



**CONSTITUTION & BY-LAWS
OF SUITLAND POST NO. 196
THE AMERICAN LEGION, INCORPORATED
DEPARTMENT OF MARYLAND**

**SUITLAND, MARYLAND
AUGUST 2012**

*Preamble To The Constitution
Of The American Legion*

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 promise 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.

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Constitution of Suitland Post No. 196

The American Legion, Department of Maryland, Inc.

ARTICLE I: NAME

SECTION 1. The name of this organization shall be Suitland American Legion Post No. 196 Inc., Department of Maryland, Incorporated; hereafter referred to as “The Post.”

ARTICLE II: OBJECT

SECTION 1. The object and purpose of The Post shall be to promote the principles and policies as set forth in the foregoing preamble of the National and Department of Maryland, Inc., Constitution of the American Legion.

ARTICLE III: NATURE

SECTION 1. This Post is a civilian organization; membership therein does not affect nor increase liability for military or police service.

SECTION 2. Rank does not exist in the Legion; no member shall be addressed by their military or naval title in any meeting of The Post.

SECTION 3. The Post shall be absolutely nonpolitical 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 or incumbent of a remunerative elective public office shall hold office in The Post, and the declaration of candidacy for a public office by any person who is an officer of The Post shall cause the officer to automatically vacate that office and the office shall be filled as hereinafter provided for in the By-Laws.

ARTICLE IV: ADMINISTRATION

SECTION 1. The administration of The Post shall be provided by the Commander and the Executive Committee, as prescribed in the By-Laws.

SECTION 2. All acts performed by The Post under former Constitutions and By-Laws are hereby ratified and confirmed.

ARTICLE V: MEMBERSHIP

Section 1. Membership in The Post shall be as prescribed in the National Constitution of The American Legion.

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SECTION 2. Application for membership shall be made by submitting the appropriate application prescribed by the National Organization of The American Legion accompanied by a copy of the applicant's DD-Form 214 or other official proof of honorable service and sponsored by a member in good standing.

SECTION 3. All applications properly presented for action by the membership shall be accepted, rejected, or referred to the Membership Committee for further investigation, consideration and recommendation.

SECTION 4. An application for membership rejected by two-thirds (2/3rds) or more of the members present and voting may be re-submitted for action by the Membership Committee at the sixth (6th) meeting of The Post following the rejection or any meeting thereafter.

SECTION 5. No person may be a member at any one time of more than one Post.

SECTION 6. 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 sought and denied, and the Department Executive Committee, on appeal by the applicant, has been granted permission to apply for membership in another Post. The member shall be ineligible for membership until such permission is granted.

SECTION 7. No member having charges filed by the member's Post shall be eligible for transfer to another Post until such charges are adjudicated.

SECTION 8. Applications for Paid-Up-For-Life (PUFL) and Honorary Life Membership shall be processed as prescribed in the By-Laws.

ARTICLE VI: OFFICER

SECTION 1. The elected officers of The Post shall be Commander, First Vice Commander, Second Vice Commander, Finance Officer, Judge Advocate, Historian, Service Officer, Chaplain, and Sergeant-at-Arms.

SECTION 2. The appointed officers shall be Adjutant, Senior Color Guard, and such other officers as deemed necessary by The Post.

SECTION 3. Every member of The Post in good standing shall be eligible to hold office in The Post, except as otherwise provided in this Constitution and By-Laws.

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SECTION 4. Any officer may be removed for inefficiency by a recommendation from the Executive Committee and a two-thirds (2/3rds) vote of the membership.

ARTICLE VII: FINANCE

SECTION 1. The revenues of The Post shall be derived from annual membership dues and from such other sources as may be approved by The Post.

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

SECTION 3. The Post shall pay to the Department Adjutant, the National and Departmental annual membership dues for each member of The Post. The Post shall also pay to the Prince George's County Council and the Southern Maryland District those annual dues affixed by these organizations.

ARTICLE VIII: CHARTER MEMBERS

SECTION 1. All members of The Post who signed the Charter in May 22, 1945 shall be known as Charter Members.

ARTICLE IX: AUXILIARIES

SECTION 1. The Post recognizes Auxiliary organizations known as "American Legion Auxiliary."

SECTION 2. Membership in the American Legion Auxiliary shall be as prescribed by The American Legion nationally.

SECTION 3. The Auxiliary shall be governed in the Department of Maryland by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by The American Legion Department of Maryland, Inc.

ARTICLE X: AMENDMENTS

SECTION 1. The Constitution is adopted subject to the provisions of the National Constitution and the Constitution of the Department of Maryland, Inc. Any amendment to said National Constitution of 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.

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SECTION 2. This Constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3rds) of the members of The Post present and voting at such regular meeting. The proposed amendment shall be submitted in writing and read at a regular meeting of The Post and acted upon at the first regular meeting following such reading. Written notice shall be given to members at least ten (10 days) in advance of the date that such amendment is to be voted upon, notifying said members at such meeting, a proposal to amend the Constitution is to be voted upon.

ARTICLE XI: RULES OF ORDER

All proceedings of The Post shall be conducted under and pursuant to *Roberts Rules of Order, Newly Revised*, except as herein otherwise provided.

By-Laws of Suitland Post No. 196 *The American Legion, Department of Maryland, Inc.*

ARTICLE I: NAME, OBJECTS AND FISCAL YEAR

SECTION 1. The Post existing under these By-Laws is to be known as Suitland American Legion Post No. 196, The American Legion, Inc., Department of Maryland.

SECTION 2. The objects of “The Post” are set forth in the Constitution.

SECTION 3. The Fiscal Year of “The Post” shall be from July 1 to June 30.

SECTION 4. The Administrative Year of “The Post” shall be July 1 to June 30.

ARTICLE II: ADMINISTRATION

SECTION 1. The operation of “The Post” is entrusted to the Commander and Executive Committee with ratification by the membership.

SECTION 2. The Executive Committee shall consist of the Commander, First and Second Vice Commanders, Adjutant, Finance Officer, Judge Advocate, Historian, Service Officer, Chaplain, Sergeant-at-Arms, Senior Color Guard, Immediate Past Commander and Department Executive Committee members. They shall hold office for one year or until their successors have been duly elected and installed, subject to the provisions of Article IX, of these By-Laws. The Commander shall be the chair of the Executive Committee.

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SECTION 3. The Executive Committee shall meet monthly and all special meetings shall be called at the request of the Commander or upon written request of at least five (5) members of the Executive Committee after first giving three days advance notice to each member of the committee. Post members, other than members of the Executive Committee, in good standing, may attend any meeting of the Executive Committee, but will not have a vote therein, and may not address the meeting without permission of the chair.

SECTION 4. The Executive Committee shall have the power to act between meetings on matters of urgency coming before The Post; be responsible for the organization of The Post and act on such matters as may be referred from time to time by the Commander, for consideration, recommendation, and final disposition by the membership. All emergency expenditures shall be recommended by the Executive Committee at the next regular meeting and approved by The Post at that meeting.

SECTION 5. The minutes of all Executive Committee meetings, containing roll call, shall be duly recorded and summarized by the Adjutant, in writing, and submitted for consideration and appropriate action at the next succeeding meeting of The Post. All tapes shall be preserved for a period of thirty-six (36) months.

SECTION 6. An officer who is absent three (3) or more regular meetings of The Post or Executive Committee meetings without prior notification to the Commander or Adjutant will be considered for removal from office for inefficiency as per Article VI Section 4 of the Constitution.

SECTION 7. A quorum for any Executive Committee meeting shall consist of five (5) members.

ARTICLE III: MEMBERSHIP

SECTION 1. No person shall be eligible for membership in The Post unless eligible under the provisions of Article V of The Post Constitution.

SECTION 2. Any current member of The Post applying for a Paid-Up-For-Life (PUFL) membership shall have a current membership card and be in good standing.

SECTION 3. Life membership in The Post may be conferred as a special honor to selected members who have rendered outstanding service to The Post. Life Membership shall be conferred upon recommendation

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of the Life Membership Committee comprised of all life members of The Post.

- All recommendations for Life Membership shall be submitted by the Commander to the Executive Committee for its recommendation and shall be approved by a majority of the members present and voting at the next regular meeting.
- The guidelines for selecting candidates for Life Membership in The Post.
- Life Membership shall be conferred upon a member when the member has rendered services to The Post and The American Legion which are, in truth and fact, distinguished; that are marked or notable in that by performance of such services has become preeminent among the fellow Legionnaires and, thereby, entitled to this great honor and special reward.
- The candidate shall be an active member in good standing of The Post for at least twenty (20) consecutive years.

ARTICLE IV: DUES

SECTION 1. The dues of The Post shall be payable, in advance, on or after July 1 of each year. Dues may be increased upon recommendation of the Executive Committee and a two thirds (2/3rds) affirmative vote of the members present at any duly assembled meeting of The Post, provided notice of the proposal is given to the membership as provided by the rules governing amendments to these By-Laws. Members in arrears on January 1 in payment of dues shall be classified as delinquent (not in good standing) and on July 1, arrearage shall automatically impose suspension from all privileges of The Post, and one year's arrearage shall automatically forfeit membership in The Post. Any membership which has been forfeited for nonpayment of dues for one year or more may be reinstated by vote of The Post upon application and payment of delinquent dues.

SECTION 2. Dues collected from members of The Post shall be forwarded through the finance Officer to the Department Adjutant, the pro-rata fee for the Department and National organizations, as required.

ARTICLE V: OFFICERS

SECTION 1. The elected officers of The Post shall be the Commander, First Vice Commander, Second Vice Commander, Finance Officer,

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Judge Advocate, Historian, Service Officer, Chaplain, and Sergeant-at-Arms.

SECTION 2. The appointed officers shall be Adjutant, Senior Color Guard, and such other officers as deemed necessary by the Commander.

SECTION 3. All elective officers shall be elected at the May meeting of The Post and shall hold office for one year or until their successor/s have been duly installed.

SECTION 4. Prior to assuming office, all elected and appointed officers shall be requested to complete training for their respective office by attending The American Legion College conducted by the American Legion Department of Maryland.

SECTION 5. All vacancies occurring in any elective office of The Post, from any cause other than the expiration of the term, shall be filled by a majority vote of the membership and a member so elected shall hold office for the unexpired term of the member or office.

ARTICLE VI: DUTIES OF THE OFFICERS

SECTION 1. The Commander shall preside at all meetings of The Post, have general supervision over the business and affairs of The Post, shall serve as the Chief Executive of The Post, approve all orders directing the disbursement of funds; have the authority to approve expenditures not exceeding \$1,000, present an annual report covering the business of The Post and recommendations for the ensuing year at the June meeting, and perform such other duties as are incident to the office as directed by The Post. All emergency expenditures shall be recommended by the Executive Committee at the next regular meeting and ratified by the membership.

SECTION 2. The First Vice Commander shall assume and discharge the duties of the Office of Commander in the absence of, disability of, or when called upon by the Commander, assume the Office of Commander, in the event of a vacancy in that office and serve the remainder of the term, chair the Membership Committee and perform such other duties as assigned by the Commander.

SECTION 3. The Second Vice Commander shall assume and discharge the duties of the Office of Commander in the absence of the Commander and First Vice Commander, Chair the Ways and Means Committee, and perform such other duties as assigned by the Commander.

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SECTION 4. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings of the Executive Committee and The Post, keep such records as the Department and National organization may require, render reports to the membership annually or when called upon at a meeting, handle all correspondence of The Post and perform such other duties as assigned by the Commander.

SECTION 5. The Finance Officer shall have charge of all finances and insure that the finances are deposited in a FDIC institution, as recommended by the Executive Committee, report monthly to the Executive Committee and membership on the financial condition of The Post, require two of the three authorized signatures on all checks drawn for payment and savings withdrawal, recommend to the Commanders ways to improve the financial condition of The Post, furnish surety bond in such a sum as shall be affixed by The Post with the premium of the surety bond being paid by The Post and perform such other duties as assigned by the Commander.

SECTION 6. The Judge Advocate shall advise The Post officers, the Executive Committee and members of The Post on all legal matters, including the construction and interpretation of The Post Constitution and By-Laws, responsible for advising on parliamentary procedures at all meetings of The Post and perform such other duties as assigned by the Commander.

SECTION 7. The Historian shall be charged with assembling the individual records of activities of The Post, including pertinent news articles, photographs, etc., relative to The Post and perform such other duties as assigned by the Commander.

SECTION 8. The Service Officer shall advise The Post members and their dependents of the rights and benefits granted to them by law, utilize such expert services as may be available to assist in community affairs, render such assistance as may be required in filing claims for veterans and other benefits, assist the Child Welfare and Visiting Committees, perform such other duties pertaining to the rehabilitation of members as may be necessary, serve as chair of the Service and Rehabilitation Committee, and perform such other duties as may be assigned by the Commander.

SECTION 9. The Chaplain shall be charged with the spiritual welfare of The Post members, and offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhering to

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such ceremonial rituals as are recommended by the National or Department Headquarters, serve as chair of the Visiting Committee and performs such other duties as assigned by the Commander.

The Chaplain shall render a report at each meeting of The Post on sickness and relief, may purchase comfort items for the welfare of any needy member of The Post or immediate family member, or provide a donation to a deceased member's family in an amount not to exceed \$25.00, except as otherwise recommended by the Executive Committee and approved by The Post.

SECTION 10. The Sergeant-at-Arms shall be charged with maintaining order at all meetings, designate an assistant to serve in his/her absence and perform such other duties as assigned by the Commander.

SECTION 11. The Senior Color Guard shall have charge of all rifles, flags, and colors belonging to The Post, advance and retire the flags and colors during meetings and ceremonies and perform such other duties as assigned by the Commander.

ARTICLE VII: COMMITTEES AND COMMISSIONS

SECTION 1. The Executive Committee shall be responsible for the duties as outlined in Article II, Section 4 of the By-Laws and shall have authority to approve the expenditures of a sum not to exceed \$2,000. All proposals involving appropriation or expenditure of funds in excess of \$2,000 shall first be presented to the Executive Committee for recommendation prior to final action by The Post. All emergency expenditures shall be ratified by The Post at the next regular meeting. An unfavorable recommendation on an appropriation or expenditure shall be overruled by The Post by a three-fourths (3/4ths) majority of the votes of the members present.

SECTION 2. The Commander, immediately upon taking office, shall appoint a Chair of the following Standing Committees or commissions of The Post: Membership, House, Ways and Means; Finance, Audit, Service and Rehabilitation, Visiting, Americanism, Sons of the American Legion and such other committees as may be necessary.

SECTION 3. The Membership Committee shall have charge of all solicitation of membership of The Post, including the reinstatement and eligibility of members. This Committee shall have two (2) or more members as appointed by the Commander and chaired by the First Vice Commander.

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SECTION 4. The House Committee shall have charge of all matters pertaining to the operation of The Post, rental and scheduling of facilities and janitorial service, The Chair shall be appointed by the Commander and consist of not more than five (5) members. Monthly reports shall be submitted to the members at each regular meeting.

SECTION 5. The Ways and Means Committee shall have charge of all recreation and entertainment of The Post. It shall promote social functions in The Post alone or in conjunction with other committees responsible for the promulgation, administration, and operation of special methods and programs to raise funds for The Post and submit monthly reports to the membership. This Committee shall be chaired by the Second Vice Commander and consist of as many appointed members as deemed necessary.

SECTION 6. The Finance Committee have charge of the administration of the fiscal policy, including the preparation of budget recommendations, supervision of receipts and expenditures of all funds and the proper accounting of all funds and revenues of The Post. The Committee shall consist of the Finance Officer as Chair, Chair of the House Committee, Chair of the Ways and Means Committee and two (2) or more members of The Post, as appointed by the Commander. The Committee shall meet at such times as may be required and submit monthly reports to the members at each regular meeting.

SECTION 7. The Auditing Committee shall be responsible for an annual audit of The Post books and accounts; have an audit conducted by an independent auditor at the close of the administrative year or within forth-five (45) days after a new Commander is installed. All books, accounts, and financial records shall be turned over to the Committee or delivered to the independent auditing firm performing the required audit. This Committee shall consist of three (3) or more members not associated with the disbursement of funds.

SECTION 8. The Service and Rehabilitation Committee shall assist members and their dependents in matters regarding claims, burial arrangements, pensions, insurance, applications, benefits, and unemployment. The Service Officer shall Chair this Committee.

SECTION 9. The Visiting Committee shall be charged with visiting and comforting members and their families when sick or bereaved and visiting ex-servicemen in nearby hospitals or nursing homes. The Chaplain shall chair this committee.

SECTION 10. The Americanism Commission shall be charged with the

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organization, promotion, and administration of all programs as outlined by the National and Department Headquarters regarding Americanism. It shall also be responsible for all Americanism ceremonies (Memorial Day, Independent Day, Veterans Day), Civil Defense, Historical and Oratorical Contests, Boys State, School Awards and the presentation of Flags.

SECTION 11. Life Membership Committee shall be comprised of all Life Members of The Post. The Chair shall be elected for a one-year term by the members.

SECTION 12. Sons of The American Legion Commission shall oversee the operations of The Post's Squadron of The Sons of The American Legion.

SECTION 13. Judicial Review Committee shall consist of the Judge Advocate and the Vice Commanders; serve as the Disciplinary Committee of The Post. The Committee shall meet only upon request of the Commander or a member of the Executive Committee to hear all complaints. The Committee shall present the findings and recommendations to the Executive Committee. The Judge Advocate shall chair the Committee.

ARTICLE VIII: DELEGATES

SECTION 1. Delegates and Alternates for the Department Convention, The Southern Maryland District Council Caucus, and the Prince George's County Council shall be elected at the annual meeting in May. The number of Delegates and Alternates elected shall comply with Department regulations and shall attend all meetings of the Department Convention and special meetings. The Commander shall be notified when a Delegate or Alternate is unable to comply with their intent in order to allow the Commander to appoint a member to replace the Delegate or Alternate.

SECTION 2. Balloting for Delegates and Alternates shall be taken collectively and, upon completion of the balloting, the candidates receiving the highest number of votes shall be declared Delegates in the order of votes polled and in the number of Delegates to which The Post is entitled. In the case of a tie, an additional ballot shall be taken to determine which candidate/s shall be Delegates and which shall be Alternates.

SECTION 3. Delegates and Alternates shall continue to function as Delegates of The Post for any election or other specially called convention, caucus, or council until their successors have been elected.

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SECTION 4. Any member of The Post, in good standing, shall be eligible to be a candidate for Delegate.

ARTICLE IX: ELECTIONS

SECTION 1. All elections of Officers, Delegates and Alternates to the Department Convention shall be by ballot, and the candidates receiving the highest number of votes shall be elected to the respective office for which they are candidates.

SECTION 2. Candidate/s eligible to hold office shall be a member in good standing.

SECTION 3. A Nominating Committee consisting of three (3) members shall be appointed by the Commander not later than the regularly-scheduled March meeting of The Post. Each member seeking office shall submit his/her name to the Nominating Committee. The Committee shall determine the eligibility of each candidate for office. The names shall be presented at the next regular meeting of The Post. Additional nominations for each office may be made from the floor at this meeting, provided that each nominee is eligible and has given his/her consent.

SECTION 4. Election shall be held on the third (3rd) Tuesday in May or on a date designated and approved by The Post. The method of election shall be by ballot (secret ballot).

SECTION 5. All Post Officers shall be elected at least twenty days prior to the opening of the Department Convention and shall assume their duties within twenty (20) days after the closing of the Department Convention.

SECTION 6. The Post Adjutant shall prepare the printed ballots with the names of the candidates in alphabetical order for the following offices: Commander, First Vice Commander, Second Vice Commander, Finance Officer, Judge Advocate, Historian, Service Officer, Chaplain, and Sergeant-at-Arms. No other ballot shall be legal.

Printed ballots shall be issued to each member of The Post in good standing, upon request, during the hours of the annual election and at the designated voting area.

Absentee ballots shall be available at least ten (10) days prior to the annual election. The members voting shall present a current Post membership card to the election officials. Upon certification of the members' credentials, the member shall be issued an absentee ballot.

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The member shall proceed to mark the issued ballot and deposit the same in a sealed box which shall be opened at the close of the voting period by the judges of the election. An altered vote for a candidate shall not be counted. The identity of the voter shall not be indicated in any way as a ballot is a secret vote. An unmarked blank ballot shall not be counted in elections.

The member voting shall not take the ballot issued from the designated voting area. Each candidate for office shall have a picture with his/her name and office placed in a designated area. No campaign literature or campaigning shall be permitted within fifty (50) feet of The Post on election day. The voting area will be closed at seven (7:00) p.m. on the date of the election and only those members present in the voting area at that time and who have not previously voted shall be entitled to vote. Upon completion of the voting by those present, the balloting shall be closed.

SECTION 7. Counting ballots: one (1) Judge and four (4) Tellers shall be appointed by the Post Commander prior to the date of the election. The Judge and Tellers shall count the ballots for each designated office and report the results of the election to the members present at the meeting on the day of the election.

The Judge shall review all ballots to determine their authenticity and validity and the decisions shall be final.

To be declared elected, a candidate must receive a majority of the votes cast for the particular office.

In the event of a tie vote for any office, a run-off election shall be held seven (7) days following the vote in accordance with the procedures as outlined for the original election which governs in all respects.

All ballots shall be sealed and held by The Post Adjutant. The sealed packet shall not be opened except by vote of two-thirds (2/3rds) of the members present at The Post meeting for the purpose of verifying the vote. The sealed packet shall be held for at least thirty (30) days before being destroyed.

SECTION 8. The Election Form for the Election Committee Report shall contain the following: the name of each candidate, number of votes received and the number of votes cast. When the votes for all offices have been read, the names of the Election Committee members signing the report shall be read and the report given to the Commander. The Commander shall read the names of the members elected.

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ARTICLE X: NOTICES

SECTION 1. Every member shall furnish The Post Adjutant with their address for mailing purposes, telephone number, and, if available, an e-mail address.

SECTION 2. At least three (3) days' written notice shall be posted for Special Post meetings and three (3) days' notice of Special Executive Committee meetings. Notice of the annual election or a meeting in which a Special Election to fill a vacancy existing in any office of The Post shall be given at least two (2) weeks thereto. Each notification shall state clearly the purpose of the meeting.

SECTION 3. In the event of a tie vote, notice of a run-off election shall be posted in The Post at least three (3) days prior to the run-off election.

ARTICLE XI: MEETINGS

SECTION 1. The regular meeting of The Post shall be held on the third (3rd) Tuesday of each month at 7:00 p.m. at The Post home.

SECTION 2. When the regular meeting is on a holiday, the meeting may be held on another date approved by The Post members.

SECTION 3. The Commander or a majority of the members of the Executive Committee shall have power to call special meeting/s of The Post.

SECTION 4. Upon written request of at least ten percent (10%) of the members of The Post in good standing, the Commander shall call a special meeting of The Post.

SECTION 5. A quorum at any meeting of The Post shall consist of at least ten (10) members in good standing.

SECTION 6. All meeting of The Post shall be held in accordance with the official American Legion Ritual.

SECTION 7. Any member officially representing The Post at a recognized meeting or function of The American Legion and, therefore, unable to attend an official meeting of The Post shall be excused from that meeting.

ARTICLE XII: PAST COMMANDERS CLUB

SECTION 1. The Post recognizes an organization known as the Past Commanders Club. The Club shall consist of all Past Commanders of The Post. The Chair shall be elected by the members. All organizational procedures and the term of office shall be decided by the members. The Past

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Commanders Club shall serve as an advisory body to the Commander, as requested.

ARTICLE XIII: DEPARTMENT EXECUTIVE COMMITTEE

SECTION 1. Any member in good standing may submit the name of a candidate for Department Executive Committee member (DEC) to the Commander by the March meeting of The Post.

SECTION 2. The name/s of the candidate/s shall be recommended to The Post by the Executive Committee.

SECTION 3. The name/s of the nominee/s selected by The Post shall be recommended to the Prince George's County Council of The American Legion.

SECTION 4. The nominee is ratified by the Prince George's County Council and the Southern Maryland District and recommended to the Department Convention for approval.

SECTION 5. Each County or Area Council shall be entitled to one (1) DEC for every five hundred (500) members in good standing.

ARTICLE XIV: POST HOME

SECTION 1. The Post shall be available for social activities and open to all Post members, members of the Auxiliary and guests.

SECTION 2. The Post may be rented to members, auxiliary, individuals, and organizations for their use provided such rental does not interfere with any function of The Post or Auxiliary.

SECTION 3. No indecent show or exhibition, disorderly gathering, or any conduct detrimental to the integrity of The American Legion and The Post shall be permitted.

SECTION 4. There shall be no solicitation of any kind on the premises of The Post without permission by the Commander, the Executive Committee and approved by the membership.

ARTICLE XV: CONFORMATION TO PRINCIPLES OF THE AMERICAN LEGION

SECTION 1. The Post shall uphold the declared principles of The American Legion and shall conform to and abide by the regulations and decisions of the Department of Maryland and of the National Executive Committee or any duly constituted National governing body of The American Legion.

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ARTICLE XVI: AUXILIARY

SECTION 1. The Post recognizes an Auxiliary organization known as “The American Legion Auxiliary Unit of Post # 196.”

SECTION 2. Membership in the Auxiliary shall be as prescribed by The American Legion nationally.

SECTION 3. The Auxiliary shall be governed in the Department of Maryland by such rules and regulations as may be prescribed by the National Executive Committee and, thereafter, approved by The American Legion, Department of Maryland, Inc.

ARTICLE XVII: JUNIORS

SECTION 1. The Post recognizes an organization known as “Juniors.”

SECTION 2. Membership in the Juniors shall be as prescribed by The American Legion nationally.

ARTICLE XVIII: DISCIPLINE

SECTION 1. No member of The Post shall release to non-members any resolution, news item, or other publicity which attacks or accuses any other Post or individual of The American Legion, unless such person has first obtained the authorization of The Post.

SECTION 2. The Executive Committee of The Post is empowered to act immediately in cases involving violations of the House Rules and Regulations of The Post and may invoke suspension of privileges of The Post and take necessary action to recover any damages to the Post property, including prosecution by civil authorities, if deemed proper and necessary by the Committee.

SECTION 3. Members may be suspended or expelled from The Post and The American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion. All charges shall be made under oath, in writing, by the accuser/s and no member in good standing shall lose his/her membership until given a fair trial by The Post in such manner and form as are provided herein.

SECTION 4. The charges shall be filed with The Post Commander. A copy of the charges shall be served upon the accused by the Judge Advocate who shall certify as to delivery of said charges by registered mail directed to the address of the accused shown on the current member-

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ship record of The Post. The copy of the charges so served shall contain a notice to the accused of the date, time, and place of the hearing of such charges such date shall be at least fifteen (15) days after service has been obtained. A copy of all papers served upon the accused and the returned receipt, signed by the accused, reflecting the registered mail service shall be preserved in The Post records for reference in the event of an appeal. The accused shall be entitled to obtain representation at the hearing and to cross-examine all witnesses against him/her. Reasonable postponement may be accorded to permit the hearing to be held at such time as will best ensure the reproduction of all real evidence bearing on the charges provided, however, the accused may insist upon the hearing within thirty (30) days of service of charges.

SECTION 5. The Judicial Review Committee shall act as the disciplinary committee in all cases concerning The Post. The Committee shall conduct an impartial hearing of all cases and shall either substantiate or dismiss such charges as are brought before it. Any member of the Committee involved in the action being heard by the Committee, shall immediately be disqualified as a member of the Committee and a substitute shall be appointed by the Commander. Should a member's conduct warrant suspension of more than ninety (90) days, the Executive Committee shall submit the recommendation to the membership for approval. The action of this Committee shall be governed by the procedures set forth in the Department Constitution and By-Laws.

SECTION 6. The procedures for removal of an officer or a member shall be:

- Referral of the charge to the Judicial Review Committee by the Commander or the Executive Committee.
- The Judicial Review Committee shall conduct an impartial hearing and present the recommendations to the Executive Committee. A two-thirds (2/3rds) vote of members of the Executive Committee is required to recommend approved by The Post.
- The Executive Committee shall present the recommendation/s to The Post for final action.

SECTION 7. Noting contained herein shall prohibit The Post from taking any reasonable and lawful action against a member in order to maintain order and decorum regarding the use of The Post facilities.

SECTION 8. The absence of an officer from three (3) meetings of The Post or Executive Committee without notification to the Commander

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or Adjutant shall automatically cause the Executive Committee to recommend that the office be vacated.

SECTION 9. An officer of The Post, after being given thirty (30) days' notice of the intended action, may be removed from office for neglect of duty, or conduct unbecoming the office he/she holds, by action of two-thirds (2/3rds) of the membership present and voting at a regular meeting and no formal charges shall be necessary to initiate such removal. The officer shall be entitled to know the reason/s for such action and, upon request, to be heard at the regular meeting prior to any action by the membership.

SECTION 10. Upon finding of guilt by the Judicial Review Committee, a recommendation by the Executive Committee, and a two-thirds (2/3rds) majority of the members present and voting, a member may be reprimanded or denied use of facilities open to other Post members for a period not to exceed one year, or expelled from The Post and The American Legion. Notice of suspension or expulsion of any member shall immediately be sent to the County, District, and Department Adjutant. The decision of The Post shall be final unless changed by the County, District, or Department Executive Committee.

SECTION 11. Any member so disciplined has the right to appeal to the County Commander. Said appeal shall be in writing a field with the Department within thirty (30) days after the action appealed, provided however, if the punishment is suspension or expulsion from The American Legion, the accused may also appear personally before an Appeals Committee named by the Department Commander; which shall report its findings and recommendations to the Department Executive Committee.

SECTION 12. When an appeal is taken, The Post shall comply with Article XIII, Section 6(D) of The American Legion, Department of Maryland, Inc. Constitution and By-Laws.

ARTICLE XIX: LIMITATIONS AND LIABILITIES

SECTION 1. This Post shall incur or cause to be incurred no liability or obligation/s whatsoever which shall subject to liability to any other Post, Subdivision, Branch, Group, or 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-

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Laws by the Executive Committee, in the conduct of its duties, or by an official action of The Post at a regular meeting.

ARTICLE XX: AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular meeting of The Post by a two-thirds (2/3rds) vote of The Post members present and voting at such meeting, provided that the proposed amendment shall have been submitted, in writing, and read at the last preceding meeting of The Post; and provided further, that written notice shall be accessible to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying members that at such a meeting a proposal to amend the By-Laws is to be voted upon.

SECTION 2. These By-Laws were presented to the Executive Committee of Suitland Post No. 196, The American Legion, Incorporated, on June 12, 2012, and formally presented to the membership of Suitland Post No. 196, The American Legion, Incorporated, on June 19, 2012.

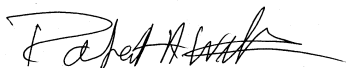
SECTION 3. These By-Laws were properly presented to and adopted by the membership of Suitland Post No. 196, The American Legion, Department of Maryland, Inc., on August 21, 2012.

Constitution and By-Laws Committee:

James Bullock, Chair

Angela Fair, Member

Robert Willett, Member



Robert Willett
Post Adjutant
Suitland Post No. 196
The American Legion, Inc.



Raymond Hopfer
Post Commander
Suitland Post No. 196
The American Legion, Inc.

