



# The American Legion Department of Michigan

## By-Laws Constitution

Revised at the 2019 Annual Convention  
Constitution revised at the 2019 Annual Convention

### Article I

#### Preamble

For God and Country, we associate ourselves together for the following purposes:

**Section 1:** The organization existing under these By-Laws of Article I shall be known as: The American Legion, Department of Michigan.

To foster and perpetuate a one hundred percent Americanism;

**Section 2:** The objects of this organization are as set forth in the Constitution;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and masses;

To make right the master of might; **ELIGIBILITY TO OFFICE**

To promote peace and good will on earth;

**Section 1:** Any paid dues member in good standing of a Post in the Department of Michigan may be elected to any office in the Department, except as otherwise provided herein.

**Section 2:** No person shall be eligible for any office in The American Legion, Department of Michigan, or any of the Posts thereof, nor if elected, shall such person continue to hold such office, unless within thirty (30) days after such election such person shall have furnished proper

**Section 1:** The name of this organization shall be: The American Legion, Department of Michigan, to the Department Adjutant, in the case of Departmental officers, District Commanders and Alternates, and to the Post Adjutant in the case of Post Officers. Department

and Post Commanders shall examine the evidence of eligibility of their respective Adjutants.

### Article II

#### NATURE

**Section 1:** The American Legion, Department of Michigan, is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank shall not exist in the Legion; no member shall be addressed by their military or naval title in any

**Section 4:** Except Department Executive Committee men, all officers of District Associations, county councils, City Councils and Posts in this Department shall be elected as provided by the

Constitution and By-Laws of each organization, respectively.

All questions affecting the election and eligibility of any of the above-named officers shall be

**Section 2:** The American Legion, Department of Michigan, shall be a non-profit corporation. The Department Executive Committee shall have the right to appeal to the Department Executive Committee any action taken by the Department Judge Advocate.

**Article III**

**DEPARTMENT EXECUTIVE COMMITTEE**

**Section 3:** Wherever, in this Constitution and By-Laws, reference is made to the words "him", "he", "his" and similar references; it shall be deemed to include as appropriate, "her", "she", "hers" and similar references, to the end that all distinction between the male and female genders, for purposes of this Constitution and By-Laws, shall be deemed eliminated. Gender Two (2) of these are dependent upon the time and location of the Department Convention. shall not be held as a qualification for office, and women may be elected or appointed to any office or position; and the use herein of the masculine pronoun shall be held to include the feminine.

**Section 1:** There shall be five (5) annual meetings of the Department Executive Committee. Two (2) of these are dependent upon the time and location of the Department Convention. shall not be held as a qualification for office, and women may be elected or appointed to any office or position; and the use herein of the masculine pronoun shall be held to include the feminine.

**Section 2:** The first (1<sup>st</sup>) meeting of the Department Executive Committee shall take place within forty-four (44) hours of the conclusion of the annual Department Convention.

**Section 3:** The second (2<sup>nd</sup>) annual meeting of the Department Executive Committee shall be held within forty-five (45) days, and no more than fifty-five (55) days, of the adjournment of the Department Annual Convention provided, however, that the Department Commander shall have authority to extend said forty-five (45) day period for sufficient reasons to the Commander appearing, upon approval of the Department Executive Committee.

**Article IV**

**MEMBERSHIP**

**Section 1:** The objects and purposes of this organization shall be to promote the principles and policies as set forth in the foregoing preamble, and the National Constitution of The American Legion. Officers or other topics.

**Section 5:** The fourth (4<sup>th</sup>) meeting of the Department Executive Committee, to be known as the Winter Meeting, is to be held within the first three (3) months of the year. Dates and locations of the third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) meetings will be determined one (1) year in advance by the Department Executive Committee when assembled in Fall Conference, upon the recommendations of the Permanent Time and Place Committee.

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

**Section 2:** There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

**Section 6:** The fifth (5<sup>th</sup>) and last meeting of the Department Executive Committee shall be known as the Pre-Convention Meeting, taking place at the site of and just prior to the next convention.

**Section 7:** In addition to the above regular meetings, special meetings shall convene upon application and in addition thereto, upon petition signed by a duly qualified officer of the Department Executive Committee, duly filed with the Department Adjutant, setting forth the reasons therefor.

**Section 8:** Each Post shall be the judge of the qualification of its members provided such members are eligible for membership in The American Legion, and each Post may set such other reasonable standards of qualification for membership as it may determine. Race, religion, sex, creed, or national origin shall not be a barrier to membership.

**Section 9:** The Commander may require members of the Department Executive Committee when, in the Commander's opinion, such action is necessary, to vote by mail or membership in another Post vote is implemented, each response must be forwarded to the Department Executive Committee for and denied by such Post, that person may then appeal to the Department Executive Committee for permission to appear in another Post and shall be ineligible for membership until such permission is granted.

committee objects in writing, the matter shall not be decided and will be considered as the first order of business at the next regular meeting or special meeting and the Chairman shall notify the United States government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of

The American Legion.

**Section 10:** A quorum shall exist at any meeting of the Department Executive Committee when a majority thereof shall be present, or shall have replied to letter, telegram and/or fax or such other electronic conveyance.

**Article V**

**GENERAL ORGANIZATION**

**Article IV**

**Section 1:** The American Legion ~~ADMINISTRATIVE COMMITTEE~~ is a constituent part of and subordinate to The American Legion, a Federal Corporation organized by Act of Congress. The

**Section 1:** The Commander, the Vice Commanders, the Finance Officer, with vote and the Judge Advocate, who shall be without vote, shall constitute the Administrative Committee.

**Section 2:** The Administrative Committee shall, upon emergency, possess and may exercise the authority of the Executive Committee between meetings of such committee.

**Section 3:** The Administrative Committee shall meet only upon call of the Department Commander, and its actions shall be reported to the Department Executive Committee at its first meeting thereafter.

**Section 4:** There shall be one regular annual Department Convention which shall be the executive, legislative, and judicial ~~DEPARTMENT OFFICERS~~ organization and there may be special conventions called as hereinafter provided.

**Section 1: Department Commander** shall be the chief executive officer of the Department and shall be empowered and directed to do such acts as may be necessary and proper to conduct

**Section 5:** Between Department Conventions all executive, legislative and judicial powers shall be vested in the Department Executive Committee and such subordinate units as are hereinafter described and the Department shall have such officers as hereinafter provided at all meetings of the Executive Committee and shall issue all necessary orders and may direct the Adjutant or any other Department officer, when necessary, to proceed to any place on

**Section 6:** Bylaws shall be adopted for the government and regulation of the Department American Legion business. The Commander shall appoint all standing committees, subject to the approval of the Executive Committee, except as otherwise provided. The Commander shall

**Section 7:** There shall be such conventions and standing committees as shall be provided in the Department Bylaws. The standing committees shall be appointed by the Department Commander and ratified by the Department Executive Committee. The Department Commander may also appoint such special committees and liaisons as may be deemed necessary or desirable subject to ratification by the Department Executive Committee.

The Commander shall not be eligible for more than one (1) term of office as Commander.

**Article VI**

**DEPARTMENT ORGANIZATION**

**Section 1: Past Commanders:** Each retiring Commander shall, upon the installation of his successor, be declared to be a Past Department Commander and shall be presented with a Past Department Commander's symbol. Each past Department Commander shall become a Sergeant at Arms succeeding Convention and shall have, if present, all the rights of a Delegate in the affairs of the Convention provided he remains a member in good standing in the

Department of Michigan and is not an employee of the Department of Michigan. If a Past  
**Section 2:** The Executive Committee of the Department shall consist of the officers of the Department Commander shall become an employee of the Department, he shall waive his Department, the immediate Past Department Commander and National Executive voting right as a Delegate and shall continue to waive his voting right so long as he remains an Committeeman, together with the Vice Commanders, District Commanders, as hereinafter employee. The vote of each Past Department Commander, except as stated above, shall be provided. The Department Commander shall serve as the Chairman of the Department announced with the vote of the District in which his Post is located. Executive Committee.

**Section 3: Department Vice Commanders** shall perform such duties as may be required of them by the Department Commander or the Department Executive Committee. For the Department Executive Committee. Department Veterans Affairs and Rehabilitation Director, Department Service Officers, the Department Membership Director and the Department Public "Zones." The Vice Commander representing each "Zone" shall represent the Department in the Relations Director. Districts comprising the "Zone" from which they were elected, and it shall be their duty to

**Section 4:** District Conventions within their "Zone" as otherwise possible, and to initiate constructive programs and policies for the furtherance of the interests of the Posts therein and immediately upon their installation they will elect one of their group as Chairman. The Vice Commander shall not be eligible for re-election for two (2) consecutive years. The Districts and Zones will be determined by the Department Executive Committee and published in the DFC Manual speaking on any motion or subject pending before the Committee but shall have no right to vote.

**Section 4: Department Adjutant** shall be the chief administrative officer of the Department. The Adjutant shall be the custodian of ~~Article VII~~ cause to be kept all official Department records. The Adjutant shall perform ~~POST ORGANIZATION~~ clerical acts necessary to conduct the business of the Department. The Adjutant shall receive all dues and monies from Posts, keep a

**Section 1:** The local shall establish the same as a Post while still in the Veterans League Department of Michigan and qualified persons banks as ordered by the Finance/Personnel Committee, with the approval of the Department Executive Committee. The Adjutant shall perform any other duties

**Section 2:** Any group of qualified Veterans desiring to form a Post shall apply for the proper application blanks to the District Commander of the District in which such proposed Post is to be located; said proposed Post shall then get the approval of said District at a regular meeting with the required quorum present. Upon District approval it shall then be the duty of the The Adjutant shall receive such salary as shall be fixed by the Finance/Personnel Committee, subject to the approval of the Department Executive Committee.

The Post Development Committee to examine the discharges of said applicants and to investigate their Charter and qualifications to determine their eligibility for membership. The Post Development Committee Chairman shall transmit to the Department Adjutant the completed application, certificate of eligibility, copy of the minutes of the District meeting giving its approval of said proposed Post, a written report of the Committee's investigations,

**Section 5: Department Finance Officer** shall be the apportioner of the funds to the Departmental of the Department Executive Committee. He shall be elected by the National Department Adjutant approval by the Chairman and only for temporary purposes shall be authorized. He shall keep a full and complete record of all transactions, including receipts and

**Section 3:** The Post will operate under such temporary charter with all privileges of a Post, but upon a probationary basis for a period of six months. Upon fulfillment of all of its Post and Department obligations and duties to the satisfaction of the Department Executive Committee

for a Finance Office Post shall Department, immediately upon election shall apply to the Department Finance Officer and shall be in force for a period of six (6) months, shall be the expiration of the period prescribed by the Finance/Personnel Committee. The Assistant Finance Officer shall not be a member of the Department Executive Committee or of the Department Finance/Personnel Committee, except

when delegated by the Finance Officer to represent him in attendance at meetings of these committees. The official financial records of the Department shall be kept at Department Headquarters.

**Section 5:** No Post shall be named after any living person.

**Section 6: Department Judge Advocate** shall advise the officers of the Department upon all legal matters of the Department of Michigan, including interpretation of the Department's Constitution and By-Laws. Each Post shall perform such other duties as may be required of him by the provisions of National and Department Constitution and By-Laws. Each Post may be restricted in number of members by the Department Executive Committee, State Executive Committee or County Judge Advocates as may be necessary. The Judge Advocate shall receive such reimbursement for expenses of the office as shall be determined by the Finance/Personnel Committee, subject to the approval of the Department Executive Committee.

**Section 7:** The Constitution and Articles of Incorporation of a Post, Memorial Home Association, Building Corporation, Zone, District or any other association considered to be part of the Department of Michigan shall not become effective until submitted to and approved by the Department Judge Advocate; an approved copy of which shall be filed in Department Headquarters.

**Section 7: Historian** shall prepare a history of this Department during the term of office and shall submit such history to the Department Convention. The Historian shall collect such other information as may be required to complete the history of the Department from its inception.

**Section 8:** Each Post shall have a Commander, an Adjutant and a Finance Officer and such other officers as shall be provided in the Post's Constitution and By-Laws.

**Section 9: Departmental Chaplain** shall have charge of the ceremony of advancing and retiring the colors at the official Department meetings, and shall be in charge of the ushering, seating and keeping order during all official Department meetings. Sergeant-at-Arms shall be empowered to appoint such Assistants as may be necessary to carry out his/her duties.

**Section 10:** Vacancies occurring in any of the elective offices of the Department shall be filled by the Department Executive Committee. In the event of a vacancy in the office of Department Commander, the Department Adjutant shall forthwith call a meeting of the Executive Committee to be held within seven (7) days thereafter to fill such vacancy. The Chairman of the Executive Committee shall serve as Department Commander until the vacancy is filled by the Executive Committee. In the event of a vacancy in the office of National Executive Committee member, the Alternate Executive Committee member shall become the National Executive Committeeman. The vacant position of the Alternate National Executive Committeeman will be filled by the Department Executive Committee.

**Section 11:** Any member of any Post of the American Legion of this Department may transfer membership to another Post, providing such member is in good standing, is elected to membership in the Post to which the member desires to transfer, and that such transfer does not conflict with any restrictions of the Department National Executive Committee. However, that no person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post. The member may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

**Section 12:** In addition to the newly elected Post Commander, each Post shall select one Delegate for each 50 paid-up members, or major fraction thereof, to represent such Post at the Department Convention. Each Post shall select an alternate for each Delegate. The Delegate and Alternates shall be chosen by each Post Department Adjutant, member

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Department Adjutant will sit in an advisory capacity, without vote, in the selection process, good standing. The names of all Delegates and Alternates shall be certified to the Department Adjutant at least 10 days before the opening date of the annual Department Convention. The term of office for the Department Adjutant shall be three (3) years, on a contractual basis renewable at the

**Section 13:** Any (3) year of the Department failing to meet the obligations imposed satisfactorily and acceptably. The Department Adjutant shall be given an Annual Effectiveness Evaluation by the Department for six (6) months forty five (45) days prior to the Department Convention. Said Effectiveness Evaluation shall be reviewed by the Department Administrative Committee for filing and/or necessary action. The first Employment Contract shall be for a period of three (3) years, commencing January 1, 1987.

**Article VI**

**COMMITTEES**

**Section 1:** The following permanent Department Standing Committees and Subcommittees are hereby authorized:

- Subcommittee: Junior Shooting Sports
- Subcommittee: Law & Order
- Subcommittee: Scouting
- American Legion Baseball
- American Legion Boys State
- Children and Youth

Education and Scholarship

**Section 14:** Each Post shall be the judge of its own membership, subject to the restrictions of the National and Department Constitution and By-Laws; but no Post shall suspend or expel any member thereof, except upon charges duly brought in writing and after a full and fair trial, only upon the charge of "conduct unbecoming a member of The American Legion", of which said charges, the members of such Post shall be the sole judges; Provided, that an appeal from such Post decision may be taken to the Department Executive Committee by filing written reasons therefor with the Department Adjutant within 30 days following final action by the Post. The decision of the Department Executive Committee shall be conclusive. The Department Executive Committee may formulate rules to govern the trial by a Post of any of the members thereof.

Finance/Personnel

Internal Affairs

Subcommittee: Constitution and By-Laws

Subcommittee: Legion Riders

Legislative

Media & Communications

Membership

National Security and Foreign Relations

Subcommittee: Blood, Eye and Vial Organ Bank

Subcommittee: POW/MIA

**Section 15:** Post officers may be removed by the Post for cause on written charges of which the members of the Post shall be the sole judges. The procedure and right of appeal shall be the same as provided for members in Section 14 of this Article.

Permanent Time and Place/Resolution Assignment

**Section 16:** The Department Executive Committee, after notice and hearing, may suspend or recommend for revocation the charter of a Post which violates the National Constitution and By-Laws of the American Legion, Department Constitution and By-Laws or which fails adequately to discipline any of its members for any such violation, and may provide for the

**Section 2:** Such other special committees and liaisons may be appointed by the Department Commander and authorized by the Department Executive Committee.

suspension or upon such revocation. The Department Executive Committee shall provide the method for suspending or recommending the revocation of the charter of a Post. Once the Department Executive Committee has ordered the revocation of a charter, the Department,

**Section 3:** All Department Committees and Subcommittees shall function under Rules of acting through either the Department Commander or the Department Adjutant, shall act as Procedure approved and adopted by the Department Executive Committee. Committee Rules of Procedure may be amended in content, but not in format, by a majority of the members of the Committee, submitted to the Internal Affairs Committee for review and recommendations and finally approved by the Department Executive Committee.

**Section 17:** All Posts of the Department must conduct, open and close their local meetings as National Officers Guide and Manual of Ceremonies or its succeeding publication. Any Post failing to meet the above provision shall be subject to the discipline provided for in Section 13 Members that are mandated committees (Permanent Time and Place), or serving in an Alternate or Assistant position on the Department Executive Committee, may also serve on an

**Section 18:** The Department Executive Committee shall require all Post Officers with the exception of the Permanent Time and Place Chairman, who may serve in that role, to be furnished by an incorporated insurance company, which has been approved for this purpose by the National Adjutant. The expense of the insurance provided for herein shall be borne by the Post. No member shall receive per diem and travel pay more than once per call regardless of the number of committees they serve on."

**Section 19:** No Post of The American Legion, Department of Michigan shall sell its Post Home and distribute the monies therefrom to Post members, said distribution being in violation of Michigan non-profit Corporate Laws. The term of the Committee shall expire at the close of the annual Department Convention each year. Appointments, except when a shorter term shall be necessary to comply with this provision, shall be for a term of two (2) years each.

#### Article VIII CITY AND COUNTY COUNCILS

**Section 6:** No Legionnaire may be appointed to serve on more than one regular standing appointive Department Committee at any one time.

**Section 1:** There may be formed by the Posts of any County in this State, a County Council to carry out the principles of The American Legion and to promote the social welfare and the patriotic and fraternal spirit of the Legionnaires within such County.

**Section 7: Finance/Personnel Committee:** The Commander shall appoint, subject to ratification by the Department Executive Committee, a Department Finance/Personnel Committee to be composed of five (5) members, one member to be appointed from each Zone of the County outside of the City wherein there is organized a City Council shall determine to form a County Council, they shall transmit an application for permission to organize to the Department Commander, who shall designate a District Commander of the District in which such County is situated to call a meeting of the Posts of such County for the purpose of perfecting the organization of a County Council. No Post in a County shall be compelled to join such a County Council.

**Section 8:** All funds received from any source for the Department of Michigan, including any Board or Committee created and or appointed by The American Legion, Department of Michigan, shall be under the possession, control and supervision of the Finance/Personnel Committee. Said Committee shall be charged with the duty of setting up a proper and adequate system of centralized control and procuring audits of such funds.

**Section 4:** The Department Executive Committee may, upon recommendation of the Department Judge Advocate, suspend any provisions of the Constitution and By-Laws of a County Council when in the judgment of such committee it contravenes the provisions of the National or Department Constitution and By-Laws or the established policy of the Department. The Finance/Personnel Committee shall be charged with the preparation of a yearly Budget, the financial policy of the Department, the handling of funds under the budget, and approval of expenditures of all Department funds not budgeted, and preparation and approval of the audit of all books and records of the Department and other additional audits as often, in

addition thereto, as it may deem expedient. It shall file a written report including the official audit with the Annual Convention, setting forth in detail the financial recommendations as if such Posts had at the preceding Department Convention, or such other basis as said Council considers advisable. may decide.

**Section 6:** The Finance/Personnel Committee shall be charged with the duty of fixing the appropriate funds, providing a copy of such and posts to be fidelity and by the same procedure the Department Adjutant, the Department Finance Officer and all other Department officials and employees who handle Department funds; in any insurance company or companies approved by the National Adjutant. The expense of the insurance provided for herein shall be borne by the Department.

**Section 7:** No member Post of the County Council organization shall be liable to such County Council dues, excepting for more than the amount of the assessments stipulated in the By-Laws of such County Council organization. Member Posts shall not be liable for any of the debts and liabilities incurred by such County Council organization and for their protection and security.

**Section 8:** The County Council organization of all Departments under their appropriate laws shall be subject and condition precedent with the consent of the Department Executive Committee.

**Article VII  
DISTRICT ASSOCIATIONS**

**Section 1:** The revenue of the Department shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee. Transfer from one District to another except with the consent of the Department Executive Committee, on application made by the Post and with the consent of both Districts involved.

**Section 2:** The revenue of the District Associations may be derived from dues and such sources as may be approved by the Department Executive Committee.

**Section 3:** All applications for new charters shall state definitely the District to which the Post subjects itself for discipline and residence, such selection to be the District within whose boundaries the Post holds its meetings. If at any time a Post permanently moves its residence

**Section 4:** Each Post shall pay to the Department the District dues. Post shall make application and the Department Executive Committee for transfer to that District, and the Department Executive Committee shall have power to act with the consent of the District to which the Post

**Section 5:** The annual dues shall be collected by each Post and transmitted promptly through the Department to the National Treasurer. Departments are designated agents for collections

**Section 3:** Each District shall organize, adopting a Constitution and By-Laws, effective only after approval by the Department Judge Advocate. A copy of such approved Constitution and By-

**Section 6:** In no event shall the period transpiring between the receipt of such annual dues by a Post of the Department and the remittance thereof to the National Treasurer through the Department exceed thirty (30) days.

**Section 4:** The Department Executive Committee may annul or suspend, upon recommendation of the Department Judge Advocate, any provision of the Constitution and By-Laws of such

**Section 7:** Public Solicitation: No Post, City or County Council shall engage in any activity where money or property is solicited from the public, without first securing the approval of the District Commander of Department Constitution and By-Laws or the established policy of the Department Commander by the District Commander.



**Section 8: Arrears in Dues** — A member whose dues for the current year have not been paid by January 1st, shall be classed as delinquent. If the dues are paid on or before February 1st, the such Posts had at the preceding Department Convention, or such other basis as said District member shall be automatically reinstated. If the member is still delinquent after February 1st, Association may decide.

such member shall be suspended from all privileges. If such member is still under suspension on June 30th of such year, the member's membership in The American Legion shall be forfeited. A member so suspended, or whose membership has been forfeited, may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. The Post, at its option, may also require a member whose membership has been so forfeited to pay one year's arrearage in dues. The Department and National Organization may waive the provisions hereof, with reference to former members who have been prevented from the payment of dues by reason of active military service, upon payment of dues for the year in which reinstatement occurs.

**Section 6:** The Eleventh and Twelfth Districts may form a joint Districts Association to be known as the Upper Peninsula Association. Such Association shall elect from its members a number of District Commanders equal to the number of Districts in the Association. No other sector, City or County organization of Posts shall be formed in said District.

**Section 7:** One District Commander shall be chosen from each District in the State.

**Section 8:** Each District shall elect its District Commander by vote of the Delegates representing Posts in the said District in attendance at the Annual Department Convention and prior to the adjournment thereof or else at a regular District Meeting to be held not less than fifteen (15) days nor more than sixty (60) days prior to the Annual Department Convention. Alternates shall be chosen at the same time and place as the District Commanders.

**Section 9:** Dues shall be paid annually, or for life.

**Article VII**

**REPORTS, EXPENSES, SALARIES AND DEPARTMENT HEADQUARTERS**

**Section 1: Reports** - It shall be the duty of all officers and chairpersons to make an annual written report for publication in the Michigan Legionaire, setting forth the activities of their respective offices or committees of the preceding year. Any supplemental reports shall be read during the convention. The reports shall be entered in their entirety in the minutes and shall be filled by the Adjutant and a new Adjutant shall be selected in accordance with the Department Association By-Laws.

**Section 2: Expenses** - No Department officer or member of any committee shall be paid or reimbursed from the funds of the Department for any travel or other expense incurred upon Department business, unless a travel order of other suitable order, duly Called by the Department Commander or Duly signed by the Department Adjutant, shall accompany the order for payment thereof.

**Article X**

**ZONE ORGANIZATION**

**Section 1:** The Department shall be divided into five (5) Zones which shall be composed of Districts as shall be determined by the Department Executive Committee.

**Section 3: Salaries** - No officer, committee member or employee of the Department shall receive any salary unless the same is specifically provided for in the Constitution and By-Laws or unless duly authorized by the Annual Convention or by the Department Commander, with the approval of the Department Executive Committee. The authorization in each case shall be filed with the Department Adjutant.

**Section 2:** The powers and functions of such zones shall be as hereinafter set forth in this Constitution and By-Laws and as may be fixed by the Department Convention, with the approval of the Department Executive Committee. The authorization in each case shall be filed with the Department Adjutant.

**Section 3:** Each Zone organization shall adopt its own Constitution and By-Laws for its governance and shall be reviewed and approved by the Department Judge Advocate. A copy of each Zone's Constitution and By-Laws shall be on file at Department.

**Section 5:** All official records of the Department shall be kept at Department Headquarters, under the custody of the Department Adjutant.

**Section 4:** The Zone Commanders shall be elected at the Zone caucuses held at the Annual Convention, by the Districts which comprise the individual Zones. The Zone Commanders shall also be known as Department Vice Commanders.

**Article IX  
Article XI  
RULES  
DEPARTMENT CONVENTION**

**Section 1:** The Department shall be governed by the Department and National Constitution and By-Laws and amendments thereto, by the mandate of the Department Convention and any Convention, called pursuant to the provisions of the Constitution and By-Laws of the Department. The Department Convention shall be held at a time and place to be fixed by vote of the Convention, at a minimum of two years in advance, or in case the preceding Convention does not fix a suitable time and place, these shall be fixed by the Department Executive Committee.

**Article X  
USE OF THE NAME AND EMBLEM**

**Section 2:** Notice shall be given of the Annual Department Convention by the Department Adjutant to all Posts of the Department of the time and place of the Convention, which notice shall be entitled "Call of the Annual Convention", and which shall be published electronically on the Department website at least 60 days prior to said Convention and be published in paper form in a spring edition of the Michigan Legionnaire. There shall be no other official notice of the organization by the Posts and the Department, in connection with appropriate language to indicate the Post or the Department name.

**Section 3:** The annual Convention shall have all of the Administrative, Legislative and Judicial powers of the Department.

**Section 4:** Representation in the annual Convention shall be by Delegates and Alternates, duly elected by Posts of the Department and, in addition thereto, the Past Department Commanders and Past Department Executive Committee, with the exception of the Past Department Executive Committee. Each of the above Delegations shall be entitled to the use of authorized regalia having merchandise bearing the emblem members at the Department Headquarters 30 (thirty) days prior to the opening date of the **PRIOR YEAR'S Convention** shall have representation at the Annual Convention on the basis of one Delegate for such Post, who shall be the newly elected Commander and one alternate Delegate for the Department shall be privileged to use the emblem for decorations and souvenirs that have been submitted for approval secured in each instance from the National Adjutant strength determined thirty (30) days prior to the next convention. Each Post represented at the Department Convention is entitled to cast the voting strength of its members.

**Section 5:** The use of the emblem by the Department shall be the same as set forth in Section 4 of this Article, excepting however, that the Department shall be privileged to use the emblem for decorations and souvenirs that have been submitted for approval secured in each instance from the National Adjutant strength determined thirty (30) days prior to the next convention. Each Post represented at the Department Convention is entitled to cast the voting strength of its members.

**Section 6:** Any other use of the name "The American Legion" or the emblem shall be subject to the approval of the National Adjutant, provided that the approval of the Department Commander has first been granted.

**Section 7:** The Annual Convention shall make its own Rules of Procedure, but in the absence of such action, the rules shall be the same as prescribed by "Robert's Rules of Order, Newly Revised". The Convention shall organize, form its committees, and transact all of the business of the Department.

**Section 8:** The Executive Committee may, by two thirds vote of all its members, remove from office any officer or committee member of the Department for malfeasance, misfeasance, or nonfeasance. A majority vote or for conduct unbecoming a member of The American Legion. Complaints seeking removal of such officer or committee member shall be reduced to writing, signed by a member of the Michigan Department and verified by oath that the charges therein contained are true of the member's own knowledge. Such complaint shall be immediately referred to the Administrative Committee, which shall cause the matters therein set forth to be investigated by the Judge Advocate, unless the Judge Advocate be an interested party or

necessary witness in which case the Commander or the Administrative Committee shall may be seated with Delegates at the Department Convention. The Annual Convention shall appoint a special Judge Advocate for such purpose. The Judge Advocate shall cause a copy of authorize the appointment of such standing committees of this Department as it deems proper, the complaint to be sent by registered letter to the official address of the accused and shall

afford the accused opportunity to reply thereto. The result of such investigation shall be reduced to writing and promptly returned to the Administrative Committee, with the Department officers and 15% of the Posts of the Department are either fully or partially recommended of the Judge Advocate endorsed thereon. Unless the Administrative Committee shall, by a four-fifths vote of all the members, find the complaint to be without merit, the matter shall be referred to the Department Executive Committee.

**Section 8:** The Department Executive Committee shall provide a Uniform Code of Procedure for the orderly organization and operation of Department Conventions with continuing power of Revision, and said Code shall be applicable at all Department Conventions unless it is amended, suspended, or repealed within twenty (20) days thereafter, to consider and act upon a complaint. Upon failure of the Commander to call such a meeting within a period of five (5) days after the complaint shall have been referred to the Executive Committee by the Administrative Committee, any other officer of the Department shall be authorized to call such

meetings. The Executive Committee shall, by resolution, determine the manner in which such delegates shall be heard and action taken thereon. The action of the Executive Committee shall be final and conclusive.

**Section 9:** The Annual Convention shall approve Delegates and Alternates chosen by such Districts to represent the Department at the National Convention of the American Legion. Delegates shall be heard and action taken thereon. The action of the Executive Committee shall be final and conclusive. Each District be entitled to less than one delegate, unless the whole number of delegates shall be less than the number of Districts; provided, however, that the Department Commander and outgoing Department Commander, who is Chairman of the delegation, shall represent the Department as delegates to the National Convention, if the whole number of delegates shall exceed by two (2) the number of Districts.

**Article XII**

**AMENDMENTS**

**Section 1:** These By-Laws may be amended by two-thirds vote at any Annual Department Convention, provided notice be published electronically on the Department website at least 60

days prior to said convention and be published in paper form in a spring edition of the Michigan Legionaire's. Said proposed amendment shall be referred to the Convention Constitution and By-Laws Committee which shall submit the same to the Department Convention with its recommendations with regard thereto.

**Section 2:** This Constitution and By-Laws is adopted subject to the provisions of the National Constitution and By-Laws of The American Legion. Any amendment to the National Constitution and By-Laws which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution and By-Laws to the extent of such conflict.

**Article XII**

**DEPARTMENT OFFICERS**

**Section 3:** That no proposed amendment shall be submitted through the Department Adjutant to the several Posts of the Department and members of the Department Executive Committee, as provided in Section (1) of this Article, unless said proposed amendment shall first have been submitted by a Post or District or Department Association, or by the standing Department Convention and By-Laws Committee of the Department Executive Committee.

**Section 1:** The elective Department Officers shall be chosen annually at the Department Convention and By-Laws Committee of the Department Executive Committee. The Five Vice-Commanders, who shall be chosen at the "Zone" Caucuses by the Districts making up the "Zone" which that individual Vice Commander is to represent. Each Vice Commander so chosen must be and shall remain a member of a Post within their respective Zone or the office shall be

**Adopted:** June 30, 2019

declared vacant.

### Article XIII

**REPEAL-EFFECT CLAUSE**

**Section 2:** Department Officers, Chairman of the Vice Commanders, and members of the Executive Committee shall be installed at the close of the Department Convention and shall immediately enter upon their duties. They shall hold office for a term of one year or until their successors shall be duly appointed, elected and installed, except that the action of the Kalamazoo 2019 Convention, are hereby repealed. These Constitution and By-Laws shall take effect immediately upon the close of the 2019 Department Convention. Department Finance Officer, Department Historian and Department Sergeant-at-Arms shall not serve more than two (2) consecutive terms of office.

**Section 3:** The Department Convention shall also elect one (1) National Executive Committeeman and one Alternate Committeeman to represent the Department on the National Executive Committee, who shall hold office for a term of office as prescribed by the National Constitution and By-Laws.

### Article XIII

#### DEPARTMENT EXECUTIVE COMMITTEE

**Section 1:** Between the Department Conventions, the executive, legislative, and judicial powers shall be vested in the Department Executive Committee which shall be composed of the following: Department Commander, Department Vice Commanders, District Commanders, Department Finance Officer, Department Judge Advocate, Department Historian, Department Chaplain, Department Sergeant-at-Arms, immediate Past Department Commander, National Executive Committeeman, all with vote, and the Department Adjutant, who is without vote. Each member of the Department Executive Committee shall be entitled to one (1) vote. In the absence of a District Commander such vacancy shall be filled by their Alternate District Commander and in the absence of the National Executive Committeeman such vacancy shall be filled by the Alternate National Executive Committeeman.

**Section 2:** All Past Department Commanders, except as otherwise noted in Article XIII, Section 1 above, shall be ex-officio members of the Executive Committee with voice, but without vote and without expenses, as long as they remain a member in good standing of a duly chartered American Legion Post in the Department of Michigan.

### Article XIV

#### DEPARTMENT AUXILIARY

**Section 1:** The American Legion, Department of Michigan recognizes an Auxiliary organization, known as the American Legion Auxiliary, Department of Michigan.

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

**Section 3:** The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by The American Legion, Department of Michigan.

**Section 4:** In the absence of rules and regulations governing the Auxiliary, promulgated by the National Executive Committee, the Department Executive Committee may provide for the organization and administration of Auxiliary units within the Department.

**Article XV  
TWENTY AND FOUR**

**Section 1:** The American Legion recognizes an organization known as the Michigan Echelon, Twenty and Four. 20/4 is otherwise known as the "Honor Society of Women Legionnaires".

**Section 2:** Membership in Michigan Echelon, Twenty and Four, shall be limited to women members of The American Legion, in good standing.

**Article XVI  
AMENDMENTS**

**Section 1:** This Constitution may be amended by two-thirds vote at any Annual Department Convention, provided notice be published electronically on the Department website at least 60 days prior to said convention and be published in paper form in a spring edition of the Michigan Legionnaire. Said proposed amendment shall be referred to the Convention Constitution and By-Laws Committee, which shall submit the same to the Department Convention with its recommendations with regard thereto.

**Section 2:** This Constitution is adopted subject to the provisions of the National Constitution and By-Laws of The American Legion. Any amendment to the National Constitution and By-Laws which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution and By-Laws to the extent of such conflict.

**Section 3:** That no proposed amendment shall be submitted through the Department Adjutant to the several Posts of the Department and members of the Department Executive Committee, as provided in Section (1) of this Article, unless said proposed amendment shall first have been submitted by a Post or District or Department Association, or by the standing Department Constitution and By-Laws Committee or the Department Executive Committee.

**Adopted: June 29, 2019**