**CONSTITUTION AND BY-LAWS**

**OF**

**THE AMERICAN LEGION**

**WESTLAND POST NO. 251**

**THE AMERICAN LEGION**

**DEPARTMENT OF MICHIGAN**

**PREAMBLE OF THE CONSTITUTION
OF THE
AMERICAN LEGION**

For God and Country, We associate ourselves together for the following purpose: 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 the 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 to 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 or comradeship by devotion to mutual helpfulness.

**CONSTITUTION**

# ARTICLE IName

**Section 1.** The name of this organization shall be Westland Post No. 251, The American Legion, Department of Michigan.

# ARTICLE IIObjects

**Section1.** The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble and National, and Departmental constitutions of the American Legion.

# ARTICLE IIINature

**Section 1.** This post is a Veteran non-profit organization and membership therein does not affect or increase liability for military or police service.

**Section 2.** This organization shall be absolutely non-political and non-sectarian, and shall not be used for the dissemination of partisan principles nor for the promotion of any person seeking office or preferment.

**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 IVMembership

**Section 1.** Eligibility to membership in this post shall be as prescribed by the national constitution of The American Legion.

**Section 2.** Any member of this post may be expelled by a two-thirds vote of the post membership present at a regular or special meeting of the post, after charges are preferred under oath in writing, and a fair trial. The accused shall be notified by certified or registered mail of said charges.

**Section 3.** An application for membership in this post who has been suspended from another post in The American Legion, for misconduct or misrepresentation, shall not be admitted into the post.

# ARTICLE VOfficers

**Section 1.** The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the by-laws, be under the supervision of an executive committee which shall consist of two members in addition to all elected officers, namely: Commander, Vice Commander, Adjutant; Finance Officer, the immediate past Commander; Historian, Chaplain, Service Officer, Sargent-at-Arms, and the Judge Advocate. The term of officers of the executive committee shall be for one year. This does not apply to the Post Commander who is elected for a two-year term. This post by its by-laws may provide for such other committees, as the business of the post requires.

**Section 2.** The officers of the Post shall be a Commander, a Vice Commander, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, Sargent-at-Arms, Judge Advocate, and a Service Officer, and such other officers as may be deemed necessary by this organization, who shall be nominated in section 3, article V of this constitution.

**Section 3.** The post commander may appoint a nominating committee consisting of three members at least 30 days prior to the date of the annual election of officers. It shall be the duty of this nominating committee to select and interview prospective candidates for the various office of this organization, including the annual department convention delegates and alternates to the 16th district association, with the view of securing the best possible talent and this committee shall present the names at the regular post meeting immediately preceding the meeting at which the annual election of officers is held. Any other candidates to oppose the selections of the nominating committee may be nominated from the floor at the meeting of the annual election, to be held the first meeting in May of each year.

**Section 4.** All officers and executive committee members shall be elected annually, except the Post commander who shall be elected to a two-year term, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or committee member may be removed for inefficiency by a two thirds vote of the post members present at a regular or special meeting of the post; provided however, that a written notice has been given to all members at least five days in advance of the date when such vote is taken.

Any officer missing three consecutive meetings shall be automatically referred to the membership for removal from office, unless the executive committee has specifically excused said officer for good sufficient reason.

**Section 5.** Every member of this post in good standing, shall be able to hold office in this post, unless otherwise provided here in. Any one wishing to hold office shall be eligible immediately.

**Section 6.** The duties of officers and the executive committee shall be those usually appertaining to such officers of committee members and as further provided in the by-laws.

# ARTICLE VIFinance

**Section1.** The revenue of this post shall be derived from membership or initiations 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 the post. All regular dues are due and payable on or before December 31st of each year.

**Section 3.** The post shall pay to department headquarters the national and departmental per capita dues for every paid-up member of the post.

# ARTICLE VIICharter members

**Section 1.** Members who joined this post prior to November 1, 1979 shall be known as charter members.

# ARTICLE VIIIAmerican Legion Auxiliary

**Section 1.** This post recognizes an auxiliary organization to beknown as the auxiliary unit of Westland post no. 251, the American Legion.

**Section 2.** Membership in the Auxiliary shall be as prescribed by the national constitution of the American Legion Auxiliary.

# ARTICLE XIAmendments

**Section 1.** This constitution is adopted subject to the provisions of the national constitution of The American Legion and of the department constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provision of this constitution to the extent of such conflict.

**Section 2.** This constitution may be amended at any regular post meeting vote of two-thirds of the members of said post attending such meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post. Providing further, that written notice shall have been given to all members at least five 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.

**Section 3.** Amendments are not approved and put into effect until approved by the Department of Michigan Judge Advocate.

**BY-LAWS**

# ARTICLE 1Name

**Section 1.** The post existing under these by-laws us to be known as Westland Post No.251, The American Legion Department of Michigan.

**Section 2.** The objects of this post are set forth in the constitution.

# ARTICLE IIManagement

**Section 1.** The government and management of the post is entrusted to an executive committee of eleven members to be known a “Executive Committee.”

**Section 2.** The executive committee shall consist of two members in addition to the following officers of the Post, namely: Commander, Vice Commander, Adjutant, Finance Officer, Chaplain, Historian, Sergeant-at-arms, Judge Advocate, immediate Past Post Commander, and Service Officer, and they, together with the other officers of the Post, shall be elected annually, except the Post Commander who is elected to a two year term, at a regular meeting held on a date in conformity to the provisions of department by-laws, being section 2-A, article IV, thereof, except that the immediate Past Commander upon retirement as Commander, shall automatically become member of said committee for years following his retirement, without any action or election on the part of the Post, and said executive committee members except that of the immediate Past Commander, shall be voted on, and the candidate, candidates receiving the highest number of votes shall be elected to the respective office, or offices, for which they are candidates.

**Section 3.** All vacancies, except Post Commander who shall be replaced by the Vice Commander, existing in the executive committee, or in any office of the Post from any source 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 of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from the post for a continuous period considered detrimental to the interest of the post by the executive committee.

# ARTICLE IIIPost 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 commander within ten days after installation of the new officers. There after the post executive committee shall meet at the call of the commander at least every month and as often as said commander may deem necessary. The commander shall call a meeting of the post executive committee upon joint written request of three or more members of the said post executive committee. Five members of the committee shall constitute a quorum.

# ARTICLE IVDuties of Officers

**Section 1.** Duties of Post Commander. It shall be the duty of the Post Commander to reside 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. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the post for the year and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately, forwarded to the department adjutant. He shall perform such other duties as directed by 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.

**Section 3.** Duties of the 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 the 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. He shall sign all checks and see that they are safely deposited in some local bank or banks and shall report once a month to the executive committee the condition of the finances of the post, which such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the post. He/She shall furnish such bond in such sum as shall be fixed and approved by the executive committee.

The Post Finance Officer shall pay all post obligations and make such necessary purchases not to exceed $100 without prior approval of the Post Quorum.

**Section 5.** Duties of the Post Historian. The Post Historian shall be charged with the individual records and incidents of the post and post members, and shall perform other duties as may properly pertain to the office as may be determined by the post commander or the executive committee.

**Section 6.** Duties of the Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but non-sectarian services in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as recommended by the national or department headquarters from time to time.

**Section 7.** Duties of the 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 post executive committee.

**Section 8.** Duties of the Post Service Officer. The duties of the Post Service Officer is to advise and assist veterans and other claimants in the preparation of VA forms and with developing and supporting evidence.

# ARTICLE VAppointments

**Section 1.** The post commander, immediately upon taking office each year, shall appoint the following standing committees: Membership, House, Legal Publicity, Service, Americanism, Entertainment, Welfare, and such further committees as he may deem necessary. Such standing committees and further committees shall consist of such members, and the chairman thereof as shall be designated by the post commander.

**Section 2.** Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the post, including the procuring of new members.

**Section 3.** House Committee. The House Committee shall have charge of all matters pertaining to the care of the post quarters promotion of club advantages and arrangements for social activities.

**Section 4.** Legal Committee. The Legal Committee shall be charged with legal supervision of post affairs and audit of post financial accounts and any other fund raising activity.

**Section 5.** Publicity Committee. The Publicity Committee shall be charged with the promotion of public support of the Legion’s programs by the establishment of proper contact with the American Legion monthly, department and national Legion News Service and by local publicity of post programs and activities.

**Section 6.** Service Committee. The Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

**Section 7.** Welfare Committee. The Welfare Committee is charged with the supervision of all welfare funds and welfare activities.

**Section 8**. Entertainment Committee. The Entertainment Committee shall be charged with the social activities of the post.

**Section 9.** Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements of proper observance of patriotic occasions; encouragement of patriotic and civic phases of instructions in schools; Americanism of aliens; combating anti-Americanism propaganda by education of the general public in American ideals through public forums, etc., and activities for the for the community and civic betterment.

# ARTICLE VIIResolutions

**Section 1.** All resolutions of state or national scope presented to the 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 the 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 VIIIMeeting

**Section 1.** All posts of the department must conduct, open and close their local meetings per the national “Manual of Ceremonies” and “Post Commander Guide.”

**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 written request of ten percent of the membership, the commander shall call a special meeting.

**Section 4.** Ten percent of the members shall constitute a quorum.

# ARTICLE IXNotices

**Section 1.** Every member shall furnish the post adjutant with his of her phone No. and address for mailing purposes.

**Section 2.** The post Adjutant shall cause notice of the annual election to be given at least five days prior thereto, specifying therein nominees selected by the nominating committee for the respective offices.

# ARTICLE XRules of Order

**Section 1.** Except as otherwise herein provided, Robert’s Rules of Order, Newly Revised, will govern all proceedings,

# ARTICLE XILimitations of Liabilities

**Section 1.** This post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, group of men/women, members of The American Legion, or other individuals, corporations, or organizations.

# ARTICLE X11Amendments

**Section 1.** These by-laws may be amended at any regular post meeting by a vote of two-thirds of said post attending such regular meeting; provided, the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post; and, provided, further that written notice shall have been given to all members at least five days in advance of the date when such amendment is to be voted upon, notifying said members that at such meetings a proposal to amend the by-laws is to be voted upon.

**Section 2.** Amendments are not approved and put into effect until approved by the Department of Michigan Judge Advocate.