



## **NORTH-EASTERN POST 459 THE AMERICAN LEGION**

658 Michigan Street, NE  
Grand Rapids, MI 49503

CONSTITUTION AND BY-LAWS  
Revised 2013

### **CONSTITUTION**

#### **ARTICLE I – NAME**

Sec. 1. The name of this organization shall be North-Eastern Post No. 459, The American Legion, Department of Michigan.

#### **ARTICLE II – OBJECTS**

Sec. 1. The objects and purposes of this post shall be to promote the principles and policies as set forth in the preamble and the national and departmental Constitutions of The American Legion.

Sec. 2. To do all things necessary and essential to carry on the activities, rehabilitation and welfare and social work of the post, including the establishment and operation of recreation rooms and club facilities for the use and comfort of the members and Auxiliary and other veterans. To assist worthy comrades, to perpetuate the memory and history of our dead, and to assist their widows and orphans, and to maintain true allegiance to the Government of the United States of America. To take by gift or devise and to purchase, sell, transfer, mortgage and lease or rent real and personal property and to do all things necessary and essential thereto.

#### **ARTICLE III – NATURE**

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

Sec. 2. This organization shall be absolutely non political 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 nomination or election to, or no incumbent of, any remunerative elective public office, shall hold any elective office or any appointive remunerative office in this post of The American Legion, provided that members of post standing committees shall not be affected.

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

#### **ARTICLE IV – MEMBERSHIP**

Sec. 1. Eligibility to membership in this post shall be prescribed by the national Constitution of The American Legion.

Sec. 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.

Sec. 3. All applications for new 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 5 or more members cast their votes against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

Sec. 4. Any member of this post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred in writing, and a fair trial had upon the same, subject to membership approval.

Sec. 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.

Sec. 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, he may then appeal to the state Executive Committee of the department of the expelling post to apply for membership in this post, and shall be ineligible for membership until such permission is granted.

## ARTICLE V – OFFICERS

Sec. 1. The Administrative affairs 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 3 members in addition to the elected and appointed officers of the post. The immediate past post commander shall be a member of the Executive Committee. This post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Sec. 2. The officers of this post shall be: Commander, Sr. Vice Commander, **Jr. Vice Commander**, Adjutant, Finance Officer, Historian, Chaplain, Sergeant-at-arms, Judge Advocate, Service Officer, and such other officers as may be deemed necessary by this organization.

Sec. 3. All officers except for those appointed by the commander (as provided in Article VI, Sec. 1, By-Laws) and executive committeemen shall be elected annually. All officers shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee; a two-thirds vote of said committee and approval of membership being necessary to effect such removal.

Sec. 4. Every member of this post in good standing shall be eligible to hold office in this post, except as otherwise provided in Sec. 2, Article III hereof.

Sec. 5. The duties of officers and the executive committeemen shall be those usually appertaining to such offices or committeemen and as further provided in the By-Laws.

## ARTICLE VI – FINANCE

Sec. 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 provided by the post Executive Committee or at a regular membership meeting.

Sec. 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.

Sec. 3. The post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the post.

## ARTICLE VII – CHARTER MEMBERS

Sec. 1. Members who joined this post prior to the issuance of the charter shall be known as charter members.

## ARTICLE VIII – AMERICAN LEGION AUXILIARY

Sec. 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of North-Eastern Post No. 459, The American Legion.

## ARTICLE IX – SONS OF THE AMERICAN LEGION

Sec. 1. This post recognizes a Sons of the American Legion (S.A.L.) Squadron to be known as Squadron #459, North-Eastern American Legion.

## ARTICLE X – AMENDMENTS

Sec. 1. This constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the department Constitution of Michigan, The American Legion. Any amendment to said national Constitution or department Constitution which is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Sec. 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, provided that 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 3 days in advance of the date when such amendment is to be voted upon, notifying said members that at such a meeting a proposal to amend the Constitution is to be voted upon.

## BY-LAWS – ARTICLE I

Sec. 1. The Post existing under these By-Laws is to be known as North-Eastern Post No. 459, The American Legion, Department of Michigan.

Sec. 2. The objects of this post are as set forth in the Constitution.

## ARTICLE II – MANAGEMENT

Sec. 1. The government and management of the post is entrusted to the "Post Executive Committee" except that the management of the club room itself shall be entrusted to the elected Board of Control, and that the management of the real estate property shall be under the management of the "Building Committee." The Board of Control and the Building Committee shall report monthly to the membership or to the "Executive Committee" if there is no regular monthly post meeting.

Sec. 2. The Executive Committee shall consist of (3) members in addition to the officers and shall be elected annually at the April meeting forty-five (45) days prior to the Department Convention and shall take office at the time of installation. The election of officers shall be by ballot, except when there is only one candidate. The candidate or candidates receiving the highest number of plurality votes shall be elected to the respective office or offices for which they are candidates. Nomination of officers, delegates, executive committeemen and board of control members shall be held at the March meeting and prior to election. Nominations shall be verbal and the members nominated shall be considered nominees. The member being nominated shall be asked if he desires to accept the nomination. If he declines he shall not be considered a nominee. If absent, the nominee shall give his acceptance in writing or in person at the election meeting in order to qualify.

All North-Eastern post #459, American Legion members must show a current paid up membership card in the American Legion in order to be eligible to vote at the election meeting, and all ballots will be retained until the elected candidates are installed.

**PLURALITY** In a two-party contest, the majority; in a three-party election the greatest number of votes for one ticket, the margin of one vote over another.

Sec. 3. All vacancies existing in the Executive Committee, Board of Control, Building Committee, or in any office in 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 Executive Committee, and a person so appointed shall hold office until the next regular election. A vacancy shall exist when a committee member or officer is absent from this post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

## ARTICLE III – POST EXECUTIVE COMMITTEE

Sec. 1. The Executive Committee shall meet for organization and such other business as may come before it at the call of the post Commander within 10 days after the installation of the new officers. The Executive Committee shall

also meet whenever the post does not hold a monthly meeting. There after the post Executive Committee shall meet at the call of the Commander or as often as said Commander may deem necessary.

The Commander shall call a meeting of the post Executive Committee upon the joint written request of three or more members of said post Executive Committee. 7 members of the Committee shall constitute a quorum thereof.

Sec. 2. The Executive Committee shall hire such employees as may be necessary (except for Board of Control club employees and Building Committee employees); shall authorize and approve all expenditure (except for club and building expenditure); shall require adequate bonds from all persons having custody of post funds; shall hear the reports of post committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of this post.

Expenditures approved or authorized by the Executive Committee shall be those of a necessary or emergency nature, or because a regular post meeting is not scheduled in time to take care of the needed expenditure. The Executive Committee shall take into consideration the budget and financial position of the post before authorizing any expenditure. It shall be the duty of the Executive Committee to establish a budget for the coming year. Awards and citations shall be considered or approved by the Executive Committee.

## ARTICLE IV – DUTIES OF OFFICERS

Sec. 1. 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 as 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.** He shall perform such other duties as directed by the post. The post Commander shall be an ex-officio member of all committees.

Sec. 2. Sr. 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 also be the Membership Chairman, and assist the post Commander whenever possible. He shall be responsible for the execution of all American Legion programs by all committees; and shall preside at post meetings when standing committee reports are given. He shall assist in planning social programs.

**Sec. 2-B. Jr. Vice Commanders shall assume and discharge the duties of the office of Commander and Sr. Vice Commander in the absence or disability of both the Commander and Sr. Vice Commander or when called upon by the Commander.**

**The Jr. Vice Commander shall be director of the commissions. Jr. Vice Commander shall call for these committee reports at the regular post meeting.**

**Sec. 2-C. The Commissions shall be as follows:**

### **National Security**

**American Legion Boys State**

**Americanism**

**Children & Youth**

**Economic**

**Education & Scholarship**

**Poppy**

**Legislative**

**Boy Scouts**

**Ritual Activities**

**Public Relations**

**Post Newspaper**

**Sons of The American Legion**

**V.A.V.S. / V.H.V.S.**

**Blood, Eye & Vital Organs**

**Resolution and By-Laws**

**Veterans Employment**

**Community Service**

**Jr. Vice Commander shall assist with the social affairs to be held at the post each year.**

Sec. 3. 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, and under the direction of the Commander handle all correspondence of the post. **He/she** shall also keep all mailing lists up to date.

Sec. 4. Finance Officer: Shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month at a regular post meeting on the condition of the finances of the post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the post. He shall sign all checks disbursing the moneys of the post. He shall furnish such surety bonds in such sum as shall be fixed by the post Executive Committee, the cost of such surety bond to be paid by the post. In the

event that it is necessary to have special bank accounts for special events or for affiliated or sponsored programs these bank accounts shall be opened only with the permission of the Finance Officer and the post Commander. In the event the post Finance Officer is not to have charge of disbursing any of these funds, the Finance Officer and post Commander shall designate the person or persons having jurisdiction over these funds.

Sec. 4-B. Audit of Accounts. The post fund account and the building fund account shall be audited annually by a committee of three appointed by the post Commander. The accounts shall be audited within 30 days following the annual election, and the audit report made at the next post meeting. The club account shall be audited in the same manner except that it shall be audited when the annual and yearly report is available in January. Persons auditing the accounts shall sign them and the chairman of the auditing committee shall read the report at the post meeting. Sponsored or affiliated groups will make an annual audit in the same manner.

All fund raising events and accounts shall be audited immediately following the event and a report made at the next meeting, and in keeping with section 4-B above. An auditing form approved by the membership shall be used for the purpose of entering figures and signatures. Any person having charge of funds shall be presented a copy of this form by the post Commander or Finance Officer prior to the event for the purpose of studying the conditions of the form. No moneys shall be removed from the post home except for deposit or purchasing requirements.

Sec. 5. Historian: Shall be charged with the individual records and incidents of the post and post members and shall perform such other duties as may properly pertain to the office as may be determined by the post or the Executive Committee.

Sec. 6. Chaplain: Shall be charged with the spiritual welfare of the post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time. He shall appoint an assistant post Chaplain. The post Chaplain shall visit the sick members.

Sec. 7. 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. He may appoint an assistant Sergeant-at-arms.

## ARTICLE V – DELEGATES

Sec. 1. Delegates to a department convention shall be elected by ballot at the regular election meeting. Alternate delegates shall be appointed by the in-coming post Commander. The in-coming Commander and the immediate past post Commander shall automatically be delegates. The in-coming Commander shall be the Chairman of the delegation.

## ARTICLE VI – APPOINTMENTS

**Sec. 1. The post Commander, immediately upon taking office shall appoint a post Adjutant, post Judge Advocate, Service Officer, post Historian and he or she shall also appoint the following standing committees: Aging and Handicapped, American Legion Boys' State, Americanism, Children and Youth, Economic, Education and Scholarship, Legislative, Ritual Activities, National Security, Public Relations, Post Newspaper, Sons of The American Legion, V.A.V.S. / V.H.V.S., Blood, Eye and Vital Organs, Boy Scouts, Resolution and By-Laws, Veterans Employment, and Community Service, and such other committees that the post from time to time find desirable. The Chairman shall be the Jr. Vice Commander with approval from the Commander.**

Sec. 2. The Executive Committee shall, at its first meeting after the installation of new officers, appoint the members to the Building Committee and may act upon the recommendation of the Commander. The Chairman shall be designated by the Commander.

**Sec. 2-B. The Building Committee shall be composed of 5 members from the Legion or the SAL Sons of the American Legion.** Their appointments shall be staggered for one 3-year, one 2-year, and three 1 year members. The incoming Executive Committee shall appoint one 3-year and two 1 year members to the committee. This with the holdovers will make five.

The Building Committee shall have general supervision of all post real estate and it shall keep a careful check of all properties and inventories, make sure all real estate is insured and kept in proper order, except for those that are the responsibility of the Board of Control. The Building Committee shall report to the members at the regular post meeting and shall report to the Executive Committee if the post does not have a regular post meeting scheduled. All expenditures, except for Insurance, and Taxes of over five hundred dollars must have the approval of membership at a regular post meeting. **The term of office will be from the first of June until the end of the following May. The**

**Chairman of the Building Committee shall have the authority as the landlord of the rental property with approval of the Commander.**

When desirable in the interests of the post, the Building Committee, Board of Control and Executive Committee shall meet together in a joint venture to study or make recommendations in regards to the operation, real estate, or future of our post buildings. Such meetings may be called by the post Executive Committee or by order of the members at a post meeting.

Sec. 2-C. The Board of Control and elected body of seven members and a representative from the Sons of The American Legion and the Ladies Auxiliary shall have under its direction the post club room. The outgoing Commander shall be the President of this board and the in-coming Commander shall by virtue of his office be a member of this board. Other members shall be elected at the regular election, one for 3 years, and 2 for one year. The member with the most votes will be the 3 year member. It shall be the duty of this board to hire a club manager, approve of employees, see that they are property bonded, and that the club room has the proper insurance. Set up club rules and suspend from club privileges members who violate these rules after due hearing, hold monthly meetings and report monthly to the membership or to the Executive Committee if there is no regular post meeting. The board shall set wages of employees, hours of business, and establish prices. All expenditures, except for wages, insurance, and taxes of over three (3) hundred dollars must have the approval of membership, at a regular post meeting. The term of office runs from the 1st of May until the end of the following April. SALES PROMOTION shall be one of the most important tasks of this board. The Board of Control shall be directly interested in the general atmosphere prevailing in the post home and it shall be interested in the comfort and entertainment of the members and their guests. It shall also be the Board of Control's responsibility to see that the post club room is maintained in good condition.

Sec. 3. Membership Committee: Shall have charge of all matters pertaining to membership of the post, including the procurement of new members, reinstatements and eligibility of members. The Sr. Vice Commander shall be Chairman of this committee and shall organize membership teams, establish membership contests and seek membership workers.

A. Eligibility to membership in this post shall be prescribed by the national Constitution of the American Legion and any person shall be eligible for membership in 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 any of 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 22, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to 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 in the armed forces of any of the governments associated with the United States during any of said periods; provided, however, that such 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.

B. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the post Executive Committee. Initiation fee, if any, shall be set by the post Executive Committee and approved at a regular post meeting.

C.-1 Life Membership – The post shall have an honorary life membership that can be awarded to a post member who has given long and devoted service to the post, and has served in many offices and committees. The maximum number to be given out in one year cannot exceed one (1), with a limit of no more than 15 on the roster, in any given year.

C.-2. Life Membership – The post shall give life memberships to members that have been members of North-Eastern for forty (40) years, and who have attained the age of sixty-five (65), but at no time can there be more than seventeen (17) on the roster in any given year. The 17 members with the most years, 40 or more and over 65 years of age will be the ones selected. The membership shall establish additional rules for both types of life memberships as they see fit.

Sec. 4. Duties of other committees named in Article VI Section 1 and in Article IV, Section 2-C shall be those duties that normally apply for the good of The American Legion or as determined by the post or post Executive Committee. The Post Commander's Guide Book shall be used as a guide to determine the duties of the various committees.

## ARTICLE VII – RESOLUTIONS

Sec. 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

District or Department headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

## ARTICLE VIII – MEETINGS

Sec. 1. The regular meetings of this post shall be held at the post home on the last Wednesday of each month, at which time may be transacted such business as may properly be brought up for action. The July and August meetings may be suspended by a majority vote of the members, in which case the post Executive Committee shall meet in the best interest of the post.

Sec 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.

Sec. 3. Upon written request of seven (7) members, the Commander shall call a special meeting of the post.

Sec 4. Fifteen (15) members shall constitute a quorum at the post meetings.

## ARTICLE IX – NOTICES

Sec. 1. Every member shall furnish the post adjutant with his or her address and zip code for mailing purposes and the post adjutant shall cause notice of the annual election to be given at least two weeks prior to said election.

## ARTICLE X – RULES OF ORDER

Sec. 1. All proceedings of this post shall be conducted under and pursuant to the Roberts Rules of Order, except as herein otherwise specified. The post judge advocate shall serve as parliamentarian and in his absence the post commander may appoint a parliamentarian.

## ARTICLE XI – LIMITATIONS OF LIABILITIES

Sec. 1. This post shall incur, or cause to be incurred, no liability nor obligations which shall subject to liability any other post, subdivision, group of men, members of The American Legion, or other individuals, corporations or organizations.

## ARTICLE XII – AMENDMENTS

Sec. 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; and provided further, that written notice shall have been given to all members at least three (3) 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 By-Laws is to be voted upon.

Revised: 1967

Approved by: The Department Judge Advocate 1967

Revised: February 24, 1993

Approved by: The Department Judge Advocate July 6, 1993

Revised: November 23, 1993

Approved by: The Department Judge Advocate February 21, 1994

Revised: May 23, 2007

Approved by: The Department Judge Advocate

**Revised: March 2013**

**Approved by: The Department Judge Advocate**

## CONSTITUTION AND BY-LAWS COMMITTEE

**Gerald Dennis**

**Theresa Robinson**

**Brent Geers**