

**CONSTITUTION
ERNEST M. SCHULTZ, III – POST 351
THE AMERICAN LEGION
DEPARTMENT OF FLORIDA**

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 principals 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, incorporated under the laws of the State of Florida (not for pecuniary profit) shall be ERNEST M. SCHULTZ, III Post 351, The American Legion, Department of Florida, as of the 20th day of July, 1989.

ARTICLE II – OBJECTIVES

The objectives and purposes of this post shall be to uphold and defend the Constitution of the United States of America; to promote peace and goodwill among the people of the United States and all nations of the earth; to preserve the memories and incidents of the past wars fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the effects of its members to mutual helpfulness and service to their community, state and nation.

ARTICLE III – NATURE

Section 1: This organization shall be absolutely non-political and non-sectarian, and shall not be used for the dissemination of partisan principals nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 2: This is strictly a civilian organization and rank does not exist in The American Legion. No member shall be addressed by his/her military or naval title in any meetings of the Post.

ARTICE IV – MEMBERSHIP

Section 1: Eligibility to membership in this Post shall be as prescribed by the National Constitution to The American Legion.

Section 2: There shall be no form or class of membership except an active membership, and dues shall be paid annually.

Section 3: Application for membership shall be made in writing under such regulations, as may from time to time, be prescribed by the Post Executive Committee.

Section 4: All applications for membership shall be acted upon at the next Post meeting, following the making of such an application, and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If a majority of 51% of voting members cast their vote against the acceptance of said application, the application shall be recorded as rejected.

Section 5: Any member or Post Officer of this Post may be reprimanded, suspended or expelled only upon proper showing or cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. Charges must be made under oath in writing by the accusers, and no member or officer shall lose his/her membership or office until given a fair trial.

Section 6: Any disciplinary proceedings through a trial will be in accordance with Article X, Section 14 of the Constitution of The American Legion, Department of Florida.

Section 7: No person may be a member at any one time of more than one post.

Section 8: No person who has been expelled by another post may be considered for membership in this Post without 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 for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V – OFFICERS

Section 1: The administrative affairs of this Post, except as may be otherwise provided by the by-laws, shall be under the supervision of the Executive Committee which shall consist of five (5) members and the Past Commander, if not running for another office in addition to the elected officers of the Post. The term of office for the members of the Executive Committee shall be for one year. This Post, by its by-laws, may provide for such other standing committees as the business of this Post may require.

Section 2: The officers of this Post shall be the Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, Finance Officer, Post Historian, Post Chaplain, and Sergeant at Arms, who shall be nominated from the floor at the regular meeting preceding the annual election. An Adjutant, Judge Advocate, and Post Service Officer shall be appointed by the Commander, shall be confirmed by a majority of the membership present, and will have a vote on the Executive Committee.

Section 3: All officers and Executive Committee members shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided.

ARTICLE VI – FINANCE

Section 1: The revenue of this Post shall be derived from membership dues and from other such sources approved by the Post Executive Committee.

Section 2: The amount of membership per-capita to the National Headquarters and Department (State) will be set by the National Headquarters. Post membership dues will be \$30.00 annually.

Section 3: The Post Finance Officer will forward a members per-capita to Department for Department and National per-capita within thirty (30) days after receipt of said member's annual dues.

Section 4: The fiscal year of the Post shall be July 1st to June 30th, each date inclusive.

Section 5: No member, officer, or committee of the Post shall have the authority to bind it by contract or incur any obligation upon its behalf, except by the expressed authority of the Post Executive Committee.

Section 6: The Commander's motel room shall be paid for anytime he/she attends a State or National Convention, State Conference, Leadership School, or Department Commander's Homecoming provided they have to be there for at least two days.

Section 7: The Post Service Officer's room shall be paid for when attending a Service Officers School.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1: Post 351 of The American Legion recognizes an American Legion organization known as "The American Legion Auxiliary Unit 351".

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

Section 3: The Auxiliary shall be non-partisan in politics and shall not be used for the dissemination of partisan principals.

Section 4: The Auxiliary shall be an independent unit and shall be attached to a regularly chartered and active Post of The American Legion and shall at all times be subject to the regulations by the National and Department Executive Committee(s).

Section 5: All Auxiliary members in good standing shall have complete post and lounge privileges.

ARTICLE VIII – SONS OF THE AMERICAN LEGION

Section 1: Post 351 of The American Legion recognizes a subsidiary organization under its jurisdiction, to be known as "The Sons of The American Legion, Squadron 351, Department of Florida".

Section 2: Qualifications for membership in the Sons of The American Legion shall be prescribed by the National Headquarters of The American Legion.

Section 3: The Sons of The American Legion shall be non-partisan in politics and shall not be used for the dissemination of partisan principals.

Section 4: The Post Commander shall appoint a committee of three (3) or more members from the Post to govern and advise the Squadron.

Section 5: The Sons of The American Legion members in good standing will have complete post and lounge privileges pursuant to the beverage laws of the State of Florida.

ARTICLE IX – CANADIAN LEGIONAIRES

Section 1: Post 351 of The American Legion recognizes our fellow Canadian Legionaries from the Country of Canada.

Section 2: Canadian Legion members in good standing will be allowed lounge privilege in our Post pursuant to the beverage laws of the State of Florida.

ARTICLE X – AMENDMENTS

Section 1: This Constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next two preceding regular meetings of the Post. Written notice will be given to all members at least seven (7) days in advance of the date when the amendment is to be voted on. This notification process will be rendered by using the post monthly newsletter.

Section 2: Any amendment will be read at three (3) meetings after written notification is submitted, voting will take place at the third meeting after any discussion on the proposed amendment. No discussion will take place on the proposed amendment at the first two readings.

Section 3: This Constitution was passed by a two-thirds (2/3) vote of the members present at the meeting held on October 17, 2009.

POST COMMANDER

POST ADJUTANT

