

**CONSTITUTION
DETACHMENT OF SOUTH DAKOTA
SONS OF THE AMERICAN LEGION**

PREAMBLE

Proud possessors of a priceless heritage, we male descendants of veterans of the Great Wars, associate ourselves together as "Sons of The American Legion" 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 true spirit of Americanism; to preserve the memories of our former members and the associations of our members and our forefathers 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 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 friendship by our devotion to mutual helpfulness; to adopt in letter and spirit all of the great principles for which The American Legion stands; and to assist in carrying on for God and Country.

**ARTICLE I
NAME**

SECTION 1: The name of this organization shall be the Sons of the American Legion Detachment of South Dakota

**ARTICLE II
NATURE**

SECTION 1: The Sons of the American Legion is a civilian organization. Membership therein does not affect nor increase liability for military or police service.

SECTION 2: The Sons of 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 of any person or group seeking public office or preferment.

SECTION 3: The Sons of the American Legion Detachment of South Dakota shall be absolutely non-sectarian.

SECTION 4: Each member shall perform his full duty as a citizen according to his own conscience and understanding in accord with the law.

**ARTICLE III
ELIGIBILITY**

SECTION 1: All male descendants, adopted sons and stepsons of members of The American Legion and such male descendants of veterans who died in service, or died subsequent to his or her honorable discharge from service during World War I, World War II, the Korean War, or the Vietnam War, Lebanon, Grenada, Panama, or the Persian Gulf War, during delimiting

periods set forth in Article IV, Section 1, of the National Constitution of the American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of the American Legion.

SECTION 2: The Sons of the American Legion Detachment of South Dakota shall establish intermediate bodies (District, County, Area, etc.) as may be necessary to fulfill the functions of the Sons of the American Legion.

SECTION 3: The minimum membership for the formation of a Squadron shall be ten (10) members.

SECTION 4: Those who desire to form a Squadron shall submit to the Detachment Executive Committee an application for a charter, properly executed by the proposed charter members. Upon receipt of such application, the Detachment Executive Committee will forward the application to The American Legion Department of South Dakota Headquarters for approval and forwarding to The American Legion National Headquarters.

SECTION 5: The Detachment of South Dakota will have jurisdiction over the Squadrons within the Detachments' geographical area, subject to such limitations as may be prescribed by the American Legion Department of South Dakota.

SECTION 6: The Sons of the American Legion Squadron shall be organized under the jurisdiction and sponsorship of a local Post of The American Legion and shall bear the name of such sponsoring Post.

SECTION 7: See Amendments.

ARTICLE V **DETACHMENT OFFICERS**

SECTION 1: The Detachment Convention shall elect a Detachment Commander, one Detachment Vice Commander, a Detachment Chaplain, a Detachment Historian, and a Detachment Sergeant-at-Arms. The Detachment Convention shall also elect a National Executive Committeeman and an Alternate National Executive Committeeman. (see Appendix)

SECTION 2: Such Officers shall serve until the adjournment of the succeeding Detachment Convention following their election or until their successors are chosen. Vacancies in these offices occurring between Detachment Conventions, shall be filled by election by the Detachment Executive Committee. The term of the National Executive Committeeman and the Alternate National Executive Committeeman will expire immediately after the subsequent National Convention. The newly elected National Executive Committeeman and the Alternate National Executive Committeeman shall assume office at the post-National Convention National Executive Committee meeting.

SECTION 3: No member may hold both a National Office and an elected Detachment Office at the same time.

SECTION 4: The Detachment Commander will appoint, with the approval of the Detachment Executive Committee, a Detachment Adjutant, a Detachment Finance Officer, a Detachment Judge Advocate and any Assistant Adjutants and Assistant Sergeant-at-Arms or other positions

as may be necessary. The Detachment Adjutant and the Detachment Finance Officer may not be the same individual.

SECTION 5: The Sons of the American Legion shall recognize an individual or individuals designated by the Department Commander of The American Legion as Detachment Advisor or Advisors to the Sons of the American Legion and he/she or they shall be ex-officio members of all committees or commissions of the Detachment organization of the Sons of the American Legion.

SECTION 6: In fulfilling their duties and responsibilities, the Detachment Officers shall be responsible to the Department Executive Committee of The American Legion or to a subordinate body by its designate.

ARTICLE VI **LEGISLATIVE BODY**

SECTION 1: The Legislative Body of the Sons of the American Legion Detachment of South Dakota shall be a Detachment Convention to be held annually in conjunction with The American Legion Department of South Dakota Convention. All acts of the Detachment Convention are subject to ratification by the Detachment Executive Committee and the Department Executive Committee of The American Legion.

SECTION 2: A Detachment Mid-Winter Conference shall be held in conjunction with the Department Mid-Winter Conference of The American Legion for the purpose of legislative action.

SECTION 3: The Detachment Commander shall issue a call to the Detachment Convention or Conference not less than thirty (30) days prior to such meeting. Such calls shall go out to each squadron of the Detachment, all elected Detachment Officers, all Past Detachment Commanders and Detachment Advisors.

SECTION 4: At the Detachment Convention or Mid-Winter Conference each Squadron shall be entitled to ten (10) delegates and one (1) delegate for each ten (10) members, or major fraction thereof, after the initial Squadron formation of ten (10) members. (Example: A Squadron with 37 members would be entitled to 13 delegates. A Squadron with 35 members would be entitled to 12 delegates.)

SECTION 5: Each duly registered delegate shall be entitled to one (1) vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the registered delegates present from his Squadron. Alternates for registered delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who had received his credentials and had paid such registration fee as may be required.

SECTION 6: All elected Detachment Officers shall be delegates-at-large to the Detachment Convention and Mid-Winter Conference with their vote to be exercised by them with their respective Squadrons, provided they are duly registered.

SECTION 7: All Past Detachment Commanders, while in good standing in their respective Squadron in this Detachment, shall be delegates-at-large for life to all Detachment Conventions with their vote to be exercised by them with their respective Squadrons, provided they are duly registered.

SECTION 8: At least three Squadrons must be present and duly registered to make a quorum.

ARTICLE VII
DETACHMENT EXECUTIVE COMMITTEE

SECTION 1: Between Detachment Conventions and Mid-Winter Conferences, the administrative power of the Detachment shall be vested in the Detachment Executive Committee. The Detachment Executive Committee shall be composed of the Detachment Commander, Detachment Vice Commander, Detachment Chaplain, Detachment Historian, Detachment Sergeant-at-Arms, National Executive Committeeman, Alternate National Executive Committeeman, the immediate Past Detachment Commander, two (2) past Detachment Commanders elected by the legislative body at the Detachment Convention, and one representative from each Squadron. (see Appendix)

SECTION 2: A Squadron may appoint or elect a member, in good standing, to serve on the Detachment Executive Committee, for a term of one year.

SECTION 3: An elected Detachment Officer cannot also be the representative from his respective Squadron. No member can cast more than one vote.

SECTION 4: At least three Squadrons must be represented to establish a quorum with at least one (1) elected Detachment Officer present to chair the meeting. Representation includes elected Detachment Officers.

ARTICLE VIII
FINANCES

SECTION 1: The Sons of the American Legion Detachment of South Dakota revenue shall be derived from the annual membership dues which will be mandated by the Detachment Convention and deposited in an account for the purpose of the operation of the Detachment.

SECTION 2: All other money will be deposited in special accounts for use in various community projects or Detachment projects.

SECTION 3: All checks must have two signatures. There must be at least three authorized signatures on file for all accounts. The Detachment Finance Officer, the Detachment Adjutant and a Detachment Advisor shall be authorized to sign checks. All members or advisors authorized to sign checks must be bondable.

SECTION 4: No expenditures are to be made from any funds that are not authorized by the proposed budget for the year or mandated by the Detachment Convention Mid-Winter Conference or the Detachment Executive Committee. Emergency expenditures that are not covered by the budget must be authorized by the Detachment Finance Committee.

SECTION 5: The amount of such annual detachment dues shall be \$2.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues. (see Appendix/Amendments)

ARTICLE IX
AMENDMENTS

SECTION 1: This Constitution may be amended at any Detachment Convention or Mid-Winter Conference by a vote of two thirds (2/3) of the total authorized representation represented in person or by proxy provided that the proposed amendment shall have been submitted through the Detachment Adjutant to the Squadrons by mailing same to them prior to the Detachment Convention or Mid-Winter Conference. The Constitution can also be amended by unanimous vote by a properly introduced resolution to the above mentioned meetings.

ARTICLE X
SAFETY CLAUSE

SECTION 1: If any section therein shall be determined, by proper authority, to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the sections of this Constitution.

ARTICLE XI
REPEAL AND SAVING CLAUSE

SECTION 1: This Constitution was adopted at the Detachment Convention held in Brookings, South Dakota, on June 15, 1997. All previous constitutions are now therefore declared null and void.

APPENDIX TO THE CONSTITUTION

Amendments to the Constitution of the SONS OF THE AMERICAN LEGION, DETACHMENT OF SOUTH DAKOTA, approved and adopted by the Detachment Convention membership body, June 14, 2008.

ORIGINAL SECTION

ARTICLE VIII SECTION 5: The amount of such annual detachment dues shall be \$2.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

AMENDED SECTION

ARTICLE VIII SECTION 5: The amount of such annual detachment dues shall be \$4.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

Amendments to the Constitution of the SONS OF THE AMERICAN LEGION, DETACHMENT OF SOUTH DAKOTA, approved and adopted by the Detachment Convention membership body, June 19, 2010.

ORIGINAL SECTION

ARTICLE VIII SECTION 5: The amount of such annual detachment dues shall be \$4.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

AMENDED SECTION

ARTICLE VIII SECTION 5: The amount of such annual detachment dues shall be \$5.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

Amendments to the Constitution of the SONS OF THE AMERICAN LEGION, DETACHMENT OF SOUTH DAKOTA, approved and adopted by the Detachment Convention membership body, June 27, 2015.

ORIGINAL SECTION

ARTICLE VIII SECTION 5: The amount of such annual detachment dues shall be \$5.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

AMENDED SECTION

ARTICLE VIII SECTION 5: The amount of such annual detachment dues shall be \$8.00 per member and shall be payable October 20th of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

ORIGINAL SECTION

ARTICLE V SECTION 1: The Detachment Convention shall elect a Detachment Commander, one Detachment Vice Commander, a Detachment Chaplain, a Detachment Historian, and a Detachment Sergeant-at-Arms. The Detachment Convention shall also elect a National Executive Committeeman and an Alternate National Executive Committeeman.

AMENDED SECTION

ARTICLE V SECTION 1: The Detachment Convention shall elect a Detachment Commander, Detachment Vice Commander(s), a Detachment Chaplain, a Detachment Historian, and a Detachment Sergeant-at-Arms. The Detachment Convention shall also elect a National Executive Committeeman and an Alternate National Executive Committeeman.

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ARTICLE VII SECTION 1: Between Detachment Conventions and Mid-Winter Conferences, the administrative power of the Detachment shall be vested in the Detachment Executive Committee. The Detachment Executive Committee shall be composed of the Detachment

Commander, Detachment Vice Commander, Detachment Chaplain, Detachment Historian, Detachment Sergeant-at-Arms, National Executive Committeeman, Alternate National Executive Committeeman, the immediate Past Detachment Commander, two (2) past Detachment Commanders elected by the legislative body at the Detachment Convention, and one representative from each Squadron.

AMENDED SECTION

ARTICLE VII SECTION 1: Between Detachment Conventions and Mid-Winter Conferences, the administrative power of the Detachment shall be vested in the Detachment Executive Committee. The Detachment Executive Committee shall be composed of the Detachment Commander, Detachment Vice Commander(s), Detachment Chaplain, Detachment Historian, Detachment Sergeant-at-Arms, National Executive Committeeman, Alternate National Executive Committeeman, the immediate Past Detachment Commander, two (2) past Detachment Commanders elected by the legislative body at the Detachment Convention, and one representative from each Squadron.

AMENDED SECTION

SECTION 7: All elected officers for the Detachment, appointed children & youth program chairmen within the Detachment, and all volunteers for children & youth programs within the Detachment, shall have background checks completed in accordance with all resolutions passed by the National Executive Committees of the American Legion and the Sons of the American Legion.

- a. Should an elected Detachment officer or Detachment children & youth chairman, or Detachment volunteer disclosure during background check screening that contains one or more of the disqualifying criteria will preclude an individual from serving as his elected, appointed, or volunteer position. The Detachment Executive Committee shall call a special meeting in person or via any electronic conference means and shall appoint a qualifying replacement to complete that individual position's term.
- b. It is strongly recommended that Squadrons require background checks for elected Squadron officers or Squadron children & youth chairmen, or Squadron volunteers. Should disclosure during background check screening contain one or more of the disqualifying criteria, this will preclude an individual from serving as his elected, appointed, or volunteer position. The Squadron shall call a special meeting in person or via any electronic conference means and shall appoint a qualifying replacement to complete that individual position's term.
- c. A record of each individual Detachment level background check results will be kept on file with the Detachment Headquarters. Squadron background checks shall be kept on file at the Squadron level. For the member's privacy and protection, social security numbers shall be redacted from the reports in witness of that individual and replaced with that individual's membership number.