

THE EARL GLADFLETTER POST 268
THE AMERICAN LEGION, DEPARTMENT OF MICHIGAN

PROPOSED BY-LAWS

28 August 2017

ARTICLE I

Name

Sec. 1

The name of this organization is: *The Earl Gladfelter Post #268, The American Legion, Department of Michigan.*

Eligibility of Membership

Sec. 2

- a. “Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to “open”, all dates inclusive, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge, honorable separation or continued honorably after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.”
- b. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.
- c. No person may be a member at any one time of more than one Post.
- d. 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.

ARTICLE II

Nature and Object

Sec. 1

- a. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

- b. 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.

Use of the Name and Emblem

Sec. 2

- a. The Department Officers are charged with resisting and restraining the unauthorized use of the name "The American Legion" or the emblem.
- b. 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.
- c. The use of the emblem 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.
- d. The use of the emblem 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 or merchandise bearing the emblem.
- e. 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.

Limitations of Liabilities

Sec. 3

- a. This Post shall incur, or cause to be incurred, no liability nor obligations whatever which shall subject to liability any other Post, subdivision, group of people, members of the American Legion, or other individuals, corporations or organizations.

ARTICLE III

Meetings

Sec. 1

- a. Regular meeting of the Post shall be held in the club rooms of the Post on an appointed date and time as agreed upon in the Post Standing Orders.
- b. Post officers shall be elected at regular monthly meetings, the date to be governed by Departmental regulations.
- c. Special meetings maybe be called by the Post Commander or by a majority of the Executive Committee.
- d. Upon written request of five members, the Post Commander shall call a special meeting.
- e. Seven members of the Post shall constitute a quorum.

ARTICLE IV

Organization of Department

Sec. 1

- a. 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.
- b. The Department organization shall consist of the following Department Officers:
 - Post Commander
 - 1ST Vice Commander
 - 2ND Vice Commander
 - Adjutant
 - Finance Officer
 - Chaplin
 - Sergeant at Arms
 - Historian
 - Service Officer
 - Judge Advocate
- c. Such Officers shall hold position for one year and shall be elected by members annually. They shall be installed at the 1st meeting following elections.

The Executive Committee

Sec. 2

- a. The Management and government of the Post shall be entrusted to a committee of 7 members to be known as the EXECUTIVE COMMITTEE.
- b. The Executive Committee of the Department shall consist of the Officers of the Department, the immediate Past Commander and National Executive Committeeman, together with District Commanders, as hereinafter provided.
- c. All Past Department Commanders, unless noted otherwise, shall be a member of the Executive Committee with voice, but without vote and without expenses, as long as he/she remains a member in good standing of a duly chartered American Legion Post in the Department of Michigan.
- d. The Executive Committee shall be made up of the Post Commander, Post Adjutant, Post Finance Officer, Immediate Past Commander and three members of the Post. One of the three members shall be elected annually for a term of two years, thus assuring one member being carried over as a counselor for the committee.

- e. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or other officer whom he/she succeeds. A vacancy shall exist when a member or officer is absent from this Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Post Executive Committee

Sec. 3

- a. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. Thereafter, the Post Executive Committee shall meet at the call of the Post Commander at least every month and as often as said Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive upon the joint written request of four or more members of said Post Executive Committee. Four Members of the committee shall constitute a quorum. The Post Executive Committee will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- b. The Post Executive Committee shall hire such employees as may be necessary; shall furnish adequate binds for all persons having the custody of the post funds; shall authorize and approve all expenditures; shall hear the reports of post committees; and generally shall have charge of and be responsible for the management of the affairs of the Post.

ARTICLE V

Duties and Powers of Post Officers

Sec. 1

- a. The officers of the Post shall consist of the Post Commander, Post 1st Vice Commander, Post 2nd Vice Commander, Post Adjutant, Post Finance Officer, Post Sergeant-at-Arms, Post Chaplain, Post Historian and Post Judge Advocate. Such Officers shall hold office for one year and shall be elected by members annually. They shall be installed at the 1st meeting following elections.
- b. **POST COMMANDER.** It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. He shall approve all orders directing the disbursement of the funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post. The Post Commander will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- c. **POST 1ST VICE COMMANDER.** The Post 1st Vice Commander shall assume and discharge duties of the office of Post Commander and 1st Vice Commander when called upon by the Post Commander. The 1st Vice Commander will follow duties as described in the Post Officer's Guide

and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.

- d. POST 2ND VICE COMMANDER. The Post 2ND Vice Commander shall assume and discharge duties of the office of Post Commander and 1st Vice Commander when called upon by the Post Commander. The Post 2nd Vice Commander will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- e. POST ADJUTANT. The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander handle all correspondence of the Post. The Post Adjutant will follow duties as described in the Post Officer's Guide and Manual of Ceremonies as well as the Adjutant's Guide published by The American Legion and the Post By-laws and Standing Orders.
- f. POST FINANCE OFFICER. The Post Finance Officer shall have charge of all finances and see that they are deposited in some local bank or banks and shall report once each month to the executive committee the condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for the raising funds with which to carry on activities of the Post. He/she shall sign all checks disbursing the moneys of the Post. The Post shall furnish such surety bond in such sum as shall be fixed by the Department Executive Committee. The Post Finance Officer will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- g. POST CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc, adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time. The Post Chaplain will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- h. Post SERGEANT AT ARMS. The Post Sergeant at Arms shall preserve order at all times as all meetings and shall perform such other duties as may be from time to time assigned to him/her by the Post Executive Committee. The Post Sergeant at Arms will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- i. POST HISTORIAN. The Post Historian shall keep a cumulative record of the Post activities and achievements as well as maintain the lineage of the Post and its members through preservation of historical and present-day documents pertaining to the Post and its members. The Post Historian will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.
- j. POST SERVICE OFFICER. The Post Service officer is responsible for bringing to the attention of the veterans, their dependents in his/her Post and community all of the rights and benefits granted to them by a grateful Nation through laws enacted by Congress of the United States. He/she will also maintain a list of trained and qualified persons able to assist veterans and dependents with claiming the benefits made available to them by a grateful Nation. The Post Service Officer will remain vigilant of new and upcoming legislation regarding the before

mentioned people and will report such legislation to the Post once a month. The Post Service Officer will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.

- k. POST JUDGE ADVOCATE. The Post Judge Advocate is responsible for supplying professional advice in the conduct of the post business or to procure counsel. He is the guardian of the constitutional form of post government. The Post Judge Advocate will follow duties as described in the Post Officer's Guide and Manual of Ceremonies published by The American Legion and the Post By-laws and Standing Orders.

Delegates

Sec. 2

Delegates and alternates to department and national conventions shall be elected at regular monthly meetings, the date to comply with departmental regulations.

ARTICLE VI

Dues

Sec. 1

- a. The amount of annual dues payable by each member of the Post to maintain each member in good standing, shall be determined at the regular meeting following the State Convention.
- b. Arrears in Dues —The State Department sets a date and time for renewal of membership for each year. If members fail to pay dues for the current year by the appointed time their membership will be considered canceled. Members may pay for the next year without need of submitting a membership request as they stay on State records for two consecutive years before being dropped from the rosters. Once those years have expired the member will need to go through the process of being voted back into the Post.
- c. Members delinquent in payment of dues may be re-instated only upon compliance with departmental regulation.

Revenue

Sec. 2

- a. 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.

Article VII

A Department Auxiliary

Sec 3.

- a. The American Legion, Department of Michigan recognizes an Auxiliary organization, known as the *American Legion Auxiliary*, Department of Michigan.
- b. 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.
- c. 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 VIII

Appointments

Sec. 1

All committees necessary for the proper running of the post shall be appointed by the executive committee at their first meeting after annual election. The committees shall consist of a chairman and as many members as is necessary.

Resolutions

Sec. 2

All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinions of the Post on the subject and copy of the same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE IX

Notices

Sec. 1

- a. Every member shall furnish the Post adjutant with his or her address for mailing purposes.
- b. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Rules of Order

Sec. 2

All proceedings of this Post shall be conducted under the pursuant to Robert's Rules of Order, except as herein otherwise provided or in the Post Standing Orders.

ARTICLE X

Amendments

Sec. 1

These By-laws may be changed at any regular meeting of the Post by a vote of two-thirds of the members of this Post attending the such regular meeting, providing the proposed amendment shall have been given to all members at least ten days in advance of the date on which such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-laws is to be voted upon.

ARTICLE XI

Standing Orders

Sec. 1

- a. The Post shall maintain a set of Standing Orders to supplement these By-laws. The Standing Order can be amended at any regular meeting where a quorum of 7 members is present.
- b. The Standing Orders will include the amount of payable dues determined after the State Convention.

Approved _____
(date)

X

Dept Judge Advocate

X

Dept. Commander

X

Dept. Adjutant