

# SONS OF THE AMERICAN LEGION DETACHMENT OF NEW JERSEY CONSTITUTION

## PREAMBLE

Proud possessors of a Priceless Heritage, we, male descendants of veterans of the Great Wars, associate ourselves together as the "Sons of The American Legion" for the following purpose: To uphold and defend the Constitution of The United States of American 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 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 right; 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 "Sons of The American Legion Detachment of New Jersey"

**Section 2.** The Detachment Headquarters shall be the same as the Office of the American Legion Department of New Jersey.

## 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 status.

**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 the promotion of the candidacy of any person or group seeking public or preferment. No candidate for or incumbent of a remunerative elective public office shall hold any elective or any appointive remunerative office in the Sons of the American Legion. Provided that members shall not be affected

**Section 3.** The Sons of The American Legion 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.** The Sons of the American Legion, Detachment of New Jersey shall be composed of all members of the various squadrons organized within the American Legion, Department of New Jersey. Also to include any members of any intermediate bodies which may be formed, such as Counties.

**Section 2.** The Detachment of New Jersey shall have jurisdiction over the Squadrons within the Detachment's geographical area, subject to the limitations prescribed by the Department New Jersey 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 the delimiting periods for American Legion eligibility set forth by 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 Legislative Body

**Section 1.** The legislative body of the Detachment of New Jersey shall be the annual Detachment Convention to be held annually at a date and place designated by the Sons of the American Legion Committee of the Department of New Jersey. In the Detachment Convention each Squadron shall register one (1) vote for the Squadron charter and one (1) vote for each five (5) members or major faction thereof. There shall be one (1) vote for each Past Detachment Commander as a delegate at Large.

**Section 2.** Each duly registered delegate shall be entitled to one (1) vote. The vote of any registered delegate who is absent and not represented by an alternate shall be cast by the majority of the registered delegates present of that Squadron. A registered delegate

is one who has paid such registration fee required and has received his credentials.

**Section 3.** Delegates from fifteen 15 squadrons shall constitute a quorum.

## Article VI

### Finances

**Section 1.** The revenue of the Sons of the American Legion, Detachment of New Jersey shall be derived from annual membership dues collected from the squadrons and such other revenues as may be approved by the Detachment Executive Committee. The annual membership dues shall include the annual dues of each Sons of the American Legion member assessed by the National organization.

**Section 2.** Disbursement of dues shall be done by the annual budget comprised by the Detachment and approved by the Department Finance Committee.

**Section 3.** The Detachment Finance Committee shall be created by the Detachment Reorganization Meeting of each year. The purpose of this committee shall be to create, maintain and report the Annual Detachment Budget. The committee is to present the proposed budget at the April meeting to be voted upon. A majority vote thereof is required to approve the budget. The committee shall consist of at least five (5) members of the Detachment, including a chairman, and the meetings shall be open to all SAL members of the state of New Jersey.

**Section 4.** Should the Department not approve the budget, the Detachment finance committee shall reconcile with the Detachment the reason for rejection, and shall provide a corrected budget to the Detachment for a vote as soon as possible.

**Section 5.** All vouchers must be submitted to the finance chairman to be copied. The originals in turn are to be submitted to the Department SAL chairman. The committee shall also make available, a report on the finances of the Detachment at every Detachment meeting. A copy of the report and vouchers must be submitted to the Detachment Adjutant.

**Section 6.** Monetary refunds for Detachment Officers

(a). The Detachment of New Jersey is empowered to compensate budgeted expense items incurred during the administrative year. This is providing that (1) the type of expense is a budgeted item. (2) They are approved by the executive committee of the Detachment for Disbursement.

(b). Any member will be denied from the Detachment any monetary refunds for the following reasons.

Failure to turn in funds from a Detachment fund raiser(s)

Failure to return items of the Detachment to the proper personnel in charge of it.

(c). The above conditions are examples and are not limited to them.

## Article VII Discipline

**Section 1.** The Detachment Headquarters 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 Department Executive Committee of the American Legion Department of New Jersey.

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

**Section 3.** A member of the Detachment may be sanctioned, censored, suspended or expelled in the following manner and procedure:

**(a.)** Formalization and Notification: Charges against the member or members shall be made in writing, signed by the person or persons so charging, to the Detachment Internal Affairs Committee. The charges shall contain a full statement of the facts, circumstances and all matters relative to the charge or charges.

The Internal Affairs Committee shall conduct an inquiry into the matter. This Committee shall at least consist of a chairman or acting chairman and 4 committeemen. The Internal Affairs Committee shall notify the person or persons charged, by regular 1st class mail and registered letter. In the event that a hearing or other formal proceeding is to take place regarding the matter, the registered notice must be sent at least 30 days prior to any formal hearings regarding the matter. The notification shall contain the charge or charges levied against the member or members, and shall list the date, time and location of any formal proceedings regarding the matter. In the event that those accused are unable to attend due to scheduling problems, the formal proceedings can be rescheduled but only once.

The Internal Affairs Committee can dismiss the charges if an investigation reveals insufficient

evidence to proceed with a formal hearing. If the Internal Affairs Committee finds sufficient cause to proceed with a hearing, those members who have charges placed against them have rights as outlined in this section.

**(b.) Rights of the Accused:** Any member or members who have charges levied against them shall be entitled to a hearing. The Internal Affairs Committee shall hold formal proceedings, giving those accused the right to call witnesses and introduce evidence to aid in their defense. Any charged member may enlist the aid of a counsel to help them with proper procedure or obtaining information or evidence. The Internal Affairs Committee must be formally notified if counsel is retained. The accused have the right to a fair hearing. Anyone who has filed charges against the accused, or is called upon as a witness, will not sit in judgment of the accused.

The accused have the right to appeal any decision rendered through disciplinary action of the Internal Affairs Committee to the Detachment Executive Committee. In the appeal process, after hearing the facts in the matter, a two-thirds (2/3) majority vote of those in attendance is necessary to rescind the findings of the original hearing. The final appeal will go to the Department SAL Committee if necessary.

**(c.) Actions of the Committee:** Upon finding cause to pursue action against a member, the Internal Affairs Committee shall be empowered to deny privileges as afforded to by the Detachment including, but not limited to: holding, being nominated for, or appointed to any elective or appointive office, committee or commission in the

Detachment, or other such action as the Committee may deem fit. Any member so sanctioned or suspended shall immediately vacate any held office, and shall not be nominated to any elective or appointive office during the period established by the Committee. The Committee shall mail a letter to the Detachment Executive Committee, the Counties (S.A.L. and American Legion), the Squadron(s) and Post(s) of the charged member(s) informing them of the findings and disciplinary action taken.

## Article VIII

### Amendments

**Section 1.** This Constitution may be amended by any Detachment Convention by the affirmative vote of two thirds (2/3) of the registered delegates, subject to ratification by the American Legion Department Executive Committee of New Jersey.

# Sons of the American Legion Detachment of New Jersey By-Laws

## Article I Officers

**Section 1.** The elected Detachment Officers shall consist of a Detachment Commander, five (5) Vice Commanders, a Chaplain, National Executive Committeeman and an Alternate National Executive Committeeman.

**Section 2.** The Commander shall have the power to appoint an Adjutant, Judge Advocate, up to three (3) Sergeants at Arms and an Historian who are subject to the approval of the Detachment of New Jersey Sons of the American Legion.

**Section 3.** Vacancies in an elected office, which occur during the administrative year, shall be filled by an election at a Detachment meeting. This election shall take place at the meeting immediately following the meeting when the Detachment Commander or the Presiding Officer of the Detachment declares a vacancy. Special Detachment meetings can be called to hold an election to fill the vacancy. Notice of such special meetings require notice be sent to all squadrons no less than 30 days prior to the date of the special meeting. Vacancies may occur by resignation or by absence of an Officer, without valid excuse from two Detachment meetings and/or official functions. Written notice of such vacancy shall be sent to all squadrons by the Sons of the American Legion Detachment Adjutant at least thirty (30) days prior to the Detachment meeting at which the election is to be held to fill such vacancy. The Detachment Commander can appoint a replacement to fill the vacancy until such time as an election is held to fill the vacancy. Vacancies in appointed Offices shall be filled by by appointment of the Detachment Commander.

**Section 4.** When an officer is unable to attend a Detachment meeting or function he shall, by letter notify the Detachment Adjutant, Commander and Department S.A.L. Committee of such if time permits. If not, he shall contact one of the Detachment officers and let them know of the problem to be followed up by a letter or other written correspondence to the Detachment Adjutant for the records of the Detachment.

## Article II Duties of Officers

**Section 1.** Commander: Executive head of the organization at the Detachment level with full power to carry out the mandates and policies of the Sons of the American Legion as approved by the American Legion. He shall perform such duties as are usually incident to the office.

**Section 2.** Vice Commander: The vice commanders shall act as representatives of the Commander on all matters referred to them by him, and shall on his request preside over meetings and perform such other duties as are usually incident to the office. The Vice Commander must visit the counties they are assigned. Each such county shall be designated by the Detachment Commander to include areas as close geographically to that Vice Commander's residence as possible.

**Section 3.** Adjutant: the officer who corresponds and records the records of the Detachment, he is the administrative officer of the polices and mandates of the organization.

**Section 4.** 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. He shall perform such other duties as are usually incident to the office.

**Section 5.** Chaplain: Perform such divine and non-sectarian service, as shall be necessary adhering to the ceremonial rituals as may be prescribed.

**Section 6.** Historian: He shall collect during his term all records and data of value and interest to the Sons of the American Legion, and he shall compile during his term of office a complete history book of the year's activities.

**Section 7.** Judge Advocate: shall be the parliamentary of the Detachment and make rulings on procedure and polices as set forth by the constitution and By - Laws of this Detachment. Also to use Robert's Rules of order as a guide for subjects not covered in the Constitution and By-Laws.

**Section 8.** National Executive Committeeman: Shall be the Detachment liaison to the National Organization, and makes reports back to the Detachment on their meetings and perform other such duties as are usually incident to the office.

**Section 9.** Alternate National Executive Committeeman: Same duties as the National Executive Committeeman in his absence and perform other such duties as are usually incident of the office.

**Section 10.** All Officers are responsible for all Detachment equipment entrusted to them.

**Section 11.** All officers of the Sons of the American Legion in the performance of their duties shall be governed by the American Legion Department of New Jersey. All actions of the Sons of the American Legion at the Detachment level shall be subject to review and/or ratification by the Department of the American Legion Executive Committee.

# Article III

## Committees and Commissions

**Section 1.** The established Commissions for the Detachment of New Jersey are Internal Affairs, Americanism, Children and Youth and Veterans Affairs Rehabilitation.

**Section 2.** Committees may be established for each commissioned area. The established Committees for Internal Affairs are: Membership, Constitution and Bylaws, Resolutions, Public Relations, Convention, Ways and Means, Legion College, Internet, Legislative and Scholarship.

The established Americanism committees are: Flag History and Dedication, Community Affairs, Color Guard, Drug and Alcohol Prevention, POW/MIA, Religious Emphasis, and Son of the Year.

The established Children & Youth committees are: Child Welfare, Young Citizen's Award, and Special Olympics.

The established Veterans Service Rehabilitation committees are: Hospital Parties, and Christmas Parties and VAVS.

**Section 3.** The Detachment Commander shall appoint the chairmen of these Committees & Commissions upon his election and may add other Committees as he see fit, with the approval of the Detachment as outlined in Article IV Section 5 of the Detachment Bylaws.

**Section 4.** No member shall serve as chairman or vice-chairman on more than two (2) commissions or committees, and shall serve on no more than four (4) committees. In the absence of available members to serve on committees this rule may be waived.

**Section 5.** The chairmen of commissions and committees may structure their respective commission or committee in a way that better organizes it. They may appoint Vice Chairmen to the committee. All Committee appointments must be approved by majority vote of the Detachment of New Jersey.

**Section 6.** The chairmen of the commissions and committees are required to submit regular written reports on the status and actions of their commission and committees at all regularly scheduled Detachment meetings. They shall file a final report 30 days prior to the Detachment Convention.

## Article IV Detachment Executive Committee and Detachment Meetings

**Section 1.** The Detachment Executive Committee shall consist of the elected and appointed Officers of the Detachment, all Past Detachment Commanders, and one elected Officer or alternate from each intermediate body organized within the Detachment. Those counties without an organized SAL County committee can designate one person to represent their county in all matters requiring a vote from the Executive Committee. The counties themselves are responsible for the manner in which this representative is chosen. Appointed Officers are members without vote.

**Section 2.** The Detachment shall meet regularly during the year according to a schedule established by the Department of New Jersey, American Legion Committee. In order to reschedule a regular Detachment meeting, written notification must be delivered to each squadron no less than thirty (30) days prior to the earlier of either the original date or the rescheduled date. A majority vote of the Detachment is necessary to move a regularly scheduled Detachment meeting. Special Circumstances can occur where a meeting can be rescheduled without a majority vote (i.e.) incimate weather, repairs to or special events held at our meeting place etc. If the Commander wishes to call for an official meeting in addition to the established schedule, written notification of the proposed

meeting must be mailed to each squadron no less than (30) days prior to the date of the meeting.

**Section 3.** The Detachment Executive Committee shall have the authority to create intermediate bodies between the squadrons and the Detachment to act as liaisons between such organizations and for the purpose of promoting the programs of the Sons of the American Legion. Such intermediate bodies shall conform to the framework within The American Legion, Department of New Jersey.

**Section 4.** A quorum for a regular Detachment meeting shall exist when delegates from at least ten (10) squadrons are present, as well as a presiding officer in the form of the Detachment Commander or a Detachment Vice Commander and three (3) members of the Executive Committee.

**Section 5.** The Commander shall have the authority to create any standing committees necessary to further the business of the Detachment during his term. The Commander shall also have the ability to appoint the chairman of any such committee. The committees must include, but are not limited to, Internal Affairs, Resolutions, Children and Youth, Ways and Means and Public Relations. The purpose of any committee created by the Commander shall be provided to the membership, and the committee and its appointed chairman must be approved by the membership at a regular Detachment meeting.

**Section 6.** During a regular Detachment meeting, all members in good standing in attendance thereat shall be entitled to one vote, except for the Detachment Commander who shall only cast the deciding vote in the event of a tie. A member in good standing shall be one whose dues have been properly paid and whose voting privileges have not been suspended through disciplinary action.

**Section 7.** In the event that an Executive session of the SAL Detachment Executive Committee is called, only those who hold

membership on the Executive Committee, as outlined in Section 1 of this article, are entitled to vote.

## Article V

### Squadron and Intermediate Body Organization

**Section 1.** Those who desire to form a squadron of the Sons of the American Legion shall make application for a charter to the Post Commander of the local Post of the American Legion. Upon approval of the Post, the application shall be forwarded to the County level of the American Legion and S.A.L.(if Applicable) for their approval, upon which application will be forwarded on to the Detachment of New Jersey. Upon the Detachments approval the application will be forwarded to the Department of New Jersey American Legion for their approval and then sent on to the National American Legion where the charter may be issued in the same manner as prescribed for issuance of charters for Posts of the American Legion.

**Section 2.** The minimum membership required for the formation of a squadron of the Sons of the American Legion shall be ten (10).

**Section 3.** There shall be no more than one (1) squadron for each Post of the American Legion.

**Section 4.** Applications to form an intermediate body must be made to the County Level of the Detachment for a vote at a regular meeting of the Detachment. Upon approval of the application it will be forward to Sons of the American Legion Committee, the Committee shall pass this application on to The Department Executive Committee, upon an affirmative majority vote of the Department, it shall be sent back to the Detachment Executive Committee which will inform the intermediate body of the action taken.

**Section 5.** Each squadron and/or intermediate body should adopt a Constitution and By-Laws and present it to the Detachment for review.

**Section 6.** In the formation of the Constitution and By Laws referred to in Section 5 of this article there shall be no conflict with the Detachment or National Constitution and By Laws governing the Sons of the American Legion.

## Article VI

### Annual Convention

**Section 1.** The Sons of the American Legion Committee, Department of New Jersey shall cooperate with the host site in making arrangements for the Detachment Convention. Arrangements can include a color guard contest field, the invitation of guest(s), registration area for delegates, alternates and guest(s).

**Section 2.** The Detachment delegates must accept the convention rules before the business of the convention can be conducted.

**Section 3.** The officers of the Detachment, as defined in Article I of the Detachment By-Laws, shall be elected at the annual Detachment Convention, and shall serve until the adjournment of the succeeding election and installation with the exception of the National Executive Committeeman and Alternate National Executive Committeeman.

**Section 4.** The National Executive Committeeman and the Alternate National Executive Committeeman shall be elected on an even year and will serve a two (2) year term of office. Their terms will conclude at the end of the National Convention that occurs on an even year.

**Section 5.** All such candidates for Detachment offices may be elected for more than one term of office except the Commander who may be elected for no more than three (3) terms of which two (2) can be consecutive.

**Section 6.** All candidates for Detachment offices shall be submitted to the Sons of the American Legion Committee, Department of New Jersey, prior to the Detachment Convention at a date to be fixed by the committee. The Sons of the American Legion committee shall compile the names of all candidates into a slate of office seek for the Convention. Further more nominations can be made from the floor at the convention for any office. All candidates shall provide to the Sons of the American Legion Committee, Department of New Jersey records to validate their eligibility in the Sons of the American Legion according to Article IV, Section 1 of the Detachment Constitution. All eligibility papers must be mailed to the Department S.A.L. Committee Chairman within 21 days of the conclusion of the Detachment Convention.

**Section 7.** The Standing Rules of the Detachment Convention shall be mailed out to the squadrons of the Detachment prior to the last regularly scheduled meeting of the Detachment of New Jersey and be voted upon at the last regularly scheduled meeting. The Detachment Convention rules will then be presented at the Detachment Convention to be approved by the Convention Delegates.

## Article VII

### Rules of order

**Section 1.** The Detachment Constitution and By-Laws shall govern the Procedures at all Detachment meetings, and what is not covered therein will refer to Robert's Rule of Order.

# Article VIII

## Amendments

**Section 1.** These BY-Laws may be amended by any Detachment Convention by the affirmative vote of two thirds (2/3) of the registered delegates, subject to ratification by the American Legion Department Executive Committee of New Jersey.

The original Detachment of New Jersey, Sons of the American Legion, Constitution and By-Laws was originally approved at the 11th annual Detachment of New Jersey Convention June 10, 1972 at the Homer L. Ewan Post H 179 Clayton, New Jersey. The Constitution and By-Laws were revised and approved at the 23rd annual Convention held at Wilbur J. Price Post 273 in Keansburg, New Jersey on June 8, 1984.

This Constitution and By-Laws has been revised, reflecting all Amendments from 1972 to 1993 and has been approved and adopted at the 33rd Annual Convention held in Wildwood New Jersey on the tenth day of June 1994.

The Constitution and By-Laws have been revised and approved at the 43rd Annual Convention held in Wildwood New Jersey on the 11th day of June 2004.

The Constitution and By-Laws have been revised, reflecting all amendments through June 2006 and approved at the 45<sup>th</sup> Annual Detachment Convention on June 9, 2006.

The Constitution and By-Laws have been revised, reflecting all amendments through June 2007 and approved at the 46<sup>th</sup> Annual Detachment Convention on June 8, 2007.

## INDEX

PREAMBLE .....	1
Article I Name.....	1
Article II Nature .....	2
Article III Organization.....	2
Article IV Eligibility .....	3
Article V Legislative Body .....	3
Article VI Finances .....	4
Article VII Discipline .....	5
Article VIII Amendments .....	8
Detachment of New Jersey By-Laws.....	9
Article I Officers .....	9
Article II Duties of Officers .....	10
Article III Committees and Commissions.....	12
Article IV Detachment Executive Committee and Detachment Meetings.....	13
Article V Squadron and Intermediate Body Organization.....	15
Article VI Annual Convention.....	16
Article VII Rules of order .....	17
Article VIII Amendments .....	18
INDEX .....	19