

THE SONS OF THE AMERICAN LEGION
DETACHMENT OF SOUTH CAROLINA
CONSTITUTION

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 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 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

This Organization shall be known as The Sons of the American Legion, Detachment of South Carolina, and shall be comprised of Squadrons established and chartered in the Detachment. The Sons of the American Legion, Detachment of South Carolina is a program of the American Legion Department of South Carolina (hereinafter the “Department”), and shall be subject to its oversight through the American Legion Department of South Carolina, Committee on the Sons of the American Legion (hereinafter, the Department SAL Committee”)

ARTICLE II - OBJECTIVES

Section 1. The purposes, principles, aims and objects of this association are declared to be in conformity with those of the National Organization of The Sons of the American Legion, of which this Detachment is a part, as enunciated in the preamble to this constitution, identical with that of the National Organization of The Sons of the American Legion adopted at its first annual convention in Chicago, Illinois August, 1972, and as amended through the date of the adoption of this Constitution and subject to the oversight of the American Legion Department of South Carolina.

Section 2. We further dedicate ourselves to the promotion of the welfare, prosperity and happiness of all people of South Carolina, to the preservation of the ideals and traditions of our state, and pledge our single-minded adherence to the hallowed faith of our fathers and all the great principles for which the American Legion stands.

Section 3. The American Legion, Detachment of South Carolina, shall be absolutely non-political, 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.

ARTICLE III - ELIGIBILITY

Section 1. Any person eligible for membership in The Sons of the American Legion pursuant to the requirements of the Constitution and Bylaws of the National Organization of the Sons of the

American Legion shall be eligible for membership in the Detachment.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually (or for life in the event a program of life membership is ever adopted by the National Organization of the Sons of the American Legion).

Section 3. No person may be a member at any one time of more than one Squadron.

Section 4. No person, who has been expelled by a Squadron, shall be admitted to membership in another Squadron, without the consent of the expelling Squadron, except that where such consent has been asked for and denied by such Squadron, he may then appeal to the Executive Committee of the Detachment of the expelling Squadron for permission to be admitted to membership in another Squadron, and shall be ineligible for membership until such permission is granted.

ARTICLE IV - GEOGRAPHICAL LIMITS

The American Legion, Detachment of South Carolina, shall be divided into twenty Districts:

The geographical limits of Districts 1 through 20 shall be defined in the same manner as they are defined by the Department.

ARTICLE V - DETACHMENT CONVENTION

Section 1. Except where hereinafter specifically delegated, all power and authority are lodged in the convention, which shall be composed of delegates from the Squadron as hereinafter provided. The Detachment Adjutant is hereby authorized to set and plan the annual Detachment Convention, and will report to the Detachment Executive Committee the necessary arrangements of said conventions.

Section 2. The Detachment Executive committee is hereby invested with the power to appoint such committees deemed necessary and to make such arrangements as may be deemed necessary for the holding of the Convention.

Section 3. With the consent of the Department SAL Committee, the Convention may be called in extraordinary session by either The Detachment Commander by and with the consent of The Detachment Executive Committee, or upon the petition of two-thirds (2/3) of the Squadron of the Detachment.

Section 4. The number of votes of each Squadron represented at the Detachment Convention is hereto outlined in Article XII, Section 10 and 11 of the Constitution.

Section 5. A quorum of said Detachment Convention shall consist of the duly elected delegates present from at least one-fifth (1/5) of the Squadron in good standing with the Detachment, provided that a smaller number may meet and adjourn from time to time until a quorum be assembled.

ARTICLE VI DETACHMENT EXECUTIVE COMMITTEE

Section 1. Between the meetings of the convention, the Detachment Executive Committee shall constitute the governing body of this association, and such committee hereby empowered to make all

rules and regulations necessary and consistent with this Constitution and the Bylaws of this association, and to do all things to promote and carry out its aims and purposes.

Section 2. The Detachment Executive Committee with full voting rights shall consist of the following members:

Immediate Past Detachment Commander
National Executive Committeeman
Alternate National Executive Committeeman
Detachment Historian
Detachment First Vice-Commander
Detachment Second Vice-Commander
Detachment Third Vice-Commander
Detachment Fourth Vice-Commander
District One Commander
District Two Commander
District Three Commander
District Four Commander
District Five Commander
District Six Commander
District Seven Commander
District Eight Commander
District Nine Commander
District Ten Commander
District Eleven Commander
District Twelve Commander
District Thirteen Commander
District Fourteen Commander
District Fifteen Commander
District Sixteen Commander
District Seventeen Commander
District Eighteen Commander
District Nineteen Commander
District Twenty Commander

The immediate Past Detachment Commander shall have served as such through the latest full term of office or the last part thereof, and each District Commander for a period of their elected terms. The Detachment Commander serves as the Ex-Officio Chairman of the Detachment Executive Committee.

Section 3. The Detachment Executive Committee shall meet at such times and places as may be agreed upon by the aforementioned committee or upon call by the Detachment Commander and/or the Detachment Adjutant as prescribed by the Constitution and Bylaws. The Executive Committee shall not meet less than four (4) times between Detachment Conventions.

Section 4. The Detachment Adjutant shall serve as secretary of the Detachment Executive Committee when in session.

Section 5. Only the voting members, as prescribed in Article VI, Section 2 of the Constitution shall be permitted to be present and privileged to participate in Executive Sessions of said committee. In addition, the Past Detachment Commanders, as non-voting members of the Detachment Executive

committee, shall be permitted to be present and privileged to participate in Executive Sessions of the committee.

ARTICLE VII DETACHMENT OFFICERS

Section 1. The officers of this organization shall consist of:

Detachment Commander
National Executive Committeeman
Alternate National Executive Committeeman
Detachment Historian
Detachment First Vice-Commander
Detachment Second Vice-Commander
Detachment Third Vice-Commander
Detachment Fourth Vice-Commander

Section 2. In the case of a vacancy in the office of the National Executive Committeeman, the duly elected Alternate National Executive Committeeman shall fulfill the remainder of the unexpired term of the National Executive Committeeman. In the case of such events, a special Detachment Executive Committee shall convene to elect an Alternate National Executive Committeeman for the remainder of the unexpired term of said office.

Section 3. In the event of a vacancy in any other Detachment office, except as prescribed in Article VII, Section 4, such vacancy shall be immediately filled at a meeting of the Detachment Executive Committee and the officers so elected by the Detachment Executive Committee shall continue to discharge the duties of the office until the next Detachment Convention.

Section 4. In case of the death, resignation, removal from the Detachment, or disqualification of the Detachment Commander, the Detachment Adjutant shall immediately call the Detachment Executive Committee into session and such committee shall appoint/confirm the Detachment First Vice-Commander successor for the unexpired term.

Section 5.

(A) The Detachment Executive Committee shall appoint a Detachment Adjutant, who shall be the Chief Operating Officer of the Detachment. He shall be placed under a bond in such sum and with such surety as the Detachment Executive Committee may direct.

(B) He shall hold office from the date of his appointment and qualifications. The Detachment Adjutant may be removed from said position only upon a two-thirds (2/3) vote of the Detachment Executive Committee.

(C) The Detachment Executive Committee may appoint an assistant Detachment Adjutant, considering the recommendation of the Detachment Commander and the Detachment Adjutant. His duties shall be in cooperation and under the supervision of the Detachment Adjutant. He shall be paid a salary as to be determined by the Detachment Executive Committee.

(D) The Detachment Commander, with the approval of the Detachment Executive Committee, shall appoint the following Detachment officers:

Detachment Judge Advocate
Detachment Service Officer
Detachment Chaplain
Detachment Sergeant-at-Arms, and up to
Four (4) Assistant Sergeant-at-Arms

(E) These positions shall coincide with that of the appointing Detachment Commander.

ARTICLE VIII ELECTION OF DETACHMENT OFFICERS

Section 1. Two-thirds (2/3) of the certified delegates eligible to vote will elect the following officers at the annual Detachment Convention. These officers shall consist of:

Detachment Commander
Detachment Historian
Detachment First Vice-Commander
Detachment Second Vice-Commander
Detachment Third Vice-Commander
Detachment Fourth Vice-Commander

Section 2. The National Executive Committeeman and the Alternate National Executive Committeeman shall be elected biennial at the annual Detachment Convention. These elections will take place on an even/odd year rotation with the National Executive Committeeman being elected on the odd year, and for the Alternate National Executive Committeeman every even year, with both positions being elected by two-thirds (2/3) of the certified delegates eligible to vote at the annual Detachment Convention.

Section 3. The Detachment Vice-Commanders will ascend upward into the next highest office at each annual Detachment Convention with the knowledge/affirmative action of the certified delegates present unless otherwise stated in the Detachment Constitution/Bylaws.

Section 4. The candidates for the position of fourth (4th) Vice-Commander shall be brought forth to the Detachment convention by their respective nominating Squadron. The nominees from their respective Squadrons will then compete for the vacant position of fourth (4th) Vice-Commander with their election being held at the annual Detachment Convention by two-thirds (2/3) of the certified delegates present at said convention, unless Article VII, Section 4 of the Constitution has taken affect.

Section 6. The Detachment District Commanders shall be elected biennially at the appropriate District meeting by two-thirds (2/3) of the certified delegates eligible to vote at said district meeting. These officers shall have an even/odd rotation with District Commanders from:

District One
District Three
District Five
District Seven
District Nine
District Eleven
District Thirteen

District Fifteen
District Seventeen
District Nineteen

Being elected every odd year, and District Commanders from:

District Two
District Four
District Six
District Eight
District Ten
District Twelve
District Fourteen
District Sixteen
District Eighteen
District Twenty

Being elected every even year. To be eligible to hold the office of District Commander, you must be a member of a Squadron within the District you will command.

Section 7. A District meeting must be held at least thirty (30) days prior to the annual Detachment convention in those Legion District in which a District Commander will be elected for the ensuing two (2) years. The name of the newly elected District commander will be forwarded to Detachment Headquarters within one (1) week after the election, and prior to the annual Detachment Convention. The installation of these newly elected District Commanders will take place at the annual Detachment Convention.

Section 8. The number of votes for a Squadron represented at the District meeting within the electing Legion District shall be on the basis of three (3) votes for each Squadron plus one additional vote for each fifteen (15) members or major fraction thereof. The official membership standing of each Squadron as certified by the various Squadron adjutants to the District Commander at the time of the meeting will govern the voting strength of each Squadron.

Section 9. All officers shall continue in office until their successors are elected and qualified, unless they shall sooner resign, remove from the Detachment, or become otherwise disqualified.

Section 10. Beginning in 2009, all **Detachment Officers and members of the Detachment Executive Committee** will within **forty-five (45) days** following the conclusion of the annual Detachment Convention, take the “American Legion Extension Institution Course,” and successfully complete and graduate from said course.

ARTICLE IX - VICE COMMANDERS

Section 1. The Detachment Vice-Commanders will consist of four (4) annually elected officers.

Section 2. The titles of the aforementioned Detachment Officers are as outlined:

First Vice-Commander
Second Vice-Commander

Third Vice-Commander
Fourth Vice-Commander

Section 3. The order of ascension to Detachment Commander for the aforementioned Vice-Commanders will be as follows, and as approved by two-thirds (2/3) of the certified delegates to the annual Detachment Convention following Roberts Rules of Order:

- A. First Vice-Commander serves for a term of one year before ascending to the Detachment, unless Article VII, Section 4 has taken affect;
- B. Second Vice-Commander serves for a term of one year before ascending to the position of First Vice-Commander, unless Article VII, Section 4 has taken affect;
- C. Third Vice-Commander serves a term of one year before ascending to the Detachment Second Vice-Commanders position with knowledge/affirmative action of the certified delegates present at the annual Detachment Convention unless Article VII, Section 4 of the Constitution has taken affect;
- D. Fourth Vice-Commander serves a term of one year before ascending to the Detachment Third Vice-Commander's position with the knowledge/affirmative action of the certified delegates present at the annual Detachment Convention unless Article VII, Section 4 of the Constitution has taken affect; and
- E. Additional duties for these Vice Commanders are outlined in the Bylaws, Article III, Section 2.

ARTICLE X - DISTRICT OFFICERS

Section 1. The Detachment Commander, with the approval of the Detachment Executive Committee, and upon the recommendation of the District Commanders, shall appoint in each District one (1) or more officers to be known as Area Commanders.

Section 2. The District Commanders will recommend one (1) such Area Commander for each county within his District having two (2) or more Squadron therein. These recommendations will be made within thirty (30) days following the annual Detachment Convention.

Section 3. Area Commanders shall be under the immediate supervision of the District Commander and will take action according to his direction in all matters pertaining to The Sons of the American Legion, Detachment of South Carolina.

Section 4. The Detachment Commander shall upon approval of the Detachment Executive Committee, appoint a District Chaplain for each District as recommended by the District Commander.

Section 5. Meetings as may be held by a District Commander, consisting of the Squadron commanders and District Chaplain, shall be known as the District Executive Committee. The empowerment of the District Executive Committee shall be limited to recommendations to the Detachment Executive Committee, as well as, to aid The Sons of the American Legion, Detachment of South Carolina in carrying out its objectives within their respective Districts. Such Officers shall serve for a term of one year.

ARTICLE XI - DISCIPLINE

Section 1. That upon conviction of any Detachment or Squadron Officer of an infamous crime by any duly constituted court, that said office shall be declared vacant and forthwith filled as provided by the Constitution and Bylaws as in the case of any other vacancy.

Section 2. Upon the filing by any Officer of charges against any other Office of the Detachment, coming out of the failure on his part of performing the duties of his office, according to the Constitution and By-organization:

Neglect;
Incapacity;
Or Inability to serve;
Or failure to carry out the orders of directions of the Detachment Executive Committee or the Detachment Commander,

Then the offending Officer shall be served with a certified copy of the charges and shall be given twenty (20) days from the set date to file a request with the Detachment Adjutant for a hearing of the charges before the Detachment Executive Committee. Upon notification by the Detachment Adjutant of a day fixed and time set, he shall be required to appear before the Detachment Executive Committee and answer such charges as may be preferred against him.

Section 3. If said officer fails to file such a request within the specified time, then the Detachment Executive Committee shall have the power to act on the charges, at such time as the Detachment Commander may designate.

Section 4. A two-thirds (2/3) vote of the Detachment Executive Committee on the said charges shall be binding upon him, and at any trial held, the Detachment Judge Advocate shall be the presiding officer.

ARTICLE XII - SQUADRON ORGANIZATIONS

Section 1. There shall be organized throughout The Sons of the American Legion, Detachment of South Carolina, as many local Squadron as may be deemed advisable by the Detachment Executive Committee:

- A. that the formation and revitalization of American Legion Squadron be a priority, which only the Detachment Commander or the Detachment Executive Committee controls in accordance with Article IX, Section 1 of the National Constitution;
- B. as long as all of the required obligations are met for the establishment of a Squadron, no individual, Squadron, or District should have the authority to deny any individual(s) the opportunity to start or revitalize a Squadron, without just cause, but the final decision will be made by the Detachment Commander or Detachment Executive Committee;
- C. that there should be a Sons of the American Legion Squadron for every American Legion Post and Squadron leadership will work together to ensure the success of the Squadron in its support of programs and the local community and

sponsoring Post.

Section 2. Applications for charters for Squadrons of The American Legion, Detachment of South Carolina, shall be signed by ten (10) or more eligible persons

Section 3. The Detachment Executive Committee shall investigate the qualifications, fitness and desirability of such applicants and approve of such application, as prescribed in Section 2 of this Article.

Section 4. The Detachment Executive Committee and the Department SAL Committee shall either approve or disapprove such application and the actions and decision of the Detachment Executive committee shall be final and conclusive and shall not be reviewed by any officer, committee or convention of the association, or any other authority.

Section 5. Upon the application approval by the Detachment Executive Committee the approved charter for said Squadron shall be duly forwarded to The National Adjutant recommending the issuing of a temporary charter or permanent charter as the case may be.

Section 6. If, after any charter shall have been issued to any local Squadron, it shall be made to appear to the Detachment Executive Committee that the continued existence of such will be harmful or prejudicial to the harmony and prosperity of this association, then and in that event the Detachment Executive Committee shall have power, after notice to the said local Squadron to show cause at a time and place to be fixed in said notice to revoke and annul said charter.

Section 7. The Detachment Executive Committee, with the approval of the Department SAL Committee, shall have power to revoke any local Squadron charter for the further reason of a Squadron failing to report at least ten (10) members to Detachment Headquarters by March first (1st) of each year.

Section 8. All assets and records of a Squadron having its charter revoked shall be turned over to the Department Adjutant.

Section 9. The said Squadron in question may appeal from the decision of the Detachment Executive Committee to the Convention at its next regular meeting.

Section 10. Each local Squadron shall at some duly published time elect not less than three (3) delegates to the Detachment Convention, and one additional delegate for each fifteen (15) members or major fractional part thereof, and each duly registered delegate shall be entitled to one vote. The total delegate vote count of each Squadron will be determined by their membership totals. One or more registered delegates present will be permitted to cast all votes for which the Squadron is entitled due to its membership count. A registered delegate is one who has received their credentials.

Section 11. All Past Detachment Commanders and any Congressional Medal of Honor recipient, as long as they are members in good standing with the American Legion, Department of South Carolina and with the Sons of the American Legion Detachment of South Carolina, shall have one (1) additional individual vote. Their votes are counted only when the aforementioned individuals are present and cast their vote with the Squadron that they are members.

Section 12. Each local Squadron shall have power to make such By-Laws as it may deem best to further the purposes of the Association, if the same be no inconsistent with the Constitution and By-Laws of this Detachment or of the National Organization of The American Legion.

Section 13. After a local Squadron has been organized and received its charter, it shall have power to elect new eligible members in such manner as may be provided for by the Constitution and By-Laws of that Squadron.

ARTICLE XIII - AMENDMENTS

Section 1. The Constitution may be amended at any Detachment Convention by a vote of two-thirds (2/3) of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the Detachment Adjutant to the Detachment Squadrons, and members of the Detachment Executive Committee by mailing same to them at least sixty (60) days prior to the next Detachment Convention; any such proposed amendment may be amended without further notice by a two-thirds (2/3) vote of the total authorized representation thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Detachment Constitution/By-Laws committee and, provided further, it may be amended by unanimous vote at any Detachment Convention without notice.

Section 2. That no proposed amendment shall be submitted through the Detachment Adjutant to the Squadron and members of the Detachment Executive Committee, as provided in Section 1 of this Article, unless said proposed amendment shall have been first submitted by a Detachment Squadron, Detachment Squadron Executive Committee, or the Detachment Executive Committee.

ARTICLE XIV - FINANCE

Section 1. The revenue of the Sons of the American Legion, Detachment of South Carolina shall be derived from annual membership dues as outlined in Article II, Section 1 of the Detachment Bylaws. Additional monies shall be derived from such other sources as may be recommended by the Detachment Finance Committee and approved by the Detachment Executive Committee.

Section 2. The amount of such annual Detachment membership dues as prescribed in the aforementioned section, as recommended by the Detachment Finance Committee, shall be determined by each annual Detachment Convention by two-thirds (2/3) of delegates present and voting for the ensuing year, and cannot be lower than the preceding year.

Section 3. The Detachment annual membership dues on each Legionnaire shall be collected by each Squadron and transmitted promptly to Detachment Headquarters. Squadrons are designated agents for collection for the Detachment with respect to such annual dues. Transmission of said dues and under no circumstances shall the period from receiving the said dues and the actual transmitted dues to Detachment Headquarters are more than thirty (30) days.

ARTICLE XV – DISSOLUTION

Upon the Dissolution of the Detachment, all assets of the Detachment shall be paid over to and Distributed to and become the assets of the Department.