may be resubmitted for action by the post either by the Executive Committee or the Membership Committee at the sixth meeting of the post following its rejection or any subsequent meeting thereafter.

ARTICLE XII?POST HOME

Section 1. Dugout. The club facilities hereafter known as the "Dugout" shall be a part of the social activities of the post directed and operated by the Executive Committee. The Dugout shall be open to every member of this post in good standing and to the members of its Auxiliary Unit in good standing subject to the posted rules of the Executive Committee.

Section 2. Building. The hall and the Nelson G. Tayman room with permission to use the kitchen, the rest rooms adjoining, and a limited use of the

parking area, but no other part of the building, may be rented to individuals or organizations, for their use, granted to civic, religious, or patriotic organizations, the American Legion, or the American Legion Auxiliary for legitimate purposes not inimical to the principles or policies of the American Legion by the House Committee, provided such rental or granted use does not interfere with any function of the post or its Auxiliary. No indecent show or exhibition, disorderly gathering, or any conduct detrimental to the integrity of the American Legion and this post shall be permitted.

Section 3. Revenue. All revenue received from the operation of the Dugout, rentals or use of the non-restricted portion of the building shall be turned over to the Finance Officer of the Post who shall allocate such receipts to those accounts which the membership shall direct.

ARTICLE XIII?LIMITATION OF LIABILITIES

Section 1. This post shall incur, or cause to be incurred, no liability nor obligations whatever, which shall subject to liability any other post, subdivision, group of men, members of the American Legion, or other individuals, corporations or organizations.

Section 2. No member shall purchase any article of merchandise, item of food or contract for any service or labor, or otherwise incur any liability in the name of the post, except as authorized under these by-laws, by the Executive Committee, in the

conduct of its duties, or by an official action of the post as a regular meeting.

ARTICLE XIV?AMENDMENTS

Section 1. These by-laws may be amended at any regular post meeting by a vote of two-thirds of the members of said post present and voting at such regular meeting; provided, that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post; and provided, further, that written notice shall have been given to all members at least ten 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 by-laws is to be voted upon.

APPROVED AND SUBMITTED BY:

The Committee for the Amendment and Correction of the Post Constitution and By-Laws.
(signed) Joseph R. Mahoney, Chairman
(signed) John A. Gassner, Commander
(signed) Patrick J. O'Hara
accepted by membership at a regular meeting of November 20, 1972.

MARCH 15TH Tues. A.L. birthday. ^{Require Post} next meeting 3-21-11

AMENDMENTS

Finance Report.
insurance health ins -
Brenalt. only.
march 19TH 4-11-11 - DAN
How much? per person.

[Faint, illegible handwriting on the reverse side of the page, likely bleed-through from the other side of the paper.]

