

CONSTITUTION

CUSTER POST NUMBER FORTY-SIX
DEPARTMENT OF SOUTH DAKOTA

Commander _____ Date: _____

Adjutant _____ Date: _____

Approved and Adopted April 11th, 2023

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 good will 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

SEC. 1. The name of this organization shall be:

"CUSTER POST NUMBER FORTY-SIX, THE AMERICAN LEGION, DEPARTMENT OF SOUTH DAKOTA".

ARTICLE II

OBJECTIVES

SEC. 1. The objectives and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of the American Legion.

ARTICLE III

NATURE

SEC. 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

SEC. 2. This organization shall be non-political and non-sectarian and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

SEC. 3. Rank does not exist in the American Legion and no member shall be addressed by his military or naval title in any meeting of this Post.

SEC. 4. All pronouns, or other terms that may be masculine in nature, within this Constitution, shall be considered gender neutral.

ARTICLE IV

MEMBERSHIP

SEC. 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of the American Legion.

SEC. 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

SEC. 3. All applications for membership shall be acted upon at the next Post Executive Committee meeting following the making of such application, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If three or more executive committee members cast their votes against the acceptance of said application, then the application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

SEC. 4. Any member of this Post may be expelled for cause by two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same.

SEC. 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the Executive Committee; provided, however, that he shall make a payment of any arrears in his dues at the time of the expulsion or suspension, and other regular dues which have been payable in the interval between his expulsion or suspension and his reinstatement.

SEC. 6. 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 State Executive Committee of the Department of the expelling Post for permission to apply for membership in another Post and shall be ineligible for membership until such permission is granted.

ARTICLE V

OFFICERS

SEC. 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 one member in addition to the officers of the Post. The term of office of members of the executive committee shall be for two years. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

SEC. 2. The officers of this Post shall be a commander, a first Vice-Commander, a second Vice-Commander, a Finance Officer, a Post Historian, a Post Chaplain, and a Sergeant-at-Arms, and such other officers as may be deemed necessary by the organization, and each of such officers shall be nominated from the floor at the meeting preceding the annual election. The biannual election shall be held the first scheduled meeting in April of the biannual year and installed prior to the Department Convention that year. The Post shall also have an Adjutant, who shall be appointed by the commander.

SEC. 3. All elective officers and the executive committee member shall be elected to a two year term, and shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

SEC. 4. Every member of this Post, in good standing, and no other person, shall be eligible to hold office in this Post unless otherwise provided herein.

SEC. 4.1 Elected Officers of Custer Post 46 Chapter of the Legion Riders must be a member in good standing of Custer Post 46, to hold any Elected Office within the Custer Post 46 Chapter of the Legion Riders. General membership in the Legion Riders may be granted, by virtue of their membership in the American Legion, the Sons of the American Legion, or the American Legion Auxiliary.

SEC. 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

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

SEC. 2. The amount of such annual Post dues shall be Three Dollars and Fifty Cents (\$3.50).

SEC. 3. This Post shall pay in the manner prescribed to Departmental Headquarters, the National and Departmental annual membership dues for every member of the Post.

ARTICLE VII

CHARTER MEMBERS

SEC. 1. Members who joined this Post prior November 11, 1919 (or members who joined this Post prior to the issuance of charter) shall be known as Charter Members.

ARTICLE VIII

AMERICAN LEGION AUXILIARY

Sec. 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Custer Post 46, The American Legion.

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

ARTICLE IX

SONS OF THE AMERICAN LEGION

Sec. 1. This Post recognizes an organization to be known as South Dakota Squadron 46, Sons of The American Legion a Unit of Custer Post 46, The American Legion.

Sec. 2. Membership in the South Dakota Squadron 46, Sons of The American Legion shall be as prescribed by the National Constitution of the Sons of The American Legion.

ARTICLE X

AMENDMENTS

Sec. 1. This Constitution is adopted subject the provisions of the National Constitution of the American Legion and the Department Constitution of the Department of South Dakota. Any amendment to said National Constitution of Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Sec. 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least twelve (12) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.