



## The American Legion Department of Michigan

### Constitution

Constitution revised at the 2023 Annual Convention

#### Preamble

For God and Country, we associate ourselves together for the following purposes:  
 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 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 the 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 our comradeship by our devotion to mutual helpfulness

#### Article I NAME

**Section 1:** The name of this organization shall be: The American Legion, Department of Michigan.

#### 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 convention or meeting of the Department or any Post thereof, unless such person is at the time on duty with some branch of the military service. This restriction (on use of military title) does not apply to courtesies extended outside the said Legion meetings, including correspondence or introductions.

**Section 2:** The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles, nor for the promotion of the candidacy or any persons seeking public office or preferment.

**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 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 4:** Each member shall perform their full duty as a citizen according to their own conscience and understanding.

### **Article III OBJECTS**

**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.

### **Article IV MEMBERSHIP**

**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 3:** No person may be a member at any one time of more than one Post.

**Section 4:** All applicants for membership must fill out the regular form of membership application and, in addition thereto, present for examination by a duly qualified officer of the Post or the Department, either their original discharge from service, DD-214, a certified or photo static copy of either, or proof of honorable service.

**Section 5:** 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 6:** No person who has been expelled by a Post shall be entitled to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, that person may then appeal to the Department Executive Committee for permission to apply for membership in another Post and shall be ineligible for membership until such permission is granted.

**Section 7:** No person who is a member of an organization which has for its aim to overthrow 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.

## **Article V GENERAL ORGANIZATION**

**Section 1:** The American Legion, Department of Michigan is a constituent part of and subordinate to The American Legion, a Federal Corporation organized by Act of Congress. The American Legion, Department of Michigan embraces and its jurisdiction extends to the whole of the State of Michigan.

**Section 2:** The American Legion, Department of Michigan shall be organized in Posts. No person may become or remain a member of the Department except through membership in a Post therein.

**Section 3:** The Department shall be divided into Posts, Districts, and Zones, organized and officered as hereinafter provided. The Districts may choose to divide into cities and counties.

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

**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.

**Section 6:** Bylaws shall be adopted for the government and regulation of the Department.

**Section 7:** There shall be such convention and standing committees as shall be provided in the Department Executive Committee Rules of Procedure. 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.

## **Article VI DEPARTMENT ORGANIZATION**

**Section 1:** The Department organization shall consist of the following officers: the Department Commander, First and Second Vice Commander, Zone Commanders, Department Adjutant, Department Finance Officer, Department Judge Advocate, Department Historian, Department Chaplain and Department Sergeant-at-Arms.

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**Section 2:** The Executive Committee of the Department shall consist of the officers of the Department, the Immediate Past Department Commander and National Executive Committeeman, together with the Vice Commanders, Zone Commanders, District Commanders, as hereinafter provided. The Department Commander shall serve as the Chairman of the Department Executive Committee.

**Section 3:** The following special Department officers are authorized, but shall not serve on the Department Executive Committee: Department Veterans Affairs and Rehabilitation Director, Department Service Officers and the Department Communications Director.

**Section 4:** All Past Department Commanders, except as otherwise noted in Section 2 of this Article, 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. They shall be accorded all the courtesies of the floor of the Committee, with the privilege of making and seconding motions and of speaking on any motion or subject pending before the Committee but shall have no right to vote.

## **Article VII POST ORGANIZATION**

**Section 1:** The local unit shall be termed a Post, which shall have a minimum membership of fifteen (15) qualified persons.

**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 Department 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, and the Committee's approval or disapproval of the application. The application, upon approval of the Department Executive Committee, shall be forwarded to the National Headquarters. Upon approval by National Headquarters, a temporary charter will be issued.

**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 said period, the Post shall be entitled to a permanent charter and shall make application to the Department Commander within ninety (90) days after the expiration of the probationary period.

**Section 4:** Post Charters shall be countersigned by the Department Commander and the Department Adjutant.

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

**Section 6:** The Department of Michigan shall consist of all of the chartered Posts in the State of Michigan. Each Post may restrict its membership as it desires, subject, however, to the provisions of National and Department Constitution and By-Laws. Each Post may be restricted in number of members by the Department Executive Committee.

**Section 7:** The Constitution and By-Laws 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 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:** Each Post shall have a headquarters to which all documents and papers may be sent. It shall be the duty of each Post Adjutant to notify the Department Headquarters immediately of any change of address of the Post Headquarters. All notices shall be deemed to have been duly served when mailed to the Post at its last mailing address appearing upon the records of the Department Adjutant.

**Section 10:** All Posts shall hold elections of Post Officers not less than ten (10) days nor more than one hundred twenty (120) days prior to the annual Department Convention. The newly elected Post Commander shall be a delegate to said Department Convention and shall attend the same as such delegate. Newly elected Post Officers shall be installed not later than forty-five (45) days after the close of the annual Department Convention, and all Post officers shall have paid their dues for the year of their term of office by the time of their installation.

**Section 11:** Any member of any Post of The American Legion of this Department may transfer their membership to another Post, providing such member is in good standing and 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 Executive Committee; provided, 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 (1) Delegate for each fifty (50) paid-up members, or major fraction thereof, to represent such Post at

the annual Department Convention. Each Post may select an Alternate for each Delegate chosen. The Delegates and Alternates may be chosen by each Post from among its own members in good standing. The names of all Delegates and Alternates shall be certified to the Department Adjutant no later than the close of business on the Friday before the opening date of the annual Department Convention.

**Section 13:** Any Post of the Department failing to meet the obligations imposed upon it by the National Constitution and By-Laws, or Department Constitution and By-Laws, or ceasing to function for six (6) months as an American Legion Post, or neglecting to pay the per capita dues to the National, Department and District organizations, shall, upon the order of the Department Executive Committee, surrender its charter, together with all property of every description including, but not limited to, all assets, both real and financial, and official insignia and records belonging to the Department; provided the Commander of the District wherein the Post in question is located shall have consulted with the last known Post Commander and Adjutant; has been assured that each Post member on the current roster has been notified by receiving a copy of each notice of the intention to file for charter cancellation; has made a thorough survey of the assets of the Post, both real and financial, and has notified Department Headquarters, in writing, not later than ten (10) days prior to the next official meeting of the Department Executive Committee, that the District Commander recommends the consideration of the cancellation of the questioned Post's charter. Once the Department Executive Committee has ordered the surrender of a charter of the Department, acting through either the Department Commander or the Department Adjutant, shall act as Power of Attorney for the Post for the purpose of surrendering or otherwise properly conveying or properly disposing of all property of every description including, but not limited to, all assets, both real and financial.

**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 thirty (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.

**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.

**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, or the Department Constitution and By-Laws or which fails adequately to discipline any of its members for any such violation, and may provide for the government and administration of such Post or the membership thereof, during such 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, acting through either the Department Commander or the Department Adjutant, shall act as Power of Attorney for the Post for the purpose of surrendering or otherwise properly conveying or properly disposing of all property of every description including, but not limited to, all assets, both real and financial.

**Section 17:** All Posts of the Department must conduct, open and close their local meetings as per the National "Officer's Guide and Manual of Ceremonies" or its' succeeding publication. The Department Judge Advocate shall not approve any Constitution and Bylaws of a Post unless the same shall provide that said Post must conduct, open and close its local meetings as per National "Officer's Guide and Manual of Ceremonies" or it's succeeding publication. Any Post failing to meet the above provision shall be subject to the discipline provided for in Section 13 of this Article and any other authorized discipline.

**Section 18:** The Department Executive Committee shall require all Post Officers who handle funds to be insured under a fidelity and crime insurance policy 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.

**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.

## Article VIII

### CITY AND COUNTY COUNCILS

**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 2:** Whenever a majority of the number of Posts in a County, or a majority of the Posts 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 3:** All City and County Councils, when organized, shall adopt a Constitution and By-Laws effective only after approval of the Department Judge Advocate. An approved copy of such Constitution and By-Laws shall be filed in Department Headquarters.

**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 City or 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.

**Section 5:** Representation of the Posts in such County Council shall be on the same basis as such Posts had at the preceding Department Convention, or such other basis as said Council may decide.

**Section 6:** A City Council may be organized in any city having three or more Posts within its corporate limits, when a majority of such Posts so determine and by the same procedure as provided for the organization of County Councils. Such Posts may also belong to a County Council. No Post shall be compelled to join a City Council.

**Section 7:** No member Post of the County Council organization shall be liable to such County Council organization 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 may require the County Council organization to incorporate under the appropriate laws of the State as a condition precedent to continued membership therein.

## **Article IX DISTRICT ASSOCIATIONS**

**Section 1:** For the purpose of administration, the Posts of the Department shall be grouped as they currently exist, and are hereinafter referred to as "Districts". No Post shall 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:** 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 from within the boundaries of one District to another District, such Post shall make application to 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 makes application for transfer.

**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-Laws shall be filed in Department Headquarters. It shall be the duty of the District Commanders to enforce the provisions of this section.

**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 organizations 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.

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**Section 5:** Representation of the Posts in such District Associations shall be on the same basis as such Posts had at the preceding Department Convention, or such other basis as said District Association may decide.

**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 ten (10) days nor more than one hundred twenty (120) days prior to the Annual Department Convention. Alternates shall be chosen at the same time and place as the District Commanders.

**Section 9:** Each District Commander shall hold office from the close of one Department Convention until the close of the next Annual Department Convention; provided, however, that a District Commander shall hold office only during such term as their membership remains in the District from which they were elected. A vacancy in the office of District Commander shall be filled by the Alternate, and a new Alternate shall be selected in accordance with the District Association By-Laws.

## **Article X ZONE ORGANIZATION**

**Section 1:** The Department shall be divided into Zones which shall be composed of Districts as shall be determined by the Department Executive Committee or at Department Convention.

**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 or the Department Executive Committee acting within the terms of this Constitution.

**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 4:** The Zone Commanders shall be elected at the Zone caucuses held at the Annual Convention, by the Districts which comprise the individual Zones.

## **Article XI**

### **DEPARTMENT CONVENTION**

**Section 1:** The annual meeting of The American Legion, Department of Michigan shall be a 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.

**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 Department Convention.

**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 the members of the Department Executive Committee, with the exception of the Department Adjutant. Each of the above Delegates shall be entitled to one vote. Each Post having 15 (fifteen) or more paid-up 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 additional Delegate for each 50 (fifty) members or major fraction thereof. Newly formed Legion Posts that have been chartered after the last Department Convention will have their delegate 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 Post, provided all annual dues and debts to the District of which it is a part and the Department are paid.

**Section 5:** 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, which shall properly come before it for action.

**Section 6:** A majority vote shall be required upon all matters, unless otherwise specifically provided. The National Executive Committeeman, the Alternate National Committeeman and all elected Department Officers shall be elected by plurality vote if three (3) or more candidates run for any one position. Votes shall be recorded by Districts on all matters wherein a roll call shall be taken. Each District shall cast its vote in the manner to be provided by the rules of the

Convention, but no Delegate shall be prevented by any rule from casting their vote as they so desire. Alternates may be seated with Delegates at the Department Convention. The Annual Convention shall authorize the appointment of such standing committees of this Department as it deems proper.

**Section 7:** A quorum shall exist at the Annual Department Convention when a majority of the Department officers and 15% of the Posts of the Department are either fully or partially represented.

**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 by majority vote of the total authorized representation at a Department Convention.

**Section 9:** The annual Convention shall approve Delegates and Alternates chosen by the Districts to represent the Department in the National Convention of The American Legion. Delegates-at-large shall be selected in such manner as the Convention shall determine, but in no event shall any 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-at-large to the National Convention, if the whole number of delegates shall exceed by two (2) the number of Districts.

**Section 10:** Each retiring Commander shall, upon the installation of their 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 delegate to each succeeding Department Convention and shall have, if present, all the rights of a Delegate in the affairs of the Convention provided they remain a member in good standing in the Department of Michigan and is not an employee of the Department of Michigan. If a Past Department Commander shall become an employee of the Department, they shall waive their voting rights as a Convention delegate and shall continue to waive such voting rights so long as they remain an employee. The vote of each Past Department Commander, except as stated above, shall be announced with the vote of the District in which their Post is located.

## **Article XII**

### **DEPARTMENT OFFICERS**

**Section 1:** The elective Department Officers shall be chosen annually at the Department Convention by a roll call vote of the Districts of the Department, with the exception of the Zone Commanders, who shall be chosen at the "Zone" Caucuses by the Districts making up the "Zone" which that individual Zone Commander is to represent. Each Zone Commander so chosen must be and shall remain a member of a Post within their respective Zone or the office shall be declared vacant.

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**Section 2:** Department Officers and members of the Executive Committee shall be installed at the close of the Department Convention and shall immediately enter upon their duties. The Department Commander and Vice Commanders shall be elected for a term of one (1) year. District Commanders, Department Finance Officer and Department Sergeant-at-Arms may serve more than one (1) term but shall not serve more than two (2) consecutive terms. Department Judge Advocate, Department Chaplain and Department Historian are appointed for one (1) term and may be reappointed indefinitely. All officers elected and appointed shall remain in office until their successors shall be/have been duly appointed, elected and installed.

**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 sixty (60) days prior to said convention and be published 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:** 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 any standing Department Committee or the Department Executive Committee.

**Adopted: July 9, 2023**

Amended the Preamble by Resolution No. 1, NEC Fall Meeting 2019, October 2019.

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## The American Legion Department of Michigan

### By-Laws

Revised at the 2021 Annual Convention

### Article I

#### NAME

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

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

### Article II

#### ELIGIBILITY TO OFFICE

**Section 1:** Any paid-up 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 and satisfactory evidence of honorable service, complying with Article IV, Section 1 of the Constitution, 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.

**Section 3:** All questions affecting the election, eligibility and conduct of Department officers, District Commanders and Alternates shall be referred to and determined by the Department Executive Committee as the final authority thereon.

**Section 4:** Except Department Executive Committeemen, 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 referred to and determined by the Commander of the District in which the organization is located, with right of appeal to the Department Executive Committee by such procedure as shall be determined by the Department Judge Advocate.

**Article III**  
**DEPARTMENT EXECUTIVE COMMITTEE**

**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.

**Section 2:** The first (1<sup>st</sup>) meeting of the Department Executive Committee shall take place within twenty-four (24) 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 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.

**Section 4:** The third (3<sup>rd</sup>) meeting of the Department Executive Committee is to be held in September or October, after the adjournment of the National Convention, during the Fall Conference at which is provided Schools of Instruction for Commanders, Adjutants, Service 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 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 year's convention.

**Section 7:** In addition to the above regular meetings, special meetings shall convene upon call of the Department Commander or upon petition signed by the majority of the members of the Department Executive Committee, duly filed with the Department Adjutant, setting forth the reasons therefor.

**Section 8:** Notice of all meetings shall be given not less than five (5) days before any such meeting is held. In case a meeting convenes upon petition, the same shall be called by the Department Adjutant with ten (10) days after the filing of the petition with the Adjutant.



**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 e-mail vote. If an e-mail vote is implemented, each response must be forwarded to all members of the Committee. If standard mail, the voting shall be considered closed at the end of seven (7) business days, provided a majority of members of the committee have returned to the Chairman their votes by that time, or it shall be considered closed at any time prior thereto and when all the members have returned their votes. In the event one-third (1/3) members of the 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 committee of the action taken

**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 IV ADMINISTRATIVE COMMITTEE**

**Section 1:** The Commander, the 1<sup>st</sup> and 2<sup>nd</sup> Vice Commanders, the Zone Commanders, the Finance Officer, with vote and the Judge Advocate, who shall be without vote, shall constitute the Administrative Committee.

**Section 2:** 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.

#### **Article V DEPARTMENT OFFICERS**

**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 the business of the Department. The Commander shall preside at the Annual Convention and 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 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 represent the Department in all of its relations with the federal, state and local government and with the people of the State of Michigan. The Commander shall see that all provisions of the National Constitution and By-Laws and all policies established under them are duly observed. The Commander shall be reimbursed up to the budget allowance for necessary actual travel expenses while in performance of the duties of the office, with any additional funding to be

*Revised 7.13.23*

determined by the Finance/ Personnel Committee, subject to the approval of the Department Executive Committee. The Commander shall not be eligible for more than one (1) term of office as Commander.

**Section 2: 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 delegate to each 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 Department Commander shall become an employee of the Department, he shall waive his voting right as a Delegate and shall continue to waive his voting right so long as he remains an employee. The vote of each Past Department Commander, except as stated above, shall be announced with the vote of the District in which his Post is located.

**Section 3: First and Second Vice Commanders:** First and Second Department Vice Commanders shall be elected annually at the State Convention and shall not serve more than one (1) consecutive term with the same office. It is preferred that Legionnaires desiring to serve as Department Commander become a part of the "team" by being elected Department Second Vice Commander, then progressing by receiving the official nomination for Department First Vice Commander and, eventually, by receiving the official nomination for Department Commander."

**Section 4: Department Zone Commanders** shall perform such duties as may be required of them by the Department Commander or the Department Executive Committee. For the purpose of administration by the Zone Commanders, the various Districts shall be grouped into "Zones." The Zone Commander representing each "Zone" shall represent the Department in the Districts comprising the "Zone" from which they were elected, and it shall be their duty to attend all District Conventions within their "Zone", so far as possible, and to initiate constructive programs and policies for the furtherance of the interest of the Posts therein. The Zone Commanders shall not be eligible to serve two (2) consecutive years. The Districts and Zones will be determined by the Department Executive Committee and published in the DEC Manual each year.

**Section 5: Department Adjutant** shall be the chief administrative officer of the Department. The Adjutant shall be the custodian of and shall cause to be kept all official Department records. The Adjutant shall perform all administrative and clerical acts necessary to conduct the business of the Department. The Adjutant shall receive all dues and monies from Posts, keep a record thereof, and shall deposit the same in the name of "The American Legion, Department of Michigan" in a bank or banks as ordered by the Finance/Personnel Committee, with the approval of the Department Executive Committee. The Adjutant shall perform any other duties as may be directed to do by the Department Commander or the Department Executive Committee.

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 Adjutant shall be reimbursed for actual traveling expenses while in the performance of the necessary duties of the office.

**Section 6: Department Finance Officer** shall be the custodian of the funds of the Department. He shall pay out money only on vouchers properly signed by himself, or the Department Adjutant, or Finance Chairman, and only for such purposes as shall have been duly authorized. He shall keep a full and complete record of all transactions, including receipts and disbursements, and shall exhibit all records when requested to do so by any Department Officer or member of the Executive Committee or Finance/ Personnel Committee.

**Section 7: Department Judge Advocate** shall advise the officers of the Department upon all legal matters of The American Legion, including interpretation of the Department Constitution and By-Laws, and shall perform such other duties as may be required of him by the Commander or Executive Committee. The Department Judge Advocate, by and with the approval of the Commander and Executive Committee, shall appoint such Assistant 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 8: 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. The Historian shall receive compensation for his services.

**Section 9: Department Chaplain** shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time.

**Section 10: Department Sergeant-at-Arms** 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, with the approval of the Commander and Department Executive Committee.

**Section 11:** 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 Department 1<sup>st</sup> Vice Commander 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. In the event of a vacancy in the office of 1<sup>st</sup> Vice, the 2<sup>nd</sup> Vice shall become the 1<sup>st</sup> Vice. The 2<sup>nd</sup> Vice position will be filled by the Department Executive Committee.

**Section 12:** The Department Judge Advocate, Department Historian and the Department Chaplain shall be appointed by the Commander, subject to the approval of the Department Executive Committee. Such an appointment of a Chaplain shall be in the spirit traditionally practiced in The American Legion on the National and Department levels; that the rotation of a Chaplain among the three major faiths be continued whenever a Chaplain is available.

**Section 13:** The Department Adjutant shall be hired by the Department Administrative Committee. When a vacancy occurs in the office of the Department Adjutant, the exiting Department Adjutant will sit in an advisory capacity, without vote, in the selection process, except when the exiting Department Adjutant has been removed for cause. The term of office for the Department Adjutant shall be three (3) years, on a contractual basis renewable at the end of three (3) years, as long as said Department Adjutant's service is satisfactory and acceptable. The Department Adjutant shall be given an Annual Effectiveness Evaluation by the Department Commander 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 permanent Department Standing Committees and Subcommittees are listed in the DEC Rules of Procedure.

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

**Section 3:** All Department Committees and Subcommittees shall function under Rules of Procedure approved and adopted by the Department Executive Committee. Committee Rules of Procedure may be amended 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 4:** All committee members shall be appointed and may be removed for cause by the Department Commander, with the approval of the Department Executive Committee. The Department Commander shall name the Chairman of each committee to serve until the next Department Convention.

Members that are on mandated committees (Permanent Time and Place), or serving in an Alternate or Assistant position on the Department Executive Committee, may also serve on an appointive Department committee but not in a Chairmanship, with the exception of the Permanent Time and Place Chairman, who may serve in that role.

No member shall receive per diem and travel pay more than once per call, regardless of the number of committees they serve on.

**Section 5:** The term of office of all members of Department Committees shall be staggered so that the term of one-half 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.

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

**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 (1) member to be appointed from each Zone of the Department and two (2) Alternate members, without vote. The Commander and Finance Officer shall be ex-officio members of this committee, with vote, the Director of Veterans Affairs and Rehabilitation shall be an ex-officio member of this committee and the Adjutant shall be ex-officio Secretary of this committee, without vote.

**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 9:** 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 it considers advisable.

**Section 10:** The Finance/Personnel Committee shall be charged with the duty of fixing the amount of and providing a proper and adequate fidelity and crime insurance for the Department Adjutant, the Department Finance Officer and all other Department officials and employees who handle Department funds; in an insurance company or companies approved by the National Adjutant. The expense of the insurance provided for herein shall be borne by the Department. The Finance/Personnel Committee shall also be responsible for the investing of all trust funds, excepting those funds left in trust for purposes of the authorized subsidiary corporation.

**Section 11:** The Constitution and By-Laws of all Department Subsidiary Corporations shall be adopted and amended only with the consent of the Department Executive Committee.

## **Article VII DUES AND REVENUE**

**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.

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

**Section 3:** The revenue of the Posts shall be derived from annual membership dues and from such other sources as shall be approved by the Post.

**Section 4:** Each Post shall pay to the Department, as annual dues for the ensuing year, the amount determined by the Annual Convention.

**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 for The American Legion with respect to such annual dues and, upon receipt thereof, shall remit them promptly to The American Legion.

**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 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 notifying the District Commander of said District. Violation of this provision shall be reported to 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 member shall be automatically reinstated. If the member is still delinquent after February 1st, 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 9:** Dues shall be paid annually, or for life.

### **Article VIII**

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

**Section 1: Reports** - It shall be the duty of all officers and chairpersons to make annual detailed written reports for publication in the Michigan Legionnaire, setting forth the activities of their respective offices or committees for 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 filed with the Department Adjutant for publication in the Department annual History.

**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 an expense voucher or other suitable permission, duly Called by the Department Commander or Duly signed by the Department Adjutant, shall accompany the order for payment thereof.

**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 4: Department Headquarters** - The Headquarters of the Department shall be established and maintained under the direction of the Department Executive Committee.

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

## **Article IX RULES**

**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 such miscellaneous rules as may, from time to time, be ordered by the Department Executive Committee.

## **Article X USE OF THE NAME AND EMBLEM OR BRAND**

**Section 1:** The Department Officers are charged with resisting and restraining the unauthorized use of the name "The American Legion" emblem or brand.

**Section 2:** The name "The American Legion" may be used only in carrying out the purposes 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 use of the emblem or brand by the individual Legionnaire shall be limited to the wearing of the official insignia and to the possession of authorized jewelry or merchandise bearing the emblem or brand.

**Section 4:** The use of the emblem or brand by Posts shall be confined to using imprint of the emblem upon stationery and office supplies, upon Post publications and to the use of authorized regalia of authorized jewelry merchandise bearing the emblem or brand.

**Section 5:** The use of the emblem or brand 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 or brand for decorations and souvenir purposes, subject to approval secured in each instance from the National Adjutant.

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



## **Article XI DISCIPLINE**

**Section 1:** The Executive Committee may, by two-thirds vote of all of its members, remove from office any officer or committee member of the Department for malfeasance, misfeasance, or nonfeasance in office 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 appoint a special Judge Advocate for such purpose. The Judge Advocate shall cause a copy of 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 recommendation 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.

It shall be the duty of the Commander to forthwith call a special meeting of the Executive Committee to convene within twenty (20) days thereafter to consider and act upon the 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 meeting. The Executive Committee shall, by resolution, determine the manner in which such complaint shall be heard and action taken thereon. The action of the Executive Committee shall be final and conclusive.

## **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 sixty (60) days prior to said convention and be published 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 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.

**Section 3:** 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 Committees or the Department Executive Committee.

**Adopted:** June 30, 2019

**Article XIII**  
**REPEAL-EFFECT CLAUSE**

The Constitution and By-Laws of the Department of Michigan, as they existed prior to the action of the Sault Ste Marie 2023 Convention, are hereby repealed. These Constitution and By-Laws shall take effect immediately upon the close of the 2023 Department Convention.