

Office of
Department Adjutant



THE AMERICAN LEGION, Department of Texas

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July 16, 2017

The American Legion 1st Division
David Harvey
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Emory TX 75440

Dear 1st Division Commander:

Enclosed please find the Constitution and By-Laws for the American Legion 1st Division, The American Legion, Department of Texas, as approved by the Department Executive Committee on July 16, 2017.

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: Bryan D. Coleman,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

THE AMERICAN LEGION
DEPARTMENT OF TEXAS FIRST DIVISION
CONSTITUTION AND BY-LAWS

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CONSTITUTION

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CONSTITUTION

ARTICLE I NAME

The name of this organization shall be THE AMERICAN LEGION, DEPARTMENT OF TEXAS, FIRST DIVISION and is an integral part of The Department of Texas.

ARTICLE II PURPOSE

The purpose of this organization is to perform all the duties and functions of a Division as provided for by the Constitution & By-Laws, Rules and Regulations of THE AMERICAN LEGION, Department of Texas.

ARTICLE III MEMBERSHIP

All American Legion Posts within the 1st, 3rd, 4th, 5th, 12th, and 13th Districts of Texas, in good standing with THE AMERICAN LEGION, Department of Texas, shall comprise the membership of The First Division.

ARTICLE IV OFFICERS

SECTION 1: The Officers of the First Division shall consist of a Commander, Vice Commander, Adjutant, Finance Officer, Judge Advocate, Historian, Chaplain, Sergeant-at-Arms, and Service Officer.

SECTION 2: The Division may, through an affirmative vote of two-thirds (2/3) majority of the certified delegates present, at any of its conventions, create additional Officers, when not in conflict with the Department or National Constitution and By-Laws.

ARTICLE V EXECUTIVE COMMITTEE

SECTION 1: The First Division Executive Committee Members WITH "VOICE AND VOTE" shall consist of the Current First Division Commander, Immediate Past First Division Commander, and the current District Commanders of the 1ST, 3RD, 4TH, 5TH, 12TH, and 13TH Districts.

Other Executive Committee Members shall consist of the following APPOINTED offices that will have VOICE ONLY but NO VOTE. They are: Vice Commander, Adjutant, Judge Advocate, Finance Officer, Chaplain, Historian, Sergeant-at-Arms, and Service Officer. All PAST First Division Commanders, while in good standing in their respective Posts, shall be MEMBERS for LIFE having VOICE but no VOTE.

SECTION 2: The successions of Finance Officer and Adjutant are desirable to maintain continuity, financial management and record keeping within the Division. As such, the incoming Commander shall be encouraged, but not obligated, to re-appoint these incumbent Officers to these positions if they are willing to continue to serve.

**ARTICLE VI
AUXILIARY/SONS/ALR OF THE AMERICAN LEGION**

The American Legion Auxiliary, Department of Texas, First Division organized under the provisions of the Department and National Constitution & By-Laws, shall be a recognized Auxiliary of the American Legion Department of Texas First Division. The Sons of the American Legion (S.A.L.), and the American Legion Riders (ALR) although not chartered separately from the American Legion, shall be a recognized organization of The American Legion Department of Texas First Division.

**ARTICLE VII
CONVENTIONS**

The First Division shall hold at least one (1) Convention each year at the call of the Division Commander. The Division Commander or Division Adjutant, as the Commander may direct, shall notify all Posts of the Convention not less than four (4) weeks prior to the event.

**ARTICLE VIII
BY-LAWS**

The First Division shall be governed according to this Constitution & By-Laws, and subsequent amendments to same, adopted at a Convention and said By-Laws shall not conflict with the provisions of this Constitution or the provisions of the Department and National Constitutions.

**ARTICLE IX
APPROVAL**

This Constitution shall be approved at a First Division Convention by a favorable roll call vote of two-thirds (2/3) majority of the certified delegates present and shall become effective upon approval by the Department Executive Committee.

**ARTICLE X
AMENDMENTS**

This Constitution may be amended at a First Division Convention by a favorable roll call vote of two-thirds (2/3) majority of the certified delegates present and a record of the vote shall be made a part of the minutes of the Convention. The amended Constitution shall become effective upon approval by the Department Executive Committee.

BY-LAWS

ARTICLE I HEADQUARTERS

The Headquarters of the First Division shall be located in the city where the Division Commander resides.

ARTICLE II DUTIES OF OFFICERS

SECTION 1: The Division Commander shall be the executive head of the Division, shall preside over the Division Executive Committee Meetings and the Division Convention; he/she shall perform such other duties as set forth in the Division and Department Constitution & By-Laws.

SECTION 2: The Division Vice Commander, when requested shall perform all duties of the Division Commander. In the event of death, resignation or other actions that would preclude the Division Commander from serving, refer to Department of Texas Constitution Art IV, Section 4 (1) The Vice Commander's main responsibility is Membership growth and will hold the position of Membership Committee Chairman.

SECTION 3: The Division Adjutant shall have charge of and keep a full and complete record of all proceedings of the Executive Committee Meetings and the Convention, keep such records as the Department and National Organizations may require, and under the direction of the Division Commander, handle all correspondence of the Division.

SECTION 4: The Division Finance Officer shall receive all monies due in the Division from any source. All disbursements must be approved, in advance, in writing, by the Division Commander, or in his absence, the Division Adjutant.

SECTION 5: The Division Judge Advocate shall supply professional advice in the conduct of Division business or produce proper counsel, shall be the Chairperson of the Division Constitution & By-Laws Committee and assist the Division in all legal matters'.

SECTION 6: The Division Chaplain will be charged with the spiritual welfare of the Division Convention, attending all meetings which are to be opened and closed with Divine but non-sectarian prayer, and shall perform other such duties as may be assigned by the Commander.

SECTION 7: The Division Sergeant-at-Arms shall be present at the Division Convention, shall preserve order and decorum, shall carry messages from the Commander to any other officers or member or vice-versa, and shall perform such other duties as may be assigned by the Commander. He shall further have charge of the Division Colors and shall not display or permit them to be displayed without the specific authority of the Commander.

SECTION 8: The Division Service Officer shall assist Veterans, Veteran's families, widows, and children in providing for their needs and benefits, and shall also assist the Post and District Service Officers within the Division.

SECTION 9: The Division Historian shall keep an accurate history of the principal events pertaining to the Division, Posts, and Members thereof, and shall perform such other duties as may be assigned to him by the Division Commander and/or the Executive Committee.

**ARTICLE III
DUTIES OF THE EXECUTIVE COMMITTEE**

SECTION 1: Between Division Conventions, The Administrative Powers of the Division shall be vested in the Division Executive Committee.

SECTION 2: All meetings of the Executive Committee shall be held at such place and time as is designated by the Division Commander, upon giving at least five (5) working days' written notice and such place and time may be transacted such business as may be brought before the Committee for action. The presence of a majority of the voting members of the Committee shall constitute a quorum.

SECTION 3: Upon written petition by not less than three (3) voting members of the Executive Committee requesting a special meeting of the Committee, the Division Commander shall call said meeting within not less than seven (7) nor more than fourteen (14) days after receipt of said petition and shall state the place and time and purpose of said meeting. In the event the Division Commander fails to call said meeting for whatever reason, the Division Adjutant, when notified of same, shall call said meeting.

SECTION 4: If a District Commander is unable to attend a called meeting of the Executive Committee, the Vice Commander of that District may be appointed, in writing, by that District Commander to represent the District at said meeting. There shall be no prohibition of a former Division or District Commander or designated representative also serving in another position, either elected or appointed; however, the individual shall have only (1) vote.

**ARTICLE IV
COMMITTEES**

SECTION 1: The Division Commander shall appoint chairpersons for the following Committees: Convention Program, Oratorical and School Awards, American Legion Baseball, Boy Scouts, Sons of The American Legion, Boy's State and such other committees as may be deemed necessary.

SECTION 2: At Division Conventions, the Commander shall appoint chairpersons for the following Committees: Credentials and Rules, Resolutions, Constitution & By-Laws and such other Committee chairpersons as may be deemed necessary. These committee chairpersons will report to the convention the recommendations of the respective committees, on matters that may be referred to them.

SECTION 3: A review of the First Division Constitution & By-Laws will be performed by the incoming Judge Advocate. Other reviews may be performed at the discretion of the Division Commander or First Division Executive Committee as deemed necessary.

ARTICLE V CONVENTIONS

SECTION 1: Division Conventions shall be composed of (a) the Division Commander, the Division Officers and the Division Executive Committee, none of whom shall be entitled to vote unless duly elected and certified as a delegate by their post and (b) the duly elected and certified delegates from the posts within the Division. In the absence of a certified list of delegates from a Post within the Division, the Credentials Committee may recommend to the convention the seating, as delegates' members of said post.

SECTION 2: The voting strength of each Post on roll call votes shall be in accordance with the Department Rules for the Department Convention. All voice or standing votes shall be by each Post's certified delegates present and voting, providing, upon request of any three (3) certified delegates, a roll call vote must be held on any question.

SECTION 3: Certified delegates from four (4) Districts within the Division shall constitute a quorum for the Convention.

SECTION 4: The First Division Commander, in coordination with the Convention Chairman, will establish a set price for the convention registration fees and approve/disapprove one (1) night lodging requests up to a maximum of 9 rooms.

SECTION 5: All proceedings of the convention shall be permanently recorded by the Division Adjutant and a copy shall be forwarded within thirty (30) days to the Division Officers, each member of the Division Executive Committee, the Department Adjutant, and any Post or member that may specifically request a copy.

SECTION 6: All proceedings of any convention shall be conducted in accordance with Robert's Rules of Order, Revised.

SECTION 7: Upon failure or refusal of the Division commander to call a Convention, on written request of a Post within the Division, any eighteen (18) Posts from at least three (3) Districts from within the Division may unite in calling a Division Convention and such Convention shall be recognized as being duly convened, provided, all Posts within the Division have been notified in writing of the place and time and a quorum, as required by these By-Laws, is present.

SECTION 8: The outgoing First Division Commander shall be presented with a Division Past Commander's Pin. The Past Division Commander's Pin will be purchased each year by the First Division Adjutant utilizing First Division funds. The pin will be presented by the Division Adjutant to the outgoing Division Commander prior to the final dismissal at the conclusion of the Convention, at the same time outgoing Division Commander will present his/her current Division Commander's Pin to the incoming Division Commander.

SECTION 9: Net profits or losses generated from the First Division Convention will be divided between the Legionnaires, Auxiliary, and Sons.

**ARTICLE VI
ELECTION OF OFFICERS**

SECTION 1: The Division Commander shall be elected at the Division Convention. The Division Commander shall serve for a period of one (1) year or until a successor has been elected and installed. The Division Commander (Elected at the Annual Division Convention) shall appoint all other Division Officers.

SECTION 2: Candidates for the First Division Commander shall be from two (2) Groups. The first group, called Group One, will consist of the 1st, 3rd, and 13th Districts, and will be elected in odd number years. The second group, called Group Two, will consist of the 4th, 5th and 12th Districts, and will be elected in even number years. This does not preclude any eligible member from within the First Division from running off the floor. The starting date will be after approval by the Department Executive Committee.

SECTION 3: In case of the death or resignation of the Division Commander or in the case of continued disability incapacitating the Division Commander from performing the duties of the office, the District Commanders of the First Division shall select a District Commander to function until the Division Commander recovers or is replaced.

**ARTICLE VII
NATIONAL DELEGATES**

A delegate and an alternate delegate to the National Convention shall be elected during the Division Convention. The individuals elected cannot have been elected to represent a Post or District.

**ARTICLE VIII
RESOLUTIONS**

All resolutions of Department or National scope presented to and approved by the convention shall merely embody the opinion of the Division of the subject and a copy of same be forwarded to Department Headquarters for approval before any publicity is given or taken, other than mere approval by the Division.

**ARTICLE IX
REPEALING CLAUSE**

All prior Constitutions & By-Laws of the American Legion, First Division, Department of Texas, as well as any resolutions passed at earlier conventions that are in contradiction to this Constitution and By-Laws are hereby repealed, cancelled, and held for naught.

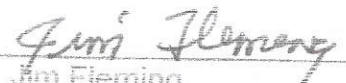
DIVISION CERTIFICATION

We, the following Officers of the American Legion, First Division, Department of Texas, hereby certify that the foregoing Constitution and By-Laws, as Amended, were adopted at the First Division Convention Meeting held on the 6th of May, 2017 A.D., in Greenville, Texas


Name: David Harvey

First Division Commander

ATTESTED:


Name: Jim Fleming

First Division Adjutant

Department Certification

Passed on by the Department Judge Advocate on the 29 day of May, 2017 A.D.
and approved by the Department Executive Committee on the _____ day of _____,
20____, A.D.


Name _____

Department Judge Advocate