

**CONSTITUTION AND BY-LAWS
OF
THE AMERICAN LEGION
DEPARTMENT OF MONTANA
DISTRICT 7**

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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 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 devotion to mutual helpfulness.

CONSTITUTION
OF
THE AMERICAN LEGION
DEPARTMENT OF MONTANA
DISTRICT 7

ARTICLE I

Section 1. The name of this organization shall be: The American Legion, Department of Montana, District 7.

Section 2. The principal place of business shall be within the state of Montana.

ARTICLE II
NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title at any 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 nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. No person who is a member of an organization which has as its aim the overthrow of the United States government by force or violence or who subscribes to the principles of any group opposed to our form of government shall be eligible to become or remain a member of the American Legion.

Section 4. This American Legion District shall not become involved in any controversy, purported policies of The American Legion without the approval of the Department Executive Committee.

Section 5. The jurisdiction of this district is within the boundaries of the state of Montana.

ARTICLE III ORGANIZATION

Section 1. The posts in this district shall consist of not less than (10) eligible persons.

Section 2. This district will recognize the advisory and supervisory powers of the Department Executive Committee in which it is organized subject to the Department Constitution and By-Laws.

Section 3. This district will collect and pay its legal obligations to the posts, state and national American Legion organization.

ARTICLE IV ELIGIBILITY

Section 1. Eligibility for membership in the American Legion shall be defined by the Congressional Charter and Article IV of the National Constitution of The American Legion.

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

Section 3. No person may be a member at any one time of more than one post.

Section 4. No person who has been expelled by a post shall be admitted in any other post without the consent of the expelling post. If denied consent, he may then appeal to the Department Executive Committee to apply for membership in another post, and shall be ineligible for membership until such permission is granted.

Section 5. The district shall examine the qualifications of all who seek membership and has the right to demand the production of applying member's discharge or duly authenticated copy thereof, and shall collect its dues to the district on the basis of its enrolled post members.

Section 6. The district has the power to expel any of its members for violation of its rules or conduct detrimental to The American Legion, after due notice has been given of the charges against him. In the event of expulsion proceedings at the district level, the post that the member belongs to will be included in this action.

ARTICLE V REVENUE AND DUES

Section 1. The district shall annually assess each of its posts as dues a sufficient amount to cover district expenses and obligations and establish a bank account to be used for district operating expenses.

Section 2. The district shall, upon collection of such amounts pay its legal obligations from an established bank account.

Section 3. The district may derive revenue from additional sources as determined by the District Commander.

Section 4. The District Commander shall supervise other fund raising events subject to approval by the general membership.

Section 5. The District Adjutant shall report all expenditures of district funds to the general membership at district meetings. An audit of these expenditures will be required at district meetings. All funds paid out are subject to approval by the general membership.

ARTICLE VI
LEGISLATIVE ADMINISTRATION

Section 1. The District Commander or District Vice Commander will represent this district at the annual American Legion Department Convention.

Section 2. The District Commander will have one vote and each post has at least two (2) votes and one additional vote for each (one hundred) 100 members or major portion thereof. Those delegates attending the convention will insure that the post utilizes it's voting rights.

ARTICLE VII

DISTRICT OFFICERS

1. The district shall elect the following officers , who shall hold office until their successors have been elected and qualified.

- (a) Commander (two years)
- (b) Vice Commander (two years)

2. Annual elections will take place in the spring of the year prior to the Montana American Legion Department Convention.

ARTICLE VIII
APPOINTED DISTRICT OFFICERS

Section 1. Immediately after his election, the District Commander shall appoint the following officers, subject to approval by the general membership.

- (a) District Adjutant
- (b) District Chaplain
- (c) District Sgt-at-Arms
- (d) Other officers as directed by The American Legion Department.

Section 2. The District Commander may also appoint other officers to serve as the chairman of other district activities. (example) White Cross Program Chairman, etc.

Section 3. All said officers shall hold their office until their successors are appointed and qualified.

Article X
CHANGE OF RESIDENCE

Section 1. Any member in good standing in the post, removing from the post, shall be entitled to a certificate stating his membership and extent of duration thereof.

Article XI
ELECTIONS

Section 1. Elections may be by hand count, voice count or secret ballot at district meetings. Representatives from the posts must be present to vote. (one-half or more of the district posts must be represented to constitute a quorum).

Section 2. In the event that decisions must be made prior to regularly scheduled meetings, a telephone conference involving the

District Commander and Post Commanders will suffice as an election.

Article XII LIABILITIES

Section 1. The district is liable for its operating expenses.

Section 2. The district shall not be liable for individual members bills or debts.

ARTICLE XIII AMENDMENTS

Section 1. This constitution may be amended at annual membership meetings by the following procedure:

(a) a member may submit a proposed amendment to the constitution during a district meeting verbally or in writing.

(b) a majority membership vote is required to approve the proposed amendment provided there is a quorum . (one half or more of the district posts must be represented to constitute a quorum)

ARTICLE XIV RULES

Section 1. The rules of parliamentary law and procedure at all meetings shall be as set forth in Robert's Revised Rules of Order.

ARTICLE XV DISTRICT MEETINGS

Section 1. The district meetings will be held biannually and each post and the Department Executive Officers will be notified of the time and date of these meetings. The Commander will preside at these meetings. In the absence of the Commander, the Vice Commander will take his place.

Section 2. The chairman of the various committees may hold meetings with his committee members as needed.

Section 3. The Commander may cancel the district meetings only in the event of certain emergencies or by a general membership vote.

BY-LAWS OF THE AMERICAN LEGION DEPARTMENT OF MONTANA DISTRICT 7

ARTICLE I CONFLICT OF REGULATIONS

Section 1. Any conflict between interpretations of the Constitution and By-Laws must be resolved in favor of the Constitution.

ARTICLE II DISCIPLINE OF DISTRICT MEMBERS

Section 1. The Posts shall be the judge of its own membership, subject to the restrictions of the District and Department Constitution and By-Laws.

Section 2. Members may be suspended or expelled from their post only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming of a member of the American Legion. No member in good standing will lose his membership until given a fair trial by his peers.

ARTICLE III BONDS - AUDIT

Section 1. All District Officers that collect money or dues by virtue of their office shall be bonded in an amount set by the Department Executive Committee.

Section 2. An audit will be conducted of the district finance account at district meetings.

ARTICLE IV OFFICERS

Section 1. All District officers shall hold office until their successors have been elected and qualified.

Section 2. The District Commander may discharge any appointive officer whenever they deem it advisable for the best interests of the district.

Section 3. No person shall be eligible to hold office in The American Legion unless he is a member in good standing of his Post and The American Legion.

ARTICLE V DUTIES AND POWERS OF OFFICERS

Section 1. Commander. The duties of the District Commander are to preside at all District meetings and to share responsibility of the district bank accounts. As District Commander he is a member of the Department Executive Committee and required to represent the district at these meetings. The District Commander is required to familiarize himself with the duties of his office as described in The American Legion Officers Guide for District Commanders.

Section 2. Vice Commander. The Vice Commander shall officiate in the absence of the Commander. He is required to familiarize himself with the duties of his office as described in The American Legion Officers Guide for District Commanders.

Section 3. Adjutant. The Adjutant shall be charged with the responsibility of all district records and the minutes of the district meetings and shall assume the duties as finance officer for the district. He will be the custodian for the district bank accounts and maintain a current roster of all District officers and their American Legion status. He is required to familiarize himself with the duties of his office as described in The American Legion Officers Guide.

Section 4. Chaplain. The Chaplain shall perform duties pertaining to his office. He will familiarize himself with the duties of his

office as described in The American Legion Officers Guide.

Section 5. Sgt-at-Arms. The Sgt-at-Arms will perform duties pertaining to his office. He will familiarize himself with the duties of his office as described in The American Legion Officers Guide.

ARTICLE VI AMENDMENTS

Section 1. These By-Laws may be amended at any authorized district meeting by vote of two-thirds majority of the members present, providing there is a quorum. (one-half or more of the district posts must be represented to constitute a quorum)

Section 2. These By-Laws and all Articles and Sections thereof shall have full force and effect on or after the 26th day of October 2001, at twelve o'clock noon of said day. The By-Laws heretofore duly adopted and all Articles and Sections thereof, together with all amendments thereto are hereby repealed and shall cease to be effective on or after the 26th day of October 2001, at twelve o'clock noon of said day.