

# **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 (100) PERCENT AMERICANISM.

TO PRESERVE THE MEMORIES AND INCIDENTS OF OUR ASSOCIATIONS OF THE GREAT WARS.

TO INCULCATE A SENSE OF INDIVIDUAL OBLIGATION TO OUR COMMUNITY, STATE AND NATION.

TO COMBAT THE AUTOCRACY OF BOTH THE CLASSES AND THE MASSES.

TO MAKE RIGHT THE MASTERS OF MIGHT.

TO PROMOTE PEACE AND GOODWILL 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.

## **1. Objective and Purpose**

The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble and The National and Department Constitutions of The American Legion.

## **2. Nature**

Section #1: This Post is a civilian organization and membership herein does not affect or increase liability for military or police services.

Section #2: This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles or 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 office shall hold any elective office of any appointed remunerative office in the Post of The American Legion.

Section#3: Rank does not exist in The American Legion. No member shall be addressed by their military title in any meeting of the Post.

## **3. Membership**

Section #1: Eligibility for membership in this Post shall be as prescribed by The National Constitution of The American Legion.

Section #2: Application for membership shall be made in writing under such regulations as may, from time to time, be prescribed by the Post Executive Committee. A copy of the applicant's DD-214 or other qualifying documents must also be submitted and kept on file (for tax purposes) and must show "Honorable" or "Under Honorable Conditions."

Section #3: All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If ten (10) or more members cast their vote against the acceptance of said member, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of one (1) year from the date of such rejection.

Section #4: Members may be suspended or expelled from The American Legion only upon proper showing of cause and upon proceedings as provided for in The Officers Guide, "Practices and Procedures in the Expulsion or Suspension of a Member of The American Legion." Any appeal shall be taken to the Department Executive Committee and the case shall be tried anew. The decision of The Department Executive Committee in such cases shall be final.

Section #5: A member who has been suspended from this Post for any cause may be reinstated to membership by a majority vote (2/3) of the membership present at a Post Meeting, a quorum must be present. Reinstated members must pay current dues for the year in which the reinstatement occurs.

Section #6: No person who has been expelled by any other Post shall be admitted to membership in this Post. The former member may appeal to the State Department Executive Committee of the Department State of the expelling post for permission to apply for membership in this post and shall not be eligible for membership until such permission is granted.

Section #7: The definition of a "Member in Good Standing" is defined as a dues-paid American Legion member recognized through the Post Adjutant.

#### **4. Officers**

Section #1: The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the bylaws, be under the supervision of the Executive Committee. This Post, by its bylaws, may provide for such other standing committees as the business of the organization may require.

Section #2: The Officers of this Post shall be:

First Vice  
Second Vice  
Adjutant  
Judge Advocate  
Finance Officer  
Service Officer  
Sergeant at Arms  
Chaplain  
Historian

Section #3: The Post shall nominate its officers for the next year at the general meetings in March and April and hold the election in April. Officers will also be installed in April prior to the Department Convention. Installation of officers shall be presided over by an officer of the District or Department.

Section #4: Members At-Large shall be nominated from the floor and voted upon immediately following the annual elections in April and installed in April with officers.

Section #5: Any member that is not in "Good Standing" with this Post, as described in this Constitution, will be prohibited from running for a position on The Executive Committee.

Section #6: The personal liability of each member, for monetary or other damages, for conduct as an Executive Committee person, officer or member shall be limited to the fullest extent permitted by law.

## **5. Finance**

Section #1: The revenue of this Post shall be derived from but not limited to membership dues and from such other sources as may be approved the executive committee. The Executive Committee may approve initiation fees from annual membership dues.

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

Section #3: The Post shall pay National and Departmental annual membership dues for every Member of The Post.

## **6. Charter Members**

Section #1: Members who joined this Post prior to issuance of The Permanent Charter shall be known as Charter Members.

## **7. American Legion Auxiliary**

Section #1: This Post recognizes an Auxiliary Organization to be known as The Auxiliary Unit #21 of McMinnville Post #21, The American Legion.

Section #2: Membership in the Auxiliary shall be as prescribed by the National Constitution of The American Legion.

Section #3: The Auxiliary Unit #21, is associated with Post #21, however, such Unit shall be a separate entity with its own Federal ID EIN Number, and thus be responsible for filing its own tax returns, by law.

## **8. Sons of the American Legion.**

Section #1: This Post recognizes Squadron #21, Detachment of Oregon, as a unit of The Sons of The American Legion of Post #21.

Section #2: Membership in the Sons of the American Legion, Squadron #21 shall be as prescribed by the National Constitution of The Sons of the American Legion. The American Legion Post Adjutant must approve all applications for membership eligibility, unless the Post Adjutant has delegated the Squadron Adjutant authority to approve applications.

Section #3: The Executive Committee has total and complete authority over Squadron #21, as this Post is the parent organization of said squadron. The Sons of the American Legion can only operate under the sponsorship of this Post.

Section #4: The Sons of the American Legion is a program of The American Legion and is a part of Post #21; therefore, this Post shall be responsible for its tax obligations, if any.

## **9. American Legion Riders.**

Section #1: This Post recognizes The American Legion Riders (ALR) of Oregon, as a unit of American Legion Post #21.

Section #2: Membership in The ALR is as prescribed by the National Constitution of The American Legion, The American Legion Auxiliary and The Sons of The American Legion. All members in The ALR must further demonstrate current individual membership in The American Legion, The American Legion Auxiliary or The Sons of the American Legion.

Section #3: The Post Adjutant approves all membership eligibility for the members of The ALR unless the post Adjutant has delegated The ALR Director the authority to approve ALR applications.

Section #4: The American Legion Riders is a program of the American Legion Post #21, therefore this Post shall be responsible for its tax obligations, if any.

## **10. Amendments**

Section #1: This Constitution is adopted subject to the provisions of The National Constitution of the American Legion and The Department Constitution of The Department Oregon, The American Legion.

Section #2: Any amendments to The National Constitution or Department Constitution, which is in conflict with any provision herein, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section #3: This Constitution may be amended after approval of the Executive Committee and submitted to the Commander prior to a majority vote of the membership. In order for any amendment to be ratified it must receive a vote of two-thirds of the members of the post attending the next general meeting.

Prior to such vote by the general membership, written notice shall have been given to all members at least twenty-one (21) days in advance in writing, noting that such proposed amendments to the bylaws are to be voted on at the next meeting. The post newsletter is considered legal notification.

After such vote and upon approval, the amended document shall be sent to the Department Judge Advocate for approval.

*Approved by the membership on 3/16/2022*

18 March 2022

To Department of Oregon Adjutant

CC: McMinnville Post 21

The McMinnville Post 21 Constitution, By-laws and/or yearly review form have been reviewed and found within the Department of Oregon guidelines.