



Constitution & By-Laws

**SAMUEL J. BUSH POST 207
THE AMERICAN LEGION
DEPARTMENT OF SOUTH CAROLINA**

Approved April 16, 2024

CONSTITUTION

PREAMBLE

For God and Country, we associate ourselves together 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 one hundred percent Americanism; to preserve the memories and incidents of our associations in all 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 goodwill on earth; to safeguard and transmit to Posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I NAME

The name of this organization shall be known as Samuel J. Bush Post 207, The American Legion, Department of South Carolina.

ARTICLE II PURPOSE

The objectives and purposes of this organization are as outlined in the foregoing preamble, and the National and Department Constitutions of The American Legion.

ARTICLE III NATURE

Section 1. This Post is a veteran organization.

Section 2. This organization shall be nonpolitical and shall not be used for the dissemination of partisan principles nor the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by military title in any meeting of this Post.

Section 4. The Post is dedicated to protecting the welfare, prosperity, and happiness of all people of Beaufort, South Carolina, to the preservation of the ideals and traditions of our country and pledge our single-minded adherence to the hallowed faith of our fathers.

ARTICLE IV MEMBERSHIP

Section 1. An individual is eligible for membership in The American Legion if the individual has served in the United States armed services any time after December 7, 1941 and was honorably discharged,

received a general discharge under honorable conditions, or is still serving active military duty honorably.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person who has been expelled by a Post shall be admitted to membership in another Post, without the consent of the expelling Post except that where such consent has been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post and shall be ineligible for membership until such permission is granted.

ARTICLE V OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of the Post Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, Adjutant, Finance Officer, Judge Advocate, and up to three members in good standing. The term of office of the Executive Committee shall be for one year. This Post, by its By-Laws, may provide for other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, Adjutant, Finance Officer, Chaplain, Historian, Service Officer, Sergeant-at-Arms (2), Judge Advocate, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee members shall be elected annually with the election held at least three weeks before the state convention. Any officer may be re-elected to the same position. Officers shall hold office until their successors are duly installed or as otherwise provided. If any office becomes vacant during the year, the Post commander may appoint a successor to fill the unexpired term of that office with the approval of the executive committee.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

ARTICLE VI FINANCE

Section 1. The revenue of this Post shall be derived from membership fees, annual membership dues, and other sources as may be approved by the Post Executive Committee.

Section 2. The amount of such membership is fixed and set by the Post Executive Committee.

Section 3. Upon joining, new members must pay one year's dues in advance.

Section 4. A membership year is a calendar year from January 1st through December 31st.

Section 5. The Post shall pay to Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

ARTICLE VII AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes the auxiliary organization to be known as the Auxiliary Unit 207 of Samuel J. Bush Post 207, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Section 3. Auxiliary members are entitled to have a chapter officer of the American Legion Post 207 present at their meetings to lend support and guidance.

ARTICLE VIII Discipline

Section 1. Complaints against American Legion Post officers and members shall be submitted in writing to the Post executive committee for investigation and resolution.

Section 2. Members may be suspended or expelled from the Post only upon proper showing of cause. Charges shall be based on disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of the American Legion. All charges must be made in writing by the accuser and a copy served on the accused either by certified or registered mail to his last known address. No member in good standing shall lose his membership until given a fair hearing by the commander and adjutant.

Section 3. The trial of a member shall be held before the Post. The commander presiding shall be the sole judge of the admissibility of evidence.

Section 4. Any member who has been suspended or expelled has the right to appeal to the Department Executive Committee, and its decision shall be final.

Section 5. Any circumstance not covered by the Post constitution and by-laws will be governed by the Department's constitution and by-laws.

BY-LAWS

ARTICLE I NAME

Section 1. The name of this organization shall be known as Samuel J. Bush Post 207, The American Legion, Department of South Carolina.

Section 2. The objectives of this Post are as outlined in the Constitution.

ARTICLE II MANAGEMENT

Section 1. The government and management of the Post are entrusted to an Executive Committee of members of the Post, to be known as the "Executive Committee."

Section 2. The Executive Committee shall consist of members of the Post in addition to the officers of the Post and together with the other officers of this Post shall be elected annually and take office at the meeting next following that of the election. All elections of officers and the Executive Committee shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

ARTICLE III POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post commander within 10 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander as often as said commander may deem necessary. The commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee, five members of the committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall hear the reports of Post committee chairs, and generally shall have charge of and be responsible for the management of the affairs of this Post.

ARTICLE IV DUTIES OF OFFICERS

Section 1. Post Commander. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. The commander shall be the official spokesperson of the Post. The commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant. The commander is expected to attend all district and state meetings of which this Post is a part. The commander shall take care that the high principles and purpose of the American Legion are preserved. The commander shall appoint committees and chairpersons as deemed necessary to carry out the objectives of this Post. All members are subject to the financial policy.

Section 2. 1st Vice-Commander. The 1st vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the Post commander. The 1st vice-commander will assume the responsibility of membership.

Section 3. 2nd Vice-Commander. The 2nd vice-commander shall assume responsibility for fundraising.

Section 4. 3rd Vice-Commander. The 3rd vice-commander shall assume full responsibility for the operation and maintenance of the canteen. The 3rd vice-commander shall secure all licenses and necessary equipment for its operation. The 3rd vice-commander shall regulate all visitors during leisure hours. The 3rd vice-commander shall see that the canteen follows the regulations of the State of South Carolina. The executive committee of the American Legion Post will have full authority over all activities.

Section 5. Post Adjutant. The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and under the direction of the commander handle all correspondence of the Post. The adjutant shall receive all membership monies, keep an accurate record, and pass monies to the finance officer. The adjutant shall keep an up-to-date roster of the members. The adjutant along with the finance officer shall prepare an annual end-of-fiscal year statement of all transactions of the Post and the appropriate tax forms for the Post.

Section 6. Finance Officer. The finance officer shall have charge of all finances and see that they are safely deposited in a certified local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The finance officer and the adjutant shall approve all checks disbursing the monies of the Post. The finance officer must present a monthly treasury report and an annual finance report at the end of the fiscal year (June 30th).

Section 7. Post Historian. The Post Historian shall be charged with the preparation of permanent records of this Post and shall perform such other duties as designated by the commander of the Post.

Section 8. Post Chaplain. The chaplain's duty is to promote the "service to GOD and Country" program of the American Legion in the Post. The Post chaplain shall be charged with the spiritual welfare of the Post members, offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as recommended by the National or Department headquarters.

Section 9. Sergeant-at-Arms. The sergeant-at-arms duty shall be that of preserving order in the meetings and at the canteen during leisure hours. The sergeant-at-arms shall see that members are properly qualified and shall request identification when deemed necessary. The sergeant-at-arms shall take care of the Post colors and see that they are properly displayed.

Section 10. Service Officer. The service officer shall oversee the rehabilitation program. He/she shall perform the duty of caring for our disabled comrades and the widows/widowers and orphans of the deceased ex-servicemen/women. The service officer shall be prepared always to cooperate with the county service and the United States Veteran Administration in processing all just claims of ex-servicemen/women before the Administration and shall not hesitate to call upon any member of The American Legion of this Post or elsewhere to assist in this effort. The service officer will keep the members informed of any current changes in services and/or benefits in a timely manner.

Section 11. Judge advocate. The judge advocate supplies professional advice in the conduct of Post business or to procure proper counsel. This officer is the guardian of the constitutional form of Post government. The judge advocate can also supply valuable assistance to other Post committees and officers, and should maintain contact with local government officials. The judge advocate commonly has the duty, with others, of auditing Post financial accounts. This is done annually, usually before the election of officers, or more frequently at their discretion.

ARTICLE V DELEGATES

Delegates and alternates to a Department convention shall be elected by a show of hands at a regular Post meeting to be held at least 20 days before the date of such convention.

ARTICLE VI COMMITTEES

Section 1. The following standing committees may be formed at the Post voluntarily and a committee chair appointed by the commander: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration, and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs, and Rehabilitation, National Security, Sons of The American Legion and Visiting or VAVS. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post commander.

Section 2. Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for the proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propoganda by education of the public in American ideals through public forums, etc., and activities for the community and civic betterment.

Section 3. Ceremonials Committee. The principal duty of the Ceremonials Committee is to ensure all new members are properly initiated. The committee also concerns itself with the proper presentation of other rituals outlined in the Manual of Ceremonies—burial detail and the wearing of Legion regalia.

Section 4. Children and Youth Committee. Shall be charged with aid and service to children of veterans,

cooperating with other established agencies in the community; laboring for the betterment of child conditions, and coordinating services and agencies in the community for the above purposes. To act as an intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 5. Economic Committee. The Post Economic Committee is primarily concerned with local employment programs, Veterans' preference, government employment, and re-employment rights.

Section 6. Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations, and supervision of receiving, disbursing, and accounting of all Post funds.

Section 7. Foreign Relations. This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8. Graves Registration and Memorial Committee. The duties of this committee involve the recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given to the service officer in providing flags, headstones, or proper interment in national cemeteries.

Section 9. House and Entertainment Committee. The House and Entertainment quarters promotion of club advantages and arrangements for social activities.

Section 10. Legislative Committee. The Legislative Committee needs to know about what is going on in Congress—what we favor or oppose and should be ready to initiate action in support of our position when requested by the national or Department organization.

Section 11. Membership Committee. The Membership Committee shall have charge of all matters about the membership of the Post, including the procuring of new members, reinstatements, and eligibility of members.

Section 12. Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department, and national Legion news service and by local publicity of Post programs and activities.

Section 13. Veterans Affairs and Rehabilitation Committee. The Veterans Affairs and Rehabilitation Committee shall supervise all matters about service to veterans in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 14. Security Committee. The Security Committee shall work with and coordinate Legion efforts with the local Civil Defense Council on matters about national, civilian, and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 15. Sons of The American Legion Committee. This committee shall have supervision over the operations of the Post's squadron of the Sons of The American Legion.

Section 16. Sunshine Committee. This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting veterans in hospitals and homes. Money collected for the Sunshine Committee will be distributed per the financial policy.

ARTICLE VII RESOLUTIONS

All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department headquarters for approval before any publicity is given or action other than the mere passage by the Post is taken.

ARTICLE VIII MEETINGS

Section 1. The regular meeting shall be held monthly at the Post on the third Tuesday at 6 PM, at which business may be transacted and properly brought up for action. If a regular meeting falls on a holiday, the meeting shall be held the following Tuesday or as agreed upon at the previous meeting.

Section 2. The Post Commander, or upon the request of three members with Post Commander approval, or a majority of the Executive Committee shall call for a special meeting of the Post.

Section 3. Ten members shall constitute a quorum for a Post meeting and six Executive Committee members for an Executive Committee meeting.

Section 4. Legion caps and badges are the uniform for the Post and are encouraged to be worn during official Post functions.

ARTICLE IX CANTEEN

Section 1. House Rules

1. No intoxicated person shall be tolerated in the Post.
2. The Executive Committee shall determine the hours of canteen operation.
3. No open alcoholic beverages will be brought into or removed from the building at any time.
4. No one except the bartender(s) on duty, 3rd Vice Commander, Post commander, and finance officer is allowed behind the bar without specific permission during the hours the bar is open.

Section 2. Dress Code

1. Casual Wear
2. Shirts must have a collar
3. No sneakers
4. No sportswear
5. No jerseys
6. No cut-off sleeves
7. Males are to remove any hat they are wearing

Section 3. Tips will be deposited with the canteen funds at the end of the night.

ARTICLE X NOTICES

Section 1. Every member shall furnish the Post adjutant with an address, phone number, and email address if available.

Section 2. The Post adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Section 3. Membership. If membership dues are not paid by December 31st, membership ceases with all rights and privileges revoked.

Section 4. No alterations to the Post property inside or outside will be made without the specific consent of the executive committee. Posting flyers on doors, windows, walls, or the bulletin board must be cleared with the executive committee.

ARTICLE XI RULES OF ORDER

All proceedings of this Post shall be conducted under and under Roberts' Rules of Order, except as herein otherwise provided.

ARTICLE XII AMENDMENTS

The Constitution and By-Laws may be amended at any regular Post meeting by a majority vote of the Post members provided that the proposed amendment(s) were discussed at the preceding regular meeting and written notice was given to all members at least 7 days in advance of the meeting at which a proposal for amendments is to be voted upon.