

# CONSTITUTION

## ARTICLE I

### NAME

The name of this organization shall be THE AMERICAN LEGION, DEPARTMENT OF TEXAS.

### CHARTER

The American Legion, Department of Texas, is an integral part of The American Legion as provided in Section 1, Article VIII, of the National Constitution, and chartered by the National Organization. It is incorporated under the laws of the State of Texas.

The Department Headquarters shall be located in the Metropolitan area of the city of Austin, Texas.

## ARTICLE II

### PURPOSE

The purpose of this organization is to foster and to perpetuate a one hundred per cent Americanism, to preserve the memories and incidents of our association 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 comradeship by our devotion to mutual helpfulness; to maintain law and order, a representative form of government, and to uphold and defend the Constitution of the United States and of the State of Texas.

The organization is absolutely non-partisan and shall never be used for dissemination of partisan propaganda; nor for the promoting or retarding of any person's candidacy for public office.

## ARTICLE III

### ELIGIBILITY AND MEMBERSHIP

Section 1. Eligibility for membership in The American Legion, shall be as that prescribed in the National Constitution and By-Laws.

Section 2. There shall be no form or class of membership except active membership. Membership shall be only through a local

Post.

Section 3. Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

Section 4. Transfer. Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, except for Headquarters Post 345 only, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article III, Section 3, Department of Texas Constitution and By-Laws. Those members found not eligible for Post membership, will be reported in writing to Department Headquarters so that their names may be removed from consideration by the Department of Texas and National Headquarters. The dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card. Headquarters Post 345 transfers, initiated by Department Headquarters, will be made prior to April 1 of each year.

Section 5. A membership fee may be charged by each local Post. Annual dues for Department purposes shall be fixed for the ensuing year at each annual Department Convention, and in the event of failure of the Convention to act, the dues and charges of the preceding year shall be and remain in effect. The amount of local Post dues shall be fixed by each Post.

Section 6. National dues, as determined by the National Convention, shall be collected by the Department in accordance with the National and Department Constitution and By-Laws.

Section 7. All applications for membership and transfers in a Post shall be acted upon at the next Post Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority, or more, of the Post Membership cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 8. The Department Adjutant shall notify all Posts in the Department of Texas and National Headquarters in writing of all members expelled by Posts in the Department.

#### ARTICLE IV

#### OFFICERS

The Department Officers shall consist of a Department Commander, a Department Vice Commander, a Department Adjutant, a Department Treasurer, a Department Judge Advocate, a Department Historian, a Department Sergeant at Arms, a Department Chaplain,

members of the Department Executive Committee, National Executive Committeeman and Alternate National Executive Committeeman.

#### ELECTION AND APPOINTMENT OF OFFICERS

Section 1. The Department Commander, Department Vice Commander, Department Treasurer, Department Judge Advocate, Department Historian and Department Sergeant at Arms shall be elected at the Department Convention; four Division Commanders are to be elected at the Division Caucuses or Division Conventions. The District Commanders and District Vice Commanders shall be elected at the District Convention held in each District. The Division Commanders, the District Commanders and District Vice Commanders elected shall be confirmed by the Department Convention. All elective officers shall serve for a term of one year, except the National Executive Committeeman, Alternate National Executive Committeeman, the District Commanders and District Vice Commanders, who shall serve for a term of two years or until their successors are elected and qualified. The Department Commander, the Department Vice Commander, Department Sergeant at Arms, Division Commanders, District Commanders and District Vice Commanders are not eligible to succeed themselves, unless serving an unexpired term.

Section 2. (a.) The Department Chaplain shall be appointed annually by the incoming Department Commander, subject to confirmation by the Department Executive Committee. There may be an Assistant Department Sergeant at Arms appointed by the Department Commander and confirmed by the Department Executive Committee.

(b.) In case of death or resignation of the Department Vice Commander, the Department Adjutant shall immediately call a meeting of the Department Executive Committee which shall elect a Department Vice Commander from among the Division or District Commanders.

Section 3. The four Divisions shall be designated by the Department Executive Committee. Each Division Commander shall be a resident and member of a Post within that respective Division; each shall be elected from one of the respective four Divisions and continue to reside in the respective Division during tenure of office. In case of death or incapacitation of a Division Commander which will cause the Division Commander to miss a Division Convention or Department Executive Committee meeting as scheduled, the Department Commander shall fill the vacancy (after conferring with the District Commanders of said Division) until the Division Commander recovers or is replaced by the Department Commander.

#### Section 4. DISTRICTS

(1) American Legion Districts are hereby authorized. The Department Executive Committee shall designate the specific number and boundaries of Districts. Districts shall be designated by number and boundaries to serve the best interests

and the purposes of The American Legion. However, American Legion Districts shall be numbered as now constituted and any changes shall be subject to final action by the Department Convention.

(2) The District Commander and District Vice Commander from evenly numbered Districts shall be elected in evenly numbered years; and, those representing Districts numbered unevenly shall be elected in unevenly numbered years.

(3) Each District shall hold at least one convention each year at the call of the District Commander, the dates of which shall be coordinated with the Department Commander and Department Adjutant. Summary of proceedings shall be forwarded by the District Commander to the Department Adjutant within thirty (30) days after the convention. In the event of failure or refusal by the District Commander to call a regular convention, three Posts in the District shall have the authority to call the convention to be presided over by the District Vice Commander.

Section 5. Each District Commander and District Vice Commander shall be a member of a Post in the District from which elected and also shall be a resident of the District or the adjacent District. Failure of the District Commander to comply with these provisions shall cause the District Commander's office to be declared vacant by the Department Commander. If the office of District Commander becomes vacant, the District Vice Commander will assume the office and perform the duties thereof until the next District Convention, at which time a District Commander shall be elected to fill the unexpired term. If the District Vice Commander fails to qualify then a majority of the Post Commanders shall appoint a District Commander to serve until the next District Convention at which time a District Commander and/or a District Vice Commander shall be elected to fill the unexpired term.

Section 6. The District Commander presiding at each District Convention shall be responsible for forwarding a certified copy of the officers. National Delegates and Alternate Delegates elected and resolutions passed at said Convention to the Department Adjutant within ten (10) days after the adjournment of such District Convention.

Section 7. All officers, including the newly elected members of the Department Executive Committee, shall assume their respective duties at the time of adjournment of the Department Convention.

Section 8. Vacancies in Department Offices not herein before or hereafter provided for shall be filled by the Department Commander subject to action by the Department Executive Committee at its next meeting, and written notice of such action mailed to all Posts.

Section 9. Adjutant. The Department Executive Committee shall have the authority to elect and to remove the Department Adjutant by a two-thirds (2/3) vote of its total membership. The Department Adjutant shall have the authority to employ a Director

of Internal Affairs with appropriate duties assigned.

## ARTICLE V

### POSTS

Section 1. Posts shall be formed as provided under the National Constitution and shall be governed on all matters of Department and National finance as set forth in the National Constitution.

Section 2. No Post shall have the right by resolution or other Act, to withhold or divert annual Department or National dues collected or moneys collected from approved sources of the Department or National organizations.

Section 3. All moneys collected for the Department and the National Headquarters shall be immediately forwarded to the Department Adjutant, to be by the Department Adjutant accounted for and transmitted to the Department Treasurer.

Section 4. Election of Post Officers: A Post Commander, Post Vice Commander and other elective officers determined by the Post shall be elected at a Post meeting held not less than fifteen (15) days prior to the Department Convention, and at the same time delegates and alternates to the Department Convention shall be elected. Post Officers shall be installed not later than the first regular Post meeting in October following their election.

Section 5. It shall be mandatory on Post Adjutants to transmit to Department Headquarters the names of Post Officers elected for the ensuing year with a certification of the service record of the Post Commander, the Post First Vice Commander, and Post Adjutant, immediately after their election, together with a list of delegates and alternates elected to the Department Convention.

Section 6. A member of an American Legion Post may authorize proxy voting for himself by another member of the same Post if provided for in the Post Constitution and By-Laws; said proxy shall be in writing and signed by the member issuing it. There will be no proxy voting within the Department of Texas above the Post level.

## ARTICLE VI

### INTERMEDIATE BODIES

Section 1. Intermediate bodies and groups as provided by Article VIII, National Constitution, are recognized. Each shall adopt a Constitution and By-Laws subject to approval by the Department Judge Advocate and the Department Executive Committee.

Section 2. In the absence of an adopted and approved Constitution and By-Laws by a post or intermediate body, the Constitution and By-Laws approved by the Department Executive Committee as a recommended or model Constitution and By-Laws

shall be used to govern the activities of that Post or intermediate body.

Section 3. In order to provide for concert of action and proper coordination of ideas, an intermediate body to be known as a Executive Committee may be provided for in each municipality and suburbs where there are two or more Posts.

Section 4. (a) The Executive Committee shall have power to approve or disapprove all money raising projects of The American Legion Posts within such municipality or suburbs before any of said projects are started or undertaken, except the poppy sales, unless mutually agreed.

(b) Posts shall not solicit donations or money of any kind outside the jurisdiction of any Post nor shall any Post be permitted to solicit money or donations by employing in part or fully, fund-raising organizations or individuals or other entities, unless that Post has first obtained the consent of the District Executive Committee or District Commander or District Convention, if District-wide, or the Department Executive Committee or Department Commander if possible. Such consent, referred to immediately above, shall not be given unless the Post is to receive 50% or more of the gross moneys to be solicited.

(c) The name of the Post, name of an intermediate body, or the name of the Department, or of the phrase, "The American Legion" shall not be used in connection with club, entity or business ventures, or in furtherance of any venture of a commercial nature, unless said project is owned in its entirety and controlled solely by said Post or intermediate body, and then, only after the approval of the Department Executive Committee has first been obtained, or between Department Executive Committee meetings, approved by the Department Commander.

Section 5. Where there is an Executive Committee, all Posts in the municipality and suburbs within its area must be members of and governed by the Executive Committee as to The American Legion policies. Any District or Districts that are included within a municipality or suburb may create an Executive Committee.

Section 6. No real estate or leasehold property belonging to one of the Department's subordinate organizations should be sold or disposed of in any way or have its title encumbered in any manner without the Post notifying either the District or Division Commander, in which it is located, in writing and thereafter said Commander will notify the Department Executive Committee of the Department of Texas, or in cases where time is of the essence, the Department Commander.

## ARTICLE VII

### AUXILIARIES

Section 1. The American Legion Auxiliary, Department of Texas, organized under the provisions of the National Constitution, is a recognized women's auxiliary of The American Legion, Department of Texas.

Section 2. Eligibility for membership in the American Legion Auxiliary, Department of Texas, shall be the same as that prescribed for membership by the National Constitution and By-Laws, except as provided in Article III of this Constitution.

Section 3. The Auxiliary shall be governed in this Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department of The American Legion.

#### ARTICLE VIII

##### DISCIPLINE, REVIEW, APPELLATE COURT

The Department Executive Committee shall provide a Department of Texas Uniform Code of Procedure, review and court of appeals in all matters of discipline involving individual members and suspension or revocation of charters. Intermediate bodies or groups and Posts shall adopt a Uniform Code of Procedure not in conflict with the Department of Texas Uniform Code of Procedures.

#### ARTICLE IX

##### CONVENTION

The Department Convention shall be held annually and shall be called at a date not less than thirty (30) days prior to the National Convention. The time shall be fixed by the Department Executive Committee not less than six (6) months in advance of the Convention. The Convention site shall be designated three years in advance of the Convention by the Department Executive Committee upon the recommendation of the Convention City Commission. In case of emergency the Department Executive Committee or the Department Commander, upon recommendation of the Convention City Commission, may change the date or the place of the Annual Convention.

##### ANNUAL CONVENTION

Section 1. The Annual Convention is composed:

(1) of the Department Commander, Department Officers, and Department Executive Committee, none of whom except the Department Commander, shall be entitled to a vote unless duly elected as a delegate to the Convention by his Post;

(2) of the duly elected delegates from the Posts in the Department.

(3) The Past Department Commanders who may be present and who are members in good standing of recognized Posts, shall have

one additional vote to be counted with the votes of their Posts, but the additional vote of no such Past Department Commander shall be counted unless the Past Department Commander is registered as present and on the floor at the Convention.

Section 2. In the Department Convention each Post shall be entitled to two (2) delegates for the first fifteen (15) members. Posts with less than fifteen (15) members shall be entitled to only one (1) delegate. Each Post shall be entitled to one (1) additional delegate for each twenty-five (25) members or major fraction thereof, whose current dues have been received by Department Headquarters thirty (30) days prior to the date of said convention, and one (1) alternate for each delegate. The registered and certified delegates present at the Department Convention may cast the total votes authorized for the Post.

Section 3. Every member authorized to represent a Post as delegate or alternate to the Department Convention shall be listed on the written notice of their appointment by the Post Adjutant on the Credentials list of the Post.

Section 4. Every delegate must be a bona fide member of the Post in the Department of Texas which they represent at the Department Convention. The Chairman of each Post delegation must be identified to the Credentials Committee by a comparison of their signature and the signature of their membership card.

Section 5. All delegates registering at the Department Convention shall be required to present their current paid-up American Legion membership cards before being permitted to register.

Section 6. The Fall Meeting of the Department Executive Committee, shall set registration fees which shall be collected from every member who registers at the Department Convention.

Section 7. The election of the Department Commander shall be the last on the order of business at the Department Convention.

Section 8. Upon the election of the Department Officers at the Department Convention the retiring Department Commander shall administer to each newly elected officer the following oath of office, to wit: "I DO SOLEMNLY SWEAR THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THE STATE OF TEXAS, AND THE CONSTITUTION OF THE AMERICAN LEGION, DEPARTMENT OF TEXAS, AND TRULY PERFORM THE DUTIES OF MY OFFICE, TO THE BEST OF MY ABILITY, SO HELP ME GOD." There upon said officers shall be deemed qualified and shall assume their respective duties in the manner prescribed by this Department Constitution and By-Laws. In the event of the absence from the convention of any newly elected officer, or whenever an occasion requires, the above oath of office may be administered by the Department Commander, the Department Vice Commander, or Department Adjutant.

Section 9. The Department Commander, if present, shall preside over the Department Convention, but may call the Department Vice Commander or a delegate to the chair. In the case of the absence of both the Department Commander and Department Vice Commander at the opening of the Convention the Department Executive Committee shall designate a presiding officer to act.

Section 10. If the Annual Convention shall fail to meet or to elect and install officers at the appointed time, those in office shall continue and exercise full authority until their successors are duly elected and installed.

Section 11. Amendments to the Department Constitution and By-Laws shall become operative immediately upon adoption. Immediately upon adjournment of the Department Convention, all Posts in the Department shall be notified by the Department Adjutant in appropriate manner of all changes in and to the Department Constitution and By-Laws, and it shall be mandatory that all Posts change their respective Constitutions and By-Laws to conform thereto if necessary.

Section 12. Parliamentary procedure of the Department Convention and meetings of the Department Executive Committee shall be governed by "Robert's Rules of Order, Revised."

Section 13. The program of the Department Convention shall be limited to three (3) days, including the opening date.

Section 14. The registered delegates, from a majority of the certified Posts, on the floor at the Annual Department Convention, shall constitute a quorum for the transaction of all business.

## ARTICLE X

### NATIONAL CONVENTION DELEGATES

Delegates and Alternates to the National Convention shall be elected in the following manner: One Delegate and One Alternate shall be elected for each one thousand members of the District at the District Convention, excluding fractional parts of a thousand. One Delegate and One Alternate shall be elected by each Division Convention or Caucus. All additional Delegates and Alternates shall be elected by the Department Convention. A Nominating Committee, consisting of the regularly elected Delegates from the Divisions, shall nominate such additional Delegates and Alternates to the National Convention; provided, however, this shall not exclude the nominating of Delegates-at-Large on the floor of the Convention. Upon election as a delegate or an alternate to the National Convention each delegate and alternate shall remit their registration fee to Department. Registration fees of the Delegates and Alternates to the National Convention shall then be remitted by Department. Guests wishing to be registered at the National Convention must remit a registration fee as determined by National to Department. When a

duly elected Delegate to the National Convention is not present, an Alternate from within the District or Division of the absentee shall be chosen by the Delegation Chairman. Only where there is no one present from a certain District or Division shall the Delegation Chairman be permitted to appoint a substitute from another District or Division.

#### ARTICLE XI

##### NATIONAL EXECUTIVE COMMITTEEMAN

One National Executive Committeeman and one Alternate National Executive Committeeman shall be elected at Department Conventions held in even years, and shall serve for a period of two years, as provided under Article VII of the National Constitution. The Alternate National Executive Committeeman shall have all the powers of the National Executive Committeeman at the meetings at which the National Executive Committeeman is not present. In the event of a vacancy in the office of National Executive Committeeman or Alternate National Executive Committeeman, the Department Executive Committee at its next meeting shall elect an eligible person to serve for the unexpired term.

#### ARTICLE XII

##### BY-LAWS

This organization shall be governed according to By-Laws adopted at Annual Department Conventions, and said Department By-Laws shall not conflict with the provisions of this Department Constitution.

#### ARTICLE XIII

##### AMENDMENTS

This Constitution may be amended at any Department Convention by a favorable vote of two-thirds (2/3) of the total delegate votes on the floor. It is further provided that the proposed amendments shall have been read at such convention at least four hours before being voted upon; and further provided that a record of the vote and the amendments shall be preserved. All proposed amendments to the Department Constitution must be presented to the Chairman of the Department Constitution and By-Laws Committee of the Convention by noon of the opening day of the Convention business session.

BY-LAWS

ARTICLE I

DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The Department Executive Committee shall consist of the Department Commander, the National Executive Committeeman, the Alternate National Executive Committeeman, the last Past Department Commander, residing in the state, Department Vice Commander, Department Treasurer, Department Judge Advocate, Department Chaplain, Department Historian, Department Sergeant at Arms, four Division Commanders, one District Commander from each American Legion District in the State. The Department Judge Advocate, Department Chaplain and Department Treasurer shall not have a vote on the Department Executive Committee. All past National Commanders of the Department, residing in the state, while in good standing in their respective Posts, shall be members for life of the Department Executive Committee, without vote. There shall also be a District Vice Commander, who shall act only when a District Commander is absent.

ARTICLE II

BOARD OF TRUSTEES

Section 1. A Board of Trustees is hereby created to consist of six members of The American Legion, Department of Texas, and the current Department Commander, with right to vote, to be known as "The Board of Trustees of The American Legion, Department of Texas." One member of said Board of Trustees shall be elected each year by the Department Executive Committee on nomination by the Department Commander to serve for a term of six years. No member of said Board shall be eligible to succeed himself/herself unless serving an unexpired term.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board shall elect a Chairman and a Vice Chairman who shall serve for a term of one year and shall not be eligible to succeed themselves. The Department Treasurer, Chairman of Finance and Budget Committee, Department Judge Advocate, and Department Adjutant shall serve the Board in their respective capacities but shall not be granted privilege of vote on any question coming before the Board of Trustees. The meetings of the Board shall be held at such time and place as deemed necessary by the chairman or on call of three members thereof. The Board of Trustees shall be responsible to the Department of Texas.

Section 3. A majority shall have power to act and to exercise

all the authority of the Board. The members of the Board shall serve without pay. Each shall furnish a bond with a solvent surety company as surety in the penal sum of five thousand (\$5,000) dollars, the premium thereon to be paid out of the income from such property as they may hold in trust for The American Legion, Department of Texas. Said bond shall be approved by the Department Judge Advocate.

Section 4. If a member of the Board of Trustees fails to attend in person two consecutive meetings of the Board, without a valid cause, his/her place shall be declared vacant. Vacancies in the Board of Trustees shall be filled by election by the Department Executive Committee of The American Legion, Department of Texas, upon nomination by the Department Commander.

#### Section 5. Duties and Functions

(a) The duties of the Board of Trustees shall be to take charge of all trust funds and all trust properties, real, personal or mixed, the legal title to which is now vested, or may hereafter vest, in The American Legion, Department of Texas, or which may be offered to and accepted by The American Legion, Department of Texas. The disposal of Department property shall be made only upon a resolution authorizing same by the Board of Trustees and the execution of proper instrument of conveyance by the current Department Commander and attested to by the Department Adjutant.

(b) Said Board shall have the power and it shall be its duty to invest and reinvest such funds, and to administer said properties according to their discretion as trustees; provided, however, that in no event shall such Board of Trustees invest any such property or funds as may come into their possession except in such income property as guardians are, at the time of such investment, authorized to invest the funds of their wards as provided by the laws of the State of Texas. Said Board may delegate to a responsible trust company the details of handling such of said funds as they may find and deem advisable. It shall be the duty of the Board of Trustees to properly cover all property by adequate insurance in order that the Department shall be protected against fire, hail, tornado, liability and other loses. Coverage shall be only by such insurance companies as are authorized to do business in Texas by the State Board of Insurance.

(c) The income from all such properties and funds as said Board may hold for the benefit of The American Legion, Department of Texas, may be used by said Board for such purposes as may be directed by the Department Executive Committee, and in no event shall any part of the corpus of such trust property or funds be expended for any other purpose whatsoever. If it shall be deemed advisable to sell any part of the corpus of such trust property the entire proceeds of such sale shall immediately be re-invested and shall become a part of the corpus of such trust estate. The income, if any, from mineral leases, whether as bonus or royalty, may be considered as income of the trust estate by said Board.

Section 6. The authorized expenses incurred by the members of

said Board in the discharge of their duties shall be allowed them and shall be paid from the income of said trust estate upon approval of such expense account by the Chairman of the Board.

Section 7. All meetings of the Board of Trustees shall be open to any Legionnaire and the minutes of all proceedings of all meetings shall be retained in the joint custody of the Department Adjutant and the Chairman of the Board and extracts thereof made available to all Post Adjutants and Department Officers and Committee Chairmen upon request.

### ARTICLE III

#### DUTIES OF OFFICERS

##### A - Department Commander

Section 1. The Department Commander shall be the executive head of the Department.

Section 2. It shall be the duty of the Department Commander to see that the Constitution and By-Laws of the Department are strictly observed and that the Department Officers properly execute their duties. The Department Commander shall have full power to enforce the provisions of the Department Constitution and By-Laws and mandates of the Department Convention and Department Executive Committee and shall make a semi-annual report to the Department Executive Committee of the Department Commander's activities and submit an annual report to the Department Convention.

Section 3. The Department Commander shall be a member of the Department Executive Committee and shall notify all members of the Department Executive Committee of the time and place of all regular and called meetings at least five days prior to such meetings, and shall preside at the meetings of the Department Executive Committee.

Section 4. The Department Commander only shall cause to be issued by the Department Adjutant, or other competent authority, travel orders on which disbursements shall be made by the Department Treasurer. The Department Officers, Division and District Commanders, and District Vice Commanders may be reimbursed for authorized expenses incurred while traveling within their territorial bounds, and to all meetings of the Department Executive Committee insofar as the approved budgets for travel shall permit for the Department, Divisions and Districts.

##### B - The Department Vice Commander

Section 1. The Department Vice Commander shall have the qualifications of Department Commander and be elected at the annual Department Convention. In case of death, resignation or the failure of the Department Commander to serve for any reason, the Department Vice Commander shall assume the office of

Department Commander. The Department Vice Commander shall be a member of the Department Executive Committee, shall be in charge of membership, and act as representative for the Department Commander.

#### C - The Department Adjutant

Section 1. All proceedings of the Annual Convention or any called Convention are to be drawn up in proper form and permanently recorded by the Department Adjutant.

Section 2. All petitions, reports, appeals, returns, and other communications at the convention are to be delivered to the Department Adjutant and the Department Adjutant is to see that they are filed in an orderly manner and carefully preserved.

Section 3. No instrument of writing is authentic without the Department Adjutant attestation and the impress of the Department Seal, which is in the Department Adjutant charge.

Section 4. The Department Adjutant is to distribute the documents referred to committees or other officers, according to the orders of the Department, and to notify such committees or other officers of their appointments to any duty.

Section 5. The Department Adjutant shall supervise the printing of all documents, proceedings, and other matters ordered to be printed by the Executive Committee.

Section 6. After each Department Convention and Department Executive Committee meeting the Department Adjutant shall transmit to the Posts minutes of such meeting when a request for a copy of the minutes has been received in Department.

Section 7. The Department Adjutant shall keep an accurate list of all Posts and officers of the same, and shall supply all Department officers and Committeemen with this list.

Section 8. The Department Adjutant shall correspond with Posts and members in the Department and perform such other duties incidental to the Department Adjutant's office as the Department Commander and the Department Executive Committee may direct.

Section 9. The salary and conditions of employment of the Department Adjutant shall be fixed by the Department Executive Committee.

Section 10. The Department Adjutant shall attend all meetings of the Department Executive Committee and shall have the proceedings of the meetings recorded. The Department Adjutant shall not be a member of the Department Executive Committee and is not entitled to a vote.

Section 11. The Department Adjutant shall check the correctness and completeness of all expense accounts submitted to the

Department for payment before they are turned over to the Department Commander for approval.

Section 12. In the event the Department Adjutant shall be unable to act due to illness, resignation or death, the authority, duties and responsibilities of the Department Adjutant's office shall be assumed by the Director of Internal Affairs, until the next Department Executive Committee meeting. The Department Executive Committee shall then elect a Department Adjutant according to Article IV, Section 9, of the Constitution.

Section 13. The Department Adjutant shall report to all Posts in the Department the subjects of all Resolutions passed by Department Conventions. When this report includes Resolutions which contain distribution clauses, the Department Adjutant shall report compliance with the distribution clauses and shall cause a list of the actual recipients of copies of such resolutions to be filed with the Department file copies.

#### D - The Department Treasurer

Section 1. The Department Treasurer shall receive all moneys due the Department from any source, giving the Department Treasurer's receipt thereof, and shall enter same in regular accounts with the purpose for which intended.

Section 2. The Department Treasurer shall make disbursements only on legal orders from the Department Executive Committee.

Section 3. The Department Treasurer shall make an annual report at the Annual Convention, and such other reports as ordered by the Department Executive Committee.

#### E - The Department Judge Advocate

Section 1. The Judge Advocate of the Department of Texas must be a graduate of an accredited Law School, licensed to practice law by the State of Texas and the Department Judge Advocate must be a member of the State Bar and a member in good standing of The American Legion, Department of Texas. It shall be the duty of the Department Judge Advocate to pass on the legality of all documents and all questions of a legal nature, and to render the Department Judge Advocate's opinion on same to the Department Commander.

#### F - The Department Historian

Section 1. The Department Historian shall keep an accurate history of the principal events pertaining to the Department, Posts and members thereof, and shall perform such other duties as may be assigned to the Department Historian by the Department Commander and the Department Executive Committee.

## G - The Department Sergeant at Arms

Section 1. The Department Sergeant at Arms shall be present at all conventions, and it shall be the Department Sergeant at Arms duty to carry all messages from the Department Commander to any other officers or members, or vice versa, and to maintain order and decorum in the meeting as provided in the Department Constitution and By-Laws, and as directed by the Department Commander.

## H - The Department Chaplain

Section 1. The Department Chaplain shall be charged with the spiritual welfare of the Department, attending meetings as required, which shall be opened and closed with non-sectarian prayer. The Department Chaplain shall also perform such other duties as may be assigned to the Department Chaplain by the Executive Committee or the Department Commander. Further, the Department Chaplain shall be available to carry on the "For God and Country" program, the annual Memorial Service, the "Chaplain's Workshops," the "Chaplain's Award" program, and to conduct non-sectarian religious service.

## I - The Department Executive Committee

Section 1. Between Department Conventions, the administrative powers of the Department shall be vested in the Department Executive Committee.

Section 2. The Department Executive Committee shall hold its meetings at least three times between Conventions, and more often if said Committee shall deem it necessary. The place and dates of such meetings shall be determined by the Department Commander, except that the first meeting of the Department Executive Committee for each calendar year shall be held in Austin, Texas, in conjunction with the Department Leadership Conference scheduled in late January or early February.

Section 3. The Department Executive Committee may be called to meet by order of the Department Commander, or on call being duly drawn up and signed by five members of the Department Executive Committee, and upon receipt of such request the Commander shall immediately call a meeting of the Department Executive Committee. In the event the Department Commander refuses to call a meeting of the Department Executive Committee, after the Department Commander has been requested by five members of the Department Executive Committee as above outlined, the Department Adjutant shall call the meeting.

Section 4. No proxy except the District Vice Commander or a personal representative from the same District shall be permitted. A quorum for the transaction of business at any Department Executive Committee meeting shall consist of a majority of the voting members.

Section 5. (a) If a District Commander, or District Vice Commander or Division Commander fails to attend in person two consecutive meetings of the Department Executive Committee without a valid cause, his/her place shall be declared vacant.

(b) In the event of a vacancy, ineligibility, removal for cause, death, resignation or incapacity of a Department Official on the Department Executive Committee, the Department Commander shall appoint a qualified person to fill such vacancy for an interim period, subject to action by the Department Executive Committee at its next meeting subject to the provisions in the Constitution (Article IV, Section 8).

Section 6. The Department Executive Committee only shall authorize the employment of such personnel as they may deem necessary for the proper conducting of the affairs of the Department, and shall allow them such salaries as may be necessary. All Department employees shall report to and be under the supervision of the Department Adjutant. The employment of such employees may be terminated for good cause by the Department Adjutant. All employees, if eligible, shall be members of The American Legion, the American Legion Auxiliary or dependents thereof except the Department Adjutant, Director of Internal Affairs and Department Service Officers who shall be members of The American Legion. All persons who are permanently employed by the Department Adjutant shall have their employment confirmed by the Department Executive Committee at the first meeting of the fiscal year. The Department Executive Committee shall also authorize all other expenses for the Department.

Section 7. The Department Executive Committee and/or the Finance Committee shall have instituted such systems of accounting that a detailed account may be obtained at any or all times of any and all receipts and disbursements, and shall authorize the necessary forms.

Section 8. The Department Executive Committee shall cause to be issued, quarterly a financial statement of the itemized financial accounts of the Department for the preceding quarter, and a copy of this statement shall be furnished to each officer and each member of the Department Executive Committee and each Post in the Department.

Section 9. Any member of the Department Executive Committee, a Department Committee or Department Commission may be removed or suspended for cause at a Department Executive Committee meeting by a two-thirds (2/3) vote of all voting members present; provided that the officer shall have been served with a written statement of the complaint at least fifteen days before such vote shall be taken, and shall have an opportunity to be heard at the Department Executive Committee meeting. A District or Division Commander, on the recommendation of a majority of the Post Commanders of his/her District or Division may be suspended pending such a hearing by the Department Executive Committee.

Section 10. (a) The Department Commander with assistance of the

Department Treasurer and Department Adjutant shall prepare or cause to be prepared a proposed budget, a copy of which shall be delivered to each member of the Department Executive Committee, and each member of the Department's Finance and Budget Committee, not later than two weeks prior to the first meeting of the Department Finance and Budget Committee. At the first meeting of the Department Finance and Budget Committee in each fiscal year, said Committee shall prepare a budget for the Department, which shall not exceed the gross income (gross income does not include National Membership dues) and reserve funds for the preceding year. The reserve funds of The American Legion, Department of Texas, shall not exceed the next fiscal year budget. Any reserve funds exceeding the annual budget shall be placed in a capitol assets fund for the Department of Texas Board of Trustees each year.

(b) The Department Executive Committee in confirming the budget as prepared by the Department Finance and Budget Committee shall not appropriate more than the gross income and reserve funds (gross income does not include National Membership dues) for the previous fiscal year in approving the budget at the fall meeting of the Department Executive Committee.

(c) The Fiscal year for the Department of Texas shall commence on September 1 of each year and run through August 31 of the following year. The budget, when adopted by the Department Executive Committee, shall remain in full force and effect until changed at a future meeting of the Department Executive Committee, but still subject to Section 10 (b).

Section 11. All meetings of the Department Executive Committee shall be open to any Legionnaire and the digest of all proceedings shall be furnished to any Legionnaire upon request. The Department Adjutant shall prepare the digest of proceedings within sixty (60) days.

Section 12. The Department Executive Committee at the meeting immediately following the adjournment of the Department Convention shall authorize a sum to cover travel expense and additional expense as may be approved by the Department Executive Committee for the incoming Department Commander, National Convention Delegation Chairman and the Department Adjutant, which moneys shall be used to attend the National Convention as representatives of the Department of Texas. Each shall furnish Department Headquarters, within thirty days after the Convention, a written report of their activities and disposition of various Departmental matters of the convention. A copy of his/her report shall be furnished each Department officer or any Legionnaire upon request.

Section 13. No appropriation shall be considered by the Department Executive Committee or Department Convention unless the appropriation has first been submitted to and passed upon by the Department Finance and Budget Committee. In the event a proposed appropriation is rejected by the Department Finance and Budget Committee, the proposer of such proposition may present the matter to the Department Executive Committee and/or to the

Department Convention for final action.

Section 14. Authorized expenses of members of the Department Executive Committee incurred in the discharge of their official duties shall be allowed them when expense accounts have been properly submitted within the thirty day period.

Section 15. No changes shall be made to the annual membership goals or awards after they have been approved by the Department Executive Committee, except to correct administrative error.

#### ARTICLE IV

##### COMMITTEES AND COMMISSIONS

Section 1. The Committees for the Department shall consist of the following:

(1) Finance and Budget Committee. The Finance and Budget Committee shall consist of five members, two of whom shall be appointed by the Department Commander from the Department Executive Committee and who shall serve for one year, the other three members shall be appointed for a term of three years, one to be appointed each year by the Department Commander and all shall be subject to approval by the Department Executive Committee. Chairmen shall be designated by the Department Commander. Vacancies on this committee shall be filled by appointment by the Department Commander. The Department Commander, Department Treasurer and the Chairman of the Board of Trustees shall be ex-officio members of said Committee and the Department Adjutant shall be ex-officio secretary of said Committee. Said Committee shall be charged with the duty of preparation of the yearly budget and handling funds under that budget and such other duties as shall be prescribed by the Department Executive Committee. Ex-officio members shall have voice but no vote.

(2) Department Convention Committees shall be Americanism, Membership and Organization, National Security, Veterans Affairs and Rehabilitation, Constitution and By-Laws, Legislative, Public Relations and Publications, Resolution Assignment and Credentials and Rules. Chairman and members of the Convention Committees shall consist of the Chairman of the respective Commission, one member from each District and one alternate who may serve in the absence of the principal, except that the Department Convention Resolutions Assignment Committee shall consist of a Chairman and the four Division Commanders. The Department Commander shall appoint the Chairman of the Department Convention Committees for Resolutions Assignment and Credentials and Rules.

(3) Special Committees. The Department Commander shall have the authority to appoint such special committees to serve for a period not to exceed the Department Commander's respective term of office, and as may be authorized by the Department Convention and the Department Executive Committee. A Department Commander may further appoint such other necessary Convention Committees not otherwise provided for.

(4) All Committees shall cooperate with other respective and

like committees, with the Department Executive Committee and with National Commissions and Committees.

Section 2. There shall be seven commissions of activity.

- (1) Americanism
  - a. Boys State
  - b. Baseball
  - c. Boy Scouts
  - d. Sons of The American Legion
  - e. Oratorical Contest and School Awards
  - f. Community Service
  - g. Children & Youth
  - h. Junior Shooting
- (2) Membership and Organization
  - a. Membership
  - b. Uniformed Organization
  - c. Constitution and By-Laws
  - d. Awards and Trophies
- (3) National Security
  - a. Military Affairs
  - b. Foreign Relations
  - c. Aerospace
  - d. Law and Order
- (4) Veterans Affairs and Rehabilitation
  - a. Hospitals and VAVS
  - b. Veterans Preference and Employment
- (5) Convention City
- (6) Legislative
  - a. Legislative Council
- (7) Public Relations and Publications

Section 3. (a) The Americanism, Membership and Organization, National Security, Veterans Affairs and Rehabilitation, Convention City, Legislative, Public Relations and Publication Commissions shall consist of four members, each representing a different Division, A Division Commander, designated by the Department Commander, and a chairman of each sub-division, except that the four Division Commanders shall serve on the Membership and Organization Commission. The members of each of the said Commissions shall be appointed from a different Division and shall serve a term of four years except that one will retire each year. The Chairman of each sub-division under each Commission shall be appointed annually, except that the Chairman of the Legislative Commission shall serve as Chairman of the Legislative Council. The Legislative Council shall consist of one member from each American Legion District in Texas. Appointment shall be by the Department Commander subject to approval by the Department Executive Committee. The Chairman of each Commission shall be designated annually by the Commander, except that the Department Vice Commander shall be chairman of the Membership Sub-Division. In the event a Division member of a standing commission or committee is elected to the Department Executive Committee, he/she shall, if his/her term does not expire prior to assuming office, resign his/her position as Division member so

that the incoming Department Commander may appoint a member to fill the unexpired term.

(b) Duties of the Commissions consist of duties normally appertaining thereto and as may be assigned by the Department Convention, the Department Commander and the Department Executive Committee.

(c) A member of any standing Committee or Commission may be removed for proper and adequate cause by the Department Commander, with the consent of the Department Executive Committee, and he/she shall be replaced for the unexpired term in the manner provided for the original appointment.

## ARTICLE V

### BOND OF OFFICERS AND EMPLOYEES

The Department Adjutant, Director of Internal Affairs, Comptroller and the Department Treasurer shall each, before entering upon official duty, furnish a bond properly executed by himself/herself as principal and by a solvent surety company authorized to do business in Texas in a sum of at least \$50,000 each or such greater sum as directed by the Department Executive Committee; said bond to be approved by the Department Judge Advocate and the Department Executive Committee. Other employees shall be bonded as directed by the Department Executive Committee. The above bonds to be retained in the custody of the Commander. Premium on said bonds to be paid by the Department.

## ARTICLE VI

### INDEX

A convenient table of contents or index shall be prepared under the direction of the Department Judge Advocate and attached to this Department Constitution and By-Laws each time this Department Constitution and By-Laws is revised and reproduced by the Department.

## ARTICLE VII

### AMENDMENTS

These By-Laws may be amended at any Department Convention by favorable vote of two-thirds (2/3) of the total delegate votes on the floor. It is further provided that the proposed amendments shall have been read at such convention at least four hours before being voted upon and further provided that a record of the vote and the amendments shall be preserved. All proposed amendments to the Department By-Laws must be presented to the Chairman of the Department Constitution and By-Laws Committee of the Department Convention by noon of the opening day of the convention business session.

## ARTICLE VIII

GENERAL ENACTING PROVISION

The provisions of the Department Constitution and By-Laws, and as hereafter may be amended, shall become effective immediately upon adoption.

1. The terms of elected officers under preexisting Department Constitution and By-Laws may continue to be served by the respective officers until expirations provided.

2. Conflicting provisions in preexisting Department Constitution and By-Laws are repealed and terminated by the adoption of this Department Constitution and By-Laws, unless otherwise specifically provided.