

Office of
Department Adjutant

THE AMERICAN LEGION, Department of Texas

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July 13, 2014

Post Commander
940 E. Beltline Rd. Ste. 164
Richardson, TX 75081
Dear Post Commander:

Enclosed please find the Constitution and By-laws for the American Legion Jackson-Hughes-Jimison Post 368 of the American Legion, The American Legion, Department of Texas, as approved by the Department Executive Committee on July 13, 2014.
If you have any questions, please feel free to call me.

"Still Serving America"



William West
Department Adjutant

MTP: njb

CC: Steve Watkins,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

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Section 1. The name of this organization shall be Jackson-Hughes-Jimison Post No. 368, The American Legion, Department of Texas.

ARTICLE I – NAME

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

PREAMBLE

**CONSTITUTION OF
JACKSON-HUGHES-JIMISON POST NO. 368,
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**



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

ARTICLE II –OBJECTIVES

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

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

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his military rank or title in any meeting of this Post.

ARTICLE IV – MEMBERSHIP

Section 1. Eligibility for membership in the Post shall be prescribed by the National Constitution and By-Laws of the American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may be from time to time prescribed by the Post Executive Committee, but not in conflict with the National Constitution and By-Laws of The American Legion.

Section 3. All applicants for membership shall be acted upon at the next General Membership meeting following the making of such application and shall at such meeting be accepted, rejected or referred for further investigation and consideration. If a majority of the General Membership present cast their votes against the acceptance of such application, then such application shall be recorded as rejected. A rejected applicant shall not again be considered until after the expiration of six (6) months from the date of rejection.

Section 4. Any member of this Post may be expelled for cause by a two thirds (2/3) vote of the General Membership present at the next regularly scheduled meeting after charges are preferred under oath in writing and a fair trial had upon same, under the rules and regulations of Article IV, By-Laws, National Constitution of the American Legion.

Section 5. Any member who has been expelled or suspended from this Post for any cause may not apply for reinstatement until after the expiration of twelve (12) months from the date of expulsion of suspension and must be reinstated to membership by majority vote of members

present at a regularly scheduled Post meeting and payment of dues and assessments for the current year in which the reinstatement occurs.

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

ARTICLE V – OFFICERS

Section 1. The administrative affairs of this Post of the American Legion shall, except as otherwise provided by the By-Laws of this Post, be under the supervision of an Executive Committee which shall consist of elected and appointed officers of this Post and the Past Post Commander.

The term of office for members of the Executive Committee shall be one (1) year, all members being elected annually on the election date for the Post Officers, as established by the By-Laws of this Post. By its By-Laws, this Post may provide for such other outstanding committees as the business of this Post may require.

Section 2. The officers of the Post shall be a Commander, two (2) Vice Commanders, an Adjutant, a Finance Officer, a Historian, a Chaplain, a Service Officer, a Judge Advocate, and a Sergeant-at-Arms, and such other officers as may be deemed necessary by this Post's membership.

Section 3. Every member of this Post in good standing shall be eligible to hold office in this Post, except as otherwise provided for in Article III, Section 3, hereof.

Section 4. A nominating committee shall be appointed by the Post Commander, and approved by the Executive Committee, who shall report their nominations to the regularly scheduled General Membership meeting prior to the annual election of officers. Nominations may also be made from the floor at such meeting and again at the meeting for the annual election. Each candidate shall be allowed one (1) minute to present their qualifications for office on the night of the election.

Section 5. All officers shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided for in the By-Laws of this Post. Any officer may be removed for inefficiency by the Executive Committee, a two-thirds (2/3) majority of the member present at a regular or special Executive Committee meeting being necessary to effect such removal.

Section 6. The duties of the officers are further provided for in the By-Laws of this Post.

Section 7. Officers are expected to attend the regular and Executive Committee meetings of this Post. Failure of any officer to attend three (3) successive regularly scheduled Post or Executive Committee meetings, without reasonable cause having been furnished to the Adjutant or Commander shall be cause for forfeiture of said office. The Executive Committee shall decide when an officer, by failure to attend three (3) successive meetings, has forfeited his right to continue in office.

Section 8. In case of vacancy in an office for any cause, the said vacancy shall be filled by election at any regular Post business meeting provided at least seven days prior notice of such election has been given to the membership. However, the Post Commander, at his discretion may appoint a temporary filling of any vacancy deemed necessary to the operation of this Post, such appointment not to exceed three (3) months.

ARTICLE VI – FINANCE

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

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

Section 3. The Post shall pay Department Headquarters, the National and Departmental annual membership dues for every member in good standing of this Post, not more than thirty (30) days after receipt thereof.

ARTICLE VII – CHARTER MEMBERS

Section 1. Members of this Post prior to November 8, 1957 (or members who joined this Post prior to the issuance of charter) shall be known as charter members.

ARTICLE VIII – AMERICAN LEGION ORGANIZATIONS

Section 1. This Post recognizes an Auxiliary organization to be known as American Legion Auxiliary, Jackson-Hughes-Jimison Unit No. 368, Department of Texas operating under the aims and purposes of this Post. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion.

Section 2. This Post recognizes a subordinate organization to be known as the Sons of The American Legion, Squadron 368, The American Legion, operating under the aims and purposes

**BY-LAWS OF
JACKSON-HUGHES-JIMISON POST NO. 368,
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**

ARTICLE I – POST NAME

Section 1. The Post existing under these By-Laws is to be known as Jackson-Hughes-Jimison Post No. 368, The American Legion, Department of Texas.

Section 2. The objectives of the Post are as set forth in the Constitution.

ARTICLE II – MANAGEMENT

Section 1. The government and management of this Post are entrusted to an Executive committee of four (4) elected members in good standing to be known as the "Post Executive Committee".

Section 2. The Post Executive Committee shall consist of the elected officers and the Past Post Commander. The Post Executive Committee shall be elected annually on the last regularly scheduled business meeting occurring at least fifteen (15) days prior to the Department of Texas Convention and shall take office at the next regularly scheduled meeting following that election. All elections of officers shall be by secret written ballot and the candidate receiving the majority of votes shall be elected to the respective office for which they are candidates. All elections shall be governed by Robert's Rules of Order, Revised, as they appear in the Officer's Guide.

Section 3. Any and all vacancies existing in the Post Executive Committee from any cause other than expiration of term of officer shall be filled as provided in Article V, Section 8, of the Constitution, and a person so elected shall hold office for the unexpired term of the Officer whom he succeeds. A vacancy shall exist as provided in Article V, Section 8 of the Constitution, except the Post Commander shall appoint a temporary replacement until the requirements of the Constitution are fulfilled.

Section 4. Not inclusive of this Post's normal operating expense, the Post Commander is allowed a discretionary expenditure not to exceed \$200.00 per month, without prior approval of the membership.

Section 5. Prior to closure of the Club Room of Jackson-Hughes-Jimison Post No. 368, The American Legion, Department of Texas, notification of intent shall be sent to current active members on the Post Membership Roster, with said meeting date and time to be stated and held 30 days after notification. A 2/3 majority of members present at said meeting called for this purpose shall be necessary to affect any action.

Section 6. Prior to closure of Jackson-Hughes-Jimison Post No. 368, The American Legion, Department of Texas, notification of intent shall be sent to current active members on the Post Membership Roster, with said meeting date and time to be stated and held 30 days after notification. A 2/3 majority of members present at said meeting called for this purpose shall be necessary to affect any action.

ARTICLE III – EXECUTIVE COMMITTEE MEETING

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander Elect with in ten (10) days after the election of officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least every thirty (30) days and as often as the said Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of the said Post Executive Committee, and a majority of members for the Executive Committee shall constitute a quorum thereof. The Post Executive Committee shall hear the reports of all standing committee chairmen, and assume the authority and responsibilities for the management of the Post and the Post Club Room. All proceedings heard before the Post Executive Committee shall be presented and approved by the membership of the Post at a regularly scheduled business meeting.

ARTICLE IV – DUTIES OF OFFICERS

Section 1. Duties of the Post Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post. Said office shall be the Chief Executive Officer of this Post and shall approve all orders directing the disbursement of funds. He shall see that this Constitution and By-Laws are followed explicitly and shall perform such other duties as directed by the Post Membership. Also, he shall make an annual report covering the business of the Post for the year, make recommendations for the ensuing year and read this report prior to election of new officers on election night. A copy of his report will be forwarded to the Department Adjutant within three (3) days.

Section 2. Duties of the First Vice Commander: The First 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 Post Commander, and may perform the duties of Membership Chairman.

Section 3. Duties of the Second Vice Commander: The Second Vice Commander shall assume the duties of the Post Commander in the absence or disability of both the Post Commander and the First Vice Commander, or when called upon by the Post Commander and may be Activities and Entertainment Chairman.

Section 4. Duties of the Post 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 Organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting and under the direction of the Post Commander, handle all correspondence of the Post. Such documentation shall be maintained at this Post.

Section 5. Duties of the Finance Officer: The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report on a monthly basis to the Executive Committee and the Post Membership in writing the condition of the finances of the Post, with such recommendations as he may deem necessary or expedient for the raising of funds with which to carry on the activities of the Post. He shall sign all vouchers disbursing the monies of the Post, such vouchers to be countersigned by the Post Commander or his designated representative and be Finance Committee Chairman.

Section 6. Duties of the Post Historian: The Post Historian shall be charged with individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post Commander of Executive Committee.

Section 7. Duties of the Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post members and will offer divine, non-sectarian service in the event of dedications, funerals, public functions, and adhere to such ceremonial rituals as are recommended by the National Committee or Department Headquarters from time to time.

Section 8. Duties of the 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 Post Commander or Executive Committee. He shall have charge of the Post colors.

Section 9. Duties of the Service Officer: The Service Officer shall comply with the Service Officer's Manual and Officer's Guide and recommendations of National and Department Headquarters and the needs of the Post and is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted to them.

Section 10. Duties of the Judge Advocate: The Judge Advocate is to supply professional advice in the conduct of Post business or to procure counsel and shall be charged with the duty of auditing the Post financial accounts annually, just before the installation of officers or more frequently as may be determined by the Executive Committee. He shall have the further duties of the interpretation of the Constitution and By-Laws at the direction of the Post Commander. He shall supply all incoming officers with the most current copy of the Post Constitution and By-Laws before installation and maintain sufficient copies on hand for Post members.

Section 1. Delegates and alternates to a District, Division, or Department Convention shall be elected by ballot or appointed by the Post Membership at a regular meeting of the Post to be held as least fourteen (14) days prior to the date of such Convention. Failure of the membership to elect or appoint such delegates and alternates, the duties of appointment shall be assumed by the Post Commander, Vice Commanders, or Adjutant, or as directed by the Executive Committee. The Post Commander shall immediately upon their election or appointment, designate the Chairman.

ARTICLE V – DELEGATES

Section 1. The Post Commander, immediately upon taking office each year, may appoint the following standing committees: Americanism, Finance, House/Entertainment, Membership, Children and Youth, Memorial, Public Relations, Rehabilitation, Uniformed Groups, Sons of the American Legion and all other committees. Committees shall consist of members and the Chairman thereof, as shall be designated by the Post Commander in conjunction with this Constitution and By-Laws.

Section 2. Americanism Committee: The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for the proper observance of patriotic occasions, encouragement of patriotic and civic phases of instructions in schools, Americanism of aliens, combating all anti-American propaganda by education of the general public forums, etc., and activities for community and civic betterment.

Section 3. Finance Committee: The Finance Committee shall be charged with the administration of the financial policy, preparation of the annual budget recommendations, and supervising the receiving, disbursing and accounting of all Post funds.

Section 4. House Committee: The House Committee shall oversee Post Club Room operations, the hiring of all employees and the coordination of all Post activities at the direction of the Executive Committee.

Section 5. Membership Committee: The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of prospective members.

Section 6. Children and Youth: The Children and Youth Committee shall be charged with aid and service to the children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes.

Section 7. Memorial Committee: The duties of this committee involve recording of grave sites and complete information on veterans buried in cemeteries assigned to the Post and to give

assistance to the Service Officer in the providing of flags or headstones for the proper interment in a National Cemetery.

Section 8. Public Relations: The Public Relations Committee shall be charged with the promotion of public support of the American Legion's program by the establishment of proper contact with the Legion Magazine, Department and National news service and by local authority of Post programs and activities.

Section 9. Veterans Affairs and Rehabilitation: This committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

Section 10. Sons of The American Legion Committee: This committee shall have supervision over the operations of Squadron 368, Sons of the American Legion and their duties shall be as prescribed in the Officer's Guide.

Section 11. Uniformed Groups: Purpose: To organize, train, promote and supervise a uniformed group, such as a drum and bugle corps, color guard, chorus, firing squad, etc.

Section 12. Optional Committees: The Post Commander may appoint other committees as he may deem necessary to provide for the contiguous operation of this Post with the approval of the Executive Committee.

ARTICLE VII – RESOLUTIONS

Section 1. All resolutions of Department or National consequences presented to this Post by a member or reported to this Post by a committee with this Post shall merely embody the opinion of the Post on the subject.

ARTICLE VIII – MEETINGS

Section 1. The regular and special meetings of the Post shall be held at The American Legion Post No. 368, 940 E. Beltline Rd., Suite 164, Richardson, Texas, at which place may be transacted such business as may be properly brought for action, such meeting may be converted into entertainment meetings, as may be deemed advisable by the Executive Committee. Procedures at regular and special meetings shall comply with the current Manual of Ceremonies provided by The American Legion.

Section 2. The regular business meetings of the Post shall be held on the fourth (4th) Saturday of each month beginning at 12:00 Noon.

Section 3. The regular Executive Committee meetings shall be held at the discretion of the Post Commander, but in compliance with Article III, Section 1, of these By-Laws.

Section 4. Other meetings: Other business and social meetings shall constitute a quorum at any regular or special meeting of the Post.

Section 5. At least five (5) members in good standing shall constitute a quorum at any regular or special meeting of the Post

ARTICLE IX – RULES OF ORDER

Section 1. Club Room rules shall be as adopted by the Executive Committee and approved by the general membership at a regular Post meeting.

ARTICLE X – AMENDMENTS

Section 1. The By-Laws of this Post may be amended at a regular business meeting as provided in Article X, Sections 1 & 2, of the Constitution of this Post.

POST CERTIFICATION

We, the following officers of Jackson-Hughes-Jimison Post No. 368, The American Legion, Department of Texas, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 31st day of March 2012, A.D.

Post Commander
Jerry A. Taylor

Attested: Post Adjutant
Martin Beckley

DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 10 day of July, 2013, and
Approved by the Department Executive Committee on the 10 day of July, 2014

[Signature]
Department Judge Advocate