

**BY-LAWS
DETACHMENT OF SOUTH DAKOTA
SONS OF THE AMERICAN LEGION**

**ARTICLE I
DUTIES OF OFFICERS**

SECTION 1: DETACHMENT COMMANDER - The Detachment Commander shall be the chief executive officer of the Sons of the American Legion Detachment of South Dakota with full power to enforce the provisions of the Detachment Constitution, Detachment By-Laws and the mandates of the Detachment Convention. He shall appoint all necessary committees, subject to the ratification of the Detachment Executive Committee and Department Executive Committee, and shall perform such other duties as are usually incident to the office.

SECTION 2: DETACHMENT VICE COMMANDER(S) - The Detachment Vice Commander(s) shall act as representative(s) of the Detachment Commander on all matters referred to them by him and shall, on his request, preside over the meetings of the Detachment Convention/Mid-Winter Conference or Detachment Executive Committee and perform such other duties as are usually incident to the office. The First Vice Commander will also be in charge of membership.

SECTION 3: DETACHMENT ADJUTANT - The Detachment Adjutant is the chief administrative officer and shall give notice of all Detachment Conventions/Conferences and of all meetings of the Detachment Executive Committee. He shall conduct the correspondence and keep the records of the Detachment Organization, including lists of names, serial numbers and addresses of all Squadrons in the Detachment of South Dakota and lists of members, officers and committeemen of the Detachment. He shall also be authorized, in the event of the death or resignation of the Detachment Commander, to summon the Detachment Executive Committee for the election of a successor.

SECTION 4: FINANCE OFFICER - The Finance Officer is the chief financial officer and will be in charge of all Detachment funds, all deposits and records. he will report all financial records to Detachment Conventions, Mid-Winter Conferences, and Detachment Executive Committee meetings.

SECTION 5: DETACHMENT CHAPLAIN - The Detachment Chaplain shall perform such Divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and Detachment Headquarters from time to time.

SECTION 6: DETACHMENT HISTORIAN - The Detachment Historian shall collect, from year to year, all records and data of value and interest of the Detachment of the Sons of the American Legion and shall compile, during his term of office, a complete history of the years activities.

SECTION 7: DETACHMENT SERGEANT-AT-ARMS - The Detachment Sergeant-at-Arms shall be charged with the responsibilities of preserving order at all meetings and shall be given the custody and responsibilities of the Detachment colors. He shall perform such other duties as are usually incident to the office.

ARTICLE II
DETACHMENT EXECUTIVE COMMITTEE

SECTION 1: Subject to the provisions of the Detachment Constitution, the Detachment Executive Committee shall fill any vacancy in the membership of the Committee for the remainder of the unexpired term.

SECTION 2: The Detachment Executive Committee shall meet at regular periods to include at least a fall and spring meeting and a pre and post Convention and Conference meeting or on at least ten (10) day written notice (verified by post mark) by the Commander and Adjutant, or upon written or vocal request of at least three voting members of the Detachment Executive Committee independently or as a result of an informal meeting of at least three voting members of the Committee.

ARTICLE III
MEMBERSHIP

SECTION 1: Membership in the Sons of the American Legion Detachment of South Dakota shall be acquired only affiliation with a Squadron within its jurisdiction.

SECTION 2: The membership of the Detachment shall be organized into Squadrons as prescribed in the Detachment Constitution.

SECTION 3: Only persons eligible to membership in the Sons of the American Legion shall be members of this Detachment or of any Squadron within its jurisdiction.

SECTION 4: Each application for membership must enroll in the Sons of the American Legion and pay his dues to the Squadron in this Detachment to which he applies before becoming a member in the Sons of the American Legion Detachment of South Dakota or in any Squadron of this Detachment.

ARTICLE IV
SQUADRONS

SECTION 1: Each Squadron shall be the judge of its own membership, subject to the restrictions of the National and South Dakota Detachment Constitution and By-Laws, respectively, and may restrict its membership as it desires, subject to the approval of the Detachment Executive Committee, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence or who subscribes to the principles of any group opposed to our form of government shall be eligible to become a member of the Sons of the American Legion.

SECTION 2: Each Squadron shall have a headquarters with a Post Office address to which all notices and documents may be sent. It shall be the duty of the Squadron at the time of application for a charter or at any time of changing its headquarters to notify the Detachment organization of such address and all notices and documents shall be held to have been duly sent to or served upon such Squadron when mailed to it at the address so furnished. In default of a Squadron having furnished such address, any notice or document shall be held to have been duly served upon a Squadron if the same is mailed to it at the address of its Commander or Adjutant or other member signing application for charter.

SECTION 3: Each Squadron shall have a Constitution and By-Laws to govern its affairs and shall have officers known as Commander, Vice Commander, Adjutant, Finance Officer and an Executive Committeeman. The Squadron shall subscribe to the Constitution and By-Laws and regulations of the Detachment organization. A Squadron shall not incur obligation in the name of any other Squadron, subdivision, organization, branch, committee, group of members of the Sons of the American Legion, or the Post of The American Legion to which said Squadron is attached.

SECTION 4: Squadrons shall submit copies of their Constitutions and By-Laws and all amendments thereto for approval to the Detachment organization.

ARTICLE V
DISCIPLINE OF SQUADRONS
CANCELLATION AND SUSPENSION OF CHARTERS

SECTION 1: The Detachment Executive Committee may suspend, cancel, or revoke a Squadron Charter. The Action taken by the Detachment Executive Committee shall be final and conclusive unless an appeal is taken to the Department Executive Committee within thirty (30) days from the date of said suspension, cancellation or revocation. The action taken by the Department Executive Committee upon appeal shall be final.

SECTION 2: Any Squadron failing to meet the obligation imposed upon it by the Constitution and By-Laws or cease to function for six (6) months as a Sons of the American Legion Squadron, or voluntarily ceasing to function as a Squadron, or merging with one (1) or more other Squadrons, or refusing to pay the Detachment and National per capita dues, or under such other conditions as might make such action necessary shall, upon order of the Detachment Executive Committee, surrender its charter for cancellation, upon failure to surrender such charter, immediate steps may be taken for its revocation, cancellation or suspension.

SECTION 3: Upon revocation, cancellation, or suspension of the Charter of a Squadron, said Squadron shall immediately cease operations and shall turn over its charter to the Detachment Commander or the Detachment Executive Committee and the Post to which the Squadron is attached is authorized, imposed and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said Squadron; provided, however, that nothing herein shall be construed as requiring any Post to which the Squadron is attached to take over or assume any financial responsibility to such property. The Detachment Executive Committee may provide for the transfer of the members of said Squadron to another Squadron of their choice subject to the approval of such other Squadron.

SECTION 4: In taking action pursuant to this Article, the Squadron, Bodies and Officers of the Detachment shall be governed by the uniform code defining the procedure to be followed in the revocation, cancellation or suspension of Squadron charters and providing for a method of appeal having been adopted by the National Executive Committee of the American Legion.

ARTICLE VI
DISCIPLINE OF SQUADRON MEMBERS

SECTION 1: Members may be suspended or expelled form the Sons of the American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of the Sons of the American Legion. All

charges must be made under oath in writing by the accusers and no member in good standing shall lose his membership until given a fair trial in such manner and form as the Department By-Laws and the Department Executive Committee shall prescribe. This section shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of a Squadron as member upon the grounds of his ineligibility to membership either in the Squadron or in the Sons of the American Legion.

SECTION 2: A member whose dues for the current year have not been paid by February 1st shall be classed as delinquent. If his dues are paid on or before April 1st, he shall be automatically reinstated. If he is still delinquent after April 1st, he shall be suspended from all privileges. If he is still under such suspension on December 31st of such year, his membership in the Sons of the American Legion shall be forfeited. A member suspended or whose membership had been so forfeited may be reinstated to active membership in good standing by vote of the Squadron and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Squadron, Detachment and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

SECTION 3: Any member who had been suspended or expelled had the right of appeal to the Department Executive Committee of the American Legion in the manner prescribed by the said Committee. The decision of the Department shall be final.

ARTICLE VII
LIMITATION OF JURISDICTION OF SQUADRON MEMBERS,
COUNTIES, DISTRICTS AND DETACHMENT

SECTION 1: No individual member of the Sons of the American Legion, unless specifically previously authorized by the proper body, shall have the right to speak in the name of the Sons of the American Legion Detachment of South Dakota or any Squadron of the Sons of the American Legion. His individual action is full and unhampered, being that of an American citizen, but he shall not present such action to be that of any Sons of the American Legion organization.

SECTION 2: All matters of state, national, or international scope that appeal to the Sons of the American Legion, Squadron or Detachment, may be treated, discussed and acted upon by any unit of the Sons of the American Legion, provided however, that such action shall be submitted for approval through the prescribed Sons of the American Legion and the American Legion channels to the body having jurisdiction thereof.

SECTION 3: A Squadron may discuss the action taken by the Detachment of National Organization and adopt a resolution protesting against any action taken by the Detachment or National Organization and request through channels that such action be reversed.

SECTION 4: The principles set forth in this Article shall be observed by all Sons of the American Legion, by all Squadrons, and by this Detachment. A violation of any of the provisions of this Article by a member of the Sons of the American Legion or by a Squadron shall be sufficient cause for investigation and disciplinary action by the Detachment Executive Committee and in the case of a Sons of the American Legion by a Squadron of which he is a member.

ARTICLE VIII
REGULATION

SECTION 1: The Department Executive Committee of the American Legion is authorized to make and publish regulations for the organization, management and conduct of the Detachment and of Squadrons and all other organizations of the Detachment. Such regulations shall be consistent with the Department Constitution and By-Laws and shall be complied with by all concerned.

ARTICLE IX
RULES

SECTION 1: The procedure of the Detachment Convention, Mid-Winter Conference and related meetings shall be governed by the Uniform Code of Procedure for the Organization of Detachment Conventions of the Sons of the American Legion Detachment of South Dakota and Roberts Rules of Order, Revised.

SECTION 2: The Uniform Code of Procedure for the Organization of Detachment Conventions of the Sons of the American Legion Detachment of South Dakota shall be maintained and revised by the Detachment Executive Committee with any revisions made available to the Squadrons at the first possible opportunity.

ARTICLE X
AMENDMENTS

SECTION 1: All amendments must conform to the requirements of Article IX of the Constitution.

ARTICLE XI
SAFETY CLAUSE

SECTION 1: If any section herein shall be determined, by proper authority, to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the affected section of these By-Laws.

ARTICLE XII
REPEAL AND SAVINGS CLAUSE

SECTION 1: These By-Laws were adopted at the Detachment Convention held in Brookings, South Dakota, on June 15, 1997. All previous By-Laws are now therefore declared null and void.