

# CONSTITUTION AND BY-LAWS

In the name of the Beneficent GOD of all, we, who have honorably served, or are now serving our country in the United States Marine Corps for the common good of this nation, and all the nations and peoples in this world, and in order that fundamental rights and freedoms of every person may be preserved, to foster interest in the affairs of the United States Marine Corps, to protect and advance the welfare of wounded or disabled Marines and their dependents, and for the further purposes as set forth hereinafter, do solemnly and firmly associate ourselves together in a non-profit corporation known as the "SMOKY MOUNTAIN DETACHMENT, MARINE CORPS LEAGUE INCORPORATED" and do ordain and establish this constitution.

10. 10 - The name of this association shall be the "SMOKY MOUNTAIN DETACHMENT of the MARINE CORPS LEAGUE."

10.20 POLICY - The SMOKY MOUNTAIN DETACHMENT (known hereafter as the detachment) of the Marine Corps League shall never take part in any labor or management dispute or issue, and it shall ever be non-sectarian, non-political and non-partisan, nor shall it be used as a medium of political ambition or preferment. Preferment by reason of present or former military rank or by reason of former or present civilian position shall not be countenanced.

10.30 ELIGIBILITY - Only persons who are serving or who have served honorably in the United States Marine Corps for not less than ninety (90) days and persons who are serving or who have served in the Marine Corps Reserve and have earned not less than ninety (90) Reserve Retirement Credit Points shall be eligible for regular membership in the Smoky Mountain Detachment, Marine Corps League. Associate and Honorary membership is authorized in accordance with the provisions of Article 6, National By-Laws of the Marine Corps League.

20. 10 POWERS - The supreme legislative power of this detachment is vested in the members of the detachment and the officers duly elected by the members of the detachment.

20.20 VOTE - The majority vote in the detachment meeting will carry any measure or decide any issue.

20.40 RULES - The National By-Laws of the Marine Corps League, the By-Laws of the Department of North Carolina, these By-Laws and the latest edition of Robert's Revised Rules of Order shall govern the procedure of the detachment meetings.

20.60 ELECTIVE OFFICERS - The Officers to be elected by the detachment shall be the Commandant, Senior Vice Commandant, Junior Vice Commandant and the Judge Advocate. Election will be held annually in April - May at a regularly scheduled meeting and installation of officers will be held as soon as practicable as and not later than 30 days after the election. The elected officers of the detachment shall also be its board of trustees.

20.70 APPOINTED OFFICERS - The Commandant of the detachment shall appoint the following Officers: Adjutant/Paymaster, Sergeant-at-Arms, Chaplain and such other officers as he deems necessary to carry out the detachment programs.

20.80 DETACHMENT STAFF - The Detachment Staff shall be constituted of the elected officers and the immediate past Detachment Commandant.

20.90 VACANCY IN DETACHMENT OFFICES - In the event of a vacancy in one of the detachment offices, by death, transfer or failure to attend three consecutive meetings of the detachment, the Commandant is authorized to appoint a successor to serve until the next regular election of officers is held and at which time the vacancy will be filled at such election. The appointment will stand only upon approval of the detachment at a regularly scheduled meeting.

30.10 CONDUCT OF BUSINESS - The detachment officers may transact detachment business by mail, telephone or by other means between regular meetings.

30.20 DETACHMENT MEETINGS - Detachment meetings will normally be held on the first Tuesday of each month at a place designated by the Commandant. Special Staff meetings may be held at the discretion of the Commandant but matters effecting the detachment must be reported to the membership at the next regularly held meeting.

30.30 QUORUM - A minimum of two elected officers and ten additional members in good standing who are notified of a meeting and who are present at such meeting shall constitute a quorum. All business conducted thereat shall be considered legal and binding. No member of the detachment shall vote by proxy.

30.40 FINANCES - The Adjutant/Paymaster is directly responsible and accountable for all financial transactions necessary for the operation of the detachment. Funds collected in the performance of his duties will be deposited in a timely manner in the financial institution designated by the detachment. All disbursements will be countersigned by the Commandant or the officer designated to sign in his absence. Appropriate accounting records will be maintained with all disbursements supported by appropriate documentation. These records will be audited not less than annually as required by Para 80.10 herein. Disbursement of detachment funds is authorized under the following circumstances:

- A. Any disbursements directed by a majority vote of the membership at a regularly scheduled meeting.
- B. Payment of Department and National dues to include life members.
- C. Procurement of supplies, postal expenses and copy service necessary for the operation of his office.
- D. For the convenience of the membership, the paymaster will procure and maintain a limited stock of uniform items and accessories for sale at cost. Items not carried in his stock will be ordered for the member. When the cost for items special ordered exceeds \$15.00, he may at his discretion require advance payment
- E. In the case of deceased members, floral display or donation to designated charitable organization, not to exceed \$50.00.
- F. When special circumstances require the disbursement of funds between meetings, the paymaster must obtain the approval of the Commandant and one other elected officer.

Monthly, at the regularly scheduled meeting, the paymaster will report to the detachment in writing a comprehensive report on all funds in his custody and a record of all funds received and expended. On 1 July of each year, he will submit an annual report on all transactions transpiring in the preceding fiscal year.

30.50 CONDUCT OF MEMBERS AT MEETINGS - Members shall maintain proper decorum during the meeting. No alcoholic beverage shall be consumed during the meeting. All members shall respect the rights of the others and refrain from speaking when another Marine has the floor. Members may stand when speaking.

30.60 CUSTODY OF DETACHMENT PROPERTY - The Commandant is responsible for all funds and other property of the detachment. Custody of funds will be delegated to the Adjutant/Paymaster and custody of other property will be as the Commandant deems appropriate.

30.70 STANDING COMMITTEES - The Detachment Commandant shall have the power to appoint, by and with the approval of the membership, such standing committees as he may deem necessary to properly carry out the work of the detachment.

30.80 COMMANDANT - It shall be the duty of the Commandant to preside at all meetings, to observe and enforce the observance of the provisions of the constitution and by-laws, to make and promulgate such orders as may be necessary for the proper administration of the affairs of the detachment, to countersign checks for disbursements made by the detachment and to perform such other duties as provided for in the constitution and by-laws of this detachment He shall be prepared to surrender all books, records and other property of the detachment for which (he office is charged to the duly elected and qualified successor.

30.90 SENIOR VICE-COMMANDANT - It shall be the duty of the Senior Vice-Commandant to be Chairman of the membership committee. He shall perform such duties as may be assigned to him by the Detachment Commandant, and in the event a vacancy occurs in the office of the Commandant, be prepared to assume that position. He may also have the authority to countersign checks. He shall be prepared to surrender all books, records and other property of the detachment with which the office is charged to the duly elected successor.

40.10 JUNIOR VICE-COMMANDANT - It shall be the duty of the Junior Vice-Commandant to assist the Senior Vice-Commandant in procuring members and to direct preparation for all social entertainment as chairman of the Entertainment Committee. He shall be prepared to surrender all books, records and other property of the detachment with which the office is charged to the duly elected successor.

40.20 ADJUTANT - It shall be the duty of the Adjutant to keep proper and necessary records of all business of the detachment. He shall keep minutes of the meetings and perform such duties as are usually assigned to a recording secretary. He shall be prepared to surrender all books, records and other property of the detachment with which the office is charged, to the duly appointed successor.

40.30 PAYMASTER - It shall be the duty of the Paymaster to hold all monies and securities of the detachment, to disburse monies which have been approved by the detachment, to keep a correct record of all financial transactions, to deposit all monies and securities in the

Financial institution designated by the detachment and in the name of the detachment to countersign all checks of the detachment. He shall be guided in the performance of his duties by close adherence to the preceding paragraph 30.40 FINANCES of the Constitution and By-Laws of the Smoky Mountain Detachment. He shall be prepared to surrender all books, records and other property of the detachment with which the office is charged to the duly appointed and qualified successor.

40.40 JUDGE ADVOCATE - It shall be the duty of the Judge Advocate to act as legal counsel for the detachment and to render opinions on all questions of law that may arise concerning any of the By-Laws of the detachment He shall be prepared to surrender all books, records and other property of the detachment with which the office is charged to the duly elected and qualified successor.

40.50 CHAPLAIN - It shall be the duty of the Chaplain to perform such duties of a spiritual nature as are customarily performed by members of the clergy and as are required by the rituals of the National By-Laws.

40.60 SERGEANT-at-ARMS - The Sergeant-at-Arms shall preserve order and perform such other duties as directed by the Commandant and required by the rituals of the National By-Laws.

40.70 HISTORIAN - It shall be the duty of the detachment Historian to maintain a record of the detachment achievement and history. He shall be prepared to surrender all photographs, papers and documents with which the position is charged to the duly appointed successor.

50. 10 DUES - The detachment shall set the cost of its annual dues at a regular meeting prior to the beginning of a fiscal year. If no increase is voted upon, they will remain the same as the previous year. Dues will be paid to the Paymaster.

50.20 LIFE MEMBERS - Dues of life members shall be in accordance with the provisions of Article 6 of the National By-Laws.

60. 10 DELINQUENT MEMBERS - A member of the detachment shall be considered delinquent if he fails to comply with the provisions as outlined in Article 6 of the National By-Laws.

60.20 CHARTER MEMBERS - Those who signed the Detachment Charter shall be considered Charter members.

70. 1 0 FUND RAISING - All funds raised by this detachment must be utilized for the good of the detachment as a whole or for non-profit organizations with no one individual profiting there from. Further, funds raised for a specific charity or cause must be deposited for that account and remain in that account until expended.

70. 10 AUDIT - Audit of the detachment funds may be conducted at any time when so directed by the Commandant or when the membership believes that an audit would be in the best interests of the detachment. An audit committee will be appointed by the Detachment Commandant from the membership at large but exclusive of the detachment elected Officers. An audit will be conducted annually in the month prior to installation of the new officers.

80.20 FISCAL YEAR - For accounting purposes only, the fiscal year of the detachment shall begin on the first day of July each year.

90.10 AMENDMENTS - These By-Laws, or any provision therein, may be revised, repealed, or amended by a majority vote of the members present at a regularly scheduled meeting of the detachment, provided the proposed revision, repeal or amendment is not in violation of the DEPARTMENT or NATIONAL BY-LAWS.

WE CERTIFY that these By-Laws were approved by the SMOKY MOUNTAIN DETACHMENT in meeting July 29'  
at Franklin, North Carolina and amended in meeting on July 29 1997.

APPROVED: [Signature] DATE 8/14/97  
DEPARTMENT JUDGE ADVOCATE

APPROVED: [Signature] DATE 7/31/97  
DEPARTMENT OF NORTH CAROLINA  
DETACHMENT JUDGE ADVOCATE  
SMOKY MOUNTAIN DETACHMENT #973