

CONSTITUTION
PREAMBLE

FOR GOD AND COUNTRY, WE ASSOCIATE OURSELVES TOGETHER FOR THE FOLLOWING PURPOSES: TO UPHOLD AND DEFEND TH CONSTITUTION OF THE UNITED STATES OF AMERICA; TOMAINTAIN LAW AND ORDER; TO FOSTER AND PERPETUATE A ONE HUNDRED PERCENT AMERICANISM; TO PRESERVE THE MEMORIES AND INCIDENTS OF OUR ASSOCIATIONS IN THE GREAT WARS; TO INCULCATE A SENSE OF INDIVIDUAL OBLIGATION T 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 GOODWILL ON EARTH; TO SAFEGUARD AND TRANSMIT TO POSTERITYTHE 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 Ernest F. Oldenburg Post #216, The American Legion, Incorporated”, Department of Michigan.

ARTICLE II
OBJECTS – NATURE

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble to the National Constitution of the American Legion.

Section 2. This Post is a constituent part of the 18th District Association the Department of Michigan and the National Organization of the American Legion and shall be governed by the District, Department and National Constitution and the By-Laws and the Amendments thereto, by the Mandates of the Department and National Conventions and such miscellaneous rules as may, from time to time, be ordered by any of the aforementioned organizations.

ARTICLE III
MEMBERSHIP

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

Section 2. Applications for membership shall be made in writing and credentials must be submitted for examination and if found in order the application shall be presented and read at the next Post meeting when by a majority vote it may be accepted, rejected or referred for further investigation. A majority vote of members present against the acceptance of an application shall be recorded as a rejection and the applicant shall again be considered for membership until the expiration of six months from the date of the rejection.

Section 3. All members of this Post who joined the Post prior to the issuance of the permanent charter shall be known as the Charter Members.

Section 4. This Post may grant Life Membership to any members of the Post for outstanding service to the American Legion or other special circumstances, upon unanimous vote of the members at any regular meeting provided notice of such a proposal shall have been given at a previous meeting.

ARTICLE IV OFFICERS

Section 1. The Officers of this Post shall consist of a Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Sergeant-at-Arms, Three Executive Committeemen, *a representative of the Auxiliary and a representative from the Sons of the American Legion.*

Section 2. All Officers except the ADJUTANT shall be elected annually at the Annual General Membership meeting of the Post which shall be held at least 30 days prior to the Annual Department Convention.

Section 3. The ADJUTANT shall be appointed by the newly elected Commander immediately following his election to that office and the appointment shall be subject to the approval of the members present.

Section 4. All Officers shall hold office until their successors have been duly installed, or as otherwise provided for.

Article V Finance

Section 1. The revenue of this Post shall be derived from Membership Dues and Assessments and such other activities or sources as may be determined and approved by a majority vote at any regular meeting.

Section 2. This Post shall pay all dues and assessment for each member of the Post, to the District Department and National Organizations.

Section 3. This Post shall be incorporated as a Non-profit organization with the Michigan Corporation and Securities Commission and shall file the necessary annual report to that organization.

Article VI Memorial Home

Section 1. The Memorial Home, Buildings, Real Estate and Equipment owned by the Post which financed and fully paid for through the activities of members of the Post, shall at all times remain in the control of the membership of the Post and at no time shall any agreement be made to mortgage, sell, lease or rent beyond a month to month basis, any part of the Memorial Home property unless approved by a vote of two-thirds the membership of the Post and providing that written notice shall have been sent to all members at least 30 days in advance of the date when such action is to be voted upon.

Article VII American Legion Auxiliary

Section 1. This Post shall sponsor a Unit of the American Legion Auxiliary composed of Wives, Mothers Daughters Sisters, Widows of Members and others eligible under the Constitution of The American Legion Auxiliary, who shall work in co-operation with the Post members in promoting the programs of the American Legion.

Article VIII

Section 1. This constitution may be amended at any regular Post meeting by a two-thirds majority vote of the members present, provided that the proposed amendments shall have been submitted in writing and read at a preceding regular meeting and that written notice shall have been sent to all members at least 30 days in advance of the date when such amendments are to be voted upon, notifying them that at such a meeting a proposal to amend the Constitution is to be voted upon.

The foregoing Constitution was approved at a Post meeting held October 21, 2003

Post Commander

The within Constitution is hereby approved.

Dated: _____

Department Judge Advocate

Amended Constitution:

Article IV, Section 1

By-Laws
Article I

Section 1. Post Commander

He shall preside at all meetings of the Post and as Chief Executive Officer shall have a general supervision over the business and other affairs of the Post. He shall immediately upon assuming office appoint Chairmen of all standing Committees not otherwise provided for and shall make appointments to fill any vacancies that may occur. He shall submit an Annual Report, in writing covering activities of the Post during his term of office, which shall be read at the Annual General Meeting. He shall perform such other duties as directed by the Post.

Section 2. Senior Vice Commander

He shall assume the duties of the Commander in the absence or disability of or when called upon by the Commander. He shall have charge of the enrollment of the Post membership and perform such other duties as may be assigned by the Commander.

Section 3. Junior Vice Commander

He shall assume the duties of the Commander in the absence of both the Commander and Senior Vice Commander. He shall especially interest himself in the Americanism and Community Service, Education and Youth Activities of the Post by stimulating the work of those committees. He shall perform such other duties as may be assigned by the Commander.

Section 4. Adjutant

He shall keep a record of the minutes of all regular and special meetings, which shall be *presented for review or* read at the next following meeting. He shall handle all correspondence and keep files of the Post including such records as the District, Department or National Organizations may require. He shall issue warrants to the Finance Officer authorizing all expenditure only after such payments have been authorized by the Post.

Section 5. Finance Officer

He shall have charge of all funds of the Post, which he shall keep deposited in a local bank or as otherwise directed by the Post. He shall keep the accounts of the General Fund, Welfare and other Special Funds under separate headings. He shall make all payments of Post monies by check but only after having received written authorization from the Post Adjutant or the Post Commander. He shall submit a written report at least once each month of the transactions and the financial condition of the Post. He shall be bonded in such sum as fixed by the Post.

Section 6. Post Historian

He shall be charged with keeping the Historical Records of the Post and its members, making an annual addition of the Post History of the activities and incidents of interest during his term of office.

Section 7. Post Chaplain

He shall render the opening prayer at all meetings and render no-sectarian services at all funerals, dedications or other functions where the Post is called upon to officiate. He shall adhere to such ceremonials as are recommended by the Department and National organizations. He should especially interest himself in members reported sick or in distress through bereavement.

Section 8. Sergeant-at-Arms

He shall vouch for the Legion Membership of persons attending Post meetings. He shall introduce new members or visiting comrades and report to the Commander any non-members that may be present and the purpose of their presence. He shall be custodian for all Post Colors and have them properly placed at all meetings and perform such other duties as may be assigned him by the Commander.

Article II Executive Committee

Section 1. The Executive Committee

The Executive Committee shall be composed of all the Officers, *a representative of the Ladies Auxiliary selected by the Unit, a representative of the Sons of The American Legion selected by the Squadron*, three (3) elected members and the immediate Past Commander who shall have no vote. They shall be charged with the administration affairs of the Post except as otherwise provided for. They shall be at the call of the Commander or the joint request of three or more members of the Executive Committee to deal with emergency matters concerning the Post. Five (5) members of the Executive Committee shall constitute a quorum and all their actions shall be subject to the approval of the members of the Post.

Section 2. Executive Committee Vacancies

All vacancies existing in the Executive Committee or in any office of the Post for any cause other than the expiration of the term, shall be filled by majority vote of the remaining members of the Committee *with the exception of the representatives of the Auxiliary and the Sons of The American Legion who shall be replaced by appointments of their respective organizations* and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his post for three unexcused absences.

Section 3. Executive Committee Appointment

The Executive Committee shall appoint the following Committee Chairmen:

1. *Clubroom* Chairman
2. Bingo Chairman
3. House Chairman

Said committee Chairman will submit *an oral or* written report monthly to the Executive Committee, consisting of all income and expense for the month and these Chairmen may be removed only by action of the Executive Committee, the books of said Committees will be audited Semi-annually by the Finance and Audit Committee.

Article III Delegates

Section 1. Department Delegates and Alternates

Delegates and Alternates to the Annual convention shall be elected at the Annual General Meeting of the Post, following the election of Officers. The Post shall pay registration fees and room costs of all Delegates attending the Department Convention.

Section 2. District Delegates and Alternates

Delegates and Alternates to the 18th District Association monthly meetings shall be elected at the first Post meeting following the installation of the newly elected officers and the District Adjutant immediately notified of such Delegates.

Article IV Committees

Section 1. Membership Committee

The chairman of this Committee shall be, when possible, the Senior Vice Commander. He shall be charged with forming his own committee to obtain New Members, renewal of Old Members, examine the credentials of applicants and reporting upon the eligibility of all applicants.

Section 2. Service and Rehabilitation

The Chairman of this committee shall be known as the Post Service Officer and shall handle all matters pertaining to service comrades in the prosecution of just claims against the State or Federal Governments under the various Veterans' Benefits Laws. He shall handle all cases of emergency need for medical or other relief for Veterans or their families in the Post area that may be brought to his attention. He may appoint one or two assistants to aid him in his work.

Section 3. Child Welfare

The Chairman of this Committee shall keep close observation of all activities pertaining to child welfare in the community. He shall work in close co-operation with the Post Auxiliary and other local child welfare agencies. He shall render assistance to needy Veterans' children when such need is brought to his attention. He shall furnish an Annual Child Welfare Report to the District and Department Child Welfare Chairman.

Section 4. Americanism

The Chairman of this Committee shall be charged with stimulating Patriotism, Community Service, Education and Youth Activities and shall work in close co-operation with the various Chairmen of the above Committees. He shall complete and file the Annual Americanism and Post Activities Report with and through the Post Commander to the Department and National Organizations.

Section 5. Education

The Chairman of this Committee should co-operate with the various schools in the Post area promoting the American Legion Programs such as teaching of flag etiquette, presentation of American Legion School Award Medals and Trophies, National Oratorical Contest, Guy M. Wilson and National American Legion Scholarships, National Education Week and observance for all Patriotic Occasions.

Section 6. Boy Scouts

This Committee shall assist in the organization and operation of a Post sponsored Boy Scout Troop. They shall make recommendations to the Post Members for the betterment of the Troop and report its progress at regular Post meetings.

Section 7. Junior Baseball

This Committee shall assist in the organization and operation of a Post sponsored Junior Baseball Team and shall work in close co-operation with other co-sponsoring groups to promote good sportsmanship and stimulate community interest in this activity.

Section 8. Wolverine Boys State

The Chairman of this activity shall make recommendations for sponsoring boys to the annual assembly, work with other organizations wishing to sponsor boys, arrange for the selection of boys through the school faculty and see that Registration and other necessary details are complied with.

Section 9. National Security and Un-American Activities

The Chairman of this joint activity shall appoint his Committee to work closely with the Local Civil Defense organizations to promote the Legion programs on National Defense and the combating of all subversive and un-American activities.

Section 10. Publicity and Public Relations

The Chairman of this activity shall promote public support by keeping them informed of the Legion programs and Post Activities through the local and nearby newspapers and work in co-operation with National and Department publications.

Section 11. Finance Audit Committee

This Committee shall be composed of at least three (3) members who shall be charged with keeping constant surveillance of all matters pertaining to the finances of the Post. It shall prepare the annual budget recommendations, conduct the annual audit of the financial records of the Post and at other times, upon the request of the Commander, shall prepare and file the Annual Income Report and the Michigan Corporation and Securities Commission Report.

Section 12.

A. House Management Committee

This committee shall be composed of at least three (3) members who shall be charged with the management, maintenance and upkeep of the Legion Memorial Home, furniture, equipment and other property. It shall have charge of all arrangements for allowing the use of the Memorial Home and Property by other organizations or individuals, subject to rules and policies set up by the Post.

B. Bingo Committee

The Bingo Committee shall consist of a Bingo Chairman and Co-Chairman. They shall be responsible for assigning necessary workers, purchasing necessary supplies and equipment pertaining to Bingo. They shall be responsible for filing a Michigan State Lottery Report. They will transfer funds from the Bingo account as he deems necessary or as directed by the Executive Committee.

C. Clubroom Committee

The *Clubroom* Committee shall consist of two (2) *or more Co-Chairmen* who shall have the responsibility of managing the Post *Clubroom* in accordance with the rules and regulations of the Michigan Liquor Control Commission. They shall make all necessary purchases, pay all necessary bills and take care of all maintenance of *Clubroom* equipment. They shall hire all bartenders and necessary help, and shall pay all wages, in accordance with Michigan Employment Securities Commission regulations and shall keep record of same. They shall submit a written monthly report to the membership at a regular Post meeting.

It shall be responsibility of the *Clubroom* Chairmen to take any disciplinary action, when necessary, against any member or guest for any infraction of *Clubroom* Rules. It shall be the responsibility of the Bartender(s) to refuse service to any members or guest who in his or her opinion had enough to drink.

Each member shall be responsible for the conduct of his or her guest at all times. Guest of Post members shall not have the privileges of the *Clubroom* after the member departs from the Post.

D. Kitchen

The kitchen and all necessary cooking utensils and serving equipment shall be the responsibility of the House Committee of the Post.

Section 13. Other Committees

The Commander shall appoint any other Committee that may be deemed necessary by a majority vote of members present at any regular meeting.

Section 14. All Committees

All Committees shall furnish a copy of their monthly and annual activities in writing to the Adjutant and complete such reports as require by the Legion District, Department and National Organizations

or Government Agencies. Committee Chairmen requiring financial outlay may apply for an advance from the Post funds at any regular Post meeting.

Section 15. Clubroom Permission - Auxiliary

All Auxiliary members that carry a paid up membership card for the current year will have the right to use the Post *Clubroom* and will abide by the *Clubroom* rules. The auxiliary will cover the cost of the L.C.C. fee for all its members per year.

Section 16. Clubroom Permission – Sons of the American Legion

All members of the Sons of The American Legion that carry a paid up membership card for the current year and qualify according to the rules of the Michigan Liquor Control Commission will have the rights to use the Post *Clubroom* and will abide by the bar rules. The S.A.L. will cover the cost of the L.C.C. fee for each of its qualifying members per year. All S.A.L. members who are of legal drinking age will pay the same dues as all Legion Members do at Post #216.

Section 17. Membership

A. Any member who pays their dues and said dues having been sent to Department and member refuses to accept said card, once refused, card cannot be reissued until said member appears before the Executive Board with reason of refusal.

B. All Members with more than thirty (30) years continuous service at Milford Post #216 will be granted an honorary Life Membership in Post #216 with the Post paying the members dues.

C. All members retires, and have reached the age of sixty-five (65) years, and have had the last five (5) years of continuous service to Post #216 shall pay a membership dues of \$5.00 less than dues of record as of this date, 4/21/1992.

D. Any member who is on active duty in the Armed Forces of the United States of America, their dues shall be absorbed by the Post, Milford Post #216.

Section 18. Distribution

A copy of these By-Laws shall be furnished to each Post Officer and Committee Chairmen so that they shall be familiar with the duties of the office of their appointment or election thereto.

Article V
Meetings

Section 1. The regular meeting of the Post shall be held on the third Tuesday of each month, at which meeting shall be transacted such business as may be brought before it. One less member than the number present shall constitute a quorum at any regular meeting.

Section 2. The Post Commander, a majority of the Executive Committee or the written request of twelve (12) members shall constitute a reason for calling a special meeting of the Post Membership at any time. The quorum of a special meeting shall be twelve (12) members.

Section 3. The post Adjutant shall cause notice of the Annual Election of Officers and the date of regular and special meetings, which shall be mailed to all Post members. Members should keep the Adjutant and Senior Vice Commander informed of any change of address, at all times.

Section 4. The Executive Committee meeting of this Post shall be held *at the request of the Commander or a majority of the Executive Committee.*

Section 5. All Post meetings will be conducted in accordance with guidelines set forth in the National Officer's Guide and Manual of Ceremonies. Proper opening and closing ceremonies must be observed.

Article VI
Dues

Section 1. The annual Membership dues in the Post shall be set for the following year by the members at the first regular meeting in March due in October of each year.

Section 2. National, Department and District dues shall be paid from the Post Funds for any member of this Post in good standing, who rejoins or is called back into the Armed Forces of the United States of America during a time of war or National emergency.

Article VII
Resolutions

Section 1. All resolutions of State or National Scope adopted by this Post shall merely embody the opinion of this Post and a copy of the resolution shall be forwarded to Department Headquarters for approval before any publicity is given or action taken, other than mere passage by the Post.

Article VIII
Amendments and Additions

Section 1. These By-Laws may be amended, suspended or by new By-Laws adopted at any regular meeting by a two-thirds majority of the members present at such meeting.

Article IX
Rules of Order

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts Rules of Order, except as herein otherwise provided.

The fore-going By-Laws were approved by the Membership at the regular Post meeting held October 21, 2003.

Raymond Chaplin
Commander

Department Judge Advocate

Amended By-Laws:

Article I, Section 4

Article II, Section 2

Article IV, Section 12c

Article IV, Section 15

Article IV, Section 17

Article V, Section 4

Article II, Section 1

Article II, Section 3

Article IV, Section 13

Article IV, Section 16

Article IV, Section 18