



**The American Legion
Department of Nevada
Gerald C. Daniel Post #37**



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 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

Section 1. The name of this organization shall be Gerald C. Daniel Post #37, American Legion, Department of Nevada.

ARTICLE II

OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Department Constitution of the American Legion.

ARTICLE III

NATURE

Section 1. This Post is a civilian organization and membership therein does not affect nor increase liability for military or police services.

Section 2. This organization shall be absolutely nonpolitical and shall be for the dissemination of partisan principles, nor for the promotion of the candidacy of any person seeking public office or preferment.

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

ARTICLE IV

MEMBERSHIP

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of the American Legion, and all members in good standing shall have a vote in all general meetings and elections.

Section 2. There shall be no form or class of membership except an active membership or a life membership as herein provided.

Section 3. All applications for membership shall be acted upon at the next Post meeting. Following the making of such applications, at such meeting; they shall be accepted, rejected or referred for further investigation and consideration. If a majority of the members present, and voting, cast their vote against the accepting of said application; then such application shall be recorded as rejected. An application that has been rejected shall not be reconsidered until after the expiration of six (6) months from the date of such rejection.

Section 4. Any member of this Post may be expelled or suspended, for cause, by a two-thirds vote of the Executive Committee. Expulsion may result only after charges are preferred, under oath, in writing, and a fair trial had upon the same.

Section 5. A member who has been expelled or suspended from the Post, for any cause, may be reinstated to membership by a two-thirds vote of the membership present, at a Post meeting; following the payment of dues for the year in which the reinstatement occurs.

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 asked for and denied by such Post. He/she may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is given.

ARTICLE V

OFFICERS

Section 1. The administrative affairs of this Post of the American Legion shall, except as otherwise provided by the By-Laws, be under the supervision of the Executive Committee; which shall consist of elected and appointed officers of this Post. The term of office of members of the Executive Committee shall be for one (1) year, except for the Board of Trustees, which shall be for three (3) years. This Post, by its By-Laws, may provide for such other committees as the business of the organization may require.

Section 2. The officers of the Post shall be a Commander, a First Vice-Commander, a Second Vice-Commander, a Chaplain, a Judge Advocate, a Historian, a Finance Officer, a Sergeant at Arms, a Service Officer, an Adjutant, a three member Board of Trustees, the immediate Past Commander, and such other officers as may be deemed necessary by the organization.

Section 3. The Adjutant, Finance Officer, neither of whom may simultaneously serve in the dual capacity of Commander/Adjutant or Commander/Finance Officer, and Service Officer shall be appointed by the Commander, with the approval of the Executive Committee. A Parliamentarian may be appointed by the Commander, with the approval of the Executive Committee. The elected and appointed officers, along with the immediate Past Commander, shall constitute the Executive Committee. This body shall transact Post business between regular meetings and report, in full, at the next general meeting.

Section 4. Any elected or appointed officer may be removed for inefficiency; by the Executive Committee. A two-thirds vote of said committee is necessary to effect such removal.

Section 5. Every member of the Post, in good standing, shall be eligible to hold office in this Post except as may be set forth in By-Laws.

Section 6. The duties of the officers, elected and appointed, shall be those usually appertaining to such office or committeeman and as further provided by the By-Laws.

ARTICLE VI

FINANCE

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

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

Section 3. The Post shall pay to the Department Headquarters the National and Department dues. The Post shall pay district dues to the District Finance Officer.

ARTICLE VII
AMERICAN LEGION AUXILIARY

Section 1. The Post recognizes the auxiliary organization to be known as; Auxiliary Unit of Gerald C. Daniel Post #37, the American Legion.

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

ARTICLE VIII
SONS OF THE AMERICAN LEGION

Section 1. The Post recognizes the Sons of the American Legion to be known as; Sons of the American Legion.

ARTICLE IX
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 Nevada, the American Legion. Any amendment to said National Constitution or Department Constitution shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of any 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 attending such regular meeting, provided that the proposed amendment shall have been submitted, in writing, and read at the next regular meeting of said Post; and providing further, that written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon, which notice shall contain the provision of the proposed amendment.

Thereafter and on this 13th day of February A.D. 2003, the above and foregoing proposed and revised Constitution was approved, confirmed, ratified and adopted by Gerald C. Daniel Post #37, the American Legion, Department of Nevada, as its Constitution.