

DRAFT 2/1/2011

SQUADRON 28

CONSTITUTION AND BY-LAWS

SONS OF THE AMERICAN LEGION
2011

OAK ORCHARD/RIVERDALE SQUADRON 28

DETACHMENT OF DELAWARE

These Squadron By-Laws are adopted from The Sons of The American Legion Official handbook and Squadron By-Laws, Dated: September 10, 1992

Date: _____

Committee Members;

Mike Cotten- Commander
Francis R. Wojszwillo-PC
Lawrence "Toby" Cullen-PC
William "Bill" Lord -PC
H. Terry Johnson- PC

PREAMBLE
TO
THE NATIONAL CONSTITUTION

Proud possessors of a priceless heritage, we male descendants of veterans of the Great Wars, associate our selves 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 association of our members and our forefathers in the Great Wars; to include a sense of individual obligation to the Community, State, and Nation; to combat the autocracy of both 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.



CONSTITUTION

ARTICLE I

NAME

SECTION 1. The name of this organization shall be the Sons of The American Legion, Oak Orchard/Riverdale Squadron 28, Detachment of Delaware.

ARTICLE II

NATURE

SECTION 1. The Sons of The American Legion, Oak Orchard/Riverdale Squadron 28, attached to Oak Orchard-Riverdale Post 28, The American Legion, Department of Delaware, Inc. is a civilian organization. Membership therein does not affect or increase liability for military or police service.

SECTION 2. The Squadron shall be absolutely non-political and shall not be used for the dissemination of partisan principles or the promotion of the candidacy of any person seeking public office or preferment.

SECTION 3. The Squadron 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

ORGANIZATION

SECTION 1. This Squadron is organized as a subordinate body of the Sons of The American Legion, Detachment of Delaware, and under the sponsorship and jurisdiction of Oak Orchard-Riverdale Post 28, The American Legion, Department of Delaware, and Inc.

SECTION 2. This Squadron shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion, by such rules and regulations as may be prescribed by the Detachment Headquarters, approved by the Department of Delaware Executive Committee of The American Legion, and by such rules and regulations as may be prescribed by its sponsoring Post of The American legion, not inconsistent with those prescribed by the National Organization.

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 Korean War, Vietnam War, Lebanon, Grenada, and Persian Gulf War, and the War on Terrorism, as defined in the Constitution of the American Legion, or who have died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of the American Legion.

ARTICLE V

OFFICERS

SECTION 1. The officers of this squadron shall be a Commander, First Vice, Second Vice Commander, Adjutant, Finance Officer, Sergeant at-Arms, Chaplain and Historian, all of whom other than the Adjutant, shall be elected for a term of one year at the annual meeting of the Squadron. The Adjutant shall be appointed by the newly elected Commander following the annual meeting of the Squadron.

ARTICLE VI

EXECUTIVE COMMITTEE

SECTION 1. Between Squadron meetings, the administrative power of the Squadron shall be vested in the Squadron Executive Committee, which shall consist of all elected and appointed officers for the current year and in addition the three immediate Past Commanders.

SECTION 2. All other Past Squadron Commanders shall be members of the Squadron Executive Committee without vote.

ARTICLE VII

DUTIES

SECTION 1. The annual membership dues of this Squadron shall be established at the annual meeting and such dues will be payable on October 20th of each year, for the following year.

A member whose dues for the current year have not been paid by January 1st shall be classified as delinquent. If his dues are paid on or before February 1st, he shall be re-instated to membership in good standing. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under suspension on June 30th of such year, his membership in the Sons of the American Legion shall be forfeited. A member so suspended or whose membership has been forfeited may be re-instated by vote to active membership in good standing by vote of the Squadron and payment of current dues for the year in which re-instatement occurs. Provided, however, that the Squadrons; Detachments, 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.

ARTICLE VIII

AMENDMENTS

SECTION 1. This Constitution is adopted, subject to the provision of the National Constitution and the Detachment Constitution of which this Squadron is a subordinate member. Any amendment to the National or Detachment Constitutions, which is in conflict with any provision hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution, to the extent of such conflict.

SECTION 2. This Constitution may be amended at any regular Squadron meeting by 2/3 vote of the members present provided that the proposed amendment shall have been submitted in writing, and read at the immediate preceding Squadron meeting and provided further, that written notice, which shall mean any notice sent to a member through the United States Postal Service, or via electronic mail, shall have been given to all members at least five days in advance of the date which such amendment is to be voted upon, notifying said members at such meeting a proposal to amend the Constitution is to be voted upon. Only members in good standing will be privileged to participate in the business of a meeting, vote or hold office.

SQUADRON 28 BY-LAWS

ARTICLE I

MEMBERSHIP

SECTION 1: Application for membership shall be made in writing on application forms prescribed by the National Organization.

SECTION 2: All applications for membership shall be acted upon by the 1st Vice-Commander following the making of such application. The Vice-Commander shall present the applications to the Squadron at its next regular meeting with his recommendation for acceptance or rejection. If two or more Squadron members cast their vote against the acceptance of such applicant, then such application shall be recorded as rejected. A rejected applicant shall not again be considered until the expiration of six months from the date of such rejection.

SECTION 3. There shall be no form or class of membership except as active member.

ARTICLE II

NOMINATION AND ELECTIONS OF OFFICERS

SECTION 1: At the first regular meeting in March, the Commander shall appoint a nominating committee of three members who will, present at the first regular meeting in April, a list of one or more candidates for each office required to be elected under the Constitution of this Squadron.

SECTION 2: At the conclusion of the report of the nominating committee, any Squadron member may present the name of any other Squadron member for nomination to any office for which such Squadron member is not nominated by the nomination committee, and the name of the nominee shall be placed into nomination in the same manner as though contained in the report of the nominating committee after such report has been accepted and adopted by the Squadron.

SECTION 3: Those officers shall be declared elected who have, by secret ballot, received a majority of the votes of the Squadron members in good standing present at the May Regular Meeting.

SECTION 4: The newly-elected officers and members of the Squadron Executive Committee shall take office at the time they are installed by proper authority at the annual Squadron Installation.

ARTICLE III

DUTIES OF OFFICERS

SECTION 1: Commander: The Commander shall be the executive head of this Squadron of The Sons of the American Legion, with full power to enforce the Provisions of the Squadron Constitution and By-Laws and the policies and mandates of the National Department Committees on The Sons of the American Legion and of the Executive Committee of the Squadron.

SECTION 2: First Vice Commander: The First Vice Commander shall assume and discharge the duties of the office of the Commander in the absence of or disability of the Commander, or when called upon by the Commander. He shall be chairperson of the Membership Committee, which duties include: 1) receiving annual membership dues, 2) furnishing members with membership cards, 3) turning over all monies to the Squadron Finance Officer and 4) determining and certifying eligibility for membership. His further responsibility shall include maintaining and updating the computerization of the Squadron roster and the issuance of key cards. In addition, he shall perform such other duties as may be assigned by the Commander.

SECTION 3: Second Vice Commander: The Second Vice Commander, shall likewise act as representative of the Commander, and shall specifically be in charge of Squadron activities. He shall perform such other duties as are usually incident to the office.

SECTION 4: Adjutant: The Adjutant shall be charged with the administrative duties required in carrying out the policies and mandates of the National, Department, and Detachment Committee on the Sons of The American Legion and of the Executive Committee of this Squadron.

SECTION 5: Finance Officer: The Finance Officer shall be the custodian of the funds of the Squadron. He shall be charged with the receiving and distributing the funds of the Squadron, and shall make reports upon the condition of the Squadron treasury when called for by the Commander or Squadron Executive Committee, provided however, that all disbursements shall first be approved by the Squadron Executive Committee and the Post Supervisory Committee. He shall perform such other duties as are usually incident to the office.

SECTION 6: Sergeant-at Arms: Sergeant-at-Arms (2) shall be charged with the responsibility of preserving order and ascertaining active membership at all Squadron meetings and shall be given the custody of the Squadron Colors. They shall perform such other duties as are usually incident to the office.

SECTION 7: Chaplain: The Chaplain shall perform such divine and non-sectarian service as may be necessary; adhering to such ceremonial rituals as may be prescribed by the National Membership and Post activities.

SECTION 8: Historian: The 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 year's activities and submit those records and data of value at the annual installation of officers to the Squadron Commander for storage at the Squadron office.

ARTICLE IV

EXECUTIVE COMMITTEE

SECTION 1: The Squadron Executive Committee shall fill any vacancy in the membership of the committee occurring between annual Squadron meetings for the remainder of the unexpired term.

SECTION 2: Any officer or Squadron Executive Committee member may be removed for inefficiency, by the Squadron Executive Committee by a two-thirds vote of said Committee. An officer or Squadron Executive Committee member who absents himself for three or more consecutive Squadron or Squadron Executive Committee meetings can, on due investigation, by the Squadron Executive Committee, be held to be sufficient proof of inefficiency warranting such removal.

SECTION 3: The Squadron Executive Committee shall be comprised of no more than the (3) past Squadron Commanders and all of the current elected and appointed officers.

ARTICLE V

POST-SUPERVISORY COMMITTEE

SECTION 1: The jurisdiction of Oak Orchard-Riverdale Post 28, The American Legion, Department of Delaware, Inc., over this Squadron shall be exercised through an appointee(s) of the Post 28 Executive Committee and shall be known as the Post Supervisory Committee. This Committee shall consist of three American Legion Post 28 members in good standing as appointees with one appointee as Chairperson.

SECTION 2: The Chairman of the Post Supervisory Committee shall make monthly reports of the Squadron's activities to the Post Executive Committee. He shall also make reports to the Squadron Executive Committee and at regularly scheduled Squadron Meetings as directed by the Post Commander or the Post Executive Committee.

ARTICLE VI

STANDING COMMITTEES

SECTION 1: Upon election, the Squadron Executive Committee shall appoint such standing committees, as shall be deemed advisable for the benefit of the Squadron.

ARTICLE VII

MEETINGS

SECTION 1: The annual meeting of this Squadron shall be held on the first regular meeting day of May in each calendar year.

SECTION 2: The regular stated meeting of this Squadron shall be held on the first Tuesday of each and every month. All members attending shall show active membership card.

SECTION 3: Special meetings shall be called upon a majority vote of the Squadron Executive Committee or upon the written request of ten squadron members, which request shall state the purpose of the meeting.

SECTION 4: Every member shall furnish to the First Vice Commander his current address, to which all notices and documents may be sent, and the same shall be held to have been duly sent to or served upon a member if mailed to such address so furnished. In default of a member having provided the Squadron with a new mailing address, any notice or document will be held to have been duly served upon such member five days after the same shall have been deposited in the local post office addressed to such member at such post office address last known to the Squadron.

SECTION 5: Notice of all special meetings of the Squadron shall be mailed to each Squadron member at least five (5) days in advance of the date of such meeting.

SECTION 5: The notice of all special meetings shall state the date; time and place of the meeting and the object and purpose thereof, and no business shall be transacted at such special meeting except such business as is in the notice thereof.

SECTION 6: The Squadron Executive Committee shall meet for organization and such business as may be deemed necessary by the call of the Commander or the Squadron Executive Committee. The Commander shall call a meeting of the Squadron Executive Committee upon written request of five (5) members of the committee.

ARTICLE VIII

QUORUM

SECTION 1: Eight members, besides a qualified presiding officer, shall constitute a quorum at any meeting of the Squadron.

SECTION 2: Five (5) members of the Squadron Executive Committee shall constitute a quorum for the legal transaction of business.

ARTICLE IX

FINANCES

SECTION 1: The Finance Officer shall insure that all Squadron funds are promptly deposited in a local financial institution(s). The withdrawal of funds, or the issuance of any check, from a Squadron depository account, shall require the signature of the Finance Officer, or in his absence the Squadron 1st Vice

Commander and the signature of such Officers of Oak Orchard-Riverdale Post 28, The American Legion, Department of Delaware, Inc. as are required in accordance with their By-Laws.

SECTION 2: All Non-Legion family donations shall be capped at an amount to be determined by the membership at the annual meeting by majority vote. Any special circumstance donation shall be, determined by the Squadron Executive Committee.

SECTION 3: Annually, Officer Expenditures shall be at a designated amount determined by the membership at a regularly scheduled Squadron meeting following the installation of the newly elected officers. All expenditures exceeding designated cap must be approved by the Squadron Executive Committee.

SECTION 4: All funds raised in the name of the Sons of American Legion that are deposited into the Sons of American Legion Squadron 28 account require the approval of both the Sons of American Legion Squadron 28 and the Post Supervisory Committee for disbursement.

SECTION 5: The amount of annual dues shall be commensurate with the annual dues of the Post 28 legion members and annual dues for junior members under the age of 21 on or before January 1st shall be at a designated amount determined by the membership at the annual meeting approved by a vote of 2/3 of the members in attendance.

SECTION 6: The amount of annual dues for "Dual Members " , which shall be defined as a member of both the American Legion Post 28 and the Sons of American Legion Squadron 28, shall be at a designated amount determined by the membership at the annual meeting and approved by a vote of 2/3 of the members in attendance.

SECTION 7: The Squadron shall pay annual dues for our Squadron members to the Detachment of Delaware, The Department of Delaware American Legion Inc. and the Sons of American Legion National Headquarters as determined by those organizations.

ARTICLE X

RULES OF ORDER

SECTION 1: The procedure of all Squadron meetings shall be governed by Robert's Rules of Order, Newly Revised.

ARTICLE XI

DELEGATES TO DETACHMENT CONVENTION

SECTION 1: Delegates to the Detachment of Delaware convention shall be determined by: all currently elected and immediate past officers are automatically appointed as delegates, there after the remaining delegates to the Detachment convention shall be elected at the annual election of officers. Any vacancies are filled by appointment by the newly elected Commander and approved by the Squadron Executive Committee, pending final membership allowance for delegate representation at the Detachment convention.

SECTION 2: Other Delegates and alternates to special Conventions and or meetings are to be selected by the Commander and approved by the Squadron Executive Committee.

ARTICLE XII

AMENDMENTS

SECTION 1: These By-Laws are adopted subject to the provisions of the National By-Laws and the Detachment By-Laws, of which this Squadron is a subordinate member. Any amendment to the National or Detachment By-Laws, which is in conflict with any provision here of shall be regarded as automatically repealing or modifying the provisions of these By-Laws to the extent of such conflict.

SECTION 2: These By-Laws may be amended at any regular Squadron meeting by vote of two-thirds (2/3) of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the preceding Squadron meeting and approved by Post 28 Executive Committee and The Detachment of Delaware according to the Sons of American Legion National Constitution and By-Laws, and provided further, that written notice, which shall mean any notice sent to a member through the United States Postal Service, or via electronic mail, shall have been given to all members at least five days in advance of the date which such amendment is to be voted upon, notifying said member at such meeting a proposal to amend the By-laws is to be voted upon.

Having complied with all provisions of the previous Constitution & By-Laws of Sons of The American Legion, Oak Orchard/Riverdale Squadron 28, Detachment of Delaware concerning revisions of the same a vote on the above changed documents was held on _____ at which time the membership with #_____members present voted to accept ___ or reject ___ the proposed changes to the Constitution and By-Laws by a vote of #_____ to accept, #_____ to reject, #_____ abstentions.

Attested by:
Commander _____

COMMANDER NAME

Adjutant _____

ADJUTANT NAME