

**Ewing American Legion Post 314
Department of New Jersey**



**Constitution & By-Laws
Approved January 24, 2002
Amended August 22, 2019**

EWING TOWNSHIP POST 314

THE AMERICAN LEGION

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 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."

Article I – NAME

The name of this organization shall be Ewing Township Post 314, The American Legion, Department of New Jersey.

Article II – OBJECTIVES

The objectives and purposes of the Post shall be to promote the principles and policies set forth in the foregoing PREAMBLE and those set forth in the National and Departmental Constitutions of the American Legion.

Article III – NATURE

Section 1 This Post is a civilian organization; membership therein does not affect or increase liability for military or public service.

Section 2 This organization shall be absolutely non-political and shall not be used for the discrimination of partisan principals nor for the promotion of the candidacy of any person seeking elective remunerative office or preferment. No candidate for or any incumbent of a remunerative elective office shall hold any elective office in the American Legion.

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

Article IV - MEMBERSHIP

Section 1 Any person shall be eligible for membership in the American Legion who was regularly enlisted, drafted, inducted or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States at sometime during the periods set forth by the National Organization of the American Legion. Dates and conflicts are listed on the official American Legion membership form.

Service shall be terminated by honorable discharge or honorable separation, or continued honorably after either 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 grounds to subject himself to military discipline or unqualified service. Eligibility may include any other periods specified by Act of Congress of the United States and approved by the National Organization of the American Legion.

Individuals shall have served on active duty in the Armed Forces of any Government associated with the United States of America during said dates and wars.

Section 2 There shall be no form or class of membership in this Post except on active membership as herein above provided. The conferring of honorary or contributing membership in the American legion is prohibited.

Section 3 Application for membership shall be made in writing under such regulations as may be prescribed by the County, State, and National Organization. Membership shall be granted to any qualified applicant.

Section 4 Any member of this Post may be expelled for cause by a two-thirds vote of the members present at any regular meeting of the Post; provided that before any member be expelled, written charges shall be preferred against him and presented at a regular meeting of the Post held prior to the one at which action is taken. This written complaint must be signed by the complainants.

This complaint, written in triplicate, should be presented to the Post Officers and Internal Affairs Committee at least ten days before the Post meeting when it is to be presented. The Internal Affairs Committee will conduct an investigation and invite the defendant to be heard.

When a member is expelled, all County Posts and surrounding Posts shall be advised by mail so that those other Posts will no longer accept the expelled member.

Section 5 A member who has been expelled from the Post for any cause may be reinstated to membership at any regular meeting of the Post by a two-thirds vote at a regular Post meeting, provided he shall make payment of any dues or any arrears in his dues at time of expulsion (monies or loans from the Post not paid). The reinstatement of membership must be read to Post members and a clean bill of particulars must be read before voting for his reinstatement.

Article V - OFFICERS

Section 1 The Officers of this Post shall be the Commander, two Vice Commanders (Senior and Junior), a Finance Officer, an Historian, a Chaplain, a Sergeant at Arms and other such Officers as the Post may deem it necessary to have. These Officers are to be elected to office by Post members for a one-year term.

Section 2 A Post Commander may succeed himself to a second consecutive term of office only. The Post Adjutant and Judge Advocate are appointed by the Commander on the night of the commander's installation, and shall serve for the period of the commander's administration. The commander shall appoint the following officers: Adjutant, Judge Advocate, and Service Officer.

Section 3 The administrative affairs of this Post shall, excepting as otherwise provided in these by-laws, shall be under the supervision of an Executive Committee consisting of five members appointed by the Commander for a 1-year term. The Commander shall make these appointments immediately following installation.

Article VI - FINANCE

Section 1 The revenue of this Post shall be derived from dues of the membership, and other sources as may be approved by the Executive Committee subject to ratification by the Post body.

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

Article VII - AUXILIARY

Section 1 NAME – This Post recognizes an auxiliary organization to be named as the Auxiliary Unit of Ewing Township Post No. 314, The American Legion, Department of New Jersey.

Section 2 MEMBERSHIP – This shall be prescribed by the National Constitution of The American Legion Auxiliary.

Section 3 GOVERNMENT – It shall be governed by such rules and regulations as may be prescribed by the American Legion National Executive Committee, the Department of New Jersey Executive Committee and thereafter approved by the Executive Committee of this Post.

Article VIII - SONS OF THE AMERICAN LEGION

Section 1 NAME – This Post recognizes a Sons of the American Legion organization to be named S.A.L. Unit of Ewing Township Squadron No. 314, The American Legion, Department of New Jersey.

Section 2 MEMBERSHIP – This shall be prescribed by the National Constitution of the American Legion.

Section 3 GOVERNMENT – It shall be governed by such rules and regulations as may be prescribed by the American Legion National Executive Committee, the Department of New Jersey Executive Committee and thereafter approved by the Executive Committee of this Post.

Article IX – AMENDMENTS

Section 1 Proposed amendments to this Constitution must be presented in writing at a regular meeting of this Post, read by the Adjutant at such meeting, and left on the table until the next regular meeting when a vote on such amendment or amendments shall be taken. If two-thirds of the members present at the regular meeting following the meeting at which the proposed amendments were previously read vote in favor of such amendment or amendments, this Constitution shall be duly amended.

Section 2 All members shall be properly notified prior to the date when such action is to be taken. The notification will include the particulars of the proposed amendment and the date of the meeting at which it will be voted upon. An approved Constitutional Amendment shall take effect immediately upon its approval.

Section 3 Any amendment shall be published verbatim in the newsletter.

BY-LAWS

Article I – EXECUTIVE COMMITTEE

Section 1 EXECUTIVE COMMITTEE – The Executive Committee shall meet the fourth Thursday of each month.

Section 2 The Executive Committee shall be the Trustees of the Post. It shall have general supervision over the management of the Post. It shall have authority to confer on matters of business of the Post and shall offer its recommendations to the Post for final action.

Section 3 The Executive Committee shall be made up of 5 members who shall be appointed for 1-year terms by the Post Commander upon his installation.

Section 4 The Executive Committee shall have the authority to spend up to \$100 per meeting without consent of the Post members.

Article II – MEETINGS

Section 1 The regular meeting of this Post shall be the fourth Thursday of each month except for the months of November and December when the meeting will be the third Thursday unless a conflict due to holidays or unforeseen events forces a change. If there is a change in meeting dates, all members will be notified. This also holds true for special meetings. (Amended January 24, 2002)

Section 2 Seven members shall constitute a quorum. (Amended August 22, 2019)

Section 3 Notices - All extraordinary functions of the Post including, but not limited to, special meetings or hearings shall require written notification to the entire membership outlining the reason for the function including an explanation of each member's rights and responsibilities.

Section 4 Resolutions - Resolutions for amending this Constitution or its By-Laws must be made in writing to the Executive Committee for its recommendations at least one month prior to any presentation before the membership. All other resolutions must be presented to the Executive Committee prior to presentation before the membership.

Section 3 All meetings shall be orderly and conform to Parliamentary procedure. “Roberts Rules of Order” shall be the authority on Parliamentary procedure except where it is in conflict with this Constitution and Bylaws.

Article III – OFFICERS’ DUTIES

Section 1 DUTIES OF POST COMANDER – It shall be the duty of the Commander to preside at all meetings of the Post and to have general supervision over the Business and affairs of the Post. The Commander should make an annual report in writing covering the business of the Post and make recommendations for the ensuing year, and submit it at a regular meeting and give a copy to the Adjutant to file with the Post.

The Commander shall from time to time during his year in office make appointments for whatever committees the Post needs; Committee chairmen will submit in writing complete reports at the end of their terms in office. The Commander shall also perform whatever duties the Post requires.

Section 2 DUTIES OF THE VICE-COMMANDERS – The Vice-Commanders shall assume and discharge the duties of the Commander in his absence or when called upon by the Commander.

Vice Commanders shall accept such duties as may be directed by the Commander.

Section 3 DUTIES OF THE POST ADJUTANT – The Post Adjutant shall have charge of and keep a full and correct record of all proceedings pertaining to the Post and Executive Committee. Under the direction of the Commander or the Executive Committee, the Adjutant shall keep such records and make such reports as requested by the National and Departmental

organizations. The Post Adjutant shall keep a record of all financial matters of the Post when given these reports by the Finance Officer.

Section 4 DUTIES OF THE FINANCE OFFICER – The Post Finance Officer shall have charge of all the finances of the Post and see that they are deposited in a local bank or banks, and shall report the financial condition at each meeting of the Post.

He shall recommend, when he deems it necessary, that the Post expedite the raising of funds for post activities.

All checks disbursing monies of the Post, to be valid, must be signed by any two of the following officers: the Commander, Finance Officer, Adjutant or Chairman of the Executive Committee.

The Finance Officer shall close his books and accounts at the end of each fiscal year, which shall be March 31 of each year. These books will be audited at this time and a report rendered to the Post at the regular April meeting.

All funds shall be disbursed by check only, except those expended in petty cash funds.

All financial reports and audit reports shall be kept in the Post filing cabinets.

Section 5 DUTIES OF THE POST HISTORIAN – The Post Historian shall keep a complete record of all events of interest that may happen to and for the Post during his term of office. He shall compile these in book form and present them to the Commander when the Commander's term has ended.

Section 6 DUTIES OF THE POST CHAPLAIN – The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine non-sectarian services in the event of dedications, funerals, and public functions.

Section 7 DUTIES OF THE SERGEANT AT ARMS – The Sergeant At Arms shall guard the door and keep order at all Post meetings. He shall report to the Commander at each meeting any visiting members or visiting guests or invited guests and guests of other than members. He shall also perform other duties as given to them by the Commander. If the Sergeant At Arms is unable to fulfill his duties, he may delegate those duties to another Post member. The Sergeant At Arms shall prepare the Post meeting hall for regular meetings and shall be responsible for the Post colors.

Section 8 DUTIES OF THE POST JUDGE ADVOCATE – The Judge Advocate shall be the legal advisor to the Commander and Officers and the Executive Committee. He shall render opinions on legal matters pertaining to the Post. He will, when asked by the Commander or Executive Committee, give advice and opinions on laws regarding the Post and its activities. He will be the legal advisor concerning Internal Affairs.

Section 9 ATHLETIC OFFICER – Appointed by the Commander, the Athletic Office will coach or manage or appoint a coach or captain for any athletic team that the Post may have.

Section 10 DUTIES OF THE SERVICE OFFICER – The duties of the Service Officer shall be to protect the welfare and rehabilitation of the members and to visit the sick and disabled members of the Post. In the event of the death of a member, he will arrange with the family for services at the funeral home and complete other duties as may be assigned by the Commander or Executive Committee.

Section 11 Any elected officer who misses 3 meetings without just cause can be suspended from his Post at the discretion of the Commander.

Article IV – ELECTIONS

Section 1 The Nominating Committee will be chosen at the January meeting by the Commander who will nominate a chairman and four active members to serve on this Committee.

Section 2 Nominations will be held on the fourth Thursday in February. A Nominating Committee will offer nominations. The Nominating Committee will present these nominations, but no additional nominations may be made from the floor at this time.

Section 3 Acceptance of nominations will take place on the fourth Thursday in March. Additional nominations will also be accepted from the floor during this meeting.

Section 4 The election of Post Officers will be held annually on the fourth Thursday of April unless a special election is held and a different date is specified.

Section 5 Prior to the voting night, the Commander will choose two judges and one teller who will conduct and count the vote. The Polls shall be opened at 7:00 p.m. and closed at 9:00 p.m. on the fourth Thursday of April. Voting will be by secret ballot. Ballots will be issued only to members who, upon request, present their paid membership cards.

Section 6 Installation of Officers will take place at the regular May meeting. All activities of the Post, game room, bars, etc., shall be closed during the installation of officers and also at the initiation of new members.

Article V - DELEGATES

Section 1 The number of delegates shall be specified by the American Legion, Department of New Jersey.

Section 2 Delegates and alternates to the County and State shall be the same in number.

Section 3 The Post Commander shall automatically be a delegate. Any County, Department, or National Officer from this Post shall automatically be a delegate. Additional delegates and alternates shall be nominated and approved at a regular Post meeting. It is the delegate's duty to attend functions as prescribed by the Post. When elected, a delegate is sworn to fulfill these prescribed duties.

Article VI – SOCIAL PRIVILEGES

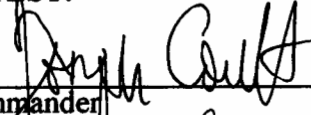
Section 1 No member of the Post may invite or bring into the Post any non-Legionnaire guest more than three (3) times if that guest is eligible to become a member of this Post.

Article VII – LOUNGE RULES

Section 1 Rules that govern behavior, rights and privileges in the Bar and Poolroom are included in Addendum A to this Constitution. Members may be subject to disciplinary action over and above any action indicated in Addendum A.

Accepted by unanimous vote at a regular meeting on January 24, 2002, held at the Post Home.


ATTEST:



Commander

8/23/03

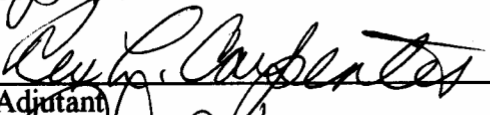
Date



Senior Vice Commander

8/28/03

Date



Adjutant

8-28-03

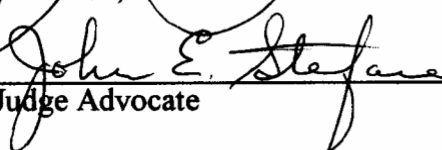
Date



Chairman, Executive Committee

8-28-03

Date



Judge Advocate

8/28/03

Date