

CONSTITUTION

MATHEW B. JUAN POST NO. 35 OF THE AMERICAN LEGION

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 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 I NAME

Section 1 The name of this organization shall be “Mathew B. Juan” Post No. 35 of the American Legion, Department of Arizona. For working purposes only it shall be called Mathew B. Juan Post No. 35.

ARTICLE II OBJECTS

Section 1 The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing preamble, and the national and departmental constitution of the American Legion.

ARTICLE III NATURE

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

Section 2 This organization shall be absolutely nonpolitical and non-sectarian, 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 salaried elective public office shall hold any office in this Post of the American Legion, and the declaration of candidacy for an elective office by any person who is an officer of this Post of the American Legion, shall operate automatically to vacate his/her office in this Post, and the same shall be filled as hereinafter provided.

Section 3 Rank does not exist in the American Legion; no member shall be addressed by his/her military or naval title in any meeting 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.
- Section 2 There shall be no form or class of membership except an active membership as herein provided.
- Section 3 Application for membership shall be made in writing under such regulations as may be prescribed by the Post Executive Committee.
- Section 4 All applications for membership shall be acted upon at the next Post Executive Committee meeting or General Membership meeting that follows the making of such application, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of executive committeemen or General Membership present cast their vote against the acceptance of said application, it shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.
- Section 5 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 Department 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 granted.
- Section 6 Any member of this Post may for cause be reprimanded, suspended, or expelled by two-thirds vote of all the members of the Executive Committee upon charges under oath in writing. One week's written notice of the time and place when the Executive Committee will consider the charges against him/her, accompanied by a written specification of the charges, shall be given to the accused member, and at such time and place he/she shall be entitled to appear and defend themselves against such charges. Cause for reprimand, suspension, and expulsion within the meaning of this section shall consist of disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of the American Legion. At any time within thirty days after a sentence of dismissal or expulsion, a meeting of the Post to consider same shall be called upon the written request of twenty members.
- Section 7 A member who has been expelled from the Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in post meeting; provided, however, that he/she shall make payment of any arrears in his/her dues at the time of the expulsion, and also other regular dues which have been payable in the interval between his/her expulsion and his/her reinstatement.
- Section 8 The resignation of a member indebted to the Post shall take effect only when accepted by the Executive Committee. All interest of resigning members in the property or assets of the Post, and of members ceasing to be such by dismissal, shall be vested in the Post, and such resignation or dismissal shall operate as a release or assignment to the Post of all right, title and interest of such member or members in and to the property and assets of the Post.

ARTICLE V 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 the Executive Committee which shall consist of six members in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one year. The Post by its by-laws, may provide for such standing committees as the business of the organization may require.
- Section 2 The officers of this Post shall be a commander, senior vice commander, junior vice commander, an adjutant, a finance officer, a post historian, a post chaplain, post service officer, judge advocate, and a sergeant-at-arms. The commander, senior vice commander, junior vice commander and finance officer shall be elected officers and nominated from the floor at the meeting preceding the annual election. The adjutant, post historian, post chaplain, post service officer, judge advocate and sergeant-at-arms shall be appointed by the Commander with the approval and consent of the majority of the Executive Committee. All appointed officers will serve at the discretion of the Commander.
- Section 3 All elected officers and executive committeemen shall be elected annually, and they shall hold office for one year or until their successors are duly installed or as otherwise provided by the by-laws. Any elected officer or executive committee member may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.
- Section 4 Every member of this Post in good standing shall be eligible to vote and to hold office in this Post unless otherwise provided herein.
- Section 4.1 Any elected officer and family member of Post 35 cannot be employed in a full time, paid position such as club manager, custodian, or bartender, except on a temporary basis not to exceed thirty (30) days.
- Section 5 The duties of officers and the executive committee members shall be those usually appertaining to such officers or committee member and as further provided in the by-laws.

ARTICLE VI FINANCE

- Section 1 The revenue of this Post shall be derived from membership or initiation fees from 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 Post dues shall be fixed and determined by the Post.
- Section 3 The Post shall pay to departmental headquarters the national, departmental and district dues for every member of the Post.

Section 4 Receipt of Donations to the Post. Upon receipt of a donation, a Post officer or Post employee shall 1) Provide a receipt to the Donator and maintain a copy of receipt with the donation. Receipts will contain the name, contact information and amount (if cash) or description of the donation. 2) Transmit the donation and receipt to the Post Finance Officer for his custody and control. The Post Finance Officer shall determine the proper accreditation of the donation (i.e. If designated to a specific program, organization or project). All donations will be reported to the Executive Committee for entry into the minutes and reported at the General Membership meeting.

Section 4a Definition of Donation. A donation defined for the American Legion Mathew B. Juan Post 35 is as follows: The conveyance of cash, check or any material object presented to the Post for the sole benefit of the Post or the designated program of the donator. The contribution of a donation does not entitle the donator to any ownership or proceeds for which the donation was provided. All donations are considered non-refundable.

ARTICLE VII THE AMERICAN LEGION AUXILIARY

Section 1 The Post recognizes an auxiliary organization to be known as the ~~Women's~~ Auxiliary of the Mathew B. Juan, Unit No. 35, the American Legion.

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

Section 3 The auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and the Department of Arizona, the American Legion.

ARTICLE VIII SONS OF THE AMERICAN LEGION

Section 1 The Post recognizes a subsidiary organization to be known as Sons of the American Legion Squadron 35.

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

Section 3 Sons of the American Legion Advisor shall act as supervisory advisor for Sons of the American Legion Squadron 35 in connection with its organization, activities, recreational and educational programs.

**ARTICLE IX
AMERICAN LEGION RIDERS MOTORCYCLE ASSOCIATION**

- Section 1 The Post recognizes a subsidiary organization to be known as the American Legion Riders Chapter 35.
- Section 2 Membership in the American Legion Riders shall be prescribed by the National Constitution of The American Legion.
- Section 3 The American Legion Riders advisor shall act as liaison to the Post in connection with its organization, activities, recreational and educational programs.

**ARTICLE X
AMENDMENT**

- 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 Arizona, The American Legion. Any amendments 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 (2/3) of the members of said Post attending such meeting, providing that the proposed amendment(s) shall have been submitted in writing and read at a preceding meeting of said Post, and providing further that written notice shall prominently be posted on the Legion bulletin board and electronically on the Post website at least fourteen (14) days in advance of the date when such amendment is to be voted upon, notifying said membership that at such meeting a proposal to amend the constitution is to be voted upon.

**ARTICLE XI
ENACTING CLAUSE**

- Section 1 This constitution of Mathew B. Juan Post 35, the American Legion, Department of Arizona, approved and adopted by two-thirds affirmative vote of the Post members present at a meeting held December 20th, 2017 and supersedes any and all previously enacted similar documents.

Jeffrey Varga, Commander

Joy Hickok, Adjutant

Date: December 20, 2017