

Office of
Department Adjutant



THE AMERICAN LEGION, Department of Texas

1624 East Anderson Lane
Austin, TX 78752

PH: 512/472-4138
FAX: 512/472-0603
txlegion@txlegion.org

txlegion.org

The American Legion P.424
217A E Camp Wisdom Rd #840
Duncanville TX 75116

Dear Commander:

Enclosed please find the Constitution and By-Laws for the American Legion Jack B. Swaim Post 424, 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", with a long horizontal flourish extending to the right.

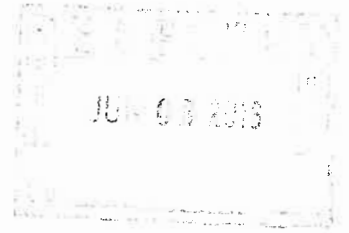
William West
Department Adjutant

MTP: njb

CC: Steve Watkins,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

THE AMERICAN LEGION
DEPARTMENT OF TEXAS



**CONSTITUTION
OF
JACK B. SWAIM POST NO. 424
DALLAS, TEXAS**

PREAMBLE

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 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.

ARTICLE I -- NAME

Section 1. The name of this organization shall be JACK B. SWAIM Post No.424, THE AMERICAN LEGION. The charter of Incorporation as filed in the office of the Secretary of State of Texas under Charter No. 424. The Supplemental charter issued by the National American Legion is hereby adopted as the charter of the Post.

ARTICLE II – OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and the National and Department Constitutions of THE AMERICAN LEGION.

ARTICLE III -- NATURE

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

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles 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/her military or naval title in any meeting of this Post.

ARTICLE IV – ELIGIBILITY AND MEMBERSHIP

Section 1. Eligibility to membership in the Post shall be prescribed by the National Constitution of THE AMERICAN LEGION, and the Constitution and By-Laws of THE AMERICAN LEGION, Department of Texas, and as further stated in this Constitution and By-Laws.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted or rejected by the Post membership. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 4. Any member of this Post may be expelled for cause by two-thirds (2/3) vote of the Post membership, after charges preferred under oath in writing, and a fair

trial is had upon the same, under the rules and regulations of the Department of Texas and the Uniform Code of Procedure of the Department of Texas, and the National By-Laws of THE AMERICAN LEGION.

Section 5. If the accused is convicted, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 6. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, until after a year has elapsed since his/her expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

ARTICLE V -- OFFICERS

Section 1. The administrative affairs of this Post of THE AMERICAN LEGION shall, except as may be otherwise provided by the By-Laws, be under the supervision of a Post Executive Committee which shall consist of at least three (3) members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, a 1st, 2nd, and 3rd Vice Commander, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Judge Advocate, a Service Officer, a Sergeant at Arms, and such other officers as may be deemed necessary by this organization.

Section 3. A nominating committee shall be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting next preceding 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.

Section 4. All Officers and Executive Committeemen shall be elected annually, by majority vote on written ballots, at a Post meeting held not less than fifteen (15) days prior to the Department Convention, and shall be installed not later than the first regular Post meeting in October following their election. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed. Any Post Officer or Post Executive Committeeman may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to effect such removal, and excepted for ratification at the next regular meeting.

Section 5. The duties of Officers and Executive Committeeman shall be those usually appertaining to such Officers or Committeemen and as provided in the By-Laws.

Section 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committeeman to attend three (3) successive meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide, when an Officer by his/her failure to attend three (3) successive business meetings has forfeited his/her right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy, upon ratification of the general membership.

Section 7. In case of vacancy in any office for any cause, the said vacancy shall be filled at any regular meeting provided at least five (5) days notice of such election has been given to the members.

ARTICLE VI -- FINANCE

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

Section 2. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by this Post and shall not be less than the transmittal fee.

Section 3. The Post shall pay to Department Headquarters, the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

ARTICLE VII -- CHARTER MEMBERS

Section 1. Members who joined this Post prior to the issuance of permanent charter shall be known as charter members.

ARTICLE VIII -- AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Jack B. Swaim, Post No.424, THE AMERICAN LEGION.

Section 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of THE AMERICAN LEGION.

ARTICLE IX -- AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National and Department Constitution of THE AMERICAN LEGION. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected, in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

Section 3. Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

ARTICLE X -- REAL PROPERTY

Section 1. Real property owned by the Post may be sold, leased or otherwise disposed of, where control of said property is involved, at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting, provided that the proposal shall have been submitted in writing, after approval by a majority of the Post Executive Committee, if there be a Post Executive Committee, and further notice shall have been given all members by mail at least fifteen (15) days in advance of the date

when such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

ARTICLE XI – PROGRAMS

Section 1. This Post may sponsor a Sons of THE AMERICAN LEGION Squadron. Such Squadron, once formed, shall be subject to the rules, regulations and supervision of Post 424 as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of THE AMERICAN LEGION by the National Executive Committee, THE AMERICAN LEGION.

Section 2. Said SAL Squadron No. 424 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron No. 424 adopts its own Constitution and By-Laws, it shall be governed by Post No. 424 rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, THE AMERICAN LEGION, Department of Texas.

Section 3. Once created, this Post may cease its sponsorship of SAL Squadron No. 424 for good cause, such as failure to maintain a minimum membership of at least ten (15) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

**BY-LAWS
OF
JACK B. SWAIM POST NO. 424
DALLAS, TEXAS.**

ARTICLE I -- NAME

Section 1. The Post existing under these By-Laws is to be known as JACK B. SWAIM Post No. 424, THE AMERICAN LEGION, Department of Texas.

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

ARTICLE II -- MANAGEMENT

Section 1. The government and management of the Post is entrusted to a Post Executive Committee which shall consist of three (3) members in addition to the Officers of this Post and the immediate past Commander, and together with the other officers of this Post shall be elected annually as provided in Article V, Section 4, of this Constitution, and all shall take office immediately upon installation.

Section 2. The Post Executive committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least once a month and as often as 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 said Post Executive Committee. A majority of the members of the Committee shall constitute a quorum thereof.

Section 3. The Post Executive committee shall hire such employees as may be necessary (except bar personnel); shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and

accounting purposes; shall hear the reports of Post Committee Chairpersons, and generally, shall have charge of and be responsible for the management of the affairs of this Post. At the end of each fiscal year, an audit committee shall be appointed with the Post Judge Advocate as Chairperson to conduct a complete audit of Post records before turning them over to the new Post Finance Officer. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

ARTICLE III -- DUTIES OF OFFICERS

Section 1. Duties of 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, and such officer shall be the Chief Executive Officer of the Post. The Post Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws is observed. The Post Commander shall perform such other duties as are directed by the Post.

Section 2. Duties of First Vice Commander -- The First Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by the Post Commander and shall be fully involved in, and shall be the Membership Chairperson.

Section 3. Duties of the Second Vice -- The Second Vice Commander shall assume and discharge the duties of the First Vice Commander and/or the office of the

Commander in the absence or disability of either or both; and shall be the Entertainment Chairperson of the Post.

Section 4. Duties of the Third Vice Commander – The Third Vice Commander shall purchase and stock the refreshments and necessary supplies. He/She shall fire and fire all bar personnel, and oversee their activities.

Section 5. Duties of the Post Adjutant -- The Post 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 direction of the Post Commander, handle all correspondence of the Post. The Post Adjutant shall comply with Article V, Section 5, Department Constitution.

Section 6. Duties of the Post Finance Officer -- The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Post Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as The Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Post Commander or an officer authorized by the Post Executive Committee. The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

Section 7. Duties of Post Judge Advocate -- The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to retain proper counsel. The Post Judge Advocate shall be the Chairman of any committee concerning the amendment of the Post Constitution or By-Laws. The Post Judge Advocate shall be in charge of the annual audit of the Post financial accounts as set out in Article II, Section

3, of these By-Laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

Section 8. Duties of the Post Historian -- The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may pertain to the office as may be determined by the Post or Executive Committee

Section 9. Duties of Post Chaplain -- The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time. He/she shall head the visiting committee which shall be charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-service men/women in nearby hospitals.

Section 10. Duties of Post Sergeant at Arms -- The Post Sergeant at Arms shall preserve order at all times and meetings, and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors, and shall not display or permit them to be displayed without specific authority of the Post Commander.

Section 11. Duties of Post Service Officer -- The Post Service Officers shall comply with the Service Officer's Manual and Post Officers Guide of THE AMERICAN LEGION, and recommendations of National and Department Headquarters, and needs of this Post.

ARTICLE IV -- DELEGATES

Section 1. Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairperson.

Section 2. Each duly registered delegate shall be entitled to one vote. The vote of any absent delegate shall be cast by the majority of the registered delegates present from his/her Post. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his credentials after his registration fee has been paid.

Section 3. The chairperson of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

ARTICLE V -- DUES - FISCAL YEAR

Section 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding year. Following the calendar year, a member becomes delinquent for non-payment of by January first and if he/she continues delinquent, he/she loses all privileges by February first., and his /her membership is forfeited on June 30th, if still delinquent.

Section 2. The fiscal year shall end with the installation of newly elected officers and the new fiscal year shall begin, and the new officers will assume their duties.

Section 3. The newly elected Post Officers shall be installed at a regular or special meeting, as may be designated by the Post Executive Committee, as soon as practicable after the annual election, not later than the first regular Post meeting in October following their election, and according to this Constitution.

Section 4. The Chairperson of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

ARTICLE VI -- POST COMMITTEES APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint such standing committees as the Post Commander deems necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide; the Post Commander shall also appoint such other committees as the Post Commander finds to be necessary from time to time. All of such committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander.

Section 2. The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of THE AMERICAN LEGION and with the recommendations of National and Department Headquarters.

ARTICLE VII -- RESOLUTIONS

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

ARTICLE VIII -- MEETINGS

Section 1. The regular and special meetings of the Post shall be held at JACK B. SWAIM POST HOME at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

Section 2. The regular business meetings of the Post shall be held on the third Tuesday at 7:30 pm or as determined by the Post; the Executive Committee Meeting may be held on the first Tuesday at 7:30 or as determined by the Post Commander. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

Section 3. The Post Commander or a majority of the Post Executive Committee shall have power to call a special meeting of the Post at any time.

Section 4. Upon the written request by signed petition of not less than six (6) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the membership shall contain the

subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

Section 5. At least six (6) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

Section 6. The floor will be extended to any member no more than twice; three minutes each time, on any one subject.

ARTICLE IX -- NOTICES

Section 1. Every member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

Section 2. The Post Adjutant shall cause written notice of the annual election to be given by mailing the notice at least fifteen (15) days prior thereto.

ARTICLE X -- RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

ARTICLE XI -- LIMITATIONS OF LIABILITIES

Section 1. This Post shall incur, or cause to be incurred, no liability, nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of THE AMERICAN LEGION, or other individuals, corporation, or organization.

ARTICLE XII -- AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided, further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

ARTICLE XIII -- BOARD OF TRUSTEES

Section 1. A Board of Trustees is hereby created to consist of five (5) members of the Post, and the current Post Commander, with right to vote. One member of said Board of Trustees shall be elected each year by the Post Executive Committee on nomination by the Post Commander to serve for a term of five (5) years. No member of the Board, other than the Post Commander, shall hold any other elected office in the Post nor shall be eligible to succeed himself/herself.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board shall elect a Chairperson and a Vice-Chairperson who shall serve for a term of one (1) year and shall not be eligible to succeed themselves. The Finance Officer, Judge Advocate, and Adjutant shall serve the Board in their respective capacities, but shall not be granted the privilege of vote on any question coming before the Board of Trustees. The members of the Board shall meet at least once each month and hold special meetings at such time and place as deemed necessary by the Chairman or on call of three (3) members thereof.

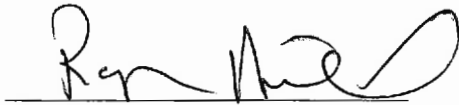
Section 3. A majority shall have power to act and to exercise all the authority of the Board. The members of the Board shall serve without pay. Each member shall be bonded with a solvent surety company as surety in the penal sum of Five Thousand and NO/100 (\$5,000.00) Dollars, the premium thereon to be paid out of the income from such property as they may hold in Trust for the Post. Said bond shall be approved by the Post Judge Advocate before such Trustee shall be qualified.

Section 4. Vacancies in the Board of Trustees shall be filled by election by the Post Executive Committee of the Post, upon nomination by the Post Commander.

POST CERTIFICATION

We, the following officers of JACK B.SWAIM Post No. 424, THE AMERICAN LEGION, 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 17th day of May, 2016, A. D.

ATTESTED:



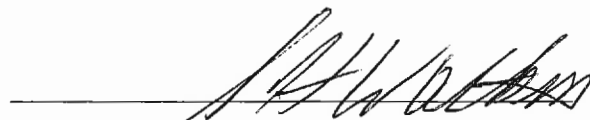
POST COMMANDER



POST ADJUTANT

DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 14 day of July, 2016, A. D., and Approved by the Department Executive Committee on the 14 day of July, 20 16, A. D.



DEPARTMENT JUDGE ADVOCATE