

THE AMERICAN LEGION  
DEPARTMENT OF MARYLAND, INC.

THE WAR MEMORIAL BUILDING BALTIMORE, MARYLAND 21202

**CONSTITUTION  
AND  
BY-LAWS**

As amended and revised at the  
Eighty Fifth, Eighty Eighth, and Eighty Ninth  
Annual Department Conventions  
in  
Ocean City, Maryland,

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CONSTITUTION

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**CONSTITUTION OF  
THE AMERICAN LEGION  
DEPARTMENT OF MARYLAND, INC.  
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 per cent Americanism; 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 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 and Headquarters

Section 1. The name of this organization shall be The American Legion, Department of Maryland, Incorporated; hereinafter referred to as The Department.

Section 2. The headquarters of The Department shall be in the City of Baltimore, at such place as may be determined by the Department Executive Committee.

**ARTICLE II**

Nature

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

Section 2. The American Legion, Department of Maryland, Inc. and all of its subordinate component bodies, shall be absolutely nonpolitical 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.

ARTICLE III

Organization

Section I. The Department shall be organized into Posts, and for purposes of administration shall be divided into Districts, as follows:

**Baltimore District**, consisting of;

Baltimore City comprising three subdivisions which are designated, respectively, Area A, Area B, and Area C,

which are the equivalent of the Counties comprised in other Districts;

**Western Maryland District**, consisting of the Counties of;

Washington, Frederick, Carroll;

**Mountain District**, consisting of the Counties of;

Garrett Allegany

**Southern Maryland District**, consisting of the Counties of;

Anne Arundel Calvert Prince George's  
Charles Montgomery St. Mary's;

**North Eastern Shore District**, consisting of the Counties of;

Cecil Talbot Kent;

Queen Anne Caroline

**South Eastern Shore District**, consisting of the Counties of;

Dorchester Worcester

Wicomico Somerset;

**Northern Central District**, consisting of the Counties of;

Baltimore Harford Howard.

Section 2. To promote a closer spirit of cooperation between the Posts in the several Districts; District Councils shall be organized. Each such District Council shall determine the representation each Post shall have therein, subject to the approval of the Department Executive Committee. The Department Executive Committee shall provide a uniform code defining the rights, privileges and authority for the governing of District Councils.

Section 3. No individual, group of persons, or subordinate organization of The American Legion, Department of Maryland, Inc., is authorized to contract any bills or obligations in the name of The Department, nor to act as the agent of The American Legion, Department of Maryland, Inc., for any such purpose whatsoever. The Department shall not incur or cause to be incurred any liabilities or obligations whatsoever which would or may subject any Posts, or officers thereof, or any other subordinate organization of The American Legion, Department of Maryland, Inc., or any person or member or group thereof to liability for the payment or satisfaction thereof, and shall be without power so to do.

Section 4. No real estate or leasehold property belonging to The American Legion, Department of Maryland, Inc., or one of its subordinate organizations shall be sold or disposed of in any way or have its title encumbered in any manner without the Post notifying the County and District Councils in which it is located, in writing and without thereafter obtaining written consent of the Department Executive Committee of The American Legion, Department of Maryland, Inc.

## ARTICLE IV

### Eligibility

Section 1. Any person shall be eligible for membership in The American Legion, Department of Maryland, Inc., who meets the requirements for membership prescribed in the National Constitution of The American Legion, as chartered and approved by the Congress of the United States, and as thereby amended from time to time.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life. Social or honorary memberships are specifically prohibited.

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 from The American Legion shall be admitted to membership in another Post, without the consent of the authority which expelled the member, except that where such consent has been sought and denied, or sought and not granted within a reasonable time thereafter, the member may then appeal to the Department Executive Committee for permission to be admitted to membership in another Post. The member shall be ineligible for membership until such permission is granted.

Section 5. No member having charges filed by the member's Post shall be eligible for transfer to another Post until such charges are adjudicated.

## ARTICLE V

### Department Convention

Section 1. The Annual corporate meeting of The American Legion, Department of Maryland, Inc., shall be the Department Convention, which shall constitute the Legislative body of said Department. The Department Convention shall be held annually at a time and place to be fixed by action of the preceding Department Convention, or if said preceding Department Convention shall have failed to act, then by the Department Executive Committee, pursuant to Article VII of this Constitution.

Section 2. The Department Convention shall be comprised of representatives from each Post who shall be members in good standing of the Post by which they are elected, and all Past Department Commanders while in good standing in their respective Posts. Each Post having 15 members in good standing shall be entitled to two delegates. Each Post having 26 members in good standing shall be entitled to three delegates and to an additional delegate for each additional fifty members after the first 26. Each Post shall be entitled to an alternate for each delegate. Membership strength of the Post, for determining delegate strength, shall be computed as of paid up membership in Department Headquarters at the close of business on the 30th day prior to the convening of the Department Convention, or as of July 1st, in each year, whichever date shall first occur.

Section 3. Voting. (a) On all matters of business except the election of Department Officers, members of the Department Executive Committee and Delegates and Alternates to the National Convention, and except amendments to this Constitution or the By-Laws, voting shall be viva voce, and the decision of the chair thereon shall be final unless a vote by roll call be demanded; and upon demand of any person having proper voice such other manner of voting shall be employed.

(b) The election of all Department Officers, and National Officers, shall be by roll call except where, in the case of individual offices, the necessity of a roll call is dispensed with by unanimous consent,

(c) The election of members of the Department Executive Committee and Delegates and Alternates to the National Convention shall be in accordance with such rule as adopted by the Caucus in and for the District from which such members, delegates and alternates are elected, but in no case shall any such rule prevent the nomination of any member from the floor of such Caucus by any person having proper voice thereat. Voting at Caucuses shall conform to the provisions of Subsection (d) hereof.

(d) In all voting, the vote of each Post shall be equal to the total number of delegates to which such post may be entitled. Each delegate shall be entitled to one vote. The vote of any delegate who may be absent shall be cast by the delegate's alternate, and the vote of any delegate absent and not represented by an alternate shall be cast by the majority of the present delegates from the member's post. An alternate whose delegate is present may nevertheless move into the place of an absent alternate whose delegate also is absent, and there by acquire the right to vote provided he/she is the senior alternate present at the time. Alternates shall have all the privileges of delegates, but may only vote as herein set forth; provided the alternate's registration fee is paid. At the conclusion of all roll call voting, for each individual election required to be conducted by the Department Convention, the Department Officer conducting such elections shall ask if any Post desires to amend or change its vote; or ask does any Post, which has not cast its vote during the roll call vote, now wish to cast its vote. No Post shall be allowed to pass more than one time. After the Department Officer conducting the election has made the aforesaid announcement and taken due note of all change in voting and has recorded the vote of any Post which originally passed, then the conducting officer shall announce that the voting is closed and direct that the tally be taken, and the results announced.

(e) All Past Department Commanders, while in good standing in their respective Posts, shall be delegates for life to all Department Conventions with voice and vote, to be exercised by them with their respective Posts and all District Caucuses at which any election provided for in this Constitution shall be held, and at which their respective Posts may be entitled to vote. The failure of such Post to properly register its delegation shall not deprive such Past Department Commander of their right to vote, provided the Past Department Commander is properly registered as a delegate.

(f) All Department Officers as set forth in Article VI of this Constitution and National Officers of this Department shall be Delegates-at-large to Department Conventions, with the right to vote thereat, in the year in which they serve, to be exercised by them with their respective Posts; provided, however, that nothing contained herein shall give to any of such persons the right to more than one vote.

Section 4 (a). The Department Convention shall elect a Department Commander, a Department First Vice-Commander, a Department Second Vice-Commander, a Department Third Vice Commander, a Department Judge Advocate, a Department Treasurer, and a Department Sergeant-at-Arms, for the term of one year. A National Executive Committeeman and an Alternate National Executive Committeeman for a term of two years, and such other offices as may be authorized by the Department Convention for such terms appointed by the Department Convention.

Section 4 (b). The Officers listed in Section 4 (a) to be elected by the Department Convention shall be nominated and elected for office in the following order and sequence and for the term of office described in Section 4 (a):

1. An Alternate National Executive Committeeman 2 Years
2. A National Executive Committeeman - 2 Years.
3. A Department Sergeant-at-Arms - 1 Year.
4. A Department Treasurer - 1 Year.
5. A Department Judge Advocate - 1 Year.
6. A Department Third Vice-Commander - 1 Year.
7. A Department Second Vice-Commander - 1 Year.
8. A Department First Vice-Commander - 1 Year.
9. A Department Commander - 1 Year.

Section 5. The Department Convention, upon recommendation of the Department Executive Committee, shall have the power to change, alter, enlarge or make smaller the Districts of the Department of Maryland, or any of them, and to create new Districts.

Section 6. Every Post shall file the name and number of the delegates and alternates to the Department Convention at least twenty days prior to the convening of the convention and at the same time pay the registration fee the amount of which shall be decided annually by the Department Executive Committee for each and every delegate they are entitled to; in the case of an alternate taking the place of a delegate, such alternate shall be required to pay the usual registration fee, which shall be done when the substitution takes place or sooner; unless and until such registration fees of the delegates have been paid, the delegation is disqualified to act for any purpose, and no individual delegate will be allowed to vote; provided however, that the mere non-payment of registration shall not deprive a delegation otherwise duly qualified, of the right to vote in any District Caucus, on any matter (including election of officers) which thereafter is subject to ratification by the Department Convention.

Section 7. District Caucuses. A caucus shall be held by each District during, or not more than twenty days prior to, the convening of each Department Convention, at which caucus the election of the District Commander, District Vice Commanders, County/Area Commanders, such Department Executive Committee members, and Delegates and Alternates to the National Convention of The American Legion to which such District may be entitled by this Constitution shall be held. It shall be the responsibility of the District Commander in and for each District to see that at least fifteen days prior notice of any District Caucus convened for the above purposes shall be given by mail to the Commander of each Post in the District, and no such Caucus shall be deemed legally convened in the absence of such notice; provided, however, that any District may caucus at any Department Convention upon three hours notice by announcement from the Rostrum, and all the purposes of this section may thereafter be fulfilled just as though prior written notice had been given. The action of such District Caucus as to the election of any of the officials named in this section shall not be final until ratified by the Department Convention,

Section 8. A quorum shall exist at a Department Convention or at a District Caucus when one third of the Posts in the Department or District, as the case maybe, are represented by duly elected Delegates or Alternates.

Section 9. Each District in Caucus not more than twenty days prior to the convening of the Department Convention shall elect one delegate and one alternate delegate to the National Convention, this delegate and alternate delegate is to represent the first thousand members of their respective District; there shall also be elected a delegate and alternate delegate for each succeeding thousand members. The five Department Delegates shall consist of the Department Commander, the Department Commander for the immediate prior year, the Department Adjutant, the Alternate National Executive Committeeman and the Department First Vice-Commander who hold office at the convening of the next succeeding National Convention. The alternates for these delegates shall be appointed by the Department Commander. Any additional delegates and alternate delegates are to be elected by the District with the highest percentage of their previous year's membership as of the day that determines the department convention membership strength for the District.

Section 10. Each District in Caucus not more than twenty days prior to the convening of the Department convention shall elect one representative to the Department Executive Committee for each unit of 500 members or major fraction thereof in the said District. The membership strength of said District for this purpose shall be computed as paid up membership in the Department Headquarters at the close of business on the 30th day prior to the convening of the Department Convention or as of July 1<sup>st</sup>, in each year, which ever date shall first occur. In the event any District shall have less than its first and only unit. of 500 members, it shall nevertheless be entitled to elect one representative to the Department Executive Committee. In the event that there are an equal number or more members representing the District, than there are counties or areas within that District, then there must be at least one representative from each County or Area elected to the Department Executive Committee, if the County or Area request such representative.

## ARTICLE VI

### Department OFFICERS

Section I (a). The Department Officers shall consist of the following:

- Department Commander
- Department First Vice-Commander
- Department Second Vice-Commander
- Department Third Vice-Commander
- Department Judge Advocate
- Department Adjutant
- Department Treasurer
- Department Historian
- Department Sergeant-at-Arms
- Department Chaplain
- One District Commander for each District, and such other officers as may be created by the Department Convention.

Section I (b). The National Officers of The American Legion, elected by and representing the Department of Maryland, Inc., shall consist of the following:

1. The National Executive Committeeman
2. The Alternate National Executive Committeeman

These National Officers shall be elected as prescribed in Article V, Section 4 (a) of this Constitution.

Section 2. All Department Officers, except the District Commanders, Department Adjutant, the Department Chaplain, and the Department Historian shall be elected by the Department Convention, and all Department Officers, except the Department Adjutant and the National Executive Committeeman and the Alternate National Executive Committeeman shall be elected for a term of one year. Should the Department Convention in creating any new offices neglect or fail to designate the terra of such office, then the term shall be for one year. In the event of death, resignation or removal of the National Executive Committeeman, the Alternate National Executive Committeeman shall immediately assume the position of National Executive Committeeman with full power to act for the unexpired term as if elected at the prior Department Convention. An election shall be held at the next regular meeting of the Department Executive Committee to fill the remaining term of the Alternate National Executive Committeeman who thus succeeds to the office of National Executive Committeeman.

Section 3. The District Commanders shall be elected by a majority of the delegates from the District they are to represent for a term of one year. Each District shall also elect a District First Vice-Commander who shall be second in command of the District and shall act in behalf of the District Commander at any time when requested by the District Commander. In the event of death, resignation, physical incapacitation or removal of the District Commander, the District First Vice Commander shall immediately assume the position of the District Commander, with full powers to act for the remainder of his/her term as if elected by the preceding District Election.

Section 4. All Department Officers whose terms are for one year shall serve from the adjournment of the Department Convention at which they were elected until the adjournment of the Department Convention next following their election or their appointment; or, applying to all officers, until their successors are duly chosen, except the term of office of each National Executive Committeeman and each Alternate National Executive Committeeman shall commence immediately upon the adjournment of the National Convention next ensuing their election, and shall end at the adjournment of the second next succeeding annual National Convention.

Section 5. The Department Adjutant shall be elected for a term of four years by the Department Executive Committee at the first meeting of the Department Executive Committee, after the adjournment of the Department Convention, and ~~he~~ may be removed from office by the Department Executive Committee.

Section 6. The Department Executive Committee upon nomination of The Department Commander at its first meeting following the adjournment of the Department Convention, shall appoint a Department Historian, an assistant Department Historian, Department Chaplain, and an Assistant Department Chaplain who shall serve for the period of one year from the time of their respective appointments until the close of the next ensuing Department Convention without a vote at the Department Convention and without vote as a member of the Department Executive Committee unless otherwise entitled.

ARTICLE VII  
Department Executive Committee

Section 1. Between Department Conventions the administrative power shall be vested in the Department Executive Committee, which shall constitute the Board of Directors of The American Legion, Department of Maryland, Inc., and shall be composed of the following members:

- Department Commander, who shall serve as Chairman
- All Department Vice-Commanders
- Department Judge Advocate
- Department Adjutant (without vote)
- Department Treasurer
- Department Historian (without vote)
- Department Sergeant-at-Arms
- Department Chaplain (without vote)
- All Department Executive Committee members (elected pursuant to Article V, Section 10)
- National Executive Committeeman
- Alternate National Executive Committeeman (without vote except in absence of National Executive Committeeman or otherwise entitled)
- All District Commanders
- All County/Area Commanders
- All Past Department Commanders (who are in good standing in their respective Posts.)

Section 2. The term of office of all members of the Department Executive Committee shall be for one year, except that of the National Executive Committeeman, and the Alternate National Executive Committeeman, which shall be for two years, and all Past Department Commanders, while in good standing in their respective Posts, shall be members for life. The term of each member who is elected or appointed to serve for one year shall commence immediately upon the adjournment of the Department Convention and shall end upon the adjournment of the next succeeding Department Convention, The term of the National Executive Committeeman and the Alternate National Executive Committeeman shall commence immediately upon the adjournment of the National Convention next ensuing after their election and shall end at the adjournment of the second next succeeding National Convention

Section 3. The Department Executive Committee, in the event that the Department Convention shall not fix a time and place for the succeeding Department Convention, shall fix the time and place and at least thirty days previous notice shall be given to each Post of such time and place selected by the Department Executive Committee.

Section 4. The insignia of Department Executive Committeeman shall be a white cap with the words "Executive Committee" embroidered in gold lettering on the right side of the cap.

ARTICLE VIII  
Posts

Section 1. Each Post shall have a minimum membership of fifteen. No Post shall be received into this Department until it shall have received a charter.

Section 2. Those who desire to form a Post shall make application for a charter to the District Commander of the District in which the Post will be located. The District Commander shall cause the application to be investigated either personally or through the appropriate County Commander, if there be such in the said District. The results of such investigation shall thereupon be reported to the District Council, whereupon the District Commander shall submit the application and the recommendation of the District Council thereon, to the Department Executive Committee through the Department Commander. Upon approval of the application by the Department Executive Committee, the Department Commander shall forward same to the National Commander and National Adjutant for the issuance of a charter. Post charters shall be countersigned by the Department Commander and the Department Adjutant.

Section 3. No Post shall be named after any living person. If a Post is to be named for a deceased person, written permission from next of kin for use of the name shall accompany the charter application.

Section 4. Each Post shall adopt a Constitution and By-Laws which shall not be inconsistent with the Constitution and By-Laws of the National Organization or of this Department. Any amendment to the Department Constitution and By-Laws which is inconsistent with any Article or Section of a Post Constitution and By-Laws, when adopted, shall automatically void and nullify such Article or Section of the Post Constitution and By-Laws.

Section 5. The officers of the Post shall include the following:

- Commander
- Vice Commander (one or more)
- Adjutant
- Finance Officer or Treasurer
- Historian
- Sergeant-at-Arms
- Chaplain

It shall be optional with the Post to combine the offices of Adjutant and Finance Officer.

Section 6. All Post Officers for the ensuing year shall be elected at least twenty days prior to the opening of the Department Convention and they shall assume their duties as such within twenty days after the closing date of the Department Convention.

Section 7. Each Post shall pay annually to The American Legion, Department of Maryland, Inc., such per capita tax as may be levied by The Department Convention, plus whatever per capita tax may be levied by the National Organization. Each Post shall determine the dues of its members, but whatever amount is chosen shall include the payments required to be made to the National Organization and this Department.

Section 8. Each Post shall pay annually to its District Council such District dues as may be established by the District and approved by the Department Executive Committee, and upon failure to do so, it shall forfeit its right to participate at the District Meetings and the District Caucuses.

## ARTICLE IX

### Finance

Section 1. The revenues of The American Legion, Department of Maryland, Inc., shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee. The fiscal year of this Department shall be from September 1st through the following August 31st. An annual audit of the Department's financial records shall be conducted by an independent accounting firm.

Section 2. The amount of such annual dues shall be determined by the Department Convention.

Section 3. The annual dues shall be collected by each Post and transmitted to the Department Adjutant within 30 days of receipt by the Post.

Section 4. Annual dues shall be payable on and after October twentieth of each year.

## ARTICLE X

### Discipline

Section 1. The Department Executive Committee after notice and a hearing may suspend the charter of a Post which violates this Constitution or By-Laws and it may provide for the government and administration of such Posts during such suspension.

Section 2. The Department Executive Committee shall designate, appoint and authorize a subcommittee to hear and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the charter of any Post after said Post shall have received due and proper notice of said hearing. Said subcommittee shall make its written findings and recommendations to the Department Executive Committee.

Section 3. The hearing of any cause involving the cancellation, suspension or revocation of any Post charter shall be had and held under rules of procedure to be adopted by the Department Executive Committee.

Section 4. The Department Executive Committee after notice and hearing may discipline any member of The American Legion, Department of Maryland, Inc., of its own motion and without regard to any other action which may be taken by the Post to which such member belongs, where it appears that such member at the time of the conduct in question, was an officer of The American Legion, Department of Maryland, Inc., as defined in this Constitution, or a member of its Executive Committee, or a delegate or alternate to a National Convention, or convention of this Department convened at the time of such conduct aforesaid, or an officer of any District, County, or Post in this Department and that as such the member was charged with knowledge of the programs of, and loyalty to, The American Legion nationally and the Department of Maryland, and that as such the member has been disloyal or neglectful of duty, or dishonest, or has conducted themselves in a manner unbecoming the position aforesaid which he / she holds or at the time of such conduct did hold in The American Legion. Disloyalty shall include embracing or adhering to the principles of any group opposed to the Constitutional form of Government of the United States of America, or of any group previously determined by The American Legion nationally, or by action of the Department of Maryland, Incorporated, to be in basic conflict with the purposes of The American Legion. Conduct unbecoming the incumbent of such

positions in The American Legion as are hereinabove set forth shall mean only such conduct as is premeditatedly and deliberately calculated to bring The American Legion or the Department of Maryland, Inc., or any official action of the conventions or Executive Committees thereof, or the national or department officers thereof, respectively, in their official incumbent capacity, into public disrepute, ridicule or calumny. Nothing herein shall be construed in any manner to prohibit any member of The American Legion from expressing their self freely and exhaustively in any debate at any Convention of The American Legion or at any official meeting of The American Legion, Department of Maryland, Inc., or its subordinate component bodies, nor from petitioning the National Executive Committee or the Executive Committee of any Department of The American Legion for the redress of any grievance or the consideration or reconsideration of any policy, and any act of such nature so undertaken shall not be deemed evidence of unbecoming conduct aforesaid, or of disloyalty.

Section 5. The Department Executive Committee shall designate, appoint and authorize a subcommittee to hear and make written findings of fact and recommendations with reference to the matter of disciplining any member of The American Legion, Department of Maryland, Inc., who fails in the category set out in the preceding section, after such member shall have received due and proper notice of such hearing. Said subcommittee shall make its written findings and recommendations to the Department Executive Committee. Any member who is the subject of possible disciplinary action shall be entitled to present their case before the Department Executive Committee as a whole and shall be so advised by the subcommittee.

Section 6. The Department Executive Committee shall adopt rules of procedure for the hearing of any cause involving the disciplining of a member by the Department Executive Committee, as set forth in Section 4 of this Article and is empowered hereby to provide for the suspension or expulsion of such member by a majority vote of said committee.

## ARTICLE XI

### Change of Residence

Section 1. Any member, in good standing in a Post, removing from this Department shall be entitled to a certificate stating current membership therein and the duration thereof.

## ARTICLE XII

### Parliamentary Procedure

Section 1. Robert's Rules of Order Newly Revised shall govern the procedure at the Department Convention, subject however, to any governing procedure submitted by the Rules Committee of the Department Convention and duly ratified by such Convention; provided however that no rule shall act to deprive any delegate of the right to cast their own vote as the delegate sees fit.

Section 2. All meetings of the Department Executive Committee and all meetings of the subordinate component bodies of The American Legion, Department of Maryland, Inc., shall be governed by the procedure in Robert's Rules of Order Newly Revised (unless otherwise provided. therefore by such body or bodies).

ARTICLE XIII  
Amendments

Section 1. This Constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the Department Adjutant to all Posts and members of the Department Executive Committee by mailing same to them at least thirty days prior to the convening of the next Department Convention, and provided further, it may be amended. by unanimous vote at any Department Convention without notice.

ARTICLE XIV  
Auxiliaries

Section 1. The American Legion, Department of Maryland, Inc., recognizes auxiliary organizations known as "American Legion Auxiliary " and "Sons of The American Legion".

Section 2. Membership in these organizations shall be as prescribed by The American Legion nationally.

Section 3. These organizations shall be governed in the Department of Maryland by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by The American Legion, Department of Maryland, Inc.

ARTICLE XV  
County / Area Commanders

Section 1. There shall be a County / Area Commander for each County / Area in the State of Maryland. They shall be elected in the annual District Caucus by the Delegates from Posts located in the County in which that Commander is to serve. To be eligible for such office, each County Commander, at the time of their election, shall be a member of a Post located in the County in which they are to serve. In the case of the Baltimore District, which comprises no county whatsoever, the District is hereby authorized to create three areas within the District and to elect an Area Commander for each area; and each of the said three Area Commanders shall be equivalent to, and have the same status, as the County Commander. The Baltimore District Caucus held in the District pursuant to Article V, Section 7, of this Constitution shall define the composition of the three areas comprising the Baltimore District. In the event there should be any vacancy in any office provided for herein by reason of death, resignation, removal, or failure of any candidate to stand for election, the District Commander shall fill such vacancy by appointment, so doing, such District Commander may select any member of The American Legion belonging to a Post located in such District regardless of whether such Post be located in the County/Area wherein such vacancy exists.

Section 2. The insignia of a County/Area Commander shall be as prescribed by the National Emblem Committee of The American Legion, and such change may be made in the wording thereof as is appropriate to designate the County Commander counterparts elected in the Baltimore District.

Section 3. Every person holding office pursuant to this Article shall, as a matter of right, be entitled to address the Department Executive Committee at any meeting thereof on any subject, provided the subject be in order.

Section 4. As of the 1983 Convention the Constitution Article VII, Section 1, gave County/Area Commanders the right to vote as members of the Department Executive Committee,

ARTICLE XVI

Effective Date

Section 1. This Constitution shall take effect upon the convening of the 1957 Department Convention and any caucuses held in connection therewith and at that time the provisions of all other Department Constitutions adopted prior to this Constitution shall be completely superseded hereby.

Section 2. Any amendment shall take effect immediately upon adjournment of the Department Convention at which it is approved, unless otherwise provided for in such amendment.

BY-LAWS  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF MARYLAND, INC.

ARTICLE I

Department Commander

Section 1. The executive power of the Department shall be vested in the Department Commander, who shall be responsible for the execution and implementation of all policies of the Department under the Constitution and as established by the Department Convention and the Department Executive Committee.

Section 2. The Commander shall preside at the Department Convention and at the meetings of the Department Executive committee.

Section 3. The Department Commander shall approve all vouchers before payment thereof is made by the Department Treasurer, except that in the absence of the Department Commander, the Department First Vice Commander may approve such vouchers when immediate approval is necessary.

Section 4. The Commander shall nominate all appointees to all Department Commissions and Committees unless otherwise provided in these By-Laws, and shall serve as an exofficio a member of each of same.

Section 5. The Department commander shall perform such other duties as are incident to this office.

ARTICLE II

Department Vice-Commanders

Section 1. The First Vice-Commander shall be second in command in the Department, and shall act in behalf of the Commander at any time when requested by the Commander.

Section 2. In the event of the death, resignation, or removal of the Department Commander, the First Vice-Commander shall immediately assume the position of Department Commander with full powers to act and for the period as if elected at the preceding Department Convention,

Section 3. The First Vice-Commander shall have as their primary mission the increasing and stabilizing of the membership of the Department, and shall serve as Chairman of the Membership Committee during their term of office.

Section 4. The First Vice-Commander shall perform such other duties as may be assigned ~~him~~ by the Commander, the Department Convention or the Department Executive Committee.

Section 5. The Second and Third Vice-Commanders shall have as their primary mission the inspection of subordinate bodies within the Department, and to this end shall inquire into the proper organizational functioning of District Councils, County Councils, and individual Posts of The American Legion in order to assist them in conducting their business and affairs in accordance with the policies of

The American Legion and sound business practices. These Vice-Commanders shall inquire into any irregularities reported to them and shall take such steps as may be necessary either to correct the irregularities or to recommend their correction to the Department Executive Committee. They shall assist the Department Commander whenever called upon and shall perform such other duties as may be assigned them by the Department Commander, the Department Convention or the Department Executive Committee.

### ARTICLE III

#### Judge Advocate

Section 1. The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters relating to The Department including the interpretation and construction of the Department Constitution and By-Laws; and shall perform such other duties as are incident to this office.

### ARTICLE IV

#### Department Treasurer

Section 1. The Department Treasurer shall be the custodian of all funds and securities of The American Legion, Department of Maryland, Inc., and shall faithfully keep a record of all receipts and disbursements. The Treasurer shall render a detailed statement of the assets and liabilities, receipts and expenditures of the Department at each meeting of the Department Executive Committee; prepare and submit an itemized account for incorporation in the annual report of the Department Executive Committee to the Department Convention; sign all checks issued by the Department and countersigned by the Department Commander, provided however, that in the absence of either the Department Treasurer or the Department Commander, said checks may be signed by the Department First Vice-Commander when immediate payment is necessary; be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average amount of funds handled in a single year, which amount is to be determined annually by the Department Executive Committee, and such bond to be approved by said Committee and the Department Judge Advocate.

### ARTICLE V

#### Department Adjutant

Section 1. The Department Adjutant shall keep a permanent record of all proceedings of the annual Department Convention and of all meetings of the Department Executive Committee. He /she shall, under the direction of the Department Commander, cause due notice to be given of the time and meeting place of such Conventions at all meetings of the Department Executive Committee, and be property bonded by a good and solvent bonding and surety company, as surety, to cover double the average amount of funds handled in a single year, which amount is to be determined annually by the Department Executive Committee, and such bond, shall be approved by said Committee and the Department Judge Advocate.

Section 2. The Department Adjutant shall keep a correct record of all Posts within the Department and shall obtain from each Post a complete record of all the personnel of such Posts; keep a record of the number of Posts within the

Department and their locations; assist in the organization of any new Posts and shall endeavor to increase the membership of the several Posts through publicity and such other means as may be deemed expedient; keep the books of the Department Headquarters, which shall contain a complete record of all financial transactions, and prepare all vouchers for the approval of the Department Commander for payment by the Department Treasurer, provided however, that in the absence of either the Department Treasurer or the Department Commander, checks may be signed by the Department First Vice-Commander when immediate payment is necessary.

Section 3. The Department Adjutant shall render to each member of the Department Executive Committee a report of his/her office at each meeting of said Committee.

Section 4. The Department Adjutant shall employ a Service Officer, Assistant Adjutant and such other assistants as may be approved by The Department Executive Committee, and be the medium of contact between National Headquarters, Department Headquarters and Posts in the Department of Maryland, and shall transmit to Posts such information as National Headquarters and/or Department Headquarters may suggest or request and the Assistant Adjutant shall perform such duties as may be assigned by the Department Adjutant, including attendance at Department Executive Committee and other meetings as directed by the Department Adjutant or the Department Commander and in the absence of the Department Adjutant, the Department Assistant Adjutant's duties will temporarily include the normal duties assigned to the Department Adjutant, and the Assistant Adjutant shall also perform such other duties as are incident to this office.

Section 5. The Department Adjutant and other Headquarters personnel shall receive such salaries as may be fixed by the Department Executive Committee.

Section 6. The Department Adjutant shall perform such other duties as are incident to the office.

## ARTICLE VI

### Department Historian

Section 1. The duties of the Department Historian shall be to keep a complete history of The American Legion, Department of Maryland, Inc., during their term of office and prepare and submit an annual report to the Department Convention of such organization's progress during the preceding year.

## ARTICLE VII

### Department Sergeant-at-Arms

Section 1. The Sergeant-at-Arms shall preserve order and decorum during the sessions of the Department Convention and Department Executive Committee. He/she shall conduct absentees to the Convention Hall in the event their presence is necessary for a quorum.

Section 2. The Sergeant-at-Arms shall take charge of the Colors at all official functions of the Department.

Section 3. At each specific Department function the Sergeant-at-Arms shall determine the number of Assistants needed to properly carry out his duties, and shall appoint such assistants for that function only. A suitable armband or other detachable insignia shall be provided such assistants and shall be returned to the custody of the Sergeant-at-Arms when the Department function has ended. No permanent or yearly Assistants shall be appointed.

## ARTICLE VIII

### Department Chaplain

Section 1, The duties of the Department Chaplain shall be such as are usual in all matters connected with this office.

## ARTICLE IX

### District Commander

Section 1. The District Commander shall command their respective District and shall be responsible for the execution and implementation of the policy of this Department throughout the Commander's said District. They shall also be responsible for the execution and implementation of the policies of the District established by the District Council, The Commander shall regularly visit the County Council and Posts in the District.

Section 2. Each District Commander shall hold not less than four meetings with the District's County Commanders during the District Commander's term of office for the purpose of improving the administration of the affairs of the Department within the District. If the District has been organized into a District Council, the meeting of the District Council shall be sufficient to satisfy the requirements hereof.

Section 3. The District Commander shall provide, insofar as is practical, be present at least at one district wide meeting of the membership, at which time the Department Commander should be presented to the District.

Section 4. The District Commander shall issue proper written notice of the annual District Caucus, and shall preside at such Caucus.

Section 5. The District Commander shall report the status of the District to the Department Commander, the Department Executive Committee and the Department Convention when called upon, and shall perform such other duties as the foregoing may be assigned to him.

Section 6. The insignia of a District Commander shall be a cap as prescribed by the National Emblem Commission for District Commanders.

## ARTICLE X

### County / Area Commanders

Section 1. The County/Area Commander shall represent the Department of Maryland in the District's County/Area, and shall carry out all policies of The American Legion through appropriate County/Area Committees. The District Commander shall strive to strengthen and unify the work of The American Legion by promoting cooperation among the Posts in the District Commander's County/ Areas.

Section 2. It is recommended that County/Area Councils be organized, to meet at least every two months, and that their organization and function be formalized by a Constitution to be approved by the District Council or by the Department Executive Committee. Such constitution may provide for appropriate County/Area officers.

Section 3. The County/Area Commander shall regularly visit the Posts in their County and shall insure that each Post is in fact functioning as a Post of The American Legion. The County Commander shall instruct Post officers, where necessary, as to the practices followed and policies of, The American Legion, and shall conduct an annual inspection of the records of each Post with respect to the following:

1. Regularity of meetings.
2. Membership records and dues transmittals.
3. Minutes of meetings.
4. Records of the Post Treasurer or Finance Officer.
5. Location and amount of bank accounts and the manner in which the accounts are carried.
6. Value and location of real estate paid for by American Legion funds and/or titled in the name of the Post.
7. Production of the fidelity bond on officers shall be required, and the name of the insurance company, number of the policy, amount thereof, and last paid premium shall be noted.
8. Such other items shall be inquired into as will accurately portray the proper or improper function of the Post, or as may be directed by the Department Convention or the Department Executive Committee.

The County/Area Commander shall immediately following the annual County Commander's inspection of the aforesaid, forthwith forward a report of same to Department Headquarters. The Department Commander shall assign such report to the Second or Third Vice-Commander as deemed appropriate.

Section 4. The prerogative of installing Post Officers shall belong to the County/Area Commander, and the County Commander's consent shall first be obtained before any other person shall install in his place,

Section 5. The County/Area Commander shall perform such other duties as may be assigned or delegated to him/her by the Department Commander, District Commander, Department Executive Committee or Convention.

#### ARTICLE XI

##### Department Executive Committee

Section 1. Any vacancy in any Department office shall be filled by the Department Executive Committee unless otherwise provided for in this Constitution or By-Laws.

Section 2. The successor to any Department Executive Committee member or District Commander or District First Vice Commander assumes duties as in Article VI, Section 3, of the Department Constitution whose office is vacated for any reason shall be selected at a meeting of the District from whose representation such vacancy arose, such meeting to be called by the District Commander within 30 days after such vacancy shall have occurred and in the event the District Commander fails to call such a meeting, the Department Commander shall do so. In any event, where the vacancy is in the office of District Commander, the Department Commander shall convene such meeting in the time set forth above, and if for any reason such meeting should not be convened by the Department Commander, then a majority of the County Commanders shall call such meeting which then may lawfully proceed. At any such meeting each Post shall be represented by the same number of votes to which it was entitled when the vacant office was originally filled for the term in which the vacancy occurred.

Section 3. All questions affecting the election, eligibility and conduct of the Department Officers, the Department and National Executive Committeeman, shall be referred to and be determined by the Department Executive Committee which shall be the final authority thereon.

Section 4. It shall be the duty of the Department Executive Committee to pass upon all policies and all matters relating to the administration of his Department. It may at any time call upon any American Legion officer, agent or employee for a report or accounting of their activities and of American Legion property and funds in his custody, and may examine and audit all books of account, checks, papers, securities, deeds, leases, surety bonds, contracts, and vouchers relating to any of the same.

Section 5. Budget. And Finance

- a) The Department Commander shall appoint a nine (9) member Finance Commission with representation from each District as required for all rotating Commission by Article XI, Section 7, of these By-Laws to serve a term of three years, staggered. Of the nine members, there shall be three members appointed to a term of three years, three to a term of two years, and three to a term of one year; thereafter, each succeeding appointee shall serve a term of three years, unless removed by a majority vote of the Department Executive Committee. In addition to the nine regular members, the Department Treasurer shall be the Commission Chair, the Department Commander is ex-officio member of the Commission and the Department Adjutant is ex-officio Secretary but not a voting member of the Commission. The DEC, upon recommendation of the Department Commander, may also annually appoint up to three consultants to the Commission.;
- b) The Department Finance Commission is charged with responsibility to;
  - a. The supervision and coordination of foundations (and associated trust fund agreements) found to exist or which may be created by convention or DEC action the submission and granting awards and other reports to the DEC through the Commission;
  - b. Formulate, prepare, defend and submit the yearly Department budget plan to the DEC for approval and as warranted, submit updates and modifications to the budget for DEC approval;
  - c. Exercise oversight over the execution of the DEC approved budget
  - d. Develop and distribute period financial reports prior to each DEC meeting and the annual convention showing, as a minimum, the Department's income, expenses, and variance to the budget, by major program fund account;
  - e. Advise the DEC when any variance in a major program fund account exceeds plus or minus ten percent of the approved budget, with an explanation of recommended corrective action;
  - f. Develop and distribute to each commission chairperson an annual budget timeline to ensure that they are given ample opportunity to participate in the annual budget process;
- g. The preparation and distribution, prior to the second annual DEC meeting and other occasions when requested by the DEC, a balance sheet showing the Department's income, expenditures, and net worth, including the acquisition cost and depreciated value of assets (such as automobiles, communications equipment, computers, furniture, etc.) with a useful life expectancy of more than one year;

- h. Conduct periodic studies and analyses for presentation to an approval by the DEC for improving and modernizing the Department's uniform funds management and accountability system;
- i. Perform such other duties as shall, from time to time, be prescribed in writing and approved by the DEC.

Section 6. The Department Executive Committee shall appoint such Subcommittees as may be required by The Department constitution or as may be deemed necessary. It shall also appoint from among its members a Subcommittee on Fund Raising Activities which shall pass upon the propriety and advisability of specific activities and promotions by subordinate components in this Department.

Section 7. The following Commissions shall supervise all committees dealing in their appropriate work, shall develop and recommend policies and programs to the Department Executive Committee and shall strive for continuity and progressive improvement over a period of years.

- a. Americanism
- b. Children and Youth
- c. Finance Commission
- d. Internal Affairs
- e. (N/HS&FR) National/Homeland Security & Foreign Relations Commission
- f. Sons of The American Legion
- g. Veterans Affairs

The (N/HS&FR) Commission has the supervision and coordination responsibilities of;

- a) Blood Donor Committee
- b) Homeland Security and Civil Preparedness Committee
- c) National Security-Foreign Relations Committee
- d) Public Safety Committee
- e) R.O.T.C. Committee

The Department Executive Committee may create additional rotating Commissions by a two-thirds vote provided their composition and mode of appointment and rotation conform in all respects to all the provisions of this section.

Section 8. Standing Committees. The Department Executive Committee is empowered to designate such Standing Committees as it deems desirable for terms not in excess of three years, and shall appoint the members thereof upon nomination by the Department Commander so that on three year committees, one third of their term shall expire each year and on two year committees one half of their term shall expire each year. Upon creating standing committees, The Department Executive Committee shall designate the Rotating Commission (if any there be) which shall supervise said Committee.

Section 9. The Department Executive Committee shall provide for proper publicity for the purposes and work of the Department of Maryland and shall make such rules in respect thereto as will prevent unauthorized statements as to the policies of the Department.

Section 10. The Department Executive Committee shall meet for business sessions at least quarterly upon not fewer than ten (10) days notice, or upon call for special session upon not fewer than five (5) days notice by the Department Commander or one fifth of the Department Executive Committee except that the Department Commander may call a Department Executive Committee meeting at a Department Convention upon three (3) hours notice from the rostrum; and twenty members thereof shall constitute a quorum.

Section 11. The Department Commander shall appoint a Legislative Advisory Committee consisting of all Department Officers, all District Commanders and the members of the Legislative Committee: Whenever the Department Commander determines that a legislative emergency exists, said committee may in reference to pending legislation or voting position, deviate from the technical mandates of the Convention and/or the Department Executive Committee, and report said deviations to the next meeting of the Department Executive Committee.

## ARTICLE XII

### Charters

Section 1. The Department Executive Committee shall pass upon, accept or reject applications for Posts or mergers among the various Posts within the Department.

Section 2. Post Charters may be cancelled, suspended, or revoked as provided in Article X of the Department Constitution and in the National Constitution and By Laws. The Department Executive Committee may order the suspension of a charter for a period not to extend beyond the closing of the next succeeding Department Convention as a disciplinary measure or pending action relative to final revocation. The cancellation of a charter is a matter of business wholly, the request therefore being made through proper channels to the National Executive Committee for final action. Cancellation shall be in order where two or more Posts merge, where a Post voluntarily ceases to function, when the eligibility of any Post shall be found defective or under such other conditions as might make such action necessary within the Department.

Section 3. Any Post failing to meet the obligations imposed upon it by the National or Department Constitution and By-Laws or its own Constitution and By-Laws or ceasing to function for six months as an American Legion Post, or refusing to pay the per capita tax due the Department or National Headquarters shall upon order of the Department Commander, surrender its charter. Upon failure to surrender its charter, immediate steps may be taken for its revocation.

## ARTICLE XIII

### Discipline of Post Members

Section 1. Each Post has the power to discipline its own membership as such, subject to the restrictions of the National and Department Constitutions and By-Laws.

Section 2. Members may be suspended or expelled from The American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of The American Legion. All charges shall be made under oath, in writing, by the accuser or accusers, and no member in good standing shall lose their membership until given a fair trial by the Post in such manner and form as are provided herein.

Section 3. The charges shall be filed with the Post Commander or Adjutant, and a copy of the charges shall be served upon the accused either by an officer of the Post who shall certify as to delivery of said charges into the presence of the accused, or by registered mail directed to the address of the accused shown on the current year's membership record of the Post. The copy of the charges so served shall contain a notice to the accused of the date, time and place of the hearing of such charges, such date to be not sooner than 15 days after service has been obtained, A copy of all papers served upon the accused, and the certification of the officer who made the service, or the return receipt, signed by the accused,

reflecting the registered mail service, shall be preserved in the Post records for reference in the event of appeal. The accused shall be entitled to obtain representation at the hearing and to cross-examine all witnesses against him/her. Reasonable postponement should be accorded to permit the hearing to be held at such time as will best insure the production of all real evidence bearing on the charges provided, however, that the accused may insist upon the hearing within 30 days of the service of charges upon the charged member.

Section 4. Punishment. By a two-thirds majority of those present and voting, upon a finding of guilty a member may be reprimanded, or denied the use of facilities open to other Post members for a period not to exceed 2 years, or suspended for a time not to exceed one year, or expelled from The American Legion. Notice of suspension or expulsion of any member shall immediately be sent to the Department Adjutant. The decision of the Post shall be final unless changed by the Department Executive Committee.

Section 5. Appeal. Any member who has been so disciplined has the right to appeal to the Department Executive Committee, whose decision on appeal shall be final. Said appeal must be in writing and filed with the Department within thirty (30) days after the action appealed from is taken, provided however, if the punishment is suspension or expulsion from The American Legion, the accused may also appear personally before an Appeals Committee named by the Department Commander; which Committee shall report its findings and recommendations to the Department Executive Committee.

Section 6. When an appeal is taken, the Post shall be notified by Department and given at least twenty days within which to answer said appeal. When a request is made to appear before the Appeals Committee, the Post shall be given at least twenty days notice and afforded an opportunity to also appear.

Section 7. In order to maintain order and decorum within the Post facilities, nothing contained herein shall prohibit a Post, with or without a hearing, from suspending a member for the use of the Post facilities for a period not to exceed 90 days, provided however, that the member shall have the right to a hearing before the Post Executive Committee or the Post Membership if the member requests same in writing within ten (10) days after being advised of said suspension and said hearing shall be held within ten (10) days after the Post is so notified.

Section 8. A Post Officer, after being given 30 days notice of the intended action, may be removed from office for neglect of duty, or conduct unbecoming the office the member holds, by action of two-thirds of the membership of the Post present and voting at a regular meeting and no formal charges shall be necessary to initiate such removal. Provided, however, that such Post Officer shall be entitled to know the reasons for such action and upon his/her request to be heard at a regular meeting in his/her own defense either before or after the action shall have been taken; and if this defense is first heard after the action has been taken, the membership of the Post shall reconsider his/her removal from office.

#### ARTICLE XIV Monies and Collections

Section 1. All Department and Post Officials handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double an average amount of money handled in a single year. In case of delinquencies in the payment of amounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about a

speedy and complete settlement. The bond provided for Department Officials shall be approved by the Department Judge Advocate and the Department Executive Committee.

Section 2. The classifications of delinquency, suspension from all privileges and forfeiture of membership because of failure to pay dues and reinstatement therefrom, shall be as set forth in the National Constitution and By-Laws of The American Legion.

#### ARTICLE XV

##### Department Convention

Section 1. The Department of Maryland shall cause to be formed and maintained a Convention Corporation, whose assets and liabilities shall be separate and distinct from the Department. No officer of said Corporation shall be authorized or empowered to obligate the Department of Maryland or its treasury or assets in any respect. The Convention Corporation shall function under a charter approved annually by the Department Executive Committee.

Section 2. Standing Committees of each Department Convention shall be the following: Credentials, Convention Rules, Constitution and By-Laws, Resolutions, Finance, Press and Publicity, Americanism, Convention, Time and Place, Sons of The American Legion, and such other committees as the Department Convention or the Department Executive Committee may deem necessary. When there exists a corresponding Department Executive Committee Subcommittee, the Convention Committee shall consist of the same members, provided the members are registered delegates or alternates.

#### ARTICLE XVI

##### Rules

Section 1. The rules of procedures at the Department Convention and all meetings of the Department Executive Committee, District Councils, County Councils and Posts shall be those set forth in Roberts Rules of Order, Newly Revised, except as hereinbefore provided in this Constitution and By-Laws

#### ARTICLE XVII

##### Amendments

Section 1, These By-Laws may be amended in the same manner as prescribed in Article XIII of the Department Constitution.

#### ARTICLE XVIII

##### General Provisions

Section 1. All matters relating to the business of The American Legion, Department of Maryland, Inc., not covered specifically by these By-Laws shall be referred to the Department Executive Committee for determination and adjustment, which Committee shall have full power to act.