

Office of  
Department Adjutant



## THE AMERICAN LEGION, Department of Texas

1624 East Anderson Lane  
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September 25, 2016

22<sup>nd</sup> District Commander  
Jimmy Mitchell  
PO Box 1167  
Fresno TX 77545

Dear 22<sup>nd</sup> District Commander:

Enclosed please find the Constitution and By-Laws for the American Legion 22<sup>nd</sup> District, The American Legion, Department of Texas, as approved by the Department Executive Committee on September 25, 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: Bryan D. Coleman,  
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws



## 22<sup>ND</sup> District

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The American Legion

Department of Texas

September 10, 2016

The American Legion  
Department of Texas  
P.O. Box 140527  
Austin, Texas 78714  
Attn: Department Adjutant

Attached is the revised Constitution and By-Laws of the 22<sup>nd</sup> District.

Subject Constitution and By-Laws was read and approved by the Post Commanders and members of the 22<sup>nd</sup> District, on this day.

FOR GOD AND COUNTRY,

Danny L. King  
Adjutant  
22<sup>nd</sup> District

Jimmy Mitchell  
Commander  
22<sup>nd</sup> District



22<sup>ND</sup> District

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Jimmy Mitchell  
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CONSTITUTION  
AND  
BY-LAWS  
OF  
THE TWENTY-SECOND DISTRICT  
THE AMERICAN LEGION  
DEPARTMENT OF TEXAS  
Revised: September 10, 2016

**CONSTITUTION  
OF  
THE TWENTY-SECOND 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.

**ARTICLE I - NAME**

**Section 1.** The name of this organization shall be The Twenty-Second District, THE AMERICAN LEGION, DEPARTMENT OF TEXAS.

**Section 2. FRANCHISEMENT.** The Twenty-Second District, The American Legion, Department of Texas, is a non-profit organization, which is an integral part of the Department of Texas as provided by the BYLAWS of the CONSTITUTION of the Department of Texas.

**ARTICLE II- MEMBERSHIP**

**Section 1.** All American Legion Posts in good standing with The American Legion, Department of Texas, Twenty-Second District, shall comprise the membership of the Twenty-Second District, The American Legion, Department of Texas.

**ARTICLE III - PURPOSE**

**Section 1.** The objectives and purposes of this District shall be to promote the principles and policies set forth in the foregoing Preamble, with the Department of Texas Constitution and Bylaws and with the National Constitution of The American Legion.

**Section 2.** The Twenty-second District of The American Legion, Department of Texas, 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.

#### **ARTICLE IV - OFFICERS**

**Section 1.** The elective officers of the Twenty-Second District shall consist of a District Commander, a Vice Commander, an Adjutant, a Finance Officer, Judge Advocate, Historian, and a Sergeant at Arms.

**Section 2.** The following shall be appointed by the District Commander and must be approved by the District Executive Committee: Chaplain, Service Officer, Public Relations Officer, Assistant Sergeant-At-Arms, District Hubmaster, and District Webmaster.

#### **ARTICLE V – CONVENTIONS**

**Section 1.** The District shall hold at least one (1) convention each year in the spring or at the call of the District Commander. The exact time shall be fixed by the District Commander not less than 30 days in advance of the convention. The place shall be fixed by the preceding convention of the District after the Convention City committee has made its recommendations. 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 an emergency, the District Commander may change the date or the place of the convention.

#### **ARTICLE VI - BY-LAWS**

**Section 1.** This organization shall be governed according to By-Laws adopted at Conventions, and shall not conflict with the provisions of this Constitution nor the provisions of the Constitution of The American Legion, Department of Texas, nor the provisions of the National Constitution of The American Legion.

#### **ARTICLE VII – AMENDMENTS**

**Section 1.** This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department of Texas. 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 the conflict.

**Section 2.** 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 3.** It is further provided that the proposed amendments shall have been read at such convention at least four hours before being voted upon; and further provided that a record of the vote and the amendments shall be preserved.

**Section 4.** All proposed amendments to the Twenty-Second District Constitution must be presented to the Chairman of the Twenty-Second District Constitution and By-Laws Committee of the Convention by noon of the opening day of the Convention business session.

**BY-LAWS  
OF  
THE TWENTY-SECOND DISTRICT  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**

**ARTICLE 1**

**Section 1.** The District Headquarters shall be in the City of Houston Metropolitan area, unless changed by the District Convention.

**ARTICLE II- DISTRICT EXECUTIVE COMMITTEE**

**Section 1.** The Twenty-Second District Executive Committee shall consist of the Officers set out in Article IV, Section 1, of the District Constitution, the immediate Past District Commander, and the Post Commander and one member from his/her Post appointed by the said Post Commander of each member Post of the Twenty-Second District; all of whom shall have voice and vote. The appointed officers set out in Article IV, Section 2, of the District Constitution shall have voice but not vote.

**Section 2.** All vacancies, except Post Commanders or post representatives thereof, existing in the Executive Committee, or in any office of the District, from any cause other than the expiration of the terms, shall be filled by a majority vote of the remaining members of the Committee. The new appointee shall hold office for the unexpired term of the member of the Committee or Officer who he/she succeeds. A vacancy shall exist when a member or officer is absent from his/her District duties for a continuous period considered detrimental to the interest of the District by the Executive Committee.

**Section 3.** All Posts in the Twenty-Second District must be members of the Twenty-Second District Executive Committee as provided by the Department of Texas Constitution.

**Section 4.** It shall be the responsibility of each Post Commander in the District to see to it that his/her Post is represented at each regular or called meeting of the District. Posts not providing representatives at 3 consecutive Executive Committee Meetings will be sent a letter signed by the District Commander stating they are in non-compliance to the 22<sup>nd</sup> District Constitution and By-laws.

**Section 5.** A quorum for transaction of business at any Executive Committee meeting shall consist of a combined minimum number of 10 members of the member Posts and District Officers.

## ARTICLE III - DUTIES OF OFFICERS

### **Section 1. Duties of The District Commander**

- a. The District Commander shall be the executive head of the District.
- b. It shall be the duty of the District Commander to see that the Constitution and By-Laws of the District, the Department and the National Organization are strictly observed and that the District Officers properly execute their duties. The District Commander shall have full power to enforce the provisions of the District Constitution and By-Laws and mandates of the District Convention(s).
- c. It shall be the duty of the District Commander to make a report of his/her activities to the membership at each District Convention.
- d. The District Commander shall be a member of the District Executive Committee. He/She shall notify all members of the District Executive Committee of the time and place of all regular and called meetings at least five days prior to such meetings. He/She must inform members of the reason for the called meetings and subjects to be discussed at the time of the call. He/She shall preside over meetings of the District Executive Committee.

**Section 2. The District Vice Commander** shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the District Commander. He/She shall be a member of the Executive Committee and shall perform such other duties as may be assigned by the Executive Committee and/or the District Commander. He/She shall be Chair of the District Membership Committee.

### **Section 3. Duties of the District Adjutant:**

- a. All proceedings of the District Conventions, District regular meetings or called meetings are to be drawn up in proper form and permanently recorded by the District Adjutant. All proceedings of the District Convention shall be forwarded to the Department Adjutant within 10 days after said convention.
- b. All petitions, reports, appeals, returns, and other communications at the Conventions, regular meetings, or called meetings are to be delivered to the District Adjutant and the District Adjutant shall see that they are filed in an orderly manner and carefully preserved.
- c. He/She 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 appointment to any duty.



- d. He/She shall keep an accurate list of all Posts and Officers of the same, and shall supply all District Officers with this list.
- e. He/She shall correspond with Posts and members in the District and perform such other duties incidental to this office as the District Commander may direct.
- f. The District Adjutant shall attend all 22<sup>nd</sup> District meetings.

**Section 4. Duties of the District Finance Officer:**

- a. The District Finance Officer shall receive all monies due the District from any source, giving his/her receipt thereof, and shall enter same in regular accounts with the purpose for which intended.
- b. He/She shall make distributions only on legal orders from the District Executive Committee, on checks to bear his/her signature. In case of a documented emergency, the District Commander may sign for the Finance Officer.
- c. He/She shall make a report at Conventions and all regular meetings or as requested by the District Commander or the Executive Committee. A written copy of his/her report to include bank statements must be provided to the District Adjutant as an enclosure to the meeting minutes.
- d. He/She shall assure the District is bonded by a reputable bonding agency to cover a minimum of twice the financial assets of the Twenty-Second District.
- e. He/She shall perform such duties, in addition to those stated above, as may be required by the Twenty-Second District Executive Committee.
- f. Upon election of a new or temporary Finance Officer due to the normal election process or due to unforeseen circumstances, illness or death, an audit will be conducted within 14 days of the newly elected or temporarily appointed Finance Officer taking office.

**Section 5. The District Sergeant at Arms** shall be present at all conventions, regular meetings and called meetings and it shall be the District Sergeant at Arms duty to carry all messages from the District Commander to any other officers or members, or vice versa, and to maintain order and decorum in the meetings as provided in the District Constitution and By-Laws, and as directed by the District Commander. He/She is in charge of the District Colors.

**Section 6. The District Chaplain** shall be charged with the spiritual welfare of the District, attending all District meetings and Conventions which shall be opened and closed with Divine, but nonsectarian prayer. The District Chaplain shall also perform such other duties as may be assigned by the District Commander.

**Section 7. The District Judge Advocate's** duty is to pass on the legality of all documents and all questions of a legal nature and to render his/her opinion on the same. He/She will obtain necessary legal counsel for the district if requested and approved by the District Executive Committee.

**Section 8. The District Service Officer** shall perform all of his duties of office as they pertain to the Twenty-Second District. He/She shall offer his/her services and advice to Service Officers of the Posts within the District. If at all possible the Service Officer should be nationally certified. He/She shall perform such other duties as may be assigned to him/her by the District Commander.

**Section 9. The Public Relations Officer** shall disseminate news, publicity, and information to the various news media in the District to the end that the image of The American Legion is kept on a high plane in the general public's view. He/She shall release all official news of the District's activities through his/her office at the direction of the District Commander and/or District Executive Committee.

**Section 10. The District Historian** shall keep an accurate history of the principle events pertaining to the District, and members thereof, and shall perform such other duties as may be assigned to him/her by the District Commander and/or the Executive Committee.

**Section 11. The District Hubmaster** shall distribute appropriate communications from Department, Division, and the 22<sup>nd</sup> District to post hubmasters in the District. He/she shall also send out appropriate communications from posts to the 22<sup>nd</sup> District Commander, Division, or Department.

**Section 12. The District Webmaster** shall establish and maintain a current District Web site. He/she is authorized to place information that affect our membership; district meeting minutes; current officers, current information of 22<sup>nd</sup> District Posts, and other information approved by the District Commander.

**Section 12. Duties of the Executive Committee**

- a. Between District Conventions, the administrative powers of the District shall be vested in the District Executive Committee.
- b. The District Executive Committee shall hold meetings between conventions when the affairs of the District require such meetings. The place, date and time of such meetings shall be determined by the District Commander.
- c. The District Executive Committee may be called to meet by order of the District Commander, or on a call for a meeting being duly drawn up and signed by seven members of the Committee, each of whom represents a different post within the District. Upon receipt of such a request, if the Commander refuses to call a meeting of the Executive Committee, then the seven members, acting as a committee, shall be empowered to issue the call for the required meeting.

- d. In calling meetings of the Executive Committee, the District Commander shall notify the membership of the date and place of the meeting at least five (5) days in advance of such meetings and shall also advise the membership of the reason for the call and subjects to be discussed at the meeting.
- e. Any elected officer, except the District Commander, may be removed or suspended at an Executive Committee meeting by two-thirds vote of the members, provided that the officer shall have been served with a written statement of the complaint at least fifteen (15) days before such vote shall be taken, and shall have the opportunity to be heard at the Executive Committee meeting. The District Commander, on recommendation of a majority of the Post Commanders in the District, may be suspended, pending a hearing by the Department Executive Committee.
- f. Any appointment approved by the Executive Committee may be terminated by the Committee, by majority vote.
- g. All meetings of the District Executive Committee shall be open to any Legionnaire who is a member of a Post in the Twenty-Second District, and minutes with attachments, of all proceedings, shall be furnished to all District Officers, Committee Chairs, and Post Commanders on request.

#### ARTICLE IV - COMMITTEES

**Section 1.** The Committees of the Twenty-Second District shall consist of the following:

- a. **District Convention Committees shall be:** Constitution and By-Laws, Convention Credentials & Rule, Convention City, and Resolutions.
- b. **Standing Committees shall be:** Baseball, Boys State Boy Scouts and Sons of The American Legion, Community Service, Foreign Relations, Law and Order, Membership, National Security, Oratorical, Training, School Awards, Veterans Affairs and Rehabilitation (VA&R), and Veteran Affairs Volunteer Services (VAVS).
- c. **Special Committees:** The Twenty-Second District Commander shall have the authority to appoint such special committees to serve for a period not to exceed his/her respective term of office, and as may be authorized by the Executive Committee. The District Commander may further appoint such other necessary Convention Committees not otherwise provided.

**Section 2.** All committees shall be appointed by the District Commander and serve for a period not to exceed his/her term of office. He/She shall designate a Chair of each committee. The duties of said committees shall consist of those normally appertaining thereto or as assigned by District Convention and/or District Commander.

**Section 3.** All committees shall cooperate with other respective and like committees and with Department and National Commissions and Committees.

### **ARTICLE V – SUBSIDIARY ORGANIZATIONS**

**Section 1.** The “American Legion Erna and Albert Siegmund Child Welfare & Rehabilitation Foundation”, and the Trust Agreement creating same, is recognized as a subsidiary of the Twenty-Second District, Department of Texas, The American Legion. In accordance with said subsidiary organization’s Trust Agreement, dated June 1, 1967, executed by H.J. Bernard, Executor of the Estate of Erna Siegmund as Donor, and the original named sixteen (16) Trustees (from both the 8<sup>th</sup> and 22<sup>nd</sup> Districts) named herein. Article VI, the Foundation’s Trust shall be administered by members from the Twenty-Second District and Auxiliary and the Eighth District and Auxiliary, Department of Texas, The American Legion, as appointed under the provisions of Article VI of that certain “Trust Agreement” The 22nd District Commander shall appoint six (6) members thereto as provided in the Trust Agreement. The District Commander, or someone appointed by him/her, shall give a report on the status of the Siegmund Fund at District Conventions.

**Section 2.** The “Gavel Club of Greater Houston” is hereby recognized, ratified and provided for as a subsidiary of The Twenty-Second District, Department of Texas, and The American Legion. Said subsidiary organization shall be administered by the Officers and Executive Committee as set out in the Constitution of said subsidiary organization.

### **ARTICLE VI – AUXILIARY**

The American Legion Auxiliary, Twenty-Second District, Department of Texas, organized under the provisions of the National Constitution is a recognized Women’s Auxiliary of “The American Legion, Twenty-Second District, and Department of Texas.

### **ARTICLE VII – CONVENTIONS**

**Section 1.** District Conventions shall be composed of:

- a. The District Commander and District Officers, none of whom, except the District Commander, shall be entitled to vote unless duly elected as a delegate to the Convention by his/her Post, and;
- b. Duly elected delegates from the Posts in the district.

**Section 2. Delegates**

- a. 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 twenty-five members or major fraction thereof in excess of fifteen, whose current dues have been received by the Department Headquarters thirty days prior to the date of said convention and one alternate for each delegate.

- b. The Department Adjutant provides the District Commander a verified copy of the voting strength of each Post in the District prior to the District Convention.
- c. Each elected delegate must be a member in good standing of the Post which he/she represents at the District Convention.
- d. All delegates registered at District Conventions may be required to present their current Paid-up American Legion Membership card before being permitted to register.
- e. Post Credential's Chairs must submit a completed and signed Delegate Certification form containing all elected delegates and alternates from his/her post to the District Convention Credentials Chair upon arrival to the Convention Site.
- f. The registered and certified delegates present at the District Convention are the only ones eligible to vote with their Post delegation.
- g. The registration fee for delegates at District Conventions held at a Post shall not exceed twenty dollars (\$20.00). The Pre-registration fee for delegates at District Conventions held at a hotel shall not exceed twenty-five (\$25.00). If the said convention is held at a hotel, the on-site registration fee shall not exceed thirty dollars (\$30.00). The exact amount to be charged at each convention shall be as recommended by the Convention Committee and approved by the District Executive Committee. Charges for extra activities other than dinner shall be approved by the District Executive Committee.

**Section 3.** The District Commander, if present, shall preside over the District Conventions, but may call the Vice Commander or delegate to the chair. In case of his absence at the opening of a convention, the convention members will elect a presiding officer.

**Section 4.** Parliamentary procedures of the Conventions and Meetings of the Executive Committee shall be governed by the appropriate American Legion Constitution and Bylaws and *Robert's Rules of Order, Revised*, when appropriate .

**Section 5.** A quorum for transaction of business at a District Convention shall consist of the representation of a majority (7 posts), which are members of the Twenty-Second District, The American Legion, Department of Texas.

**Section 6.** The voting strength, on roll call votes, of each Post shall be in accordance with Department Rules for the Department Convention. All voices or standing votes shall be by each 22<sup>nd</sup> District Post member present with voting rights. If requested by any delegate a roll call must be held on any question. Voting may be conducted by written, secret ballot, with each post having the number of votes certified at the convention. Every person voting must be present on the floor of the convention.

**Section 7.** The program of the District Convention shall be limited to two days, including the opening date.

**Section 8.** The election of officers shall be the last order of business at the appropriate District Convention.

**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 to exercise full authority until their successors are duly elected and installed.

**Section 10.** The provisions of these By-Laws shall become operative immediately upon adoption by the District Convention and subsequent approval by the Department of Texas. Immediately upon adjournment of the Convention at which these By-Laws are adopted all Posts in the District shall be notified by the District Adjutant of the changes in the Constitution and By-Laws, and shall be mandatory that all member Posts change their respective Constitution and By-Laws to conform thereto.

### **ARTICLE VIII – ELECTIONS**

**Section 1.** The Commander, Vice Commander, Adjutant, Finance Officer, Judge Advocate, Historian, and Sergeant-At-Arms 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.

**Section 2.** In case of death or resignation of the District Commander, or in case of continued disability of the District Commander, incapacitating him/her from performing the duties of his/her office, the Vice Commander shall exercise the duties of District Commander until the next election is held. In case of death, resignation, or continued disability of both the District Commander and the District Vice Commander, a majority of the Post Commanders of the District shall appoint a District Commander to serve until the next District Convention, at which time a District Commander and/or District Vice Commander shall be elected to fill the unexpired term.

**Section 3.** The District Commander and the other Officers of the Twenty-Second District, The American Legion, Department of Texas, shall be elected in terms of even numbered years.

**Section 4.** The District Commander and District Vice Commander shall be a member of a Post in the Twenty-Second District, and the only exception being set out in Article IV, Section 5 of the Department Constitution, and shall continue to be active therein during their tenure of office. Failure of the District Commander or District Vice Commander to

comply with these provisions shall cause his/her office to be declared vacant by the Department Commander. If the office of District Commander becomes vacant, the District Vice Commander will assume the office and the duties thereof until the next District Convention, at which time a District Commander shall be elected to fill the unexpired term. If the District Vice Commander fails to qualify, then a majority of the Post Commanders shall appoint a District Commander to serve until the next District Convention, at which time a District Commander and/or District Vice Commander shall be elected to fill the unexpired term.

**Section 5.** All elected and appointed officers as well as Committee Chairs shall be members in good standing in The American Legion and must provide the District Commander a copy of their DD-214 or other form of proof of service before being installed in to their respective office or chairmanship. The District Commander in turn will provide copies of this documentation to the Department Adjutant for file.

**Section 6.** All officers of the District shall assume their respective duties immediately following the Department Convention at which time the District Commander and other District Officers present are sworn in. The District Commander will swear in all new 22<sup>nd</sup> District Officers, not present at the Department Convention, at the first District Executive Committee meeting following the Department Convention

#### **ARTICLE IX –** **ENDORSEMENT OF CANDIDATES FOR OFFICE ABOVE DISTRICT LEVEL**

**Section 1.** The 22<sup>nd</sup> District shall not endorse any candidate for Department office, who is not, at the time of the endorsement, a member of The American Legion, Department of Texas, 22<sup>nd</sup> District.

#### **ARTICLE X – AMENDMENTS**

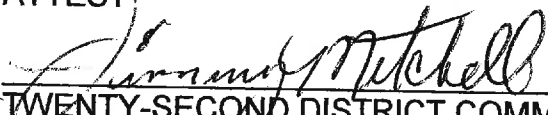
**Section 1.** These By-Laws may be amended at any District Convention by favorable vote of a two-thirds (2/3) of the total delegates on the floor. It is further provided that the proposed amendments shall have been read at such Convention at least four hours before being voted upon, and further provided that a record of the vote and the amendments shall be preserved. All proposed amendments to the By-Laws must be presented to the Chair of the Constitution and By-Laws Committee of the Convention by Noon of the first day of the Convention.


#### **ARTICLE XI – BONDS OF OFFICERS**

**Section 1.** The Finance Officer shall procure a bond for District Officers from a solvent surety company authorized to do business in Texas, in the sum of a minimum of two times the district monetary assets or a greater sum as directed by the Executive Committee of the Twenty-Second District. The bond is to be paid for by the Twenty-Second District.

PRESENTED FOR ADOPTION AND APPROVED BY THE DELEGATES TO THE TWENTY-SECOND DISTRICT CONVENTION, HELD IN PASADENA, TEXAS, ON THE 10<sup>th</sup> DAY OF SEPTEMBER 2016.

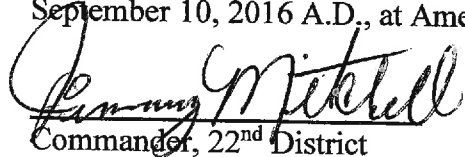
ATTEST

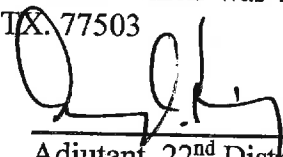
  
TWENTY-SECOND DISTRICT COMMANDER

  
TWENTY-SECOND DISTRICT ADJUTANT

CERTIFICATION

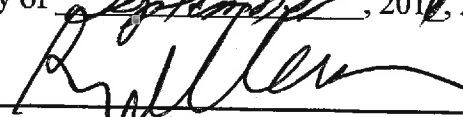
We, the following officers of the Twenty-Second District, The American Legion, Department of Texas, hereby certify that the foregoing Constitution and By-laws, as amended, after due notice was given to all members, and was adopted at the District Convention which was held on September 10, 2016 A.D., at American Legion Post 521, Pasadena, TX. 77503

  
Commander, 22<sup>nd</sup> District  
Department of Texas

  
Adjutant, 22<sup>nd</sup> District  
Department of Texas

DEPARTMENT CERTIFICATION

After review, the above amended Constitution of the Second Division, Department of Texas, was approved and passed upon by the Department of Texas Judge Advocate, Bryan A. Coleman and recommended for approval by Department Executive Committee, on this the 23<sup>rd</sup> day of September, 2016, A.D.

  
Department Judge Advocate

Be it duly noted that the Department of Texas Executive Committee approved same on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_, A.D, at the Texas State American Legion Convention, held in \_\_\_\_\_, Texas.

\_\_\_\_\_  
William West, Department of Texas Adjutant