

AMERICAN LEGION

SSG MICHAEL A. DICKINSON, II POST 257



CONSTITUTION AND BY LAWS

Post 257 Membership Approved – 10 June 2019
Department Approved – 19 August 2019



**Constitution of SSG Michael A. Dickinson, II Post 257
Augusta, Michigan
Department of Michigan**

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 the Great 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 SSG Michael A. Dickinson, II Post 257, The American Legion, Department of Michigan.

Article II—Objects

Section 1: The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

Article III—Nature

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

Section 2: This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

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

Article IV—Membership

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

Section 2: Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3: All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application then such application shall be recorded as rejected.

Section 4: This Post shall be the judge of its own membership, subject to the restrictions of the National and Department Constitution and By-Laws. Any member of this Post may be expelled for cause by a two-thirds vote of the Post Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same. This Post shall refer to and comply with the Rules of Procedure for the Trial of Post Members and/or Post Officers as approved by the Michigan Department Executive Committee.

Section 5: A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

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

Article V—Officers

Section 1: The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of a Post Executive Committee which shall consist of three (3) members at large in addition to the officers of the Post. The term of office of members of the Post Executive Committee shall be for one year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2: The officers of this Post shall be; a Commander, a First Vice-Commander, a Second Vice-Commander, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, Post Service Officer, Post Judge Advocate and a Sergeant-at-Arms. In addition, the officers of this Post shall include such other officers as may be deemed necessary by this organization, who may be nominated from the floor at the meeting preceding the annual election.

Section 3: The Commander, First Vice-Commander, Second Vice-Commander, Finance Officer, Post Historian, Post Service Officer, Sergeant-at-Arms, and such other officers as may be deemed necessary shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer may be removed for inefficiency by the Post Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Section 4: The Adjutant, the Judge Advocate, and the Chaplain shall be appointed annually by the Commander, subject to the approval of the Post Executive Committee.

Section 5: Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 6: The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

Section 7: This Post shall hold the annual election of Post Officers not less 30 (thirty) days nor more than 120 (one hundred twenty) days prior to the annual Department Convention. The newly elected or appointed Post Officers shall be installed not later than 45 (forty five) 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.

Article VI—Finance

Section 1: The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

Section 2: The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

Section 3: The Post shall pay to Departmental headquarters the National and Departmental annual membership dues for every member of this Post.

Section 4: The Post shall pay to the District such annual per capita dues as may be properly assessed.

Article VII—Charter Members

Section 1: Members who joined this Post prior to November 11, 1919 or members who joined this Post prior to the issuance of charter shall be known as charter members.

Article VIII – Masculine and Feminine References

Section 1: Wherever, in this Constitution and in the 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 sexes, for purposes of this Constitution and By-Laws, shall be deemed eliminated.

Article IX—Allied Organizations

Section 1: This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of SSG Michael A. Dickinson, II Post 257, The American Legion.

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

Section 3: This Post recognizes the “Sons of The American Legion Squadron” of SSG Michael A. Dickinson, II Post No. 257.

Section 4: Membership in the Sons of The American Legion shall be as prescribed in the National Constitution of the Sons of The American Legion.

SECTION 5: This Post recognizes the "Legion Riders Chapter 257" attached to SSG Michael A. Dickinson, II Post 257.

Article X—Amendments

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

Section 2: This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.



**By-Laws of SSG Michael A. Dickinson, II Post 257
Augusta, Michigan
Department of Michigan**

Article I

Section 1: The Post existing under these By-Laws is to be known as SSG Michael A. Dickinson, II Post 257, The American Legion, Department of Michigan.

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

Article II—Management

Section 1: The government and management of the Post shall be entrusted to an executive committee to be known as the "Post Executive Committee."

Section 2: The Post Executive Committee shall consist of three (3) members-at-large in addition to the elected and appointed officers of the Post. The elected officers of the Post and three(3) members-at large, shall be elected annually at the May meeting, and take office at the meeting next following that of the election. All elections of officers shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3: All vacancies existing in the Post 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 committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Article III—Post Executive Committee

Section 1: 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 10 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander at least quarterly and as often as said commander may deem necessary. The commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee; Three (3) members of the committee shall constitute a quorum thereof.

Section 2: The Post Executive Committee shall have the authority to hire and terminate such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate fidelity and crime insurance from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

Article IV—Duties of Officers

Section 1: *Duties of 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. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant. The Commander shall perform such other duties as directed by the Post.

Section 2: *Duties of First Vice-Commander.* The first vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the Post commander. He/she shall be in charge of membership in the Post and shall perform such other duties as are customary of the office.

Section 3: *Duties of the Second Vice-Commander.* The second vice-commander shall supervise the activities of the Post as chair of the Ways & Means Committee, and shall perform such other duties as are customary of the office.

Section 4: *Duties of Post Adjutant.* The 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 commander handle all correspondence of the Post. The adjutant shall perform such other duties as may be directed by the Post.

Section 5: *Duties of the Finance Officer/Treasurer.* The finance officer/treasurer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer/Treasurer shall sign all checks disbursing the monies of the Post, and shall be provided such fidelity and crime insurance in such sum as shall be fixed by the Post Executive Committee and shall perform such other duties as may be determined by the Post.

Section 6: *Duties of Post Historian.* The Post historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section 7: *Duties of Post Chaplain.* The Post chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian 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 and shall perform such other duties as directed by the Post.

Section 8: Duties of Post Service Officer. The Post Service Officer (PSO) is charged with the responsibility of being the initial point of contact regarding Veteran benefits and issues by providing basic information and assistance. It is critically important for the PSO to work with a professional Department Service Officer (DSO) and ensure any paperwork submitted by the Veteran is forwarded to the DSO in a timely manner, to ensure proper benefit service. While familiarity with VA laws and regulations pertaining to filing claims, as well as the policies and guidelines established by the National VA&R Commission are helpful, what is most important of a PSO is to coordinate efforts and assist the Veteran or dependent to work with an accredited American Legion DSO.

Section 9: Duties of the Post Judge Advocate. The Post Judge Advocate shall advise on the interpretation of the National, Department or Post Constitution and By-Laws when called upon. He/she may also serve as the *ex officio* parliamentarian at all meetings and shall perform such other duties as are customary of the office.

Section 10: Duties of Sergeant-at-Arms. The sergeant-at-arms shall be in charge of the colors and setup of the meeting room, preserve order at meetings and shall perform such other duties as are customary of the office and as may, from time to time, be assigned by the Commander or Executive Committee.

Article V—Delegates

Section 1: In addition to the newly elected Post Commander, the Post shall select one Delegate for each 50 paid-up members, or major fraction thereof, to represent the Post at the Annual Convention. The Post shall select an alternate for each Delegate chosen. Delegates and alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention.

Article VI—Appointments

Section 1: The Post commander, immediately upon taking office each year, shall appoint such officers as may be prescribed and such Standing Committees as deemed appropriate by the Post Executive Committee: ***Americanism, Ceremonials, Children and Youth, Economic, Finance, Ways & Means, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion and Visiting or VAVS.*** Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post commander.

Section 2: Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3: Ceremonials Committee. The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies—burial detail and the wearing of Legion regalia.

Section 4: Children and Youth Committee. This committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 5: *Economic Committee*. The Post Economic Committee is primarily concerned with local employment programs, Veterans preference, government employment and re-employment rights.

Section 6: *Finance Committee*. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Section 7: *Ways & Means*. The purpose of the Ways and Means Committee is to oversee the activities of the Post, and to determine and administer the appropriate fund-raising activities needed to support these activities.

Section 8: *Graves Registration and Memorial Committee*. The duties of this committee involve recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given the service officer in providing flags, headstones or proper interment in national cemeteries.

Section 9: *House and Entertainment Committee*. The House and Entertainment quarters promotion of club advantages and arrangement for social activities.

Section 10: *Legislative Committee*. The Legislative Committee needs to have knowledge of what is going on in Congress—what we favor or oppose, and should be ready to initiate action in support of our position when requested by the national or Department organization.

Section 11: *Membership Committee*. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members.

Section 12: *Public Relations Committee*. The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department and national Legion news service and by local publicity of Post programs and activities.

Section 13: *Veterans Affairs and Rehabilitation Committee*. The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 14: *Security Committee*. The Security Committee shall work with and coordinate Legion efforts with the Local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 15: *Sons of The American Legion Committee*. This committee shall have supervision over the operations of the Post's squadron of the Sons of The American Legion.

Section 16: *Visiting or VAVS Committee*. This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Article VII—Resolutions

Section 1: All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Article VIII—Meetings

Section 1: The regular meetings of the Post shall be held at the meeting room each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

Section 2: The Post commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3: Upon the written request of six (6) Post members, the Executive Committee shall call a special meeting of the Post.

Section 4: Three (3) members, including a qualified presiding officer, at a meeting shall constitute a quorum.

Section 5: This Post shall conduct, open and close its local meetings as per the national "Officer's Guide and Manual of Ceremonies" or its succeeding publication.

Article IX—Notices

Section 1: Every member shall furnish the Post adjutant with a mailing and/or email address for notices.

Section 2: The Post adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto.

Article X—Rules of Order

Section 1: All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised; except, as herein otherwise provided.

Article XI—Limitations of Liabilities

Section 1: The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

Article XII—Amendments

Section 1: These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting: Provided That the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post: and, Provided, Further, That written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.