

**CHARTER**  
of  
**Germantown American Legion Post 250**

The undersigned, acting as the incorporator under the Tennessee Non-Profit Corporation Act, adopts the following charter for such corporation.

1. The Name of the corporation is Germantown American Legion Post 250.
2. The duration of the corporation is perpetual.
3. The street address and zip code of the corporation's initial registered office is \_\_\_\_ the Civil District of Shelby County, and shall and shall be:  
Post Office Box 382395  
Germantown, TN 38183-2395
4. The corporation's initial registered office is located in Shelby County, Tennessee.
5. The name of the corporation's initial registered agent at that office is:  
Ernest Daniel Stewart, Jr.
6. The name, address and zip code of the incorporator is:  
Ernest Daniel Stewart, Jr.  
8634 Wineleaf Cove  
Germantown, TN 38139
7. The street address and zip code of the principal office of the corporation is:  
Post Office Box 382395  
Germantown, TN 38133-2395
8. The corporation: is not for profit.
9. The corporation is a public benefit corporation.

10. (a) The purposes for which the corporation is organized are: 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 association in the great war: 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 right: 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.
- (b) This corporation accepts, and adheres to the By-Laws, and Constitution of the American Legion (National), and Department of Tennessee, American Legion, Constitution and By-Laws, adopted and amended by each Departmental and National (Annual) conventions. Those By-Laws and Constitutions of the Superior organizations are fully binding to this corporation as its Standard Procedures accordingly.
11. The Corporation will have members,
12. Upon the dissolutions or final liquidation of the corporation, the assets of the corporation shall be distributed in accordance with the provisions of T.C.A Sections 48-64-102, et. seq.

DATED THIS 28<sup>TH</sup> DAY OF FEBRUARY, 1992

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Ernest D. Stewart, Jr.  
Incorporator

## **Preamble to Constitution**

"For God and Country, we associated ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our association in the Great Wars and global conflicts in which we have become engaged; to inculcate a sense of individual obligation to the community, state and nation, to combat the autocracy of both the classes and 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 Germantown Post No. 250 of the American Legion, Department of Tennessee.

### **Article II-Object**

Section 1: The object and purpose of this Post shall be to promote the principles and policies set forth in the foregoing preamble, and the National and Departmental Constitution of the American Legion.

### **Article III-Nature**

Section 1: This post is a civilian organization and membership therein does not affect or in liability for military or police service.

Section 2: This organization shall be absolutely nonpolitical and non-sectarian, and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment. No candidate for, or incumbent of, a salaried elective office shall hold any office in this post of the American Legion, except as a member of the executive committee, and the declaration of candidacy for a public office by any person who is an officer of this Post of the American Legion operate automatically to vacate his office in this Post and same shall be filled as here provided.

Section 3: Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of the Post.

## **Article IV-Membership**

Section 1: (a) Any person shall be eligible for membership in Germantown Post No. 250 of the American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; December 26, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the Armed Forces of any Governments associated with the United States during any said period; provided, however, that said service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, 'that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service, or (b) who being in such service, was separated there from under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable status.

Section 2: There shall be no form or class of membership except active membership provided herein above, however, a life or permanent membership may be conferred upon any active member provided the cost of said life or permanent membership is not assessed against the post.

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

Section 4: An applicant for membership in this post who has been suspended from another post, in the American Legion for misconduct or misrepresentation, shall not be admitted in this Post until a thorough investigation has been made by the Post Executive Committee and with their recommendations.

Section 5: Any member of this Post may be expelled for cause by an entire vote of the Executive Committee. Any person before being expelled shall be given a reasonable notice in writing of such offenses of which he is accused and of the date and place of the Executive Committee hearing. He shall be entitled to appear in his own behalf and may be represented by any member or members of this Post at a hearing.

Section 6: A member who has been expelled from this Post for any cause may be reinstated to membership by a two-thirds vote of the Executive Committee; provided, however, that he shall make payment of any arrears in his dues at the time of expulsion.

## **Article V-Officers**

**Section 1:** The administrative of this Post of the American Legion shall, except as otherwise provided by the by-laws, be under the supervision of an Executive Committee which shall consist of seven (7) members in addition to the elected officers of the Post. The term of office for members of the Executive Committee shall be for one (1) year. This Post, by its by-laws, may provide for such other standing committees as the business of the organization may require.

**Section 2:** The officers of the Post shall be a Commander; a Vice Commander; Adjutant; a Finance Officer; and a Sergeant-at-Arms. The Post Commander, with the approval of the Executive Committee shall appoint a Post Historian, a Post Chaplain and a Post Judge Advocate for the duration of the Post Commander's term of office.

**Section 3:** Every member of this Post, "in good standing shall be eligible to hold office in this Post unless otherwise provided herein.

**Section 4:** The duties of officers and executive committeemen shall be those usually appertaining to such offices and as further provided in the by-laws

## **Article VI-Finance**

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

**Section 2:** The amount of such membership fees and the amount of such annual Post dues shall be fixed and determined by the Post.

**Section 3:** The Post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the Post.

**Section 4:** All checks must be signed by the Post Financial Officer and one of the following the Post Commander or the Post Adjutant

## **Article VII-Amendments**

**Section 1:** This constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of Tennessee, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

**Section 2:** This constitution may be amended at any regular Post meeting, by a vote of two-thirds of the members of said Post attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post.

# POST BY-LAWS

## Article I

Section 1: The Post existing under these by-laws is to be known as Germantown Post No, 250, of The American Legion, Department of Tennessee.

## Article II-Management

Section 1: The government and management of the Post is entrusted to an Executive Committee of 12 members, to be known as the Executive Committee.

Section 2: The Executive Committee shall consist of 7 members in addition to the officers of the post to be elected annually, at a date to be mutually acceptable to the membership. All elections of officers may be by voice vote.

Section 3: The nomination for post officers shall be made as follows:

(1) The post commander with the approval of the executive committee shall select and appoint one nominating committee of five (5) members from the post who are in good standing. Said appointments to be made at the first business meeting of the post in March of each year.

(2) It shall be the duty of each nominating committee to meet as speedily as possible and designate different members, each in good standing for officers as follows:

- one Post Commander
- one Post Vice-Commander
- one Post Adjutant
- seven Executive Committeemen
- one Finance Officer
- one Sergeant-at-Arms

It is further provided, however, that upon petition of fifteen (15) members in good standing asking that the name of any member be placed on the ballot as a candidate for any office, and said petition being presented to the Commander, he shall cause said name of such candidate to be placed thereon with the names of the other candidates; provided said petition shall be presented at least five (5) days before the designated date of the annual election.

Section 4: All vacancies existing in the executive committee, or in any office of the post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from this post's meeting or executive committee for a period considered detrimental to the interest of the post by the executive committee.

### **Article III-Post Executive Committee**

Section 1: The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commanander. Thereafter, the Post Executive Committee shall meet at the call of the Commander and as often as said Commander may deem it necessary.

Section 2: The commander with the approval of the executive committee shall hire such employees as may be necessary and he, with the approval of said committee, may discharge or remove any employee. The post executive committee shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds; and generally shall have charge of and be responsible for the management of the affairs of this post.

Section 3: 50% plus 1 member shall constitute a quorum

### **Article IV-Duties of Officers**

Section 1: Duties of the Post Commander - It shall be the duty of the Post Commander to preside at all meetings of the post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the post.

Section 2: Duties of the Vice Commander - The Vice-Commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by, the post Commander. He shall likewise, perform such ministerial and other duties as they are assigned by the post commander and approved by the executive committee.

Section 3: Duties of Post Adjutant - The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings; keep such records as the department and national organizations may require; render reports of membership annually or when called upon at a meeting, and under direction of the commander, handle all correspondence of the post.

Section 4: Duties of the Finance Officer - The finance officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks. He shall report once a month to the membership at each monthly meeting. He shall sign all checks disbursing the moneys of the post.

Section 5: Duties of Sergeant-at-Arms - The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the commander or post executive committee.

### **Article V-Delegates**

Section 1: Delegates and alternates to a convention shall be selected by the post commander at least 20 days prior to the date of such convention.

## **Article VI-Appointments**

**Section 1:** The post commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion and Visiting or VAVS. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the post commander.

**Section 2:** Americanism Committee, The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propoganda by education of the general public in American ideals through public forums, etc, and activities for community and civic betterment.

**Section 3:** Ceremonials Committee. The principle duty of the Ceremonials Committee is to insure that all new members are properly initiated. The committee must also concern itself with proper presentation of other rituals outlined in the Manual of Ceremonies-burial detail and the wearing of Legion regalia.

**Section 4:** Children and youth Committees. Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child".

**Section 5:** Economic Committee. The Post Economic Committee is primarily concerned with local employment programs, Veterans preference, government employment and reemployment rights.

**Section 6:** Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all post funds.

**Section 7:** Foreign Relations. This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

**Section 8:** Graves Registration and Memorial Committee. The duties of this committee involve recording of grave sites and complete information on veteran's burial in cemeteries assigned to the post. Special assistance can be given the service officer in providing flags, headstones or proper interment in national cemeteries.

Section 9: House and Entertainment Committee. The House and Entertainment quarters, promotion of club advantages and arrangement for social activities.

Section 10: Legislative Committee. The Legislative Committee needs to have knowledge of what is going on in Congress-what we favor or oppose, and should be ready to initiate action in support of our position when requested by the national or department organization.

Section 11: Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the post, including the procuring of new members, reinstatements and eligibility of members.

Section 12: Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, department and national Legion news service and by local publicity of post programs and activities.

Section 13: Veteran's Affairs and Rehabilitation Committee. The Veteran's Affairs and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 14: Security Committee. The Security Committee shall work with and coordinate Legion efforts with the Local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 15: Sons of The American Legion Committee. This committee shall have supervision over the operations of the post's squadron of the Sons of The American Legion.

Section 16: Visiting or VAVS Committee. This committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.

## **Article VII-Resolutions**

Section 1: All resolutions of state or national scope presented to this post by a member or reported to this post by a committee shall merely embody the opinion of this post on the subject and copy of same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

## **Article VIII-Meetings**

Section 1: The regular meeting of the post shall be held at the Pickering Center on the second Thursday of the month, at which may be transacted such business as may properly be brought up for action; such meeting may be converted into entertainment meetings, as may be deemed advisable by the officer's of the post.

Section 2: The post commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.

Section 3: Upon the written request of 10 members, the committee shall call a special meeting of the post.

Section 4: eleven (11) members shall constitute a quorum.

## **Article IX-Notices**

Section 1: Every member shall furnish the post adjutant with his or her address for mailing purposes.

Section 2: The post adjutant shall cause notice of the annual election, to be given at least two weeks prior thereto.

## **Article X-Rules of Order**

Section 1: All proceedings of this post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

## **Article XI-Limitations of Liabilities**

Section 1: These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting: Provided That the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post.

## **DELINQUENCY, RESIGNATION and TRANSFER**

### **DELINQUENCY**

1. Legion membership is annual, the Legion year being from January 1 to December 31. Dues are payable October 20 in advance.
2. If dues are not paid by January 1 of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless a member with no privilege except that of reinstatement by vote of the post and payment of dues; and dues not being paid, such membership continues for a period of five months, to June 30, at which time the member is dropped from the roll by constitutional mandate and the membership forfeited.

### **RESIGNATION**

1. A member may resign from his post at any time while his dues are paid and can thereafter join another post as a new member, in which event the continuity of his Legion membership is broken, and upon resignation the post is not required to rebate any part or portion of the member's dues.

### **TRANSFER**

1. The only method of transferring from one post to another so that the continuity of the membership in the Legion is not broken is by formal transfer, which is available only to members in good standing.
2. A member of a post may not move his membership to another post and retain continuous membership without the formality of a transfer. Being a member of more than one post at one time is a violation of the Constitution.
3. The right to transfer does not carry the right to be accepted by any post.
4. On transfer there shall be no transfer of funds derived from dues, etc. The accepting post shall recognize the fact of dues having been paid to the post from which the transfer is effected and shall make no charge therefore, excepting only if the dues of the post accepting the member are in excess of those from which the transfer is sought; then the accepting post may collect from the transferring member the excess dues pro-rated from the date of the acceptance to the end of the current year.
5. In all instances where a member of The American Legion during a current year transfers from one post to another after payment of his current year's dues, the transferring post shall retain said dues and shall have credit for such membership during the remainder of such year for which said dues were collected, but said transferred member shall be entitled to all of the benefits and assume all of the responsibilities of membership in the post to which transfer is made, after such transfer is affected.