

BY-LAWS
HOWLIN'MAD SMITH DETACHMENT #592
BIRMINGHAM, ALABAMA
MARINE CORPS LEAGUE

ARTICLE I – NAME

In accordance with the National By-Laws Articles Four and Seven, and the By-Laws of the Department of Alabama Marine Corps League, the name of this corporation shall be The Howlin' Mad Smith Detachment #592, Marine Corps League which is incorporated in the State of Alabama as a non-profit corporation. It is a subsidiary organization of the nationally chartered Marine Corps League and a member of the Department of Alabama, Marine Corps League.

ARTICLE II – POWERS

In accordance with the Section 505 of Administrative Procedures, Marine Corps League: “Whatever power is vested in the National Organization, shall in corresponding circumstances, be vested in the Department and the Detachment.”

ARTICLE III – RESOLVE

The Howlin' Mad Smith Detachment By-Laws shall conform to all National and Department of Alabama bylaws, regulations, policies and administrative procedures. National and Department by-laws shall take precedence in the event of any conflict.

The Howlin' Mad Smith Detachment is formed for non-profit purposes, and members do not derive any profit or financial benefit from the assets or property of the Detachment. In the event the Detachment is dissolved any remaining assets shall be distributed to the Department of Alabama Marine Corps League.

ARTICLE IV – PURPOSE

The purposes of the Detachment shall be:

1. To preserve the traditions and promote the interests of the United States Marine Corps;
2. To band those who are serving in the Unites States Marine Corps and those who have been honorably discharged together in fellowship, that they may effectively promote the ideals of American freedom and democracy;
3. To fit its members for duties of citizenship, and to encourage them to serve as ably as citizens as they have served the nation under arms;
4. To hold sacred the history and memory of the men who have given their lives to the nation;
5. To foster love for the principles which they have supported by blood and valor since the founding of the Republic;
6. To maintain true alliance to American institutions;

7. To create a bond of comradeship between those in the service and those who have returned to civilian life;
8. To aid voluntarily and to render assistance to all Marines and former Marines, as well as to the spouses, orphans and parents;
9. To perpetuate the history of the United States Marine Corps, and by fitting acts to observe the anniversaries of historical occasions of particular interest to Marines.

ARTICLE V – MEMBERSHIP

- A. **MEMBERSHIP** If otherwise qualified no person shall be denied membership on the basis of race, religion, sex, creed or national origin. Applications for membership in the Howlin' Mad Smith Detachment shall be accepted and processed in accordance with the provisions contained in the National By-Laws and Administrative Procedures.
1. **Regular Member** Regular membership is available to anyone who is serving, or has served honorably in the United States Marine Corps for not less than ninety (90) days or has served in the United States Marine Corps Reserve and has earned no less than ninety (90) reserve retirement credit points. U.S. Navy corpsmen who have trained with Marine FMF units in excess of ninety (90) days and earned the Marine Corps Device worn on the Service Ribbon, and those who have earned the Warfare Device authorized for FMF corpsmen who are also eligible for regular membership. Any person who meets certain other criteria established in the National by-laws shall also be considered eligible for regular membership in the Detachment.
 2. **Associate Member** Those persons not qualified for regular membership who espouse the principles and purposes of the Marine Corps League may upon application be considered for membership in the Howlin' Mad Smith Detachment, Marine Corps League. Associate members shall have all rights, privileges and benefits of a regular member, except that an associate member may not vote or hold elective office in the Detachment. However, an associate member may hold a non-elective position if appointed by the Detachment Commandant and approved by the Board of Trustees.
 3. **Life Member** Any member in good standing may apply for Life Membership status. Life membership dues are established by Marine Corps League National Headquarters.
 4. **Honorary Member** The Commandant may award honorary membership to a person under certain conditions set forth in the National By-Laws and Administrative Procedures.
- B. **DUES** The Detachment Board of Trustees shall set the amount of the annual membership dues.
- C. **DELINQUENT MEMBER** A member is identified as delinquent if required dues are not paid on or before the expiration date on the membership card. Such member shall be retained in the delinquent status for a maximum of one year, during which time the member may erase the delinquent status by payment of all dues in arrears and current dues, provided the member is not indebted to the Detachment, Department or National Headquarters. After one year in a delinquent status the member

shall be dropped from the rolls. The member-in-good-standing status can then be restored only through the processing of a new member application form.

ARTICLE VI – OFFICERS

- A. **ELECTED OFFICERS** The Commandant, Senior Vice Commandant, Junior Vice Commandant and Judge Advocate shall be elected by the membership in accordance with National and Detachment by-laws. Elected officers must be regular members in good standing.
- B. **APPOINTED OFFICERS** The Adjutant, Paymaster, Chaplain, Sergeant-at-Arms and any other officers that may be needed to fulfill Detachment needs shall be appointed by the Commandant, with the approval of the Board of Trustees. Appointed officers may be regular members or associate members in good standing. The Commandant, with the approval of the Board of Trustees, may appoint one person to serve as both Adjutant and Paymaster.
- C. **BOARD OF TRUSTEES** The overall responsibility for policy direction of the Detachment rests with the Board of Trustees. The Commandant, Senior Vice Commandant, Junior Vice Commandant, Judge Advocate and Junior Past Commandant shall constitute the Board of Trustees.
- D. **RESPONSIBILITIES OF THE COMMANDANT**
1. Chief Executive Officer of the Detachment.
 2. Provide Leadership to the Detachment.
 3. Formulate and develop programs for the Detachment.
 4. Act as primary public relations representative and promoter of the Detachment.
 5. Preside at membership meetings, officer's meetings and Board of Trustee meetings.
 6. Appoint committees to carry of Detachment business.
 7. Ensure the financial health and integrity of the Detachment.
 8. Ensure compliance with National, Department and Detachment by-laws and policies.
- E. **REPNOSIBILITIES OF THE SENIOR VICE COMMANDANT**
1. As second in command, assist and support the Commandant.
 2. Preside in the absence of the Commandant.
 3. Assist and support Detachment officers and committee chairpersons in meeting their objectives.
 4. Assimilate Detachment reports on operations, finances and project results for presentation to other officers and members.

5. Maintain an inventory of Detachment physical property.
6. Prepare to succeed the Commandant at the end of his term if that is desired and if it is the will of the membership.

F. **RESPONSIBILITIES OF THE JUNIOR VICE COMMANDANT**

1. Chairperson of Membership Recruiting and Retention Program.
2. Maintain a current list of members and potential members in coordination with the Adjutant. The list should have mailing addresses, telephone numbers and email addresses if available.
3. Take charge of welcoming and introducing new members and prospects, and ensure that they are made to feel welcome at Detachment meetings and activities.
4. Preside over or work on committees as designated by the Commandant, particularly those that impact membership participation and programs.
5. Initiate programs and activities to support the needs of the membership.
6. Preside in the absence of the Commandant and Senior Vice Commandant.

G. **RESPONSIBILITIES OF THE JUDGE ADVOCATE**

1. Become thoroughly familiar with the Marine Corps League National By-Laws and Administrative Procedures, as well as Department and Detachment by-laws.
2. Advise Detachment on by-laws and legal matters.
3. Assure that the Detachment abides by National, Department and Detachment by-laws.
4. Render opinions on procedures during meeting.

It should be noted that opinions offered by the Detachment Judge Advocate are but opinions. While they are offered by an officer who is presumed to know the correct answers, those opinions are subject to ratification by the Commandant and, on occasion, the Board of Trustees.

H. **RESPONSIBILITIES OF THE JUNIOR PAST COMMANDANT**

1. Provide continuity from one administration of Detachment officers to the next.
2. Provide council, guidance and assistance to the new Commandant and other Detachment officers.
3. Serve as a member of the Board of Trustees.

I. **RESPONSIBILITIES OF THE ADJUTANT**

1. Keep accurate minutes of meetings.
2. Prepare, transcribe and maintain minutes in the permanent records of the Detachment.
3. Assure that resolutions are maintained as corporate records.
4. Prepare correspondence, bulletins and communications for the Detachment.
5. Maintain Detachment records.
6. Give Adjutant's report at Detachment meetings.

J. RESPONSIBILITIES OF THE PAYMASTER

1. Receive deposits, issue checks and maintain Detachment financial records.
2. Prepare and forward Dues Transmittal Forms in accordance with the National Administrative Procedures Manual.
3. Surrender financial records for audit, as required.
4. Give Paymaster's report at Detachment meetings.
5. Prepare, with the assistance of the Finance Committee, the annual budget.

K. RESPONSIBILITIES OF THE CHAPLAIN

1. Perform duties of a spiritual nature.
2. Provide comfort and assistance to Detachment members, their families and other Marines during times of distress, illness or death.
3. Provide invocation, benediction and other services as part of Detachment rituals or at other ceremonies and activities, as required.
4. In the event of a member's death prepare and forward a "Notice of Death" form to National and Department in accordance with the National Administrative Manual.

L. RESPONSIBILITIES OF THE SERGEANT AT ARMS

1. Set up meeting room.
2. Greet members and guests. Direct prospective members to the Junior Vice Commandant.

3. Assure that persons present are authorized to attend the Marine Corps League business meeting.
4. Assure that the colors are properly posted and lead the “Pledge of Allegiance” at the appropriate time. Lead the assembly in a “Salute to the Colors” at the close of the meeting.
5. Maintain order at the meeting.
6. After the meeting assure that the meeting place is properly policed and returned to its normal arrangement, if required.
7. Abide by the rituals of office and respond to the Commandant’s instructions at the appropriate times.

M. **OTHER STAFF AND PROJECT OFFICERS** Other staff officers and project officers may be designated by the Commandant or Board of Trustees as needed.

ARTICLE VII – ELECTION OF OFFICERS

- A. **QUALIFICATIONS** Any regular member in good standing is eligible to vote, nominate, be nominated, or be elected as a Howlin’ Mad Smith Detachment officer.
- B. **DATE OF ELECTION** Elections shall be held each March on the date and at the time of the regularly scheduled monthly meeting. Advance notification of the election shall be provided to Detachment members by announcement at a prior meeting, though the newsletter or by other means of communication.
- C. **NOMINATING COMMITTEE** The Commandant shall appoint a Nominating Committee at the January meeting. The Nominating Committee shall select a slate of officers to present to the membership at the February meeting.
- D. **ELECTION PROCEDURES** At the time of the election the Commandant, acting as Chair of the assembly, shall accept nominations from the Nominating Committee, and shall accept additional nominations from the floor in accordance with Roberts Rules of Order Newly Revised. Nominations for Commandant, Senior Vice Commandant, Junior Vice Commandant and Judge Advocate shall be accepted in turn and voted on in that order. Votes shall be taken by show of hands, recorded by the Adjutant and verified by the Junior Vice Commandant.
- E. **INSTALLATION OF OFFICERS** Installation of newly elected and appointed officers shall be conducted no later than the last day of April following the March elections. Normally Installation will be conducted in conjunction with the regular Detachment meeting in March. An officer Installation Report shall be submitted in accordance with National By-Laws.
- F. **TERM OF OFFICE** Elected and appointed officers shall serve for a period of one year. At the completion of their term they may be re-elected or reappointed for an additional term. Elected officers are limited to two consecutive terms in the office they hold and may not hold the same office again until a period of one year has passed. However, they may hold other elected or appointed offices during that period.

ARTICLE VIII – RESIGNATION, DEATH OR REPLACEMENT OF AN OFFICER

- A. **ORDER OF SUCCESSION** The order of succession to the office of the Detachment Commandant shall be; first, Detachment Senior Vice Commandant and second, Detachment Junior Vice Commandant.
- B. **DETACHMENT COMMANDANT** Should the Commandant's position become vacant, the Senior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If not agreeable, the Junior Vice Commandant, if agreeable, will serve as the new Commandant for the remainder of the term. If neither one is agreeable, the Department Commandant will be responsible for finding a replacement Detachment Commandant with assistance from the rest of the Detachment Staff. If either the Senior Vice Commandant or Junior Vice Commandant serve as the replacement Commandant, they will be responsible for finding a replacement for their previous position with assistance and approval of the Detachment Board of Trustees.
- C. **DETACHMENT SENIOR VICE COMMANDANT** Should the Senior Vice Commandant position become vacant, the Junior Vice Commandant, if agreeable, will serve as the new Senior Vice Commandant for the remainder of the term. If not agreeable, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Detachment Board of Trustees.
- D. **DETACHMENT JUNIOR VICE COMMANDANT OR JUDGE ADVOCATE** Should the Junior Vice Commandant or Judge Advocate position become vacant, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Detachment Board of Trustees.
- E. **ANY OTHER DETACHMENT OFFICER** Should any other elected or appointed position become vacant, the Commandant will be responsible for finding and appointing a replacement for the vacancy, with assistance and approval of the Detachment Board of Trustees.
- F. **CAUSES FOR VACANCY** In addition to death, resignation, or incapacity, a vacancy will occur through: (1) failure to attend two consecutive, officially-called meetings of the Detachment Board of trustees or (2) removal from office by disciplinary action in accordance with the National Administrative Procedure.

ARTICLE IX – MEETINGS

- A. **MEMBERSHIP MEETINGS** Regular membership meetings will be held once per month at a location, date and time to be set by the Board of Trustees. The annual picnic and the December Christmas party will be considered as membership meetings. Those members in attendance shall be considered a quorum sufficient for the conduct of Detachment business and will conduct business in accordance with Robert's Rules of Order Newly Revised.
- B. **OFFICER MEETINGS** On the call of the Commandant, or in his absence the Senior Vice Commandant, Detachment officers (elected and appointed) will meet to develop plans and discuss Detachment programs. Officer meetings will be held as often as necessary, but not less than twice a

year. Five officers, one of which must be the Commandant or Senior Vice Commandant, shall constitute a quorum.

- C. **BOARD OF TRUSTEES MEETINGS** The Board of Trustees shall meet as necessary, but not less than two times per year. The Board may elect to meet in conjunction with an officers meeting in order to easily obtain information from appointed officers. However, only Board members shall vote on decisions taken by the Board of Trustees. Three members, one of which must be the Commandant or Senior Vice Commandant, shall constitute a quorum.
- D. **DEPARTMENT QUARTERLY MEEETING** At least one member of the Board of Trustees must attend Department quarterly meetings.

ARTICLE X – COMMITTEES

- A. **COMMITTEES** The Commandant and/or the Board of Trustees may appoint committees as deemed necessary or desirable.
- B. **STANDING COMMITTEES** The detachment shall maintain the following standing committees:
 - 1. **Finance Committee** The Finance Committee shall consist of the four most recent past commandants and the current commandant. This committee shall be responsible for reviewing expenditure requests that exceed \$100.00. The committee will present their recommendations to the membership for approval.
 - 2. **Scholarship Committee** The Scholarship Committee shall consist of three members appointed by the Board of Trustees. This committee shall oversee the Howlin' Mad Smith Scholarship Program. This committee must make an annual report to the membership at the June meeting. They must also submit any proposed changes to the scholarship amount to the Finance Committee and the membership for approval.

ARTICLE XI – FINANCES

- A. **FISCAL AND FINANCE** It is important that the fiscal and financial integrity of the Detachment be carefully guarded to inspire confidence among members and potential donors. The Howlin' Mad Smith Detachment is a non-profit organization as defined under 501 (c) 4 of the Internal Revenue Code, and financial compliance is essential to avoid legal complications and possible loss of non-profit status. The paymaster shall ensure that all IRS forms and reports are submitted within the required time frame.
 - 1. **Checking Account** Detachment funds shall be kept in a federally insured account. The Detachment Paymaster shall maintain the account, receive deposits, issue checks and maintain Detachment financial records. The Paymaster and the Commandant shall have signature authority on the checking account.
 - 2. **Reimbursements** The Paymaster may issue checks to reimburse officers and members for authorized expenses and purchases made on behalf of the Detachment upon presentation of valid receipts. Receipts shall be maintained in the Paymaster files. Upon being presented with a valid

receipt by the standing Commandant the detachment shall reimburse the Commandant for his lodging at the State Convention.

3. **Expenditure Limits** The Commandant may authorize expenditures not to exceed \$100 per event, not to exceed three events in any calendar month. Expenditures greater than \$100 must be approved by the Finance Committee and the Detachment membership. Funds collected for a specific purpose and identified as such shall be expended only for that purpose and are exempt from this limitation. Some examples are donations for a specific charitable cause, Birthday Ball funds and scholarship funds.
4. **Annual Budget** The paymaster shall work with the Finance Committee to develop an annual budget to be presented at the June meeting for approval by the membership. The budget year shall run from July 1st through June 30th. The approved budget shall serve as a guideline for detachment expenditures for the year.
5. **Audits** The Board of Trustees shall appoint an audit committee at the April meeting to conduct an annual audit of Detachment funds and property. The committee shall be composed of no less than three members. The committee shall report their findings to the membership at the June meeting.

ARTICLE XII – ADMINISTRATION

- A. **EFFECTIVE DATE** These by-laws become effective when approved by a majority of members present and voting at a regular or special meeting of the Detachment and upon approval by the Department of Alabama. When approved these by-laws supersede and replace all previous Howlin' Mad Smith Detachment by-laws.
- B. **AMENDMENTS** The by-laws may be amended or replaced in whole or in part at a regular or special meeting of the Detachment by a majority vote of the members in good standing present and voting. Advance notice of such action must be given at least 30 days prior to the meeting.
- C. **CLERICAL ERRORS** The Detachment Commandant shall have the authority to identify and, with the advice and consent of the Board of Trustees, correct errors which are deemed clerical in nature. The clerical error must be clearly evident to the Board of Trustees and the correction must not make any material change in the intent, form or function of the Bylaw in question.
- D. **ISSUES NOT COVERED** Any issues not covered by Howlin' Mad Smith Detachment by-laws shall be governed by National and Department by-laws.

Approved this _____ day of _____, 2020.

Brian Gierlatowicz
Commandant

Michael Ryan
Senior Vice Commandant

Philip Williams
Junior Vice Commandant

Mike Montabana
Judge Advocate

The Howlin' Mad Smith Detachment #592 By-Laws have been reviewed and are hereby approved this _____ day of _____, 2020.

Bill Reecer
Judge Advocate
Department of Alabama