



DEPARTMENT OF TENNESSEE
CHEATHAM COUNTY, Inc. POST 40

CONSTITUTION AND BYLAWS
AMENDED SEPTEMBER 19, 2025

CONSTITUTION
of Cheatham County, Inc. Post 40

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all 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

Section 1. The name of this organization shall be Cheatham County, Inc. Post 40, The American Legion, Department of Tennessee.

ARTICLE II

OBJECTS

Section 1. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

ARTICLE III

NATURE

Section 1. This Post is a civilian organization, and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be 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.

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

ARTICLE IV

MEMBERSHIP

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

Section 2. 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 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same. As prescribed in the Department Constitution.

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V

OFFICERS

Section 1. The administrative affairs of this Post of The American Legion Shall, except as may be otherwise provided by the Bylaws, be under the supervision of an Executive Committee which shall consist of 4 members in addition to the officers of the Post. The term of office for members of the Executive Committee shall be one year. This Post, by its Bylaws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a commander**, an adjutant**, post service officer**, a vice-commander, a finance officer, a post historian, a post chaplain, and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee members shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to affect such removal. If the Post Commander

is removed for inefficiency, resignation, or no longer able to serve due to health or death; the first vice commander will assume the position of Commander until the next scheduled election; furthermore, the second vice will assume the first vice's duties. Other positions will remain until the next election.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committees and as further provided in the Bylaws.

*** Mandatory Post Officer positions as prescribed in the Department Constitution.*

ARTICLE VI

FINANCE

Section 1. The revenue of this Post shall be derived from membership or initiation fees, 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 or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department headquarters the National and Department annual membership dues for every member of the Post.

ARTICLE VII

CHARTER MEMBERS

Section 1. Members who joined this Post prior to November 11, 1919, or members who joined this Post prior to the issuance of charter shall be known as Charter Members.

ARTICLE VIII

AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of the Cheatham County, Inc. Post 40, The American Legion.

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

ARTICLE IX

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 conflicts 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 vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.