

CONSTITUTION AND BY-LAWS

FIRST DISTRICT, THE AMERICAN LEGION, DEPARTMENT OF TEXAS

CONSTITUTION

ARTICLE I

NAME

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

ARTICLE II

MEMBERSHIP

All American Legion Posts within the area existing and now known on this date as the FIRST District or within the area as may be designated at any time by the Department of Texas Executive Committee under Section 4, Article IV, Department Constitution, in good standing with The American Legion, Department of Texas, shall comprise the membership of the FIRST District, The American Legion, Department of Texas.

ARTICLE III

PURPOSE

Section 1. The purpose of this organization is to foster and to perpetuate a one hundred percent Americanism, to preserve the memories and incidents of our association in the Great Wars: to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the

masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness; to maintain law and order, a representative form of government, and to uphold and defend the Constitution of the United States and the State of Texas.

Section 2. A further purpose of this organization is to perform all the functions of a District as provided by the Constitution, By-Laws, Rules and 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 retarding of any person's candidacy for public office.

ARTICLE IV

OFFICERS

Section 1. The officers of the District will consist of a Commander, Vice-Commander, Zone Commander(s), Adjutant, Finance Officer, Judge Advocate, Chaplain, Sergeant-at-Arms, Service Officer, and Historian.

Section 2. The District may through a formal vote of two-thirds (2/3) vote of the recognized delegates at any one of its conventions and provide additional officers, when not in conflict with Department and National Constitutions and By-Laws. The terms of office for such additional officers will be for two years, with the exception as to the term being when such additional officers are provided by the Convention delegates during the term, in which case, the term of office will 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 as previously stated, will be elected thereafter in the same manner as provided in the By-Laws for the election of officers.

Section 3. If the office of the District Commander becomes vacant, the District Vice-Commander will assume the office and perform the duties thereof until the next District Convention at which time a District Commander or a District Vice-Commander shall be elected to fill the unexpired term.

Section 4. The Zone Commander(s) may be appointed by the District Commander with the approval of the District Executive Committee.

ARTICLE V

EXECUTIVE COMMITTEE

Section 1. The First District Executive Committee will consist of elected District Officers, District Post Commanders or their representatives, and the immediate past District Commander-at-large.

Section 2. The presence of the District Commander or District Vice-Commander, and at least six Post Commanders or their representatives shall constitute a quorum.

Section 3. The District Executive Committee may meet at the discretion of the District Commander as needed, however; a District Convention may constitute as a District Executive Committee meeting.

Section 4. The Zone Commander(s) shall have voice, but no vote, on the District Executive Committee.

ARTICLE VI

AUXILIARIES

Section 1. The American Legion Auxiliary, First District, Department of Texas, organized under the provisions of the National Constitution and By-Laws, is a recognized Auxiliary of The American Legion, First District, Department of Texas.

ARTICLE VII

DISCIPLINE, REVIEW, AND APPEAL

Section 1. The Discipline, Review, and Appeal for all matters involving the First District shall conform to Article VIII of the Department of Texas Constitution, and Article XI of the National American Legion Constitution and 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 will be subject of review by the Department

Executive Committee in accordance with Article III, sub-Article I, Section 9 of the 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 has been served with a sworn written statement of the charges at least fifteen (15) days before the vote is to be taken; and then the charged Officer will have an opportunity to present a case against such charges at the meeting called to vote on removal.

ARTICLE VIII

CONVENTIONS

The District shall hold at least one convention each year at the call of the District Commander, and such Convention should conform to the requirements of Section 4, Article IV of the Department Constitution. The exact time should be fixed by the District Commander no less than 4 months in advance of the Convention. The convention site should be fixed by the preceding convention of the District after the Convention City Committee of the convention has made its recommendation. If the preceding convention cannot fix the place for the next convention, then the place may be selected by the District Commander. Only under extreme circumstances, the District Commander may change the date and place of a convention.

ARTICLE IX

BY-LAWS

This organization shall be governed according to the By-Laws adopted at conventions and said By-Laws are not to conflict with the provisions of this Constitution or the provisions of the Constitutions of the Department of Texas and the National American Legion.

ARTICLE X

AMENDMENTS

Section 1. This Constitution and By-Laws may be amended at any District Convention by a favorable vote of two-thirds (2/3) of the total delegate votes on the floor.

Section 2. It is further provided that the proposed amendments shall have been read at such convention at least one hour before being voted upon; and further provided that a record of the vote and the amendments shall be preserved.

Section 3. All proposed amendments to the Constitution and By-Laws must be presented to the Chairman of the Constitution and By-Laws Committee of the Convention by noon of the first day of the Convention.

ARTICLE XI

MISCELLANEOUS

Section 1. ANN MUSSETTER MEMORIAL TRUST.

The Ann Mussetter Memorial Trust and the Agreement creating same are hereby recognized, ratified, and provided for as a subsidiary of The First District, The American Legion, Department of Texas. Said Trust shall be administered by the Board of Trustees set out in Article XIII herein, and as set out in the Agreement dated the 29th Day of July, 1985, between James F. Mussetter, Sr., as Donor and the First District, The American Legion, Department of Texas as Trustee.

BY-LAWS

ARTICLE I

The District Headquarters will be in the city of residence of the First District Commander.

ARTICLE II

DISTRICT COMMANDER

Section 1. The District Commander will be the Executive Head of the District and will preside over and be a member of the Executive Committee.

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

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 or the District Commander. In the absence of the District Commander at a meeting, the District Vice-Commander will take the place as the Acting District Commander and will perform the duties of the District Commander.

DISTRICT ZONE COMMANDER

The District Zone Commander(s), appointed by the District Commander, with the approval of the Executive Committee, shall be a member of the Executive Committee and shall perform such duties as may be assigned by the District Commander or the District Executive Committee.

DISTRICT ADJUTANT

Section 1. All proceedings of the District Conventions are to be drawn up in form and permanently recorded by the District Adjutant, and will forward the minutes of the Convention and any Executive Committee Meeting to the Department Adjutant within thirty (30) days.

Section 2. All petitions, reports, appeals, returns, and any other communications are to be delivered to the Adjutant and the Adjutant is to see the documents are filed in an orderly manner and carefully preserved.

Section 3. The Adjutant is to distribute all documents referred to committees or other officers according to the orders of the District Commander and notify appropriate Officers of their appointments to any duty.

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

Section 5. The Adjutant, as may be directed by the District Commander, will correspond with Posts and members in the District and perform other such duties incidental to the Office.

DISTRICT FINANCE OFFICER

Section 1. The Finance Officer will receive all monies due in the District from any source, giving a receipt for such monies, and deposit monies in the accounts for which intended.

Section 2. The Finance Officer will make disbursements only on orders from the District Executive Committee or District Convention.

Section 3. The Finance Officer will report at the District Convention and District Executive Committee Meetings, and other reports as requested either by The District Commander, District Executive Committee, or District Convention.

Section 4. The Finance Officer will assist in the preparation and recommendation of an annual budget to the Budget and Finance Committee after taking office, and annually thereafter.

Section 5. The Finance Officer may perform such duties in addition to those stated, as may be required by the District Executive Committee, the District Board of Trustees, and the District Convention.

DISTRICT JUDGE ADVOCATE

The District Judge Advocate should supply professional advice in the conduct of the District business or to procure counsel when needed by the District. The District Judge Advocate will be the Chairman of the Constitution and By-Laws Committee, and will assist the Budget and Finance Committee in making an audit of the District Finances and transactions, with said audit to be reported at the Fall District Convention.

DISTRICT CHAPLAIN

The District Chaplain will be charged with the spiritual welfare of the convention, attend all meetings which will be opened and closed with nonsectarian prayer. The District Chaplain may perform such other duties as may be assigned the District Commander.

DISTRICT SERGEANT-AT-ARMS

The District Sergeant-at-Arms will be present at all meetings and conventions, and will be charged with duty of carry all messages from the District Commander to any other Officer or Members and return such, 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 will be in charge of the District Colors.

DISTRICT SERVICE OFFICER

The District Service Officer will assist veterans, veteran's families, widows and children in providing for their needs, rights, and benefits. The District Service Officer will work with and assist the Post Service Officers in the District, and further co-ordinate Rehabilitation and Welfare Program within the District.

DISTRICT HISTORIAN

The District Historian is charged with the individual records and incidents of the District, and should perform such other duties as may properly pertain to the office as may be determined by the District Executive Committee or District Convention.

HUBMASTER

The District Hubmaster will be appointed by the District Commander to provide information to the Posts electronically. The District Hubmaster forwards information the District Commander deems necessary. The term of the appointment will be determined by the District Commander.

ARTICLE III

ORGANIZATION COMMITTEES

A. STANDING COMMITTEES

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

- a. National Security
- b. Americanism
- c. Boys State
- d. Sons of The American Legion
- e. Veterans' Affairs & Rehabilitation
- f. Baseball
- g. Oratorical Scholarship Program
- h. Membership & Organization
- i. Constitution & By-Laws
- j. Public Relations
- k. Legislative

Section 2. The District Vice-Commander shall be a member of the Membership & Organization Committee.

Section 3. The Chairman of each Standing Committee will be appointed by the District Commander subject to the approval of the District Executive Committee or District Convention, and the duties of the Standing Committee will consist of the

duties normally appertaining thereto, or 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 or District Convention.

B. BUDGET AND FINANCE COMMITTEE

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

Section 2. The Budget and Finance Committee may consist of no more than six (6) members, which will be appointed by the District Commander, and will be subject to approval by the District Executive Committee or District Convention. The term of this committee will be for one year, with the Committee needing to be approved by the Spring 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 the District Adjutant will be the Secretary of the Budget and Finance Committee.

Section 3. The Budget and Finance Committee, in cooperation with the District Commander and the District Finance Officer, will prepare an annual budget. The annual budget should be prepared and presented at the Fall District Convention.

Section 4. The Budget and Finance Committee, with the District Judge Advocate, should conduct an annual audit of the District finances, and report on such audit at the Fall District Convention.

Section 5. The revenue of this District will be derived from such sources as may be approved by the District Executive Committee or District Convention.

C. CONVENTION COMMITTEES

In addition to the Standing Committees, the District Commander may designate, from the District Membership, the following named Convention Committees:

1. Credentials & Rules
2. Resolutions

3. Convention City
4. Constitution

The District Commander may designate a Chairman of each Committee prior to each Convention. The duties of said Committees will consist of those normally appertaining thereto or as assigned by the District Commander or District Convention. All Committees should co-operate with other like committees, and with Department and National Commissions and Committees.

ARTICLE IV

CONVENTIONS

Section 1. District Conventions will be composed of the District Commander and District Officers, none of whom will be entitled to a vote unless duly elected as a delegate to the convention by a Post in the District; and the duly elected delegates from the Posts in the District.

Section 2. In the District Convention, each Post will be entitled to the number of delegates as set forth in the Department By-Laws, Article IX, Section 2.

Section 3. Every member authorized to represent a Post as a delegate or alternate to the District Convention will be furnished with a certificate of appointment, attested to by the Post Adjutant, and without such certificate a delegate may not be admitted as member of the convention.

Section 4. Every delegate must be a current year paid-up member of the Post which is being represented at the District Convention, and be prepared to present proof of such prior to being permitted to register.

Section 5. The registration fee at District Conventions may be decided by the District Commander and the Host Post, and shall be collected from every member registering at District Conventions, except those members designated by the District Commander or the District Executive Committee.

Section 6. The District Commander, if present, shall preside over the District Convention, but may call the Vice-Commander or a delegate to the Chair. In case of the absence of the District Commander at the opening of a convention, the District Vice-Commander shall preside. If none of the officers are present, at the opening of a convention, the members of the convention may elect a presiding officer.

Section 7. The election of the District Commander will be the last item on the order of business at the appropriate District Convention.

Section 8. If the appropriate District Convention shall 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 9. The program of the District Convention should be limited to two (2) days, including the opening date.

Section 10. A quorum for transaction of business at a District Convention will consist of the representation and presence of at least six (6) of the Posts in the First District.

Section 11. All registration fees will be submitted to the District Finance Officer representing The American Legion, then only after all expenses of the District Convention have been paid, the remaining funds will be divided between the American Legion, American Legion Auxiliary, the Sons of the American Legion, and the American Legion Riders. The purpose is being to support Convention expenses incurred by each American Legion Family unit.

ARTICLE V

ELECTION OF OFFICERS

Section 1. The District Commander and other Officers of the First District, The American Legion, Department of Texas, will be elected in year with an Odd Number, as set out in Article IV, Section 4, (2), of the Department of Texas Constitution with the exception of the Adjutant who shall be appointed by the District Commander.

Section 2. If any District Office, with the exception of the Commander, becomes vacant, the District Commander may appoint a person to fill that office until the next District Convention, at which time an election will be held to fill the unexpired term.

Section 3. The District Commander and Vice-Commander will be residents of the First District and a member of a Post within the First District, and the only exception being as set out in Article IV, Section 5 of the Department of Texas Constitution, and must continue to reside and conduct a major portion of American Legion business in the First District during their term.

Section 4. All District Officers shall assume their respective duties at the time of the adjournment of the Department Convention.

ARTICLE VI

AMENDMENTS

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

ARTICLE VII

BOND OF OFFICERS

The District Finance Officer and any other District Officer or Committeeman who may handle funds, will, before entering upon official duty, furnish a bond properly executed by themselves as principal and by a solvent surety company authorized to do business in the State of Texas, in a sum as required by Article VI, Section 1, of the National By-Laws, The American Legion. The District Judge Advocate and the District Executive Committee or District Convention approving said bond. The District Adjutant will retain custody of the bond, and the premium of the bond is to be paid by the District.

ARTICLE VIII

DELEGATES

Delegates and alternates to a National Convention will be elected by the District at the District Convention preceding the National Convention, and follow procedures set out in Article X of the Department of Texas Constitution.

ARTICLE IX

RESOLUTIONS

All Resolutions of Department or National Scope presented to and approved by this District may merely embody the opinion of this District on the subject, and a copy of same will be forwarded to the Department of Texas for approval before any publicity is given or action taken, other than being approved by the First District.

ARTICLE X

RULES OF ORDER

All proceedings of this District, including Conventions, will be conducted under and pursuant to Robert's Rules of Order, Revised, except where stated.

ARTICLE XI

LIMITATIONS OF LIABILITIES

The First District will not incur, or cause to be incurred, any liability or obligation, which could cause liability to The Department of Texas, any Group or Subdivision of the Department of Texas, any Group of Men or Women, Members of The American Legion, other individuals, corporations, or organizations.

ARTICLE XII

DUTIES OF THE DISTRICT EXECUTIVE COMMITTEE **(OPTIONAL TO THE BY-LAWS)**

Section 1. Between District Conventions, the administrative powers of the District are vested in the District Executive Committee.

Section 2. Meetings of the District Executive Committee may be held at a place and time designated by the District Commander.

Section 3. The District Commander may call a meeting of the District Executive Committee at any time, but must give at least five (5) days written notice of the time, date, and purpose of the meeting to all Officers and Members of the District Executive Committee.

Section 4. Upon the written petition by not less than six (6) of the members of the District Executive Committee, requesting a special meeting of the District Executive Committee, the District Commander may call said special meeting within seven (7) days, but no more than fourteen (14) days after the receipt of this petition. The call for this special meeting must be done as stated in Section 3. In the event the District Commander fails to call this special meeting, the District Adjutant may call the special meeting.

Section 5. All meetings of the District Executive Committee are open to any Legionnaire who is a member of a Post within the District, unless such attendance is restricted in the written notice by authority of the Department of Texas, and a synopsis of all proceedings be made available to all District Officers, Committee Chairmen, and Commanders upon request. However, only the District Officers and Post Commanders will be entitled to vote.

ARTICLE XIII

BOARD OF TRUSTEES **(OPTIONAL TO THE BY-LAWS)**

Section 1. A Board of Trustees of the District is hereby created to consist of six Post Commanders of the District, in addition to the District Commander, Finance Officer, Chairman of the Budget and Finance Committee, Judge Advocate, and Adjutant, all with the right to vote, and is to be known as the “*District Board of Trustees of the First District, The American Legion, Department of Texas*”.

The six members will be appointed by the District Commander and subject to ratification by the District Executive Committee 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 of the District will be appointed by the District Commander, with ratification by the existing Board of Trustees each year to serve for a term of three years. The terms will end and start at the close of the Department of Texas Convention. No member of said Board may be able to succeed themselves.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board will elect a chairman and a vice-chairman who will serve a term of one year and they may not be able to succeed themselves. The District Officers mentioned, in Section 1, as members will serve the Board in their respective capacities and may be granted the privilege of voice and vote. The meeting of the Board may be held at such a time and place as may be deemed necessary by the Chairman or upon call of three (3) members of the Board. The District Board of Trustees will be responsible to the District Executive Committee or District Convention.

Section 3. A majority may have power to act and to exercise all the authority of the Board. The members of the Board will serve without pay. Each member will furnish a bond in the amount fixed by the District Executive Committee or District Convention, and as required by Article VI, Section 1, of the National By-Laws, The American Legion, with the premium to be paid out of the income from such property held in trust for the District. These bonds will be verified by the District Judge Advocate, before approved by the District Executive Committee or District Convention.

Section 4. Vacancies in the Board of Trustees shall be filled by the District Commander and subject to ratification by a simple majority of the existing Board of Trustees.

Section 5(a). The duties of the Board of Trustees will be to take charge of all trust funds and all properties, whether real, personal or mixed, of which the legal title is now vested or may hereafter be vested, in the First District, Department of Texas, and The American Legion. The disposal of District Property may be made only upon a resolution of the Board of Trustees and the execution of proper instruments of conveyance by the District Commander and attested to by the District Adjutant, and such disposal is approved by two-thirds (2/3) vote of the members of the Executive Committee or District Convention.

Section 5(b). The Board will have the power and it will be its duty to invest and reinvest funds, and to administer properties according to their discretion as Trustees; provided however, in no event may the Board of Trustees invest any property or funds as may come into their possession except as guardians of income property, at the time of such investment, authorized to invest the funds entrusted to them as provided by the laws of the State of Texas. The Board may delegate to a responsible trust company the details of handling such funds as they may find and deem advisable. It will be the duty of the Board of Trustees to properly cover all property with adequate insurance in order to protect the District from losses. Coverage will be only with companies authorized to do business by the Texas State Board of Insurance.

Section 5(c). The income from all properties and funds, may be held for the benefit of the District, and may be used by the Board for such purposes as may be directed by the District Executive Committee or District Convention. In no event may any part of the corpus of trust funds or property be expended, unless authorized by a two-thirds (2/3) vote of the Executive Committee or District Convention, and then only when allowed by the trust arrangement of the specific property or funds. If it is deemed advisable to sell any part of a trust estate, mineral leases, the income, if any, may be considered as income of the trust estate by the Board.

Section 6. All meetings of the Board of Trustees will be open to any Legionnaire and the minutes will be retained in the joint custody of the District Adjutant and the Chairman of the Board, and extracts be made available to all Post Adjutants, District Officers, and District Committee Chairmen.

ARTICLE XIV

ORATORICAL SCHOLARSHIP

Section 1. The District will award a scholarship to the winner of the District Oratorical Competition each year, and will be forwarded to the College or University upon the winner's admission to the School. The Scholarship winner must enter college the fall semester following one full year after graduation from High School, with the exception of those who serve actively in the United States Armed Forces during the one year time frame.

Section 2. Funds not used by the Oratorical Competition winner will be returned to the District Scholarship Fund.

Section 3. A Contestant may enter the District Oratorical Competition as many times as they are eligible.

Section 4. The amount of the Scholarship awarded will be determined by vote of the District Executive Board.

ARTICLE XV

EAGLE SCOUT AWARD & SCHOLARSHIP

Section 1. The Timothy O’Neill Eagle Scout Scholarship Award will be awarded to the Boy Scout which earns an Eagle Scout Award for the prior year. Any Post in the First District may submit a candidate for selection of this award, and the award will be presented at the Spring Convention.

Section 2. The Boy Scout selected will be awarded a Medal, Certificate, and a \$100 Scholarship from the First District.

Section 3. The format for submission will be the Department Eagle Scout Award Form, and must be submitted by January 31 of each year.

Section 4. The candidate will be submitted by the District to Department for consideration for the State Eagle Scout Award. The Selection Committee will be the District Officer Staff.

ARTICLE XVI

ANNUAL DISTRICT AWARDS

Section 1. District Legionnaire of the Year Selection Committee will be selected by the District Executive Committee. The Committee will select a recipient from a list of nominees submitted by the Posts of the First District. It is suggested each Post submit a nominee for this award, by 31 December prior to the Spring District Convention. The Recipient will be awarded at the District Spring Convention.

Section 2. The Durrell Stevens Post Award for Excellence in Americanism will be awarded to the First District Post, which submits all required Reports and Americanism Awards on a timely basis. Selection of the Post will be determined by The District Commander, Vice-Commander, Adjutant, and the District Americanism Committee Chairman; and will begin with the 2010-2011 Membership Year. The Award will be presented after the completion of the previous Department Membership Year, and awarded at the next available District Convention.

Section 3. The First District “Traveling Top Membership Post” Award will be presented at the District Convention to the Post with the highest membership percentage by Friday, prior to the District Convention. This Award will “travel” to each Post earning such recognition for display until the next Convention.

DISTRICT CERTIFICATION

We, the following officers of The First District, Department of Texas, 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 Convention of this District held on the 16th day of April, 2016, A. D.

DISTRICT COMMANDER

ATTESTED: **DISTRICT ADJUTANT**

DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the _____ day of _____, 20____, A. D., and Approved by the Department Executive Committee on the _____ day of _____, 20 ____, A. D.

DEPARTMENT JUDGE ADVOCATE