

Office of
Department Adjutant



THE AMERICAN LEGION, Department of Texas

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5th District Commander
4419 Bonham
Dallas TX 75229

Dear Post Commander:

Enclosed please find the Constitution and By-laws for the American Legion 5th District of The American Legion, Department of Texas, as approved by the Department Executive Committee on July 17, 2016.

If you have any questions, please feel free to call me.

"Still Serving America"

A handwritten signature in black ink, appearing to read "William West".

William West
Department Adjutant

MTP: njb

CC: Steve Watkins,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

Constitution
The American Legion 5th District, Department of Texas

ARTICLE I

NAME

The name of this organization shall be: **THE FIFTH DISTRICT, THE AMERICAN LEGION, THE DEPARTMENT OF TEXAS**

ARTICLE II

MEMBERSHIP

All American Legion Posts within the area existing and now known on this date as: The Fifth District or within the area as may be designated at any time by the Department Executive Committee in accordance with the current Department Constitution, in good standing with the American Legion, Department of Texas, shall comprise the membership of the Fifth District, The American Legion, department of Texas.

ARTICLE III

PURPOSE

Section 1. The purpose of this organization is to uphold and defend the Constitution of the United States of America; to maintain law and order; foster and perpetuate a one hundred per cent 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 good will on earth; to safeguard and transmit to posterity the principals of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Section 2. A further purpose of the organization is to perform all functions of a District as provided by the Constitution, By-Laws, and the Regulations of The American Legion, Department of Texas.

Section 3. The Organization is to be absolutely non-partisan and shall never be used for the dissemination of propaganda; nor for the promoting or regarding of any persons candidacy for public office.

ARTICLE IV

OFFICERS

Section 1. The officers of the District shall be a Commander, Vice Commander, Adjutant, Finance Officer, Judge Advocate, Chaplain, Historian, Sergeant at Arms and Service Officer; all of whom shall serve a term of two years.

Section 2. The District may, through a formal vote of two-thirds (2/3) vote of the recognized delegates at anyone of its conventions, provide additional officers, when not in conflict with Department and National Constitution and By-Laws. The term of office for such additional officers shall be for two years, with the exception as to term being when such additional officers are provided by the Convention delegates during the term, in which case, the term of office shall be from the date of the Convention to the last day of the Department Convention following the regular District election date. Additional officers, when so provided when set out above, shall be elected thereafter in the same manner as provided by the By-Laws for the election of officers.

ARTICLE V

EXECUTIVE COMMITTEE

Section 1. The Executive Committee for the Fifth District shall consist of all District Officers, the Post Commanders of each member post of the District, and the Immediate Past District Commander. In lieu of the Post Commander, a suitable officer of the Post may be designated by the Post Commander to represent the Post at a meeting of the Executive Committee. The presence of a majority of the District Officers, plus at least six (6) Post Commanders, or representatives, shall constitute a quorum. All past Division Commanders who served in that capacity at least one full term while a member of the 5th District of Texas, while in good standing in their respective Posts, shall be members for life of the District Executive Committee, without vote.

Section 2. All Past District Commanders who served in that capacity at least one full term while a member of the 5th District of Texas, while in good standing in their respective Post within the District, shall have a voice, without vote, at all District Executive Committee Meetings, except the Immediate Past District Commander who shall be a voting member of the District Executive Committee in accordance with Article V, Section 1.

ARTICLE VI

AUXILIARIES

The American Legion Auxiliary, Fifth District, Department of Texas, organized under the provisions of the National Constitution is a recognized Ladies Auxiliary of The American Legion, Fifth District; Department of Texas.

ARTICLE VII

DISCIPLINE, REVIEW AND APPEAL

Section 1. The Discipline, Review and Appeal for all matters involving the Fifth District shall conform to the general principals of Section IV of the Uniform Code of Procedure, Department of Texas, and The American Legion By-Laws.

Section 2. Any officer may be removed or suspended for cause by a two-thirds (2/3) vote of the District Executive Committee; however, the removal or suspension of the District Commander shall be subject to review by the Department Executive Committee, in accordance with the current By-Laws, Department of Texas, The American Legion.

Section 3. The District Executive Committee shall not vote on the removal of any District Officer, until such officer shall have been served with a sworn written statement of the complaint at least fifteen (15) days before the vote is to be taken; and until such officer shall have an opportunity to be heard at a meeting called to take the vote.

ARTICLE VIII

CONVENTIONS

The District shall hold at least one (1), but no more than two (2) conventions each year at the call of the District Commander, and such convention shall conform to the requirements of the current Department Constitution. The exact time shall be fixed by the District Commander no less than one hundred twenty (120) days in advance of the convention. The place shall be fixed by the District Commander, the convention chairman and convention committee. In case of emergency, the District Commander may change the date or the place of a convention. In an election year of the current term only one (1) convention is held, it shall be held in the Spring.

ARTICLE IX

BY-LAWS

This organization shall be governed according to its By-Laws adopted at District Conventions or District Meetings; and said By-Laws are not in conflict with the provisions of this Constitution or the provisions of the Constitution of the Department of Texas and the National American Legion.

ARTICLE X

AMENDMENTS

Section 1. This Constitution and included By-Laws may be amended at any American Legion, Department of Texas, Fifth District regularly convened meeting by a favorable vote of two-thirds (2/3) of the members in good standing and present.

Section 2. It is further provided that the proposed amendments and or changes shall have been prepared in writing and distributed to all posts in the Fifth District at least 10 days prior to the meeting they are acted on. Ten days shall be begin the day the changes or amendments are sent via electronic means or USPS to a known previously successful address for each authorized post representative.

Section 3. All proposed amendments and or changes to the constitution must be presented to the Chairman of the Constitution and By-Laws committee with enough lead time as to meet the above timelines. Submissions without adequate lead time will be acted upon at the following scheduled District meeting.

Section 4. Amendments and changes shall become operational at the District level immediately upon a favorable vote; changes, amendments and corrections shall become effective upon approval by the convening authority.

BY-LAWS

ARTICLE I

The District headquarters shall be in the city of residence of the Fifth District Commander.

ARTICLE II

DUTIES OF OFFICERS

DISTRICT COMMANDER

Section 1. The District Commander shall be the executive head of the District and shall preside over and be a member of the Executive Committee.

Section 2. It shall be the duty of the District Commander to see that the Constitution and By-Laws of the District, Department and National American Legion are strictly observed and that the Officers properly execute their duties. The District Commander shall have full power to enforce the provisions of the District Constitution and By-Laws and mandates of the District Convention.

Section 3. It shall be the duty of the District Commander to make a report on the Executive Committee activities, to the membership, at each District meeting.

DISTRICT VICE- COMMANDER

The District Vice Commander shall be a member of the Executive Committee, and shall perform such duties as may be assigned by the Executive Committee and/or the District Commander. In the absence of the District Commander at a meeting, the District Vice Commander shall take his/her place as the acting District Commander and shall perform the duties of the District Commander.

DISTRICT ADJUTANT

Section 1. The District Adjutant shall be a member of the Executive Committee, and shall attend all District Meetings and Conventions. All proceedings of the District meetings and Conventions, shall be permanently recorded by the District Adjutant. A copy of the minutes of the District Conventions shall be forwarded to the Department Adjutant within thirty (30) days of said convention.

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

Section 3. The District Adjutant is to distribute the documents referring to committees or other officers, according to the orders of the District Commander, and to notify those of their appointments to any duty.

Section 4. The District Adjutant shall keep an accurate list of all posts and officers of the same, and supply the District Officers with this list.

Section 5. The District Adjutant shall correspond with Posts and members of the District and perform such other incidentals to his/her office, as the District commander may direct.

DISTRICT FINANCE OFFICER

Section 1. The District Finance officer shall receive all moneys due in the District from any source, giving their receipt thereof, and shall enter same in regular accounts with the purpose for which intended.

Section 2. The District Finance Officer shall make disbursements only on legal orders from the District Executive Committee and/or District Convention; or upon legal orders of the District Commander.

Section 3. The District Finance officer shall make a report to the Executive Committee meetings and the District Conventions; in addition to such other reports as requested by the District Commander, the Executive Committee, and/or the District Convention.

Section 4. The District Finance Officer shall prepare and recommend an annual budget, to the Budget and Finance Committee, immediately after taking office, and annually thereafter immediately before the Fall Convention.

Section 5. The District Finance Officer shall perform such duties in addition to those stated above as may be required by the District Commander, District Executive Committee, and/or the District Convention.

DISTRICT JUDGE ADVOCATE

The District Judge Advocate shall supply professional advice in the conduct of the District business, or to procure proper council. The District judge Advocate shall be the Chairman of the Constitution and By-Laws Committee and shall assist the District in all legal matters. The District Judge Advocate shall further assist the Budget and Finance committee in making an audit of the District finances and transactions; and said audit to be reported at the Fall Convention.

DISTRICT CHAPLAIN

The District Chaplain shall be charged with the Spiritual welfare of the convention, attend all meetings which shall be opened and closed with Divine, but non-sectarian prayer.

The District Chaplain shall also perform such other duties as may be assigned by the District Commander.

DISTRICT HISTORIAN

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

DISTRICT SERGEANT AT ARMS

The District Sergeant at Arms shall be present at all Conventions and District Executive meetings. It shall be their duty to carry all messages from the District Commander to any other Officers, or members, vice-versa and to maintain order and decorum in the meetings as provided by the Constitution and By-Laws, and as directed by the District Commander. The District Sergeant at Arms shall further be in charge of the colors.

DISTRICT SERVICE OFFICER

The District Service Officer shall assist Veterans, Veterans families, widows and children, in providing for their needs, rights and benefits. The District Service officer shall also work with, and assist, the Post Service Officers in the District and further coordinate a Rehabilitation and Welfare program within the District.

ARTICLE III

ORGANIZATION COMMITTEE

A. Standing Committees

Section 1. The Standing Committees may consist of, but not be limited to, the following:

- a. National Security
- b. Americanism
- c. Boys State
- d. Sons of the American Legion
- e. Veterans Affairs and Rehabilitation
- f. Baseball
- g. Oratorical Contest
- h. Membership and Organization
1. Constitution and By-Laws
- J. Public Relations

Section 2. The Chairman of each Standing Committee shall be appointed by the District

Commander, subject to approval of the District Executive Committee and/or District Convention.

Section 3. The duties of the Standing Committees shall consist of the duties normally appertaining thereto and as may be assigned by the District Commander.

Section 4. A member of any Standing Committee may be removed for cause, by the District Commander, subject to the approval of the District Executive Committee, and/or District Convention.

B. BUDGET AND FINANCE COMMITTEE

Section 1. The duties of the Budget and Finance Committee shall be to screen and recommend all expenditures of money, to set up a budget, and to annually audit the District finances.

Section 2. The budget and Finance Committee shall consist of six (6) members who shall be appointed by the District commander and shall be subject to approval by the District Executive Committee and/or District Convention. The initial committee shall be composed of two members to serve one year, two members to serve two years, and two members to serve three years. Thereafter, two members are to be appointed each year to serve for three years. The old year term will end and the new term will begin each year at the close of the Department convention. The Chairman of the committee is to be designated by the District Commander. The District Commander, Finance Officer and Adjutant shall be ex-officio members of the committee and shall have a voice, but no vote. The District Adjutant shall be the secretary of the Budget and Finance Committee.

Section 3. All expenditures in excess of five-hundred dollars (\$500) shall be referred first to the Budget and Finance Committee, who will consider same at the next Executive Committee meeting and/or District Convention.

Section 4. The Budget and Finance Committee shall prepare an annual budget, after first considering the recommended budget given them the by the District Commander. Such annual budget is to be prepared immediately before, and submitted to the Fall District Executive Committee meeting, and District Convention.

Section 5. The Budget and Finance Committee, along with the District Judge Advocate, shall conduct and report on an annual audit of the District finances and transactions, at or just prior to, the Fall District Convention.

Section 6. The revenue of this District shall be derived from such sources as may be approved by the District Executive Committee and/or District Convention.

C. CONVENTION COMMITTEE

In addition to the Standing Committee, referred to above, the District Commander shall designate out of the membership, the below-named Convention Committees:

1. Credential & Rules
2. Resolutions
3. Constitution

The District Commander shall designate a chairman of each Committee prior to each convention. The duties of said committees shall consist of those normally appertaining thereto or as assigned by the District Convention and the District Commander. All committees shall cooperate with other respective and like committees and with Department and National Commissions and Committees.

ARTICLE IV

CONVENTIONS

Section 1. District Conventions shall be composed of (a) The District Commander and District Officers, none of whom shall be entitled to a vote unless duly elected as a delegate to the convention by their post; and (b) the duly elected delegates from the Posts in the District.

Section 2. The Past District Commanders, who served at least one full term in that capacity while a member of the Department of Texas, who may be present and who are members in good standing of a recognized Post of the Department of Texas, shall have one additional vote to be counted with the votes of their Posts, but the additional vote of no such Past District Commander shall be counted unless the Past District Commander is registered as present and on the floor at the Convention.

Section 3. In the District Convention, each post shall be entitled to two delegates for the first fifteen (15) members or less thereof. Each Post shall be entitled to one (1) additional Delegate for each 25 members, or a major fraction thereof in excess of fifteen (15), whose current dues have been received by Department Headquarters, who are on the latest Department membership list, and one (1) alternate for each delegate. Each delegate shall be entitled to one vote. The registered and certified delegates present at the District Convention, may cast the total vote authorized for the Post.

Section 4. Every member authorized to represent a Post as a delegate or alternate to the District Convention shall be furnished with a certificate of his appointment, attested to by the Post Adjutant and without it, a delegate cannot be admitted to the convention.

Section 5. Every delegate must be a bona fide member of the post which they represent at the District Convention.

Section 6. All delegates registering at the District Convention shall be required to present current paid-up American Legion membership card, before being permitted to register.

Section 7. The registration fee at the District Convention shall be decided by the District Commander and the Convention Committee, and shall be collected from every member who registers at the District Convention.

Section 8. The election of District officers shall be last on the order of business at the appropriate District Convention.

Section 9. The District Commander, if present, shall preside over the District Convention, but may call the Vice Commander, or a delegate to the chair. In the case of the District Commanders absence at the opening of a convention, the Vice Commander shall preside. If none of the officers are present at the opening of a convention, the members of said convention shall elect a presiding officer.

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

Section 11. The program of the District Convention shall be limited to two (2) days, including the opening date.

Section 12. A quorum for transaction of business at a District Convention shall consist of representation and presence of at least six (6) Posts that are members of the District.

ARTICLE V

ELECTION OF OFFICERS

Section 1. The Commander, Vice Commander, Chaplain, Sergeant at Arms, and any other Officers provided for under Section 1, Article IV of this District Constitution, shall be elected at the appropriate District Convention, and shall serve for a term of two (2) years, or until their successors are elected and installed. The Judge Advocate, Adjutant, Finance Officer, Historian, and Service Officer shall be appointed by the District Commander and shall have a voice, but no vote.

Section 2. In case of Death, or resignation, of the District Commander; or in case of the continued disability of the District Commander, incapacitating him from performing the duties of his office, the Vice-Commander shall exercise the duties of District Commander until the next election is held. In case of death, resignation or continued disability of both the District Commander and Vice-Commander, a majority of the District Executive Committee shall appoint a District Commander to serve until the next District Convention at which time a District Commander and/or a Vice-Commander shall be elected to fill the un-expired term. The same procedure shall apply to a vacancy, for any reason, of any of the elected officers. Anyone

assuming an elective District office, for an un-expired term, is not precluded from seeking such office at the next regular, election for a full term.

Section 3. The District Commander and other officers of the Fifth District, The American Legion, Department of Texas, shall be elected in years of odd numbers in accordance with the current Department Constitution.

Section 4. The District Commander and Vice-Commander shall be a member of a Post within their District; the only exception(s) being those stated in the current Department Constitution. Failure of the District Commander or the District Vice-Commander to comply with these provisions shall cause their office to be declared vacant by the Department Commander. Such vacancy shall be filled as provided in Section 2 (above).

Section 5. All District Officers shall assume their respective duties at the time of adjournment of the Department Convention.

ARTICLE VI

BOND OF OFFICERS

The District Commander, Finance Officer and any other District Officers designated by the District Commander and any committeemen, who handle funds, shall be furnished a position bond in the sum of at least \$1,000 (one thousand) or as required in the current National By-Laws, The American Legion, Department of Texas. Bond is to be approved by the District judge Advocate and District Executive Committee. Bonds are to be retained by the District Adjutant. Premium on bonds is to be by the District.

ARTICLE VII

DELEGATES

Delegates and alternates to a National Convention shall be elected by the District at the District Convention immediately preceding the National Constitution; following the procedure set out in the current Department Constitution.

ARTICLE VIII

RESOLUTIONS

All Resolutions of Department or National scope, presented to and approved by this District shall merely embody the opinion of this District on the subject, and a copy of same shall be forwarded to Department headquarters for approval; before any publicity is given or action taken other than mere approval by the District.

ARTICLE IX

RULES OF ORDER

All proceedings of this District, including Conventions, shall be conducted under, and pursuant to, Roberts Rules of Order, Newly Revised, except as herein provided. Notwithstanding the foregoing, the credentials and Rules Committee may prescribe rules for the orderly conduct of the District Conventions.

ARTICLE X

LIMITATIONS OF LIABILITIES

This District shall incur, or cause to be incurred, no liability nor obligation whatsoever which shall subject to liability the Department of Texas, or any other intermediate Body, Post, Subdivision, Group of Men or Women, Members of the American Legion, or other individuals, corporations or organizations.

ARTICLE XI

DISTRICT MEETINGS

Section 1. Between District Conventions, the conduct of business of the District shall be vested in the Posts of the District represented at regular meetings.

Section 2. The regular meetings of the Fifth District shall be held at such place and time as designated by the District Commander, at which place and time may be transacted such business as may be properly brought up for action.

Section 3. All meetings of the Fifth District shall be open to any legionnaire who is a member of a Post in the District; unless such attendance is restricted in the written notice thereof by authority of the Department of Texas. A digest of all proceedings shall be furnished to all District Officers, Committee Chairman, and Post Commanders upon request.

ARTICLE XII

DUTIES OF THE EXECUTIVE COMMITTEE

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

Section 2. Meetings of the District Executive Committee may be called by the District Commander, upon giving at least five (5) days written notice of the time, place and purpose of same to all officers and members of the District Executive Committee.

Section 3. Upon the written petition of not less than five (5) of the members of the District Executive Committee requesting a special meeting of the District Executive Committee, the District Commander shall call said special meeting within not less than seven (7) days, nor more than fourteen (14) days after his receipt of said petition. Said call shall be in writing to all members of the district Executive committee and shall state the time, place and purpose of said special meeting. In the event that the District Commander, after receipt of such request, fails to call said special meeting, then the District Adjutant shall call said special meeting.

Section 4. All meetings of the District Executive Committee shall be open to any Legionnaire who is a member of a Post in the District; unless such attendance is restricted in the written notice thereof by authority of the Department of Texas. A digest of all proceedings shall be furnished to all District Officers, Committee chairmen, and Post Commanders upon request.


Section 5. The Past District Commanders of the Fifth District shall be members of the District Executive Committee ex-officio and shall have a voice, but no vote with the exception of the Immediate Past District Commander, who shall have both voice and vote.

DISTRICT CERTIFICATE

We the following officers of the Fifth District, Department of Texas. The American Legion do hereby certify that the forgoing change to the Constitution and By-Laws, after due notice was given, was adopted by the certified delegates sitting in Convention at Dallas, Texas on this 19th day of March 2016.

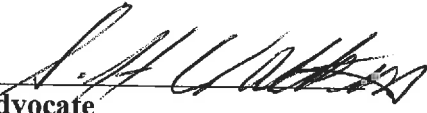
ATTEST:


Alan Caesar, Adjutant
5th District


Larry Taylor, Commander
5th District

DEPARTMENT CERTIFICATE

Passed on by Department Judge Adjutant this 14 day July July 2016. Approved by
the Department Executive Committee this 14 day of July 2016.



Judge Advocate
Department of Texas