

**CONSTITUTION  
Of  
Post 46  
The American Legion  
Cookeville, Tennessee**

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**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 association in all wars;

To inculcate a sense of individual obligation to this 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 American Legion Post 46, Department of Tennessee.

**Section 2.** The Post Headquarters is located at 90 East Spring Street, Suite 1, Cookeville Putnam County, Tennessee 38501.

## **ARTICLE II**

### **- Nature-**

**Section 1.** The American Legion, Post 46 is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in Post 46; no member shall be addressed by his or her military or naval title in any convention or meeting of The American Legion.

**Section 2.** The American Legion shall be absolutely non-political 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.

## **ARTICLE III**

### **-Eligibility/Membership-**

**Section 1.** Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, Air Force, or Space Force of the United States and assigned to federal active duty at some time in accordance with the eligibility dates consistent with the National Constitution and Bylaws of The American Legion; or who, being a citizen of the United States at the time of their entry, served on active duty in the armed forces of any of the governments associated with the United States during either of the eligibility periods; provided, however, that such service shall have been terminated by honorable discharge, separation, or continued honorably after either of the periods; provided further, that no person shall be entitled to membership who, being in such service during either of the periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

All persons shall be eligible for membership in Post 46 who are eligible for membership in The American Legion under the Constitution of the Post, the Department of Tennessee, and the National Organization of the American Legion, including non-residents of this city, county, or state upon payment of dues for the current year, and upon signing an enrollment card.

**Section 2.** A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the members at the Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

**Section 3.** All new members applying for membership in Post 46 of The American Legion must file a written application for membership, and in addition present proof of honorable discharge from service for examination.

**Section 4.** No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post. The person may appeal to the Post Executive Committee for permission to apply for membership in another Post. The person shall not be eligible for membership until such permission is granted.

**Section 5.** There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

**Section 6.** No person may be a member at any one time of more than one Post.

**Section 7.** It shall be required that any officer, elected or appointed in The American Legion, will within 30 days, provide evidence of honorable military service providing eligibility for membership in The American Legion as follows: Eligibility for American Legion Post officers will be certified by their Adjutant with notification to the Department Adjutant.

## **Article IV**

### **-Department Convention-**

**Section 1.** The Executive Committee is charged with the responsibility of appointing all delegates to the Department Convention.

## **Article V**

### **-Post Organization-**

**Section 1.** The minimum membership of Post 46 shall be fifteen members.

**Section 2.** All charters shall be countersigned by the Department Commander and the Department Adjutant.

**Section 3.** No Post shall be organized or chartered by The American Legion Department of Tennessee which is named for any living person, political party, or any business or industrial corporation, profession, firm, partnership, fraternal or religious society or business association, and whose membership shall be derived from, confined, or restricted to, membership of such parties, societies, partnerships, professions, political parties, or employees of such business or industrial corporations.

**Section 4.** The officers of the Post shall be:

- a) Post Commander \*\*
- b) First Vice Commander \*\*
- c) Second Vice Commander \*\*
- d) Adjutant \*\*
- e) Financial Officer \*\*
- f) Chaplain
- g) Service Officer
- h) Sergeant-at-Arms \*\*
- i) Historian
- j) Judge Advocate
- k) Media and Communications Officer

**\*\* Elected Officers of the Post**

1. Such other officers as the Post shall deem necessary that are contained in the Officer's Guide and Manual of Ceremonies, under Post Officers.

2. A Post Executive Committee composed of the Post Officers.
3. The Post Executive Committee shall be composed of an odd number of Officers.

**Section 5.** Robert's Rules of Order shall supplement the Constitution and Bylaws in any area of procedure not covered by the Constitution and Bylaws.

**Section 6.** All officers of the Post for the ensuing year shall be elected or appointed and certified annually by the Post Adjutant to the Department Adjutant.

**Section 7.** The Post meeting hall shall be properly identified with appropriate signs preferably with Legion emblem.

## **ARTICLE VI**

### **- Officers and Committees-**

**Section 1.** The officers of Post 46 of The American Legion shall be a Commander, a First Vice Commander, Second Vice Commander, an Adjutant, a Finance Officer, a Post Chaplain, a Post Service Officer, Sergeant-At-Arms, Historian, Judge Advocate, Media and Communications Officer and such others as deemed necessary by this organization.

**Section 2.** All Officers and Executive Committee members shall be elected or appointed annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee person may be removed for inefficiency or for cause by the Executive Committee by a two-thirds vote of said Committee being deemed necessary to affect removal.

**Section 3.** Every member of this Post in good standing shall be eligible to hold office in this Post.

**Section 4.** The manner of election and appointments shall be set forth in the By-Laws.

**Section 5.** Legion committees shall be appointed as needed by the Commander or his designee and approved by the Executive Committee.

**Section 6.** Officer's duties and responsibilities are spelled out in the most current publication of the Officer's Guidebook and Manual of Ceremonies.

**Section 7.** The term of office for all Post Officers will begin at the adjournment of the Department Convention, and will end upon the adjournment of the next Department Convention, or until their successors are duly chosen and installed. All vacancies in other Post offices not otherwise provided for shall be filled by the Post Commander with the concurrence with the Post Executive Committee.

**Section 8.** All resignations shall be made in writing, delivered in person or by post mail or email to the Adjutant and shall be effective upon receipt. In the case of an utterance of resignation witnessed by two or more Officers of the Post that resignation shall be considered effective after a period of 10 days after the utterance with no further contradicting communication. Witnessing of an utterance shall be documented as to when and where it occurred and signed by those witnesses and submitted to the Post Adjutant.

## **ARTICLE VII**

### **Finance**

**Section 1.** The revenue of Post 46, The American Legion, shall be derived from annual membership dues and such other sources as may be approved by the Executive Committee and presented to the membership.

**Section 2.** The amount of such annual dues shall be determined by the Executive Committee and presented to the membership for the ensuing year.

**Section 3.** The annual dues will be collected by each Post by the Adjutant and either transmitted on-line to National or forwarded to the Department Adjutant. A copy of all Post Transmittals shall be distributed by the Post Adjutant to the Finance Officer and First Vice Commander.

**Section 4.** Annual membership dues should be paid by October 20th of each year and must be paid by December 31<sup>st</sup> of each year prior to the start of the next calendar year to remain current. Legion membership is annual. The Legion year being from January 1 to December 31. Department and National dues shall be paid for the full year, irrespective of the month in which the member shall have joined the Post.

**Section 5.** Annual Financial Review/Audit: Each year, the Executive Committee shall form a three-member Finance Committee whose purpose is to conduct a review/audit of all Post 46 Financial matters. The committee shall be empowered by the Executive Committee to conduct the audit using its members, and/or it may go outside the

American Legion, Post 46 and have a CPA conduct an independent audit of all financial matters. The results of the Annual Financial Review/Audit must be provided in writing to be reviewed and approved by the Post Executive Committee.

**Article VIII**  
**-Discipline-**  
**Membership Expulsion or Suspension**

**Section 1.** To initiate the process in all actions of expulsion against a member of The American Legion in good standing, the accuser, or accusers, all of whom must be members of Post 46 as the accused, shall file with the Post Adjutant, written charges. Charges set forth must be for disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion, and shall be in terms of simplicity and understanding in order that the accused may properly prepare a defense.

The Post Adjutant shall issue formal charges specifying what conduct is alleged and sign it, directing the Sergeant-of-Arms (or some other member of the post in good standing) to read and present the charges, as well as to summon the accused to appear at the Post meeting place at the next regular meeting, to show cause why they should not be suspended or expelled. The accused must be provided at least 15 days written notice.

Before the accused defends in their own proper person, or through counsel, they shall file in writing, an answer to said charges on or before the date of the regular meeting to which the accused has been summoned to appear.

If the accused fails to answer the charges as set last forth, the charges and matters and things therein stated shall be taken as confessed, and the request for suspension or expulsion granted.

Whenever the accused has answered the charges as set last forth, the charges and matters and things therein stated shall be taken as not confessed, answers to the charges preferred, the entire proceedings shall automatically be continued until the next regular post meeting, at which time the trial shall be had.

The Judge Advocate shall be appointed by the Executive Committee if a vacancy exists for that Officer. The appointed Judge Advocate shall preside at the trial and shall have the power and authority to pass upon the materiality and relevancy of all the evidence presented and shall have the general power to prescribe necessary and reasonable rules and regulations for the orderly procedure of said trial. In the event of the absence of a Post Judge Advocate to preside over the trial for any reason, it shall be the duty of the

District Commander, when duly notified by the Post Adjutant to appoint a special Judge Advocate to fill the vacancy.

The elected Post Officers and Post Executive Committee (if the Post has no Executive Committee, the Judge Advocate or the named Special Judge Advocate) shall instruct the Sergeant-at-Arms to select 5 post members in good standing, as jurors to ascertain under the guidance of the Judge Advocate the truth of the charges preferred. Subject matter is strictly limited to questions of fact and exclusive consideration of the matters that have been proven by evidence of the interested parties in the course of the trial.

To expel or suspend a member of the American Legion in good standing, two-thirds of the members selected to sit as jurors shall vote in the affirmative.

Any member who has been suspended or expelled has the right to appeal to the Department Executive Committee or the Department Convention. The decision of the Department will be final.

All appeals to the Department Executive Committee or the Department Convention shall be filed within 40 days after judgment of suspension or expulsion. It shall be the duty of the accused to obtain from the Department Adjutant the date of the Department Executive Committee meeting or Department Convention and the exact time and place of said trial.

Where an appeal is taken and the Department Convention sustains the appeal, the expelled member automatically becomes a member in good standing of said Post. The Post failing to comply with this provision is subject to having its charter suspended or revoked.

**Section 2.** The Post Adjutant and the Post Executive Committee, who are the custodians of lists of members of Post 46, are prohibited from furnishing such lists to individuals or members of the organization for political or commercial purposes. This provision applies to the handling of any Post records.

## **ARTICLE IX**

### **-American Legion Riders Chapter- -Other Post Sponsored Programs-**

**Section 1.** Post 46 recognize The American Legion Riders as a program of The American Legion Post 46 and is organized in accordance with the regulations of the



National Constitution, and the Constitution and By-Laws of Post 46 and the National organization of The American Legion.

**Section 2.** Membership in The American Legion Riders shall be as prescribed in The American Legion, Department of Tennessee Riders Constitution and Bylaws.

**Section 3.** The American Legion, Post 46 recognizes the organization known as The Sons of The American Legion, as programs of The American Legion Post 46.

**Section 4.** Membership in The Sons of The American Legion shall be as prescribed by the National Constitution of The Sons of The American Legion.

**Section 5.** Members of The Sons of The American Legion have no voting rights in matters of The American Legion Post 46.

**Section 6.** The American Legion, Post 46 of the Department of Tennessee also recognizes the corporation known as The American Legion Boys State, Inc. as a Department Americanism program.

**Section 7.** Tennessee American Legion Boy's State will be governed by The American Legion, Department of Tennessee Constitution, and its own By-Laws.

**Section 8.** The American Legion Post 46 recognized The Auxiliary organization known as "The American Legion Auxiliary," organized in accordance with the regulations of the National Constitution, and other organizations recognized by the national organization of The American Legion. The members of a Section 501 (c) (19) Auxiliary that is related to Post 46 are a separately formed organization and recognized as tax exempt members and are not considered part of Post 46.

**Section 9.** The Post may support any youth programs desired and approved by the membership of the Post.

## **ARTICLE X Amendments**

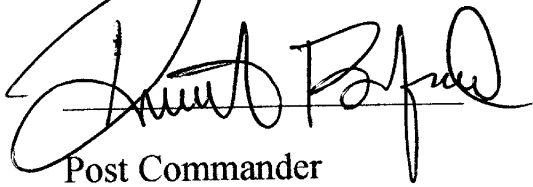
**Section 1.** Amendments to either the Post Constitution or Bylaws shall be approved by a two-thirds vote of the membership of the Post in attendance at any Special Meeting for which notice has been given or after a reading at a Regular meeting followed by a second reading and a two-thirds vote of the Post membership.

**Section 2.** The process used to amend either the Constitution or Bylaws is that the Executive Committee shall appoint a Constitution and Bylaws Revision Committee. The Committee shall prepare the amendment(s) and those changes shall be presented to the membership for approval. In the event the membership desires to propose amendments those proposed changes shall be presented to the Executive Committee for consideration. If the membership's proposal is not approved by the Executive Committee the membership may require action by a two-thirds vote of the membership present at any Regular or Special Meeting of the Post.

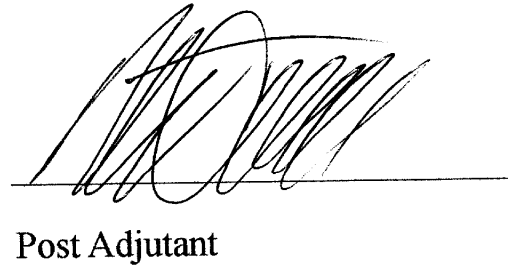
## CERTIFICATION

**We, the undersigned hereby certify the foregoing is a true and correct copy of the Constitution of Post 46, of The American Legion, Department of Tennessee, as adopted at a duly called and constituted meeting of said Post held in Cookeville, in the County Putnam, State of Tennessee, on the nineteenth (19th) day of January, in the year Two Thousand and Twenty Three.**

Signatures:



Post Commander



Post Adjutant