

**The Constitution of Spartanburg Post 28**  
**The American Legion Department**  
**of South Carolina**

**Preamble to the Constitution of the American Legion:**

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 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 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**

**Section 1.** The name of this organization shall be Spartanburg Post 28, The American Legion, Department of South Carolina.

**Article II – Objectives**

**Section 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 constitution of The American Legion.

**Article III – Nature**

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

**Section 2.** This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for 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 his military title in any meeting of this post.

## **Article IV – Membership**

**Section 1.** Eligibility to membership in this Post shall be as prescribed by the national constitution of The American Legion.

**Section 2.** Application for membership shall be made in writing under such regulation as may be prescribed by the Post Executive Committee.

**Section 3.** All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

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

**Section 5.** A member who has been expelled or suspended from this Post for any reason may be reinstated to membership by a two-thirds vote of the membership present in a Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

**Section 6.** No person who has been expelled by a Post shall be admitted to membership of this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the state Executive Committee of the department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

## **Article V – Officers**

**Section 1.** The administrative affairs of Spartanburg Post 28 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 current officers of the Post and the two most recent past Post 28 commanders who are currently active members of the Post and not otherwise holding a current Post elective office.

**Section 2.** The officers of this Post shall be a Commander, a 1<sup>st</sup> Vice Commander, a 2<sup>nd</sup> Vice Commander, an Adjutant, a Finance Officer, a Chaplain, a Post Historian, a Post Service Officer, and a Sergeant-At-Arms, and such other officers as may be deemed by this organization, who shall be nominated from the floor at the meeting preceding the annual election. No officer may hold more than one elective office concurrently, except at the discretion and two-thirds vote of the members of the Executive Board.

**Section 3.** All officers shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer may be removed for inefficiency by a two-thirds vote of the Executive Committee.

**Section 4.** Every member of Post 28 in good standing shall be eligible to hold office in this Post.

**Section 5.** The duties of the officers and Executive Committee members shall be those usually pertaining to such officers and Executive Committee members and as further provided in the By-Laws.

#### **Article VI – Finance**

**Section 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 28 Executive Committee.

**Section 2.** The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

**Section 3.** The Post shall pay the national and departmental annual membership dues for every member of the Post to the departmental headquarters.

#### **Article VII – American Legion Auxiliary**

**Section 1.** This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Spartanburg Post 28, The American Legion.

**Section 2.** Membership in the Auxiliary shall be prescribed by the national constitution of the American Legion Auxiliary.

#### **Article VIII – Amendments**

**Section 1.** This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and the department Constitution of the Department of South Carolina, The American Legion. Any amendment to said national Constitution or departmental Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provision of the Constitution to the extent of such conflict.

**Section 2.** This Constitution may be amended at any regular Post 28 meeting by vote of two-thirds of the members of Post 28 attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of Post 28, and providing, further, written notice shall have been given to all members at least ten calendar days in advance of the date when such amendment is to be voted upon. (Revised 12-2006)