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# **CONSTITUTION & BY-LAWS**

AMERICAN LEGION  
MYRON H. BEALS  
POST 32



9318 NEWBURGH ROAD  
LIVONIA, MICHIGAN 48150  
[alpost32.com](http://alpost32.com)

January 8, 2020

# CONSTITUTION & BY-LAWS

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# CONSTITUTION

THE AMERICAN LEGION  
MYRON H. BEALS POST #32  
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 association 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 Myron H. Beals Post #32, The  
American Legion, Department of Michigan.

## ARTICLE II - PURPOSE

Section 1 The purpose of this Post (defined as Myron H. Beals Post #32) 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 The organization shall be absolutely non-political and non-sectarian and shall not be used for the dissemination of partisan principles or 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 their military or naval title in a meeting of the 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 on the regular membership application form supplied by the Department of the American Legion.

Section 3 All applications for membership shall be approved by the Executive Board or the membership at their regular meetings. At either meeting an application for membership may be accepted, rejected, or referred for further investigation and consideration. If six (6) or more Executive Board members cast their vote against the acceptance of said application, it shall be recorded as rejected.

Section 4 Any member of this Post may be expelled for cause by a two-thirds vote of the Post members present at a regular or special meeting of the Post, after charges are preferred under oath in writing, and a fair trial had upon the same.

Section 5 The Executive Board shall have the right to suspend any member for a period of 30 to 90 days for conduct unbecoming a member of Myron H. Beals Post #32, after a fair trial or hearing before the Executive Board. A member permanently expelled or suspended has the right to appeal under the State Constitution and By-Laws, ARTICLE IV, Section IV, paragraph I.

Section 6 An applicant for membership in this Post who has been suspended from another Post in the American Legion for misconduct or misrepresentation shall not be admitted in this Post without a thorough investigation has been made by the Post Executive Board and with their recommendation.

## ARTICLE V - OFFICERS

- Section 1 The administration affairs of this Post of the American Legion shall, except as may otherwise be provided by the By-Laws, be under the supervision of an Executive Board. ~~Which shall consist of four (4) members in addition to the following officers of the post, namely: Commander, First Vice Commander, Second Vice-Commander, an Adjutant, Finance Officer, and the immediate Past Commander.~~ The term of the office of members of the Executive Board 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 the Post shall be a Commander, a First Vice-Commander, a Second Vice-Commander, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, **a Judge Advocate**, a Sergeant-At-Arms, and such other officers as may be deemed necessary this organization.
- Section 3 All Officers and Executive Board members shall be elected annually and the shall hold office until their successors are duly installed of at the close of the Department Convention. Any Officer or Executive Board Member may be removed for inefficiency by a two-thirds vote of the Post members present at a regular or special meeting of the Post; provided, however, that written notice shall available to all members at least five days in advance of the date when such vote is scheduled.
- Section 4 Any member of this Post in good standing shall be eligible to hold office in this Post.
- Section 5 The duties of officers and the Executive Board shall be those usually appertaining to such **positions** and as further provided in the By-Laws.

## ARTICLE VI - FINANCE

- Section 1 The revenue of this Post shall be derived from ~~membership and initiation fees from~~ membership dues and from such sources as may be approved by the Post Executive Board
- Section 2 The amount of such dues shall be fixed and determined by the Post membership.

Section 3 The Post shall pay to the Department Headquarters the National and Departmental annual membership dues for every paid up member to the Post.

Section 4 The District mandatory dues shall be paid to the **1<sup>st</sup>** District Association.

## ARTICLE VII – CHARTER MEMBERS

Section 1 Members who joined this Post prior to October 16, 1930 shall be known as Charter Members.

## ARTICLE VIII – AMERICAN LEGION AUXILIARY

Section 1 This Post recognizes an Auxiliary organization to be known as the Auxiliary Unit of Myron H. Beals Post #32, The American Legion.

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

## ARTICLE IX – AMENDMENTS

Section 1 This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and 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 a vote of two-thirds of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted, in writing, and read at the next preceding regular meeting of said Post, and **was available (providing further, that written notice shall have been given)** to all members at least five 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

THE AMERICAN LEGION  
MYRON H. BEALS POST #32  
DEPARTMENT OF MICHIGAN

## ARTICLE I - NAME

Section 1 This Post existing under these By-Laws is to be known as Myron H. Beals Post #32, The American Legion, Department of Michigan.

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

Section 3 **The Post Constitution and By-Laws shall be available to all members of Post 32 through postings, Post website, and other mediums available.**

## ARTICLE II - MANAGEMENT

Section 1 The government and management of the Post is entrusted to an Executive Board. ~~of ten or more elected members.~~

Section 2 The Executive Board shall consist of the following officers of the Post: namely, the Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, immediate Past Commander, and four (4) members for the first one thousand members and one member for each part of five hundred members thereafter. They, except for the immediate Past Commander, together with the other officers of this Post shall be elected annually at a regular meeting held on a date in conformity to the provisions of Department By-Laws, **Article IV, Section 2-A**, thereof and shall take office **after the closing of the Department Convention**. All elections of officers and Executive Board shall be by ballot and the candidate receiving the highest number of votes shall be elected to the respective offices for which they are candidates.

Section 3 All vacancies existing in the Executive Board, 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 Board and a person so elected shall hold office for the unexpired

term of the member of Executive Board or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from their post for a continuous period considered detrimental to the interest of the Post by the Executive Board.

Section 4 The Executive Board may authorize the Bar Manager spending authority, subject to preset limits, for Post operations.

Section 5 The Executive Board holds all authority for entering into contracts with outside vendors.

### ARTICLE III – POST EXECUTIVE BOARD

Section 1 The Post Executive Board 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 Board shall meet at the call of the Commander at least every month and as often as said Commander may deem it necessary. The Commander shall call a meeting of the Post Executive Board upon the joint verbal request of three or more members of said Post Executive Board. Six (6) members of the Executive Board shall constitute a quorum thereof.

### 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 Officers shall be the chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds. The Commander shall perform such other duties as directed by the Post Executive Board.

Section 2 Duties of the First Vice-Commander: The First Vice-Commander shall assume and discharge the duties of the Office of Commander in the absence or disability **of the Post Commander**, when called upon by the Post Commander or Executive Board. The First Vice-Commander is also Membership Chairman and keeps abreast of the Post activities

Section 3 Duties of the Second Vice-Commander: The Second Vice-Commander shall assume and discharge the duties of the Office of Commander in the absence or disability of the Post Commander or



First Vice-Commander, when called upon by the Post Commander.  
**The Second Vice-Commander is also the Entertainment Committee Chairman.**

Section 4 Duties of the Post Adjutant: The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, and keep such records as the Department and National organizations may require and under the direction of the Post Commander.

Section 5 Duties of the Finance Officer: The Finance Officer of the Post shall have charge of all finance and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Board the condition of the finances of the Post. The Finance Officer shall sign all checks disbursing the monies of the Post. The Finance Officer shall furnish such bond in such sum as shall be fixed and approved by the Post Executive Board.

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

Section 7 Duties of the 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., and adhere to such ceremonial rituals as are recommended by the National or Department Headquarters.

Section 8 Duties of the Sergeant-At-Arms: The Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may be by the Post Executive Committee, set-up the regular Post meetings, and advise the Commander of all members and guests attending.

Section 9 Duties of the Judge Advocate: The Judge Advocate is the interpreter of the Constitution and By-Laws of the Post. The Judge Advocate (was: He) must also be familiar with the National and Department Constitution and By-Laws. The Judge Advocate shall be prepared to rule upon the legality of the actions and decisions of other officers and members of the Post in so far as they affect the good of The American Legion.

## ARTICLE V - DELEGATES

Section 1 The newly elected Post Commander shall be the Post's first delegate to the Department Convention and the Post's first delegate to the 1<sup>st</sup> District Meeting. Additional delegates and alternates to the Department Convention shall be selected by the Post at the June regular membership meeting after election results are announced.

Section 2 **All delegates attending the Department Convention must attend all general sessions and the workshop, assigned by the Commander or his designee, to qualify for any reimbursement voted on by the membership. The Commander may reduce or negate the amount of this supplement if all appropriate and applicable duties are not met.**

Section 3 **The Commander elect and Past Commander, if relevant, shall have their room reimbursed for attending the Department Convention.**

## ARTICLE VI - APPOINTMENTS

Section 1 The Post Commander, immediately upon taking office, shall appoint the following standing committees: Membership, Building, Legal, Publicity, Welfare, Entertainment, Americanism, and such additional committees as deemed necessary. ~~Such Standing Committees and any further Committees shall consist of such members and the Chairman thereof as shall be designated by the Post Commander.~~ **The Post Commander shall also appoint the Post Service Officer. Once appointed, the Chairmen shall be introduced at the next regular Post meeting.**

Section 2 Membership Committee: The First Vice-Commander is Chairman of the Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members.

Section 3 Building Committee: The Building Committee shall have charge of all matters pertaining to the care of the Post quarters.

Section 4 Legal Committee: The Legal Committee shall be charged with the legal supervision of Post affairs and audit of Post financial accounts.

- Section 5      Publicity Committee: ~~The Legal Committee shall be charged with the legal supervision of Post affairs and audit of Post financial accounts.~~  
**The Publicity Committee shall be charged with all Public Relations of the Post, its activities, and all notifications to members.**
- Section 6      Post Service Officer: The Post Service Officer shall supervise all matters pertaining to the service of comrades in their processing of all just claims against the United States or state governments, employment, relief, etc.
- Section 7      Welfare Committee: The Welfare Committee is charged with the supervision of all welfare funds and welfare activities of the Post.
- Section 8      Entertainment Committee: The Entertainment Committee shall be charged with the social activities for the Post. The Second Vice-Commander is Chairman of the Entertainment Committee.
- Section 9      Americanism Committee: The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangement for proper observance of patriotic occasions; encouragement of patriotic and civil phases of instruction in schools, Americanization of legal aliens; combating anti-American **propaganda by education of the general public in the American** ideals through public forums, etc., and activities for community and civic betterment.

## ARTICLE VII – RESOLUTIONS

- Section 1      All resolutions of State and National scope presented to this Post by a member or reported to this post by a committee shall merely embody the opinion of this 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      **(RE-DEFINED) The Post regular meetings shall be held in the Post Hall on the first Wednesday of each month at 7:30 PM except July and August. Cancelled and/or re-scheduled regular meetings will meet as determined by the Post Executive Board. Changes as to day and**

**time of Post regular meetings will be subject to the approval of the Post membership. ~~At which time any 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 acting Commander** will open and close all meetings as instructed in the National Manual of Ceremonies.

Section 3 The Post Commander or a majority of the Executive Board shall have power to call a special meeting of the Post at any time.

Section 4 Upon the written request of thirty (30) or more members, the Executive Board shall call a special meeting of the Post.

Section 5 **Regular Meeting Quorum: The total amount of Members in Good Standing at each monthly Regular Membership meeting shall constitute a quorum.**

Section 6 There will be at least ten (10) regular meetings per year, and twelve (12) Executive Board meetings per year.

## ARTICLE IX - NOTICES

Section 1 Every member shall furnish the Post Adjutant with their address for mailing purposes. **Every member should furnish all other modes of contact such as, telephone or cellular phone number, e-mail addresses, social media contacts, etc., to the Post Adjutant or Membership Committee for ease of member communications.**

Section 2 The Post Adjutant shall cause notice of the annual election, **held on the Regular Membership meeting day in May**, to be given at least five (5) days prior thereto.

## ARTICLE X – RULES OF ORDER

Section 1 All Post regular and/or special meetings shall be conducted in accordance with the ritual of The American Legion Post Officers Guide and Manual of Ceremonies Hand Book, and such special rules as the Post may adopt, provided that the absence of any special rules, Roberts Rules of Order (revised) shall govern.

## ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1 This Post shall incur, or cause to be incurred, no liability nor obligations 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 vote of two-thirds of the members of said Post attending such regular meetings; provided that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post; and **was available** ~~(provided, that written notice shall have been given)~~ to all members at least five (5) 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.

## ARTICLE XIII – ELECTION OF OFFICERS

Section 1 Eligibility: To be eligible to run for office of this Post, you must be a member in good standing.

Section 2 Nomination of Officers: Nomination of Commander, First Vice-Commander, Second Vice Commander, Adjutant, Finance Officer, Executive Committee members, Sergeant-At-Arms, Chaplain, and Post delegates shall be held at the April membership meeting. Post 32 delegates will be both 1st District and Department convention delegates. **Each person running for office may run for only one position during the election.** Nomination results will be posted within 24 hours.

~~Section II **Manner and Time of Election: Election of Officers, Members of the Executive Committee and Delegates shall be held at the May membership meeting. All elected Post officers shall have their dues paid for the year of their term of office by the time of their installation.**~~

Section 3 Election Chairman: **(RE-WRITTEN) The Commander shall appoint an Election Committee Chairman. The Election Committee Chairman will appoint a committee consisting of four (4) to (8) members to have charge thereof and who shall keep a record of the members voting, count the votes, and certify the**

**results of such votes to the Post membership at the May regular Membership meeting. No member running for Administrative Officer or the Executive Committee may serve on the Election Committee.**

Section 4 Location of Polls: The Polls will be located in the Post Hall. Once you have voted you must leave the polling area.

Section 5 Time of Balloting: **(RE-WRITTEN) The polls shall be opened at 11:00 AM the morning of the May membership meeting and will close at 6:45 PM the same day.**

Section 6 Election Literature: Election posters and/or literature of candidates seeking office is not allowed in the Post or on the premises at any time.

Section 7 Winners of Election: The candidates receiving the highest number of votes shall be declared the winner. In the event of a tie vote for any office, the Commander shall reconvene the meeting for another vote by those members present. Said voting will be by secret ballot.

**Results of said election will be read at the May membership meeting by the Chairman of the Election Committee.  
All election results will be posted within 24 hours.**

## CERTIFICATION

We the undersigned do hereby certify that the foregoing Constitution and By-Laws of the Myron H. Beals Post #32, of The American Legion, Department of Michigan, has been adopted by a majority vote of the members present at a regular meeting held at the Myron H. Beals Post #32, of The American Legion, in the City of Livonia, Michigan on the 8th day of January, 2020.

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Daniel D. Newton – Post Commander

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Martin Bliven – Post Adjutant

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Stanley P. Truskowski – Post Judge Advocate