

# THE AMERICAN LEGION, Department of Texas

1624 East Anderson Lane  
Austin, TX 78752

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



July 14, 2019

The American Legion 14<sup>th</sup> District  
John Schendel  
293 Alves Lane  
New Braunfels TX 78130

Dear 14<sup>th</sup> District Commander:

Enclosed please find the Constitution and By-Laws for the American Legion 14<sup>th</sup> District. The American Legion, Department of Texas, as approved by the Department Executive Committee on July 14, 2019.

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", written in a cursive style.

William West  
Department Adjutant

MTP: njb

CC: Dan Corbin,  
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws



# 14th DISTRICT

CONSTITUTION

and

BY-LAWS

OF

THE AMERICAN LEGION

MAY 21 2019  
RECEIVED



DEPARTMENT of TEXAS

REVISED APRIL 28, 2019

**CONSTITUTION and BY-LAWS**  
**14<sup>th</sup> DISTRICT**  
**THE AMERICAN LEGION**  
**DEPARTMENT OF TEXAS**

**ARTICLE I**  
**NAME**

The name of the organization is the 14<sup>th</sup> 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 14th District or within the area as may be designated at any time by the Department Executive Committee under Article IV, Section 4, of the Department Constitution, in good standing with The American Legion, Department of Texas; This shall comprise the 14th 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. 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 principals 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 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 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, a Vice Commander, Adjutant, Finance Officer, Judge Advocate, Chaplain, Sergeant at Arms, Historian and Service Officer.

Section 2. The District may through a formal vote of (2/3) of the recognized delegates at any of its conventions, provide additional officers, when not in conflict with Department and National Constitution and By-Laws. The term of office for such additional officers shall be for 2 years; with the exception as to the term being such when additional officers are provided 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 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 14th District may have an Executive Committee and if created, The Executive Committee of the 14th District shall consist of all the District officers and the Post Commanders of each member Post of the District, or in lieu of the Post Commanders, a suitable officer of the Post designated by the Post Commander to represent the Post at the meeting of the Executive Committee. A majority of the District Officers, plus (6) Post Commanders or representatives shall constitute a quorum.

**ARTICLE VI**  
**AUXILIARIES**

The American Legion Auxiliary, 14th District, Department of Texas organized under the provisions of the National Constitution is a recognized Ladies Auxiliary of the American Legion, 14th District, Department of Texas, and shall be governed by its own Constitution and By-Laws.

**ARTICLE VII**  
**DISCIPLINE, REVIEW AND APPEAL**

Section 1. The Discipline, Review and Appeal for all matters involving the 14th District shall conform to the general principals of ARTICLE III, ( I ), Section 9, of the Department of Texas, The American Legion By-Laws.

Section 2. Any officers may be removed or suspended for cause by a (2/3) vote of the Executive Committee of the District, 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 at least fifteen ( 15 ) days before the vote is to be taken; and until such Officer had an opportunity to be heard at a meeting called to take a vote.

**ARTICLE VIII**  
**CONVENTIONS**

Section 1. 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 ARTICLE IV, Section 4, (3) of the Department Constitution of the American Legion. 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 had 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 place of a convention.

**ARTICLE IX**  
**BY-LAWS**

This organization shall be governed according to the By-Laws adopted at the convention and said By-Laws are not to conflict with the provisions of this Constitution or the provisions of the Constitution 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 (2/3) two thirds of the total delegates votes on the floor.

Section 2. It is further provided that the proposed amendments shall have been read at such convention at least 1 hour before being voted upon; and further provided that a record of the vote and the amendment 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 by the first committee meeting of the convention.

# **BY-LAWS**

## **ARTICLE I**

The District headquarters shall be in the city of the residence of the District Commander.

## **ARTICLE II**

### **DUTIES OF THE OFFICERS**

#### **A. 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 the By-Laws of the District, Department and National American Legion are strictly observed and that the officers properly execute their duties. The District Commander shall have full power to enforce the provisions of the District Constitution and By-Laws and the mandates of the District Convention.

Section 3. It shall be the duty of the District Commander to make a report on the activities to the membership at each convention.

#### **B. 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. In the absence of the District Commander at a meeting, the Vice Commander shall take the place as the acting District Commander and shall perform all the duties of the District Commander.



### C. DISTRICT ADJUTANT

Section 1. All proceedings of the District Convention 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 30 days.

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

Section 3. The 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 Adjutant shall keep an accurate list of all Posts and Officers and shall supply all District Officers with this list.

Section 5. The Adjutant shall correspond with posts and members in the District and perform such other duties and incidental the office as the District Commander may direct.

Section 6. The District Adjutant shall attend all meeting 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 Adjutant shall be a member of the Executive Committee with voice but has no vote.

### D. DISTRICT FINANCE OFFICER

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

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

Section 3. The Finance Officer shall make a report at the District Convention 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 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 Finance Officer shall perform such duties in addition to those stated above, as may be required by the District Executive Committee and the District Convention.

#### E. DISTRICT JUDGE ADVOCATE

The District Judge Advocate shall supply professional advice in the conduct of the District business or to procure counsel. The Judge Advocate shall be a member of the Constitution and By-Laws Committee and shall assist the District in legal matters and shall further assist the Budget and Finance Committee in making an audit of the District finances and transactions, then report the said audit at the Fall District Convention.

#### F. DISTRICT CHAPLAIN

The District Chaplain shall be charged with the spiritual welfare of the convention and attending all meetings which shall be open and closed with divine but nonsectarian prayer. The District Chaplain shall also perform such other duties as may be assigned.

#### G. DISTRICT SERGEANT at ARMS

The District Sergeant at Arm shall attend all conventions and shall have the 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 meeting as provided by the Constitution and By-Laws and as directed by the District Commander. The Sergeant at Arms shall further be in charge of the colors and set up the meeting room.

#### H. DISTRICT HISTORIAN

The District Historian shall preserve and record all documents of historical events and data of the District, Post, and members from year to year. Shall further perform such other duties pertaining to the office as it may be determined by the District Commander and/or the District Executive Committee.

## I. SERVICE OFFICER

The District Service Office main function is to assist the Post Service officers in knowledge of VA laws and regulations pertaining to benefits for veterans.

1. The District Service officer is to assist the Department Service Officer in developing guidance in support of claims.

2. In medical emergencies where the District Service Officer deals directly with a VA official he must advise the Department Services Officer as soon as possible of action taken.

## ARTICLE III

### ORGANIZATION COMMITTEES

#### A. STANDING COMMITTEES

Section 1. The Standing Committees may consist of, but not being limited to the following: NATIONAL SECURITY, AMERICANISM, BOYS STATE, BASE BALL, ORATORICAL CONTEST, SONS OF THE AMERICAN LEGION, BOY SCOUTS, VETERANS AFFAIRS & REHABILITATIONS, MEMBERSHIP & ORGANIZATION, PUBLIC RELATIONS, AND CONSTITUTION AND BY-LAWS.

Section 2. The Vice Commander shall be a member of the Membership and Organization Committee. The Chairman of each Standing Committee shall be appointed by the District Commander subject to the approval of the Executive Committee and/or District Convention.

Section 3. The duties of the Standing Committees shall consist of the duties normally appertaining thereto, and 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 and/or District Convention.

## 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 (3) members who shall be appointed by the District Commander and shall be subject to the approval of the District Executive and/or District Convention. The initial committee shall be composed of one member to serve one year, one member to serve two years and one to serve three years. Thereafter, one member shall be appointed each year to serve for three years. The old term shall end and the new term will begin each year at the close of the Department Convention. The Chairman of the committee is to be designated by the District Commander. The District Commander, Finance Officer, 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 to the Budget and Finance Committee who will consider same for approval and present same to the next Executive Committee and/or District Convention.

Section 4. The Budget and Finance Committee shall prepare an annual budget, after 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 and/or District Convention.

Section 5. The Finance and Budget 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.

Section 6. The revenue of this District shall be derived from such source as may be approved by the District Executive Committee and/or District Convention.

Section 7. One signature shall be required on checks drawn on the District bank account with the District Finance Officer or District Adjutant authorized to sign checks. (Revised 1986).

## C. CONVENTION COMMITTEES

In addition to the Standing Committees, referred to above, the District shall designate, from the membership, the following Convention Committees; CREDENTIALS, RESOLUTIONS, CONVENTION CITY, CONSTITUTION & BY-LAWS and RULES. The District Commander shall designate a Chairman of each Committee prior to each convention. The duties of the said committees shall consist of those normally appertaining thereto or as assigned by the District Commander. All committees shall cooperate with other respective and like committees and with the Department and National Commission and Committees.

## ARTICLE IV

### CONVENTIONS AND COFFEE TOURS

#### A. CONVENTIONS

Section 1. District Convention shall be composed of:

- (a) The District Commander and District Officers, none of whom shall be entitled to a vote unless duly elected as a delegate to the convention by their Post.
- (b) The duly elected delegates from the Posts in the District.

Section 2. Delegates to the District Convention are as follows:

- (a) Each Post shall be entitled to two (2) delegates for the first (15) fifteen members and one additional delegate for each (25) twenty-five members or a fraction thereof.
- (b) Posts with less than (15) members shall be entitled to only one delegate.
- (c) Post members who are authorized by their post to be a delegate must be a current member whose current dues have been received by the Department Headquarters and who are on the latest membership list.
- (d) Posts shall be entitled to one alternate delegate for each delegate as mentioned above.

(f) Each duly registered delegate is entitled to one vote. The vote of any absent delegate shall be apportioned and shared equally on a pro-rata basis among the registered delegates on the floor at the time of voting. The balance after pro-rata shall be vote with the majority.

Section 3. Every member authorized to represent a Post as a delegate or an alternate to the District Convention shall be listed on a Credentials List. The Post Chairman of Delegation must certify the credential list to the Convention Credentials Committee, without this a delegate will not be recognized as a member of the Convention.

Section 4. All Delegates and members must register at a District Convention and shall be required to present a current paid up American Legion membership card before being permitted to register. The registration badge must be worn at all functions.

Section 5. The registration fee at a District Convention shall be set by the District Commander and the Host Post and which shall be collected from every member who registers at the District Convention. Of this One Dollar (\$1.00) of each registration shall be put in the District Fund to be used for Oratorical Contest and other expenditures recommended by the District Finance Committee and approved by the District Convention.

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 District Commander being absence at the opening of a convention, the Vice Commander shall preside. If none of the District Officers are present at the opening of the Convention the members of the convention shall elect a presiding officer.

Section 7. The election of a District Commander shall be the last order of business at the appropriate, convention.

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

Section 10. A quorum for transaction of business at a District Convention shall consist of the representation and presence of at least six (6) of the Posts that are members of the District.

Section 11. The District Commander may set the itinerary for a Coffee Tour and notify each post in the District of the schedule and ask the posts of the acceptance of the visit. If there is no reply by the Post there shall be no visit by the Coffee Tour, but the District Commander shall arrange a later time for a visit to every post in the District.

## ARTICLE V

### ELECTION and OFFICERS

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

Section 2. In case of a death or resignation of the District Commander or in the case of continued disability of the District Commander incapacitating to perform the duties of the office, the Vice Commander shall exercise the duties of the District Commander until the next election is held. In case of a death, resignation, or continued disability of the District Commander and Vice Commander, 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 a District Vice Commander shall be elected to fill the unexpired term. The same procedure shall apply to a vacancy for any reason, of any of the elected officers. Anyone assuming an elective District Office or an unexpired term is not precluded from seeking such office at the next regular election for a full term.

Section 3. The District Commander and other Officers of the 14th District, the American Legion, Department of Texas shall be elected in the years of EVEN number, as set out in Section 4. (2), Article IV of the Department Constitution.

Section 4. The District Commander and Vice Commander shall each be a resident of the District and shall be a member of a Post within the District and the only exception being set out in Section 5, Article IV of the Department Constitution, and shall continue to reside therein and spend a major portion of their time therein during the tenure of office.

Failure of the District Commander or District Vice Commander to comply with these provisions shall cause the office to be declared vacant by the Department Commander, and such vacancy shall be filled as provided in Section 2 above.

Section 5. All District Officers shall assume their respective duties at the time of adjournment of the Department Convention.

## **ARTICLE VI**

### **AMENDMENTS**

These By-Laws may be amended at any District Convention by a favorable vote of two third (2/3) majority of the total delegates vote on the floor. It further provides that the proposed amendments shall have been read at such convention at least one hour before being voted upon; and further provides 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 by the first committee meeting of the Convention.

## **ARTICLE VII**

### **BOND of OFFICERS**

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



**ARTICLE VIII**  
NATIONAL CONVENTION DELEGATES

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

**ARTICLE IX**  
RESOLUTIONS

All Resolutions of Department or National scope presented to this District shall merely embody the opinion of this District on the subject, and a copy of same shall be forwarded to the Division and the Department Headquarters for approval before any publicity is given or taken, other than its approval by the District.

**ARTICLE X**  
RULES OF ORDER

All proceedings of this District, including convention, shall be conducted under the pursuant to the current Robert's Rules of Order, Newly Revised, except as herein provided. Not with standing, the foregoing 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 nor obligations whatsoever which shall subject to liability the Department of Texas, any other Intermediate Body, Post, Subdivision, Group of Men or Women, Members of the American Legion, or other individuals, corporations or organizations.

**ARTICLE XII**  
DUTIES of DISTRICT EXECUTIVE COMMITTEE

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

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

Section 3. The District Commander shall have the 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 and place and purpose of the same to all officers and members of District Executive Committee.

Section 4. Upon written petition by not less than five (5) of District Executive Committee, requesting a special meeting of the District, the District Commander shall call said special meeting within not less than seven (7) days nor more than fourteen (14) days after the receipt of said petition, and said call shall be in writing to all members of the District Executive Committee and shall state 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, then the District Adjutant shall call said special 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 a written notice thereof by authority of the Department of Texas and a digest of all the proceedings shall be furnished all District Officers, Committee Chairmen and Commander on request. Only the elected District Officers and Post Commanders are entitled to a vote.

### **DISTRICT STANDING RULES**

The 14th District annual Oratorical contest awards shall be in an amount designated by the District Executive Committee for the following: 1st Place, 2nd Place and 3rd Place.

a. A request for a check shall be made to the District Finance Officer by the school of the winner choice. The check shall be made out to the School and Winner of the award.

b. No raffles shall be held at the 14th District convention except those held by the Oratorical Committee and the host post.

**CONSTITUTION and BY-LAWS  
REVISIONS and APPROVALS**

|                            |                               |   |
|----------------------------|-------------------------------|---|
| 14th Dist Convention.      | March 27,1983                 | Elroy Peters, 14 th Judge Advocate      |
| Department of Texas 14th   | July 15,1983                  | John S. Brukner, Judge Advocate         |
| Dist, Convention,          | Bishop October 27,1991        | Elroy Peters, 14th Dist Judge Advocate  |
| Department of Texas        | February 1, 1992              | Ronald P McCluskey, Judge Advocate      |
| 14th Dist Conv. Rockport   | October 16,1994               | Elroy Peters, 14th Dist Judge Advocate  |
| Department of Texas        | Jan. 31,1995                  | William J. Kershner, Judge Advocate     |
| 14th Dist Conv. Alice      | October 15,1995               | Elroy Peters, 14 Dist Judge Advocate    |
| Department of Texas        | February 2,1995               | John S. Brukner, Judge Advocate         |
| 14th Dist Conv. Kingsville | October 13, 1996              | Elroy Peters, 14th Dist Judge Advocate  |
| Dept of Texas              | February 1,1997               | Julian Weisler, Judge Advocate          |
| 14th Dist. Conv, Gonzales  | April 11,1999                 | Elroy Peters, 14th Dist. Judge Advocate |
| Dept of Texas              | Feb 1, 1999                   | Julian Weisler, Judge Advocate          |
| 14th Dist Conv., Gonzales  | April 18 <sup>th</sup> , 2004 | Elroy Peters, 14th Dist. Judge Advocate |

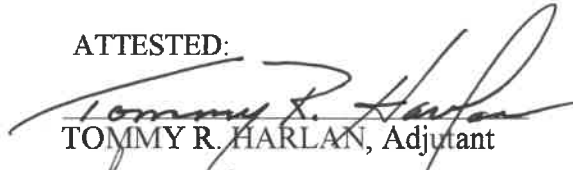
**DISTRICT CERTIFICATE**

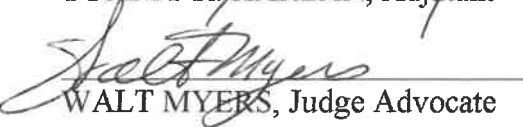
2.

We the following officers of the 14th District, Department of Texas, The American Legion, Hereby certify that the foregoing Constitution and By-Laws after due notice was given of changes, was adopted by the certified delegates sitting in a convention held in New Braunfels, Texas on this 22nd day of April, 2018, A.D.

  
\_\_\_\_\_  
JOHN R. SCHENDEL, Commander

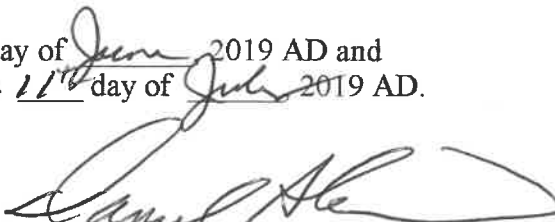
ATTESTED:

  
\_\_\_\_\_  
TOMMY R. HARLAN, Adjutant

  
\_\_\_\_\_  
WALT MYERS, Judge Advocate

**DEPARTMENT CERTIFICATE**

Passed on by the Department Judge Advocate this 23<sup>d</sup> day of June 2019 AD and approved by the Department Executive Committee on this 11<sup>th</sup> day of July 2019 AD.

  
\_\_\_\_\_  
Department Judge Advocate

Following changes were made to the 14th Dist. Constitutions & By Laws July 2, 2018:

Article I, Constitution – Changed “shall be” to “is.”

Made several spelling corrections and punctuation additions and deletions throughout both the Constitution and By-Laws.

Article XII, Duties of District Executive Committee – Changed 1<sup>st</sup> paragraph to eliminate monetary amounts of Scholarships.



14<sup>th</sup> District Judge Advocate