

AUG - 6 1997

**CONSTITUTION AND BY-LAWS  
OF  
12TH DISTRICT  
THE AMERICAN LEGION  
DEPARTMENT OF TEXAS**



Revised April Fifth, 1997

# CONSTITUTION

## ARTICLE I - NAME

The name of this organization shall be *12TH DISTRICT, THE AMERICAN LEGION, DEPARTMENT OF TEXAS.*

## ARTICLE 11 - CHARTER

The 12th District, The American Legion, Department of Texas, is an integral part of The American Legion, Department of Texas, as provided in Section 4, Article IV, of the Department of Texas Constitution.

## ARTICLE III - PURPOSE

The purpose of this organization is to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred per cent Americanism; to preserve the memories and the 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.

## ARTICLE IV - OBJECT

Section 1. The object and purpose of this District shall be to promote the principles and policies set forth in the foregoing Purpose and the National and Departmental Constitutions of The American Legion; and in assisting and coordinating the Post programs in extending and promoting the services of The American Legion throughout the District.

## ARTICLE V - NATURE

- Section 1. This District is a Veterans 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 nor 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 or naval title in any meeting of this District.

## ARTICLE VI - MEMBERSHIP

Section 1. Eligibility to membership in this District shall be current members in good standing of all Post in this District, currently in good standing, as prescribed by the National and Departmental Constitution and By-laws of The American Legion, and as further stated in this Constitution and By-laws.

## ARTICLE VII - OFFICERS

- Section 1. The administrative affairs of this 12th District of The American Legion shall, except as otherwise provided in this Constitution and By-laws, be under the supervision of the Executive Committee which shall consist of the elected and appointed officers of this District, plus three members at large of each Post in the 12th District, one member the Post Commander, all 12th District Chairmen, and the immediate Past 12th District Commander.
- a. The term of office of the Executive Committee shall be the term of office of the District Officers two years and the current officers of the Posts one year.
  - b. This District, by its By-laws may provide for such other standing committees as the business of this organization may require.
- Section 2. The officers of this District shall be a Commander, Vice Commander, Finance Officer, Judge Advocate, and Sergeant at Arms, who shall be nominated and elected from the floor at the Spring Convention, each two (2) years, (on numerically even years). The Adjutant Chaplain, Historian and Service Officer shall be appointed by the District Commander Elect. The elected and appointed Officers underlined

above may wear the Blue and White Cap denoting them as District Officers. No other Officer in this District will be eligible to wear this type cap.

#### **ARTICLE VIII - CONVENTIONS**

- Section 1. The District Commander shall call a Spring and a Fall Convention each year. Said Call to be forwarded to all Posts within the District and to Department not less than 30 days prior to the date of the Convention.
- Section 2. A quorum for transaction of business at a District Convention shall consist of the representation and on the floor of the Convention of at least six (6) of the Posts that are members of the 12th District.

#### **ARTICLE IX - AMENDMENTS**

- Section 1. This Constitution may be amended at any District Convention by a vote of two-thirds (2/3) of the convention vote certified and/or voting at the convention; provided that the proposed amendment/s/amendment shall have been submitted in writing and read at the previous meeting. Copies of the proposed amendments/amendment shall be forwarded to all Posts within the 12th District at least twenty (20) days prior to the date of the convention, notifying all Posts, that at the convention, a proposal to amend the Constitution shall be voted upon.

## BY - LAWS

### ARTICLE I - ELECTION OF OFFICERS

- Section 1. All Officers shall be elected at the Spring Convention on even years (every two 2 years) and shall hold office until their successors are duly installed, or as otherwise provided. Any Officer or Executive Committeeman may be removed for cause by a two-thirds (2/3) vote of the Executive Committee; however, where the office of District Commander is involved, the provisions of Article III, Section 9 of the Department by-laws, The American Legion, shall be followed.
- Section 2. Any current member in good standing of a Post, in this District, having served in an elective office of a Post, in this District, shall be eligible to hold an elective office in this District, except as otherwise provided in Section 2, Article VII, hereof.
- Section 3. The duties of the Officers and Executive committeemen shall be those 'Usually appertaining to such Officers or Committeemen and as further provided by the By-laws.
- Section 4. Elected Officers, not attending three (3) meetings in concession, without just cause (which is acceptable by the Commander) shall be removed from office by a majority vote at a regular meeting.
- Section 5. Appointed Officers or Committee persons may be removed from office by the Commander (no vote of the membership is needed).
- Section 6. Vacancies in District offices not herein or hereafter provided for shall be filled by the District Commander subject to action by the Executive Committee at the next District meeting.

### ARTICLE 11 - DUTIES OF OFFICERS

- Section 1. District Commander. It shall be the duty of the District Commander to preside at all meetings of the District, and to have general supervision over the business affairs of the District, and shall be the Chief Executive Officer of the District. The Commander shall approve all orders directing the disbursement of funds, and shall make a report covering the business of the district at each District Convention and cause a copy of the Convention report to be mailed to the Department Adjutant. The Commander shall perform such other duties as directed by Department.
- Section 2. Vice Commander. The 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 commander. The Vice Commander normally, unless otherwise designated, shall assume the Chairmanship of Membership.
- Section 3. 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 Organization may require, render reports of membership annually, or when called upon at a meeting, and under the direction of the Commander and handle all correspondence of the District.
- Section 4. Finance Officer. The Finance Officer shall have charge of the finances and see that they are safely deposited in a local bank and shall report once a month to the Executive Committee. All checks disbursing the money of the District must be signed by any two of the following: Commander, 1st Vice Commander or Finance Officer. These officers shall furnish surety bonds in such a sum as shall be fixed by the District Executive Committee.
- Section 5. Judge Advocate. The Judge Advocate shall advise the Commander and the Executive Committee on legal matters and the provisions of the Post, District, Department and National Constitutions.
- Section 6. Historian. The Historian shall be charged with the individual records and incidents of the 12th District and shall perform such other duties as may properly pertain to the office as may be determined by the Executive Committee.
- Section 7. Service Officer. The Service Officer duties shall consist of assisting Veterans, Veterans' families, widows and children in securing their needs, tights and benefits. The Service Office shall work with the Post Service Officers, in this District, in a coordinated Rehabilitation and Welfare program.
- Section 8. Chaplain. The Chaplain shall be charged with the Spiritual Welfare of the District and will offer divine but non-sectarian services in the event of dedications, funerals, public functions, etc. The Chaplain will adhere to such ceremonial rituals as/ør recommended by National or Department from time to time.

Section 9. Sergeant at Arms. The Sergeant at Arms shall preserve order at all meetings and shall perform such other duties as may be assigned to him by the Executive Committee.

### **ARTICLE III - MANAGEMENT**

Section 1. The government and management of this District is entrusted to the Executive Committee as provided in the Constitution.

Section 2. The Executive Committee consisting of the members provided for in the Constitution shall be elected each two (2) years for the District Officers and Appointees, and annually for Post Officers, serving on the District Executive Committee. District Officers shall take office at the first Executive Committee meeting after the Department Convention following their election. All members of the Executive Committee shall be elected or appointed as provided in the Constitution with the approval of the Executive Committee on Appointees.

Section 3. All vacancies existing in the Executive Committee or any Office in the 12th District, 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 whom he/she succeeded; however, as concerns the Office of District Commander, Article 111, Section 9 of the Department by-laws, The American Legion, shall be followed.

### **ARTICLE IV - DISTRICT EXECUTIVE COMMITTEE**

Section 1. The District Executive Committee shall meet for organizational and other business as may come before it at the call of the District Commander within 10 days after installation of the District Commander. Thereafter, the District Executive Committee shall meet at the Call of the District Commander at least four (4) times a year and as often as said Commander may deem necessary. The date, time and location of the Meetings and Conventions will be at the discretion of the District Commander. The Commander shall call a meeting of the District Executive Committee upon the joint written request of three (3) or more members of said Executive Committee. Five (5) District Officers and or District Appointees plus four (4) Posts being represented at a meeting shall constitute a quorum thereof.

Section 2. The District Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; and require adequate bonds from all persons having the custody of District funds; shall hear the reports of District Committee Chairmen; and generally, shall have charge of and be responsible for the management of the affairs of the 12th District.

### **ARTICLE V - DELEGATES**

Section 1. Delegates and alternates to the Department Convention shall be elected by the District at the District convention preceding the Department Convention.

### **ARTICLE VI - COMMITTEES**

Section 1. The District Commander, immediately upon taking office, shall appoint the standing committees provided by the Department and any other committees deemed necessary to properly promote the programs of The American Legion. The Commander shall also appoint the Chairman of each committee.

Section 2. The Chairman of each committee shall be charged with the responsibility of assisting and coordinating the Post Standing Committees throughout the District.

Section 3. The Chairman of each committee shall report to the Commander and to the Executive Committee at each meeting.

### **ARTICLE VII - RESOLUTIONS**

Section 1. All resolutions of State or National scope, presented to this District, shall merely embody the opinion of this District on the subject and a copy of same shall be forwarded to the Department for its approval before any publicity is given or action, other than mere passage by the District, is taken.

### ARTICLE VIII - NOTICES

Section 1. Each member of the District Executive Committee shall furnish the District Adjutant with his or her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

### ARTICLE IX - RULES OF ORDER

Section 1. All proceedings of this District shall be conducted under the direction of the Constitution and by-laws of the 12th District. Things not covered in the Constitution and by-laws, will be covered by "Robert's Rules of Order: (Revised Edition).

### ARTICLE X - LIMITATIONS OF LIABILITIES

Section 1. This District shall incur, or cause to be incurred, no liability nor obligations whatsoever which shall subject to liability any Post, District, subdivision, group of men or women, members of The American Legion, or other individuals, corporations or organizations.

### ARTICLE XI - AMENDMENTS

Section 1. These By-laws may be amended at any District Convention by a vote of two-thirds (2/3) of the convention vote certified and/or voting at the convention; provided that the proposed amendment/s/amendment shall have been submitted in writing and read at the previous meeting. Copies of the proposed amendments/amendment shall be forwarded to all Posts within the 12th District at least twenty (20) days prior to the date of the convention, notifying all Posts, that at the convention, a proposal to amend the By-laws shall be voted upon.

### DISTRICT CERTIFICATION

We the following Officers of 12th District, The American Legion, Department of Texas, hereby certify that the forgoing Constitution and By-Laws, after due notice was given to all Posts, was adopted at the 12th District Convention held on the Fifth day of April, 1997, A.D.



*Frank Dubrowski*  
12th District Commander

ATTEST:



*Bunny Wells*  
12th District Adjutant

### DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 17<sup>th</sup> day of July, 1997, A.D. and  
Approved by the Department Executive Committee on the 18<sup>th</sup> day of July, 1997, A.D.



*Julian Weisler II*  
Department Judge Advocate