

Revised June 24, 2017



## **CONSTITUTION DETACHMENT OF COLORADO SONS OF THE AMERICAN LEGION**

### 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

SECTION 1: The name of this organization shall be the Sons of The American Legion Detachment of Colorado.

### 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 non-political 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 Detachment of Colorado shall be absolutely non-sectarian.

SECTION 4: Each member shall perform his full duty as a citizen according to his own conscience and understanding and in accordance with the law.

### ARTICLE III 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, the Persian Gulf, and the War on Terrorism during the delimiting periods set forth in Article IV, Section 1, 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.

SECTION 3: No person shall be a member of more than one Squadron at any one time.

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. When such consent has been asked for and denied by such Squadron, he may then appeal to the Detachment Executive Committee for permission to be admitted to membership in another Squadron and shall be ineligible for membership until such permission is granted.

### ARTICLE IV ORGANIZATION

SECTION 1: The local unit of the Sons of The American Legion Detachment of Colorado is the Squadron and One (1) Post of The American Legion may sponsor no more the one (1) Squadron.

SECTION 2: The Sons of The American Legion Detachment of Colorado shall establish intermediate bodies (District, County, Area, etc.) as may be necessary to fulfill the functions of the Sons of The American Legion.

SECTION 3: The minimum membership for the formation of a Squadron shall be ten (10) members.

SECTION 4: Those who desire to form a Squadron shall submit to the Detachment Executive Committee an application for a charter, properly executed by the proposed charter members. Upon receipt of such application, the Detachment Executive Committee will forward the application to The American Legion Department of Colorado Headquarters for approval and forward to The American Legion National Headquarters.

SECTION 5: The Detachment of Colorado will have jurisdiction over the Squadrons within the Detachments' geographical area, subject to such limitations as may be prescribed by The American Legion Department of Colorado.

SECTION 6: 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.

## ARTICLE V DETACHMENT OFFICERS

SECTION 1: The Detachment Convention shall elect a Detachment Commander, one Detachment Senior Vice Commander, two or more Junior Vice Commanders who will serve without seniority and at the discretion of the Detachment Commander shall be given a district north, south, east or west, a Detachment Chaplain, and a Detachment Sergeant-at Arms. The Detachment Convention shall also elect a National Executive Committeeman and an Alternate National Executive Committeeman.

SECTION 2: Such Officers shall serve until the adjournment of the succeeding Detachment Convention following their election or until their successors are chosen. Vacancies in these offices occurring between Detachment Conventions shall be filled by election by the Detachment Executive Committee. The term of the National Executive Committeeman and the Alternate National Executive Committeeman shall be for two years and will expire upon the conclusion of the National Convention following their two year term. If the position of the National Executive Committeeman should become vacant, the Alternate National Executive Committeeman shall become the National Executive Committeeman. The newly elected National Executive Committeeman and Alternate National Executive Committee shall assume office at the post-National Convention National Executive Committee meeting following their election.

SECTION 3: No member may hold both a National Office and an elected Detachment Office at the same time.

SECTION 4: Any Detachment Sons of The American Legion elected officer (Article V, Section 1) may be removed from his office for cause. A vote to remove from office can only occur during a regular meeting of the Detachment Executive Committee. The proposed removal of the elected officer shall be included in the meeting's written notification. Any officer who is

removed has 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.

SECTION 5: The Detachment Commander will appoint, with the approval of the Detachment Executive Committee, a Detachment Adjutant, a Detachment Finance Officer, a Detachment Judge Advocate, a Detachment Historian, and any Assistant Adjutants and Assistant Sergeant-at-Arms or other positions as may be necessary. Such officers and other positions will hold office at the pleasure of the Commander or Detachment Executive Committee. Any member so removed has the right of appeal at a regular Detachment Executive Committee meeting. The decision of the Detachment Executive Committee shall be final.

SECTION 6: The Sons of The American Legion shall recognize an individual or individuals designated by the Department Commander of The American Legion as Detachment Advisor or Advisors to the Sons of The American Legion and he/she or they shall be ex-officio members of all committees or commissions of the Detachment organization of the Sons of The American Legion.

SECTION 7: In fulfilling their duties and responsibilities, the Detachment Officers shall be responsible to the Department Executive Committee of The American Legion or to a subordinate body by its designate.

## ARTICLE VI LEGISLATIVE BODY

SECTION 1: The Legislative Body of the Sons of The American Legion Detachment of Colorado shall be a Detachment Convention, to be held annually in conjunction with The American Legion Department of Colorado Convention. All acts of the Detachment Convention are subject to ratification by the Detachment Executive Committee and the Department Executive Committee of The American Legion.

SECTION 2: A Detachment Mid-Year Conference shall be held in conjunction with the Department Mid-Year Conference of The American Legion for the purpose of legislative action.

SECTION 3: The Detachment Commander shall issue a call to the Detachment Convention or Conference not less than thirty (30) days prior to such meeting. Such calls shall go out to each Squadron of the Detachment, all elected and appointed Detachment Officers, each Squadron's Detachment Executive Committeeman on record, all Past Detachment Commanders and Detachment Advisor(s).

SECTION 4: At the Detachment Convention each Squadron shall be entitled to ten (10) delegates plus one (1) delegate for each ten (10) members, or major fraction thereof, after the initial Squadron formation of ten (10) members. (Example: A Squadron with 37 members would be entitled to 13 delegates.) However under no circumstance shall a Squadron be entitled to a

larger number of delegates than the number of members reported (Example: A Squadron with six members would be entitled to only 6 delegates).

- A. Squadron Delegate strength will be determined by the Detachment membership report as published by the Detachment Adjutant no less than thirty (30) days prior to the date of the Detachment Convention or Conference. This membership report will be included in the "Call to Convention" to assist the various Squadrons in determining their authorized delegate strength.

SECTION 5: At the Detachment Mid-Year Conference each Squadron shall be entitled to voting strength equivalent to one (1) vote for each ten (10) members or majority fraction thereof for current year membership strength as of December 31<sup>st</sup> of the preceding year (*i.e. if the Conference is held in calendar year 2015, 2015 membership strength as December 31<sup>st</sup>, 2014 will be used*). Squadrons with a membership of less than 10 members will be entitled to one (1) vote.

SECTION 6: Each duly registered delegate shall be entitled to one (1) vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the registered delegates present from his Squadron. Alternates for registered delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his credentials and has paid such registration fee as may be required.

SECTION 7: All elected Detachment Officers shall be delegates-at-large to the Detachment Convention and Mid-Year Conference with their vote to be exercised by them with their respective Squadrons, provided they are duly registered.

SECTION 8: All Past Detachment Commanders, while in good standing in their respective Squadron in this Detachment, shall be delegates-at-large for life to all Detachment Conventions with their vote to be exercised by them with their respective Squadrons, provided they are duly registered.

SECTION 9: At least three Squadrons must be present and duly registered to make a quorum.

## ARTICLE VII DETACHMENT EXECUTIVE COMMITTEE

SECTION 1: Between Detachment Conventions and Mid-Year Conferences, the administrative power of the Detachment shall be vested in the Detachment Executive Committee. The Detachment Executive Committee shall be composed of the Detachment Commander, Detachment Senior Vice Commander, all Detachment Junior Vice Commanders, Detachment Chaplain, Detachment Historian, Detachment Sergeant-at-Arms, National Executive Committeeman, Alternate National Executive Committeeman, the immediate Past Detachment Commander, two (2) past Detachment Commanders elected by the legislative body at the Detachment Convention, and one representative from each Squadron.

SECTION 2: A Squadron may appoint or elect a member, in good standing, to serve on the Detachment Executive Committee, for a term of one year.

SECTION 3: An elected Detachment Officer cannot also be the representative from his respective Squadron. No member can cast more than one vote.

SECTION 4: At least three Squadrons must be represented to establish a quorum with at least one (1) elected Detachment Officer present to chair the meeting. Representation includes elected Detachment Officers.

## ARTICLE VIII FINANCES

SECTION 1: The Sons of The American Legion Detachment of Colorado revenue shall be derived from the annual membership dues which will be mandated by the Detachment Convention and deposited in an account for the purpose of the operation of the Detachment.

SECTION 2: All other money will be deposited in special accounts for use in various community projects or Detachment projects.

SECTION 3: All checks must have two signatures. There must be at least three authorized signatures on file for all accounts. The Detachment Finance Officer, the Detachment Adjutant and the Department Finance Officer or Department S.A.L. Advisor shall be authorized to sign checks. All members or advisors authorized to sign checks must be bondable. The VA&R Committee shall be authorized to direct expenditures from the VA&R account.

SECTION 4: No expenditures are to be made from any funds that are not authorized by the proposed budget for the year or mandated by the Detachment Convention/Mid-Year Conference or the Detachment Executive Committee. Emergency expenditures that are not covered by the budget must be authorized by the Detachment Finance Committee.

SECTION 5: The amount of such annual Detachment dues shall be \$7.00 per member and shall be payable October 20 of each year for the succeeding year. These dues are to be transmitted to Detachment Headquarters along with the National dues.

## ARTICLE IX AMENDMENTS

SECTION 1: This Constitution may be amended at any Detachment Convention or Mid-Year Conference by a vote of two thirds (2/3) of the total authorized representation represented in person or by proxy provided that the proposed amendment shall have been submitted by resolution. All Resolutions, originating from a Squadron, the Detachment Executive Committee or a standing committee shall be submitted in proper form at least forty-five (45) days prior to

the Convention or Mid-Year Conference to the Detachment Adjutant. The Detachment Adjutant shall send notice of proposed changes to the Constitution to the Squadrons at least thirty (30) days prior to the convening of the next Detachment Convention or Mid-Year Conference. The Constitution can also be amended by unanimous vote in favor of a properly introduced resolution to the above mentioned meetings.

## ARTICLE X SAFETY CLAUSE

SECTION 1: If any section herein shall be determined, by proper authority, to be unconstitutional, such determination shall not be deemed to effect the validity of the remainder of the affected section of this Constitution.

## ARTICLE XI REPEAL AND SAVING CLAUSE

SECTION 1: This Constitution was revised and adopted at the Detachment Convention held in Colorado Springs, Colorado June 23-25, 2017. All previous constitutions are now therefore declared null and void. Signed by Detachment Adjutant Scott Garrett .

**BY-LAWS**  
**DETACHMENT OF COLORADO**  
**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 Colorado 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 Commanders - The Detachment Vice Commanders shall act as representatives 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-Year Conference or Detachment Executive Committee and perform such other duties as are usually incident to the office. Vice Commanders 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, membership ID numbers and addresses of all Squadrons in the Detachment of Colorado 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 is in charge of all Detachment funds, all deposits and records. He will report all financial records to Detachment Conventions, Mid-Year 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 for 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 responsibility of preserving order at all meetings and shall be given the custody and responsibility 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) days 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.

SECTION 3: The Detachment Executive Committee Pre-Convention Meeting can occur anytime, but no more than, fifteen (15) days prior to the opening of the Detachment Convention. The Detachment Executive Committee Post-Convention Meeting can occur anytime, but no later than, forty-five (45) days following the adjournment of the Detachment Convention.

## ARTICLE III MEMBERSHIP

SECTION 1: Membership in the Sons of The American Legion, Detachment of Colorado shall be acquired only by 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 Colorado 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 Colorado Detachment Constitutions 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 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 the 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. Each year Squadron shall provide notice to the Detachment organization the names and complete contact information for these officers immediately following their annual election or appointment of said officers. The Squadron shall subscribe to the Constitution and By-Laws and regulations of the Detachment organization. A Squadron shall not incur any 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 Constitution 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 obligations imposed upon it by the Constitution and By-Laws or ceasing 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. The Post to which the Squadron is attached, authorized, empowered 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 for 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 from 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 a 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 suspended member whose membership has been 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. However, the Squadron, Detachment or 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 has been suspended or expelled has 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 and previously authorized by the proper body, shall have the right to speak in the name of the Sons of The American Legion Detachment of Colorado or any Squadron of the Sons of The American Legion. His individual action is full and unhampered, being that of an American citizen.

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 or 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 member by the Squadron of which he is a member.

## ARTICLE VIII REGULATIONS

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 compiled with by all concerned.

## ARTICLE IX RULES

SECTION 1: The procedure of the Detachment Convention, Mid-Year 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 Colorado and Robert's Rules of Order, Newly Revised (most Current Edition).

SECTION 2: The Uniform Code of Procedure for the Organization of Detachment Conventions of the Sons of The American Legion, Detachment of Colorado 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, except for the provision requiring “a vote of two thirds” shall be changed to a majority vote of the total authorized representation.

## 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 effect the validity of the remaining unaffected sections of these By-Laws.

## ARTICLE XII REPEAL AND SAVINGS CLAUSE

SECTION 1: These By-Laws were revised and adopted at the Detachment Convention held in Colorado Springs, Colorado held June 23-25, 2017. All previous By Detachment Adjutant Scott Garrett.