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Sons of The American Legion Detachment of Montana

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 War; 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 Montana"

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 nonpolitical 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 shall be absolutely nonsectarian.

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 - ORGANIZATION

Section 1. The local unit of the Sons of The American Legion is the Squadron and one (1) Post of The American Legion may sponsor not more than one (1) Squadron. With the approval of the Department of The American Legion having jurisdiction, Squadrons sponsored by the Posts of that Department may be organized in Detachments.

Section 2. The organization of Detachments and Squadrons shall conform to regulations of the Department of The American Legion having jurisdiction, with regulations of the National Executive Committee of The American Legion, and with the National Constitution and By-Laws of the Sons of The American Legion.

Section 3. The National Executive Committee of The American Legion may establish Detachments in territorial possessions of the United States and in foreign countries provided such territories and foreign countries presently are organized as American Departments and provided further that the appropriate American Legion Department recommends their formation.

Section 4. 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 as follows: "Sons of The American Legion Squadron of _____ Post No. _____ Department of _____."

Section 5. Detachments, when organized shall have jurisdiction over the Squadrons within the Detachment's geographic area, subject to such limitations as may be prescribed by the Department of The American Legion having jurisdiction over the Detachment.

Section 6. The Sons of The American Legion shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion.

ARTICLE IV - 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 during World War I, World War II, the Korean War, the Vietnam War, Lebanon, Grenada, Panama, and the Persian Gulf War, and Operation Iraqi Freedom, during the delimiting periods set forth in Article IV, Section I., 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. There shall be no form or class of membership except an active membership.

ARTICLE V – SQUADRON ORGANIZATION AND MEMBERSHIP

Section 1. Those who desire to form a squadron of "The Sons of The American Legion" shall make application to the post commander of the local post of The American Legion. Upon approval of the Post Commander, the application shall be forwarded to the Department Headquarters for approval of the Department Executive Committee and, upon its approval, it shall be forwarded to the National Headquarters of The American Legion, where the charter will be issued by the National Commander and the National Adjutant of The American Legion in the same manner as prescribed in the issuance of charters of Posts of The American Legion.

Section 2. The minimum membership for a Squadron of "The Sons of The American Legion" shall be ten (10).

Section 3. Squadrons falling below Ten (10) members at the end of the membership year shall have twelve (12) months to meet said standard, after which their charter may be suspended, revoked, or canceled by the Detachment Executive Committee of "The Sons of The American Legion", subject to the approval of The Montana Department of The American Legion Executive committee.

Section 4. There shall be no more than one (1) Squadron of "The Sons of The American Legion" at any one post.

ARTICLE VI – ORGANIZATION AND ADMINISTRATION

Section 1. The legislative body of "The Sons of The American Legion" shall be the annual Detachment Convention and the Fall Conference, and their acts are subject to the approval to the Department of Montana Executive Committee of The American Legion.

Section 2. The Detachment Convention and Fall Conference shall be held in conjunction with the Department of Montana of The American Legion.

Section 3. The Annual Detachment Convention shall be composed of delegates and alternates from each Squadron. Each Squadron shall be entitled to one (1) delegate and one (1) alternate for the first ten (10) members; and one (1) delegate and one (1) alternate for each additional ten (10) members or major fraction thereof, paid up thirty (30) days prior to the opening day of the Detachment Convention.

Section 4. Each duly registered delegate shall be entitled to one (1) vote.

Section 5. Delegates from three (3) squadrons shall constitute a quorum.

Section 6. The governing body of "The Sons of The American Legion" between Detachment conventions and Fall Conferences shall be the Detachment Executive Committee, and their acts are subject of the approval of the Montana Department Executive Committee of The American Legion.

Section 7. The Detachment Executive Committee of "The Sons of The American Legion" shall consist of the Detachment Commander, First and Second Vice Commanders, the Adjutant, the immediate Past Commander, four (4) Zone Commanders, National Executive Committeeman, and Alternate National Executive Committeeman.

Section 8. The Detachment Committee may meet to conduct of business as shall be deemed necessary by the call of the Detachment Commander.

Section 9. Five members of the Detachment Executive Committee shall constitute a quorum.

ARTICLE VII – DETACHMENT CONVENTIONS

Section 1. The Detachments shall hold an annual Detachment Convention to elect a Detachment Commander, First and Second Vice-Commanders, a Detachment Adjutant, National Convention delegates, and, in even numbered years, a National Executive Committeeman and an Alternate National Executive Committeeman. Such officers shall take office and be installed immediately before the adjournment of that session of the Convention in which they are elected and shall serve until the next Convention or until their successors are qualified and elected.

Section 2. Vacancies in these offices occurring between Detachment Conventions shall be filled by the Detachment Executive Committee except in the case of vacancy in the office of the Detachment Commander; the First Vice-Commander shall succeed to that office.

Section 3. The Detachment Commander may duly appoint, with the approval of the Detachment Executive Committee, a Detachment Chaplain, a Detachment Finance Officer, a Detachment Judge Advocate, a Detachment Historian, a Detachment Parliamentarian, a Detachment Sergeant-at-Arms, and such other officers as deemed necessary.

Section 5. The Detachment Commander shall also duly appoint, with the approval of the Detachment Executive Committee of "The Sons of The American Legion", such standing committee as needed to facilitate National Programs and Detachment goals.

a. These committees may include, but are not limited to:

- Membership
- Budget
- Jurisprudence/Resolutions
- Americanism

Community Service
Veterans Affairs

- b. Committees shall consist of no less than three (3) members, one (1) of which shall be designated as chairman.
- c. No individual shall be allowed to chair more than one (1) committee nor serve on more than three (3) committees at one time.
- d. The Detachment Commander shall serve as an ex-officio member of all committees.

ARTICLE XIII - FINANCES

Section 1. The revenue of the "Sons of The American Legion" shall be derived from annual membership dues and from such other sources as may be approved by the Detachment of "The Sons of The American Legion" and the Montana Department Executive Committee of The American Legion.

Section 2. The amount of such annual National dues shall be prescribed by the National organization and shall be payable October 20 of each year and for the ensuing year.

Section 3. The amount of annual Montana Detachment per capita shall be Three Dollars (\$3.00) more than the per capita established for National dues, of which Three Dollars (\$3.00) shall be retained by department headquarters for administrative expenses of the Detachment of Montana

Section 4. The annual budget for the Detachment of Montana shall be reviewed and approved at the Detachment Convention.

Section 5. The amount of the annual Squadron dues shall be determined by the Squadron.

Section 6. The annual dues established by National Headquarters shall be collected by each Squadron and transmitted through Department Headquarters to the National Treasurer of The American Legion. The annual Detachment dues shall be collected by the Squadron and transmitted together with the National dues to Department Headquarters.

ARTICLE IX - DISCIPLINE

Section 1. Montana Detachment may suspend, cancel or revoke the charter of any Squadron of "The Sons of The American Legion" over which it has jurisdiction in the event it violates the provisions of this Constitution, subject, however, to the approval of the Montana Department Executive Committee of The American Legion.

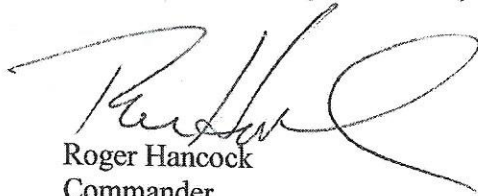
Section 2. Upon the cancellation or revocation of the charter of any Squadron of "The Sons of The American Legion", the property and assets belonging to such Squadron shall thereupon become the property of the Post of The American Legion to which such Squadron is attached.

ARTICLE XII - AMENDMENTS

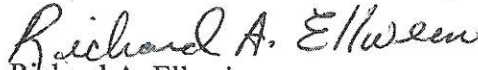
Section 1. This Constitution may be amended at any Detachment Convention by the affirmative vote of two-thirds (2/3) of the registered delegates present and voting, provided that such proposed amendment shall be presented in writing to the Detachment Adjutant not less than sixty (60) days prior to the opening of such Detachment Convention. The Detachment Adjutant shall not less than forty-five (45) days prior to the opening of such Convention, forward a copy of the proposed amendment to each Squadron in the Detachment. All amendments shall be in the form of written resolutions and shall specifically refer to the Article and Section sought to be amended.

Section 2. Any such amendment approved by the Detachment Convention will become effective only upon the ratification of the Montana Department Executive Committee.

The Detachment Constitution was approved at the Sons of the American Legion Detachment meeting on June 28, 2008 in Butte, Montana.

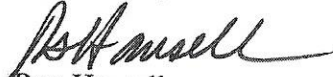


Roger Hancock
Commander
Sons of the American Legion
Detachment of Montana



Richard A. Ellwein
Adjutant
Sons of the American Legion
Detachment of Montana

Approved by:



Ron Hansell
Judge Advocate
American Legion
Department of Montana

Sons of The American Legion Detachment of Montana

By-Laws

Article I — Department Committee

Section 1:

The Department Commander of The American Legion will appoint a Chairman of the Department Sons of The American Legion Committee as his representative for the Sons of The American Legion' activities.

Section 2:

The Department Sons of The American Legion Committee shall consist of American Legion members appointed by the Department Commander and confirmed by the Department Executive Committee.

Section 3:

Actions of the Department Sons of The American Legion Committee are subject to the approval of the Department Executive Committee.

Article II — Duties of Officers

Section 1:

Detachment Commander: The Detachment Commander shall assume all duties ordinarily conferred upon a presiding officer (President or Commander), subject at all times to the Department Executive Committee of The American Legion, which Committee shall at all times be the final authority.

Section 2:

Detachment First Vice Commander: The Detachment First Vice Commander shall act as the representative of the Detachment Commander on all matters referred to him. He shall perform such duties as are usually assigned to the Vice Commander. His specific assignment shall be that of Membership Chairman.

Section 3:

Detachment ~~First~~ Vice Commander: *Second* The Detachment Second Vice Commander shall act as the representative of the Detachment Commander on all matters referred to him. He shall perform such duties as are usually assigned to the Second Vice Commander. His special assignment shall be Detachment activities.

Section 4:

Detachment Adjutant: The Detachment Adjutant shall be charged with the usual duties of Adjutant or Secretary. He is the administrative officer of the policies and mandates of the supervising Committee.

Section 5:

Detachment Finance Officer: The Detachment Finance Officer shall be entrusted with the financial record keeping of Detachment monies as provided by the Department Headquarters of The American Legion Department of Montana. These records shall include all deposits, expenditures and interest, if any. Requests for disbursements of non-budgeted items must be approved by the Detachment Executive Committee and the Department Sons of The American Legion Chairman prior to being presented to Department for payment. The Finance Officer shall report the financial status of the Detachment at each meeting of the Detachment Executive Committee.

Section 6:

Detachment Chaplain: The Detachment Chaplain shall perform such divine and non-sectarian service as shall be necessary, adhering to the ceremonial rituals as may be prescribed by the Department Executive Committee.

Section 7:

Detachment Judge Advocate: The Detachment Judge Advocate shall advise the Detachment Officers and the Detachment Executive Committee on all legal matters, including the construction and interpretation of the Detachment of Montana Constitution and By-Laws, and shall perform such other duties as are usually incident to his office.

Section 8:

Detachment Historian: The Detachment Historian shall collect from year to year all records and data of value and interest to 'The Sons of The American Legion' and The American Legion, and shall compile during his term of office a complete history of the years activities.

Section 9:

Detachment, Sergeant-at-Arms: The Detachment Sergeant-at-Arms and Detachment Assistant Sergeant-at-Arms shall be charged with the responsibility of preserving order at all meetings and shall be given the custody and responsibility of the Colors of the organization. They shall perform other duties as are usually incident to their offices.

Section 10:

Detachment Parliamentarian: The Detachment Parliamentarian shall advise the Detachment Commander when requested on matters of Parliamentary Procedure as is consistent with the office of Parliamentarian.

Section 11:

All officers of Sons of The American Legion' in the performance of their duties shall be governed by The American Legion at the appropriate level. All actions of The Sons of

The American Legion at the Squadron and Detachment level shall be subject to review and ratification at the appropriate level of The American Legion.

Section 12:

All elected and appointed officers are required to attend all Detachment meetings unless excused by the Detachment Commander. Any elected officer missing two (2) consecutive meetings shall be subject to removal from office on the second occurrence. A two thirds (2/3) vote of the Detachment Executive Committee is required for removal. Appointed officers may be removed by the Detachment Commander on the second occurrence. Any resulting vacancies shall be filled by appointment by the Detachment Commander and ratified by the Detachment Executive Committee. All such appointments must be approved by the Department Sons of The American Legion Committee and the Department Executive Committee.

Article III: — Duties of Committees

Section 1:

Membership Committee: The Membership Committee shall be responsible for promoting membership goals and programs within the Detachment. The Detachment First Vice Commander shall chair, with the assistance of the Area Representatives and such others as appointed. Contact with the National Membership Chairman and use of the National Membership recognition program will be encouraged.

Section 2:

Budget Committee: The Budget Committee shall be responsible for creating the Detachment Budget for the ensuing year, using the previous years budget as a guide. The Committee shall be charged with presenting the Department Sons of The American Legion Committee with a draft budget no later than May 1st of each year. The final budget shall be presented to the Detachment Convention for ratification.

Section 3:

Jurisprudence/Resolutions Committee: This committee shall be responsible for examining all proposed resolutions for proper form and content. They shall also, when directed by the Detachment Commander and/or Detachment Executive Committee, draft resolutions as needed.

Section 4:

Americanism Committee: This committee is responsible for promoting Americanism, Flag Etiquette, and patriotic programs within the Detachment. They are also to encourage active participation in the ~~Boys~~ Boys State program. They are to be in contact with the National Americanism Committee, making sure information is available for all squadrons.

Section 5:

Community Affairs/Children and Youth Committee: This committee is responsible for promoting community and youth programs within the Detachment. These can include,

but are not limited to, Boy Scouts, Special Olympics, Eddie the Eagle Gun Safety Program and the American Legion Child Welfare Foundation. They are to be in contact with the National Community Affairs Committee, the National Children and Youth Committee and the Child Welfare Foundation Committee, making sure information is available for all squadrons. The Detachment Second Vice Commander shall serve as chairman of this committee.

Section 6:

Veterans Affairs Committee: This committee is responsible for promoting Veterans Affairs and volunteer programs within the Detachment. They are to be in contact with the National Veterans Affairs and Rehabilitation Committee, making sure information is available for all squadrons.

Article IV — Executive Committee

Section 1:

The administrative power of the Detachment between Detachment Conventions shall be vested in the Detachment Executive Committee. This power shall include all duties specifically provided by the Detachment Constitution and By-Laws and also all other acts necessary to conduct the business of the Detachment between annual Conventions.

Section 2:

The Detachment Executive Committee shall consist of the duly elected officers of the Detachment, the immediate Past Detachment Commander and an elected representative from each Squadron that does not have an elected office on the Detachment Executive Committee. The Detachment Adjutant shall be ex-officio Secretary without the power to vote.

Article V — Squadron and Detachment

Section 1:

In the formation of the Constitution and By-Laws governing the Squadron and Detachment, there shall be no conflict with the National Constitution and By-Laws governing 'The Sons of The American Legion'.

Article VI — Individual Application for Membership

Section 1:

Eligibility for membership shall be determined by the Post Adjutant of the sponsoring Post of The American Legion.

Section 2:

Members shall be classified as delinquent as prescribed by the National Sons of The American Legion Constitution.

Section 3:

All Squadrons must hold their annual elections and certify their officers to Detachment and Department Headquarters by June 1st each year.

Article VII — Meetings

Section 1:

'The Sons of The American Legion' shall hold a Detachment Convention and any additional meetings deemed necessary by the Detachment Executive Committee.

Section 2:

The Detachment Convention shall be held not less than two (2) days prior to the dose of the Department Convention.

Article VI — Rules

Section 1:

Robert's Rules of Order, Newly Revised Edition shall govern all meetings of The Sons of The American Legion.

Article VII — Amendments

Section 1:

These By-Laws may be amended by 'The Sons of The American Legion' Convention by an affirmative vote of two-thirds of the delegates present and voting, subject to ratification by the Department Executive Committee of The American Legion.