



CONSTITUTION AND BY-LAWS

21ST District, The American Legion, Department of 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.

CONSTITUTION

ARTICLE I

NAME

The name of this organization shall be the 21ST 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 21ST District or within the area as may be designated at any time by the Department 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 21ST 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 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 safeguard and transmit to posterity the principle 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 State 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; not for the promoting or retarding of any person's candidacy for public office.

ARTICLE IV

OFFICERS

Section 1. The officers of the District shall be a Commander, Vice Commander, Adjutant, Finance Officer, Judge Advocate, Chaplain, 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; provide additional officers, when not in conflict with Department or National Constitutions and By-Laws. The terms of office for such additional officers shall be for two years, with the exception as to term being when such additional officers are provide by the Convention delegates during the term, in which case, the term of office shall be from the date of the Convention to the last day of the Department Convention following the regular District election date. Additional officers, when so provided as set out above, shall be elected thereafter in the same manner as provided in the By-Laws for the election of officers.

ARTICLE V

EXECUTIVE COMMITTEE

The 21st District may have an Executive Committee, and if created, the Executive Committee of the 21st District shall consist of all District Officers and the Post Commanders of each member Post in the District, or in lieu of the Post Commander, a suitable officer of the Post designated by the Post Commander, to represent the Post at a meeting of the Executive Committee. The presence of a majority of the District Officers plus at least six (6) Post Commanders or representatives shall constitute a quorum.

ARTICLE VI

AUXILIARIES

Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion Auxiliary.

ARTICLE VII

DISCIPLINE, REVIEW AND APPEAL

Section 1. The 21st District adopts the Uniform Code of Procedures of the Department of Texas as the 21st District Code of Procedures. The Discipline, Review and Appeal for all matters involving 21st District shall conform to this Code and Article III, I, Section 9, of the Department of Texas By-Laws.

Section 2. Any officer may be removed or suspended for cause by a two-thirds (2/3) vote of the District Executive Committee, however, the removal or suspension of the District Commander shall be subject to review by the Department Executive Committee in accordance with Article III, 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 shall have been served with a sworn written statement of the complaint as least fifteen (15) days before the vote is to be taken; and until such officer shall have an opportunity to be heard at the meeting called to take the vote.

ARTICLE VIII

CONVENTIONS

The District shall hold at least one convention each year at the call of the District Commander, and such convention shall conform to the requirements of Section 4, (3), Article IV of the Department Constitution. The exact time shall be fixed by the District Commander no less than one hundred twenty (120) days in advance of the convention. The place shall be fixed by the 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 shall be selected by the District Commander. In case of emergency, the District Commander may change the date or the place of the convention.

ARTICLE IX

BY-LAWS

This organization shall be governed according to 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 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 must be presented to the chairman of the Constitution and By-Laws Committee of the Convention the first day of the Convention.

ARTICLE XI – SOCIAL MEDIA AND THE INTERNET

Section 1. Social Media Guidelines. All members of this district and all participants in the programs of this district are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

Section 2. Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names for this District or its programs are serving as agents of this District and ownership of these account and domain names are vested in the District. Applicants or registrants should obtain approval from the District Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the District Executive Committee.

BY-LAWS

ARTICLE I

The District address shall be in the city of residence of the 21st District Commander

ARTICLE II

DUTIES OF OFFICERS

DISTRICT COMMANDER

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

Section 2. It shall be the duty of the District Commander to see that the Constitution and By-Laws of the District, Department and National American Legion are strictly observed and that the officers properly execute their duties.

Section 3. It shall be a duty of the District Commander to make a report on his activities to the membership at each 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 and/or the District Commander. He or She will be the Chairperson of the Membership committee. In the absence of the District Commander at a meeting, the District Vice Commander shall take the Commander's place as the acting District Commander and shall perform the duties of the District Commander.

DISTRICT ADJUTANT

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

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

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

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

Section 5. The District Adjutant shall correspond with Posts and members in the District and perform such duties incidental to their office as the District commander may direct.

Section 6. The District Adjutant shall attend all meetings of the Executive Committee and all District Conventions, and shall have the proceedings of the meeting and/or conventions drawn up in form and recorded. The District Adjutant is a member of the Executive Committee.

DISTRICT FINANCE OFFICER

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

Section 2. The District Finance Officer will be the Chairperson of the Finance committee and shall make disbursements only on legal orders from the District Executive Committee and/or District Convention.

Section 3. The District Finance Officer shall make a report at the District Conventions and the Executive Committee meetings, and such other reports as requested by the District Commander, the Executive Committee, and /or District Convention.

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

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

DISTRICT JUDGE ADVOCATE

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

DISTRICT CHAPLAIN

The District Chaplain shall be charged with the spiritual welfare of the Convention, attending all meetings which shall be opened and closed with Divine but nonsectarian prayer. The District Chaplain shall also perform other duties as may be assigned by the Commander.

DISTRICT SERGEANT AT ARMS

The District Sergeant At Arms shall be present at all Conventions, carry all messaged from the District Commander to any other officers or members or vice versa, and maintain order and decorum in the meeting as provided by the Constitution and By-Laws and as directed by the District Commander. The District Sergeant At Arms shall also be in charge of the Colors.

DISTRICT HISTORIAN

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

ARTICLE III

ORGANIZATION COMMITTEES

A. STANDING COMMITTEES

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

- a. National Security
- b. Americanism
- c. Boy Scout
- d. Sons of the American Legion
- e. Veterans Affairs & Rehabilitation
- f. Baseball
- g. Oratorical Contest
- h. Membership & Organization
- i. Public Relations

Section 2. The Vice Commander shall be the Chairman of the Membership & Organization Committee.

Section 3. The Chairman of each Standing Committee shall be appointed by the District Commander.

Section 4. The duties of the Standing Committees shall consist of the duties normally appertaining thereto, and as may be assigned by the District Commander.

Section 5. A member of any Standing Committee may be removed for cause by the District Commander, subject to the approval of the District Executive Committee.

B. BUDGET AND FINANCE COMMITTEE

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

Section 2. The Budget and Finance Committee shall consist of three (3) members who shall be appointed by the District Commander. The committee shall serve during the same two (2) years as the District Commander. The District Commander, Finance Officer and Adjutant shall be ex-officio members of the committee and shall have voice but no vote. The District Adjutant shall be the secretary of the Budget and Finance Committee.

Section 3. All expenditures of money shall be referred first to the Budget and Finance Committee who shall consider same for approval and then present same at the next Executive Committee meeting and/or District Convention.

Section 4. The Budget and Finance Committee shall prepare an annual budget, after first considering the recommended budget given them by the District Finance Officer, and such annual budget to be prepared immediately before and submitted to the Fall District Executive Committee Meeting and/or District Convention.

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

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

C. CONVENTION COMMITTEES

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

1. Credentials and Rules
2. Resolutions
3. Convention City
4. Constitution & By-Laws

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

ARTICLE IV

CONVENTIONS

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

Section 2. In the District Convention, each Post shall be entitled to two delegates for the first fifteen members or less thereof. Each Post shall be entitled to one additional delegate for each 25 members or a major fraction thereof in excess of fifteen, who current dues have been received by the Department Headquarters and who are on the latest Department membership list, and one alternate for each delegate. Each delegate shall be entitled to one vote. The registered and certified delegates present at the District Convention may cast the total vote authorized for the Post.

Section 3. Every member authorized to represent a Post as a delegate or alternate to the District Convention may cast the total vote authorized for the Post.

Section 4. Every delegate must be a bona fide member of the Post, which they represent at the District Convention.

Section 5. All delegates registering at District Conventions shall be required to present their current, paid-up American Legion membership cards before being permitted to register.

Section 6. The registration fee at the District Convention shall be decided by the District Commander and the Host Post, and which shall be collected from every member who registers at the District Convention, except those members of contesting bands and Drum and Bugle Corps, and the Official District Color Guard (if any), which shall not exceed five persons.

Section 7. The election of the District commander shall be the last on the order of business at the appropriate District Convention.

Section 8. 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 Vice Commander will preside. If none of the officers are present at the opening of the Convention, the members of the convention will elect a presiding officer.

Section 9. If the appropriate convention shall fail to meet or to elect and install officers at the appointed time, those in office shall continue and exercise full authority until their successors are duly elected and installed.

Section 10. The program of the District Conventions shall be limited to two (2) days, including the opening date.

Section 11. A quorum for transaction of business at a District Convention shall consist of the representation and presence of at least six (6) of the Post that are a member of the District.

ARTICLE V

ELECTION OF OFFICERS

Section 1. The Commander, Vice Commander, Finance Officer, Sergeant at Arms, Service Officer, and any other officers provided under Section 2, Article IV of this District Constitution shall be elected at the appropriate District Convention and shall serve for a term of two years or until their successors are elected and installed. The Judge Advocate, Chaplain, Adjutant, and Historian shall all be appointed by the District Commander, but shall have no vote on the District Executive Committee. The District Commander and District Vice Commander elected to a full two-year term may not succeed themselves in office.

Section 2. In case of death or resignation of the District Commander or in case of the continued disability of the District Commander incapacitating them from performing the duties of their office, the Vice Commander shall exercise the duties of District Commander until the next election is held. In case of the death,

resignation, or continued disability of both District Commander and Vice Commander, a majority of the Post Commanders shall appoint a District Commander and/or District Vice Commander until the next District Convention at which time a District Commander and/or District Vice Commander shall be elected to fill the unexpired term. The vacancy, for any reason, of any of the other elected offices will be filled by election at the next District Convention. Anyone assuming an elective District Office for an unexpired term is not precluded from seeking such office at the next regular election for full term.

Section 3. The District Commander and other officers of the 21st District, The American Legion, Department of Texas, shall be elected in years of odd numbers as set out in Section (4)(2), Article IV of the Department Constitution.

Section 4. The District Commander and District Vice Commander shall be a member of a Post in the District from which elected and also shall be a resident of the District from which they are elected. Failure of the District Commander or District Vice Commander to comply with these provisions shall cause their office to be declared vacant by the Department Commander. Such vacancy shall be filled according the Section 2, above.

Section 5. All District Officers shall assume their respective duties at the time of the adjournment of the Department Convention. As soon as possible thereafter, the District Commander and District Finance Officer will take the necessary actions to change the names on the signature cards for all financial institutions holding any District funds.

ARTICLE VI

AMENDMENTS

These By-Laws may be amended at any District Convention by a favorable vote of 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 begin voted upon; and further provided that a record of the vote and the amendments shall 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 on the first day of the convention.

ARTICLE VII

BOND OF OFFICERS

The District Finance Officer and any other District Officer or Committee member who may handle funds, shall, before entering upon official duty, furnish a bond properly executed by themselves as principal and by the solvent surety company authorized to do business in Texas, in the sum of \$1,000.00 or as may be required by Section 1., Article VI of the National By-Laws, The American Legion; said bond to be approved by the District Judge Advocate and the Executive Committee and/or the

District Convention. The above bonds are to be retained in the custody of the District Adjutant. Premium on the bond is to be paid by the District.

ARTICLE VII

DELEGATES

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

ARTICLE IX RESOLUTIONS

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

ARTICLE X

RULES OF ORDER

All proceedings of this District, including conventions, shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein provided. Notwithstanding the foregoing, the Credentials and Rules Committee may prescribe rules for the orderly conduct of the District Convention.

ARTICLE XI

LIMITATIONS OF LIABILITIES

This District shall incur, or cause to be incurred, no liability or obligation whatsoever which shall subject to liability the Department of Texas, any other intermediate body, Post, subdivision, group of men or women, member of the American Legion, or other individuals, corporations, or organizations.

ARTICLE XII

DUTIES OF DISTRICT EXECUTIVE COMMITTEE

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

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

Section 3. The District Commander shall have power to call a special meeting of the District Executive Committee at any time, upon giving at least five (5) days written

notice of the time, place and purpose of same to all officers and members of the District Executive Committee

Section 4. Upon the written petition by not less than five (5) of the members of the District Executive Committee, the District Commander shall call said special meeting within not less than seven (7) days or more than fourteen (14) days after receipt of said petition, and said call shall be in writing to all member of the District Executive Committee and shall state the time, place and purpose of said special meeting. In the event that the District Commander, after receipt of such request, fails to call said special meeting, the District Adjutant shall call said meeting.

Section 5. All meetings of the District Executive Committee shall be open to any Legionnaire who is a member of a Post in the District unless such attendance is restricted in the written notice thereof by authority of the Department of Texas, and a digest of all proceedings shall be furnished to all District Officers, Committee Chairman, and Commanders on request. Only the elected District Officers and Post Commanders are entitled to vote.

DISTRICT CERTIFICATE

We, the following Officers of the 21st District, Department of Texas, The American Legion, hereby certify that the foregoing Constitution and By-Laws, after due notice was given, was revised and adopted by the certified delegates sitting a Convention at Bandera, Texas, on this 22d day of March, 2020, A.D.

WILLIAM J. BESS. JR
DISTRICT COMMANDER

ATTEST:

SUSAN JUNKER
DISTRICT ADJUTANT

DEPARTMENT CERTIFICATE

Passed on by Department Judge Advocate on the ____ day of ____, 2019 A.D., and approved by the Department Executive Committee on the __ day of ____, 2019 A.D.

Dan Corbin
DEPARTMENT JUDGE ADVOCATE