

**Erwin Prieskorn American Legion Post 46
Ann Arbor, Michigan**

Constitution

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

The name of this organization shall be Erwin Prieskorn American Legion Post 46, The American Legion, Department of Michigan. Cpl. Prieskorn was the first Ann Arbor soldier to give his life in World War I.

Article II - Objectives

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

Section 2. The Post also supports The Four Pillars of the American Legion:

- Veterans Affairs and Rehabilitation
- National Security
- Americanism
- Children and Youth

Article III - Nature

Section 1. This Post is a civilian veterans organization as described under Internal Revenue Code Section 501 (c) (19). Membership therein does not affect or increase liability for military or police service.

Section 2. The Post is nonpolitical and shall not disseminate partisan principles nor promote the candidacy of any person seeking public office.

Section 3. Rank does not exist in The American Legion. No member shall be addressed by his/her military rank in any meeting of this Post.

Article IV - Membership

Section 1. Eligibility for 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 regulations as may from time to time be required by the Post Executive Committee, or through appropriate transfer documents.

Section 3. All applications for membership shall be acted upon at the next Post meeting following receipt of the application, and shall at such meeting, be accepted, rejected, or referred for additional investigation and consideration. If a majority of the members vote against the acceptance of the application, then the 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 Constitutions and By-Laws. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges have been made in writing under oath. The charges shall be delivered to the member fourteen (14) days prior to hearing the charges and a fair trial must be held. This Post shall 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, or subsequent successful appeal as provided by the Department Constitution.

Article V - Officers

Section 1. Administration of this Post shall, unless otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of three members at large, hereinafter referred to as Trustees, in addition to the elected officers of the Post. The term of office of the Trustees shall be for one year. This Post, by its By-Laws, may provide for such other committees as the business of the Post may require.

Section 2. Officers of the Post are Commander, Vice-Commander, Adjutant and Finance Officer. The Post may elect additional Officers. Election of Officers and Trustees shall be annually by secret ballot of the members.

Section 3. At his/her discretion, the Commander may appoint members to serve as Historian, Chaplain, Service Officer, Judge Advocate and Sergeant-at-Arms. Such Officers shall serve at the pleasure of the Commander, and their appointments shall be subject to approval of the Post Executive Committee. Any Officer or Trustee 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. Every member of this Post in good standing is eligible to hold office in this Post.

Section 5. The duties of Officers and Trustees are those usually appertaining to the position and as further provided in the By-Laws.

Section 6. This Post shall hold the annual election of Post Officers, Trustees and Delegates to conventions or conferences, at its regular May meeting, or on another date if the meeting is rescheduled.

Section 7. If an election is uncontested, with only one candidate for a given office, the election may be held by voice vote of the members rather than by secret ballot. This applies to elections for Officers, Trustees and Delegates to conventions or conferences.

Article VI - Finance

Section 1. The revenue of this Post shall be derived from annual membership dues, gifts and donations (including bequests), investment returns, fundraisers, and such other sources as may be approved by the Post Executive Committee.

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

Section 3. The Post shall pay to Department of Michigan headquarters the National and Departmental annual membership dues for every member of this Post and to the District such annual per capita dues as may be properly assessed.

Article VII - Charter Members

Members who joined this Post prior to November 11, 1919, or members who joined this Post prior to the issuance of its Charter on August 15, 1923, shall be known henceforth as Charter Members.

Article VIII - American Legion Auxiliary

Section 1. This Post recognizes an affiliated organization to be known as the Auxiliary Unit of Erwin Prieskorn Post 46, The American Legion.

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

Article IX - Sons of the American Legion

Section 1. This Post recognizes an affiliated organization to be known as the Sons of the American Legion, Erwin Prieskorn Post 46.

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

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 either the National or Department Constitution which is in conflict with any provisions of this Post Constitution shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. Amendments to this Constitution, in whole or in part, may be proposed by a majority vote of the members of the Post voting at a regular meeting.

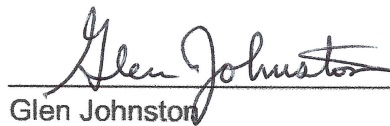
Section 3. Amendments to this Constitution, in whole or in part, may also be proposed by a majority vote of the Executive Committee of the Post.

Section 4. In either case, a proposed Amendment shall not be effective unless approved by two-thirds of members of the Post voting at a regular meeting. At least 30 days prior to the anticipated date for voting on approval of the proposal, written notice of the proposed Amendment, including a copy of the proposed Amendment itself, shall be given to all Post members.

Note: The above have been approved by the Membership and supersedes all previous Constitutions. Effective this date: August 5, 2021.

A handwritten signature in cursive script, reading "David R Draper", written over a horizontal line.

David Draper
Commander

A handwritten signature in cursive script, reading "Glen Johnston", written over a horizontal line.

Glen Johnston
Adjutant

THE AMERICAN LEGION DEPARTMENT OF MICHIGAN

212 N. Verlinden Ave., Ste A, Lansing, Michigan 48915



November 29, 2021

Ronald Runyan
Department Adjutant
212 N. Verlinden Ave - Suite A
Lansing, MI 48915

Re: Post 46 Constitution and Bylaw Changes

Dear Mr. Adjutant,

I have reviewed the revised Constitution & Bylaws of Post 46 and have verified that all required changes have been made. I hereby approve Post 46's Bylaws.

Thank you Post 46 for the opportunity to serve you.

In Legion Spirit,

A handwritten signature in black ink, reading "Brett Holt". The signature is stylized with a large, flowing "B" and "H".

PDC Brett Holt
Department Judge Advocate