

Office of  
Department Adjutant



txlegion.org

## THE AMERICAN LEGION, Department of Texas

3401 Ed Bluestein Blvd.  
Austin, TX 78721

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

July 13, 2014

2<sup>nd</sup> Division Commander  
939 Usener St  
Houston, TX 77009

Dear 2<sup>nd</sup> Division Commander:

Enclosed please find the Constitution and By-laws for the American Legion 2<sup>nd</sup> Division of the American Legion, The American Legion, Department of Texas, as approved by the Department Executive Committee on July 13, 2014.

If you have any questions, please feel free to call me.

"Still Serving America"

A handwritten signature in dark ink, appearing to read 'William West', is written over a horizontal line.

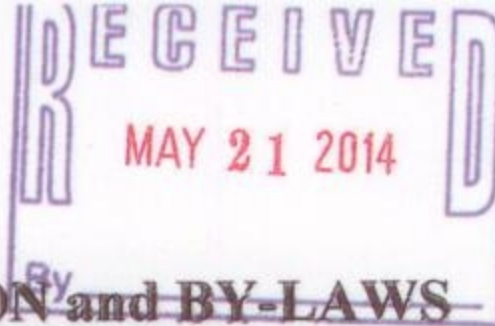
William West  
Department Adjutant

MTP: njb

CC: Steve Watkins,  
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws





**CONSTITUTION and BY-LAWS  
OF THE SECOND DIVISION  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**

---

**CONSTITUTION**

**ARTICLE I – NAME**

The name of this organization shall be the Second Division, The American Legion, Department of Texas, and is an integral part of The Department of Texas. The headquarters of this Division shall be in the city where the Division Commander resides.

**ARTICLE II – PURPOSE**

The purpose of this organization is to perform all the functions of a Division as provided by the Constitution and By-Laws and Rules and Regulations of The American Legion, Department of Texas.

**ARTICLE III – MEMBERS**

All American Legion Posts within the 2<sup>nd</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup> and 22<sup>nd</sup> Districts of Texas, in good standing with the American Legion, Department of Texas, shall comprise the membership thereof.

**ARTICLE IV – OFFICERS**

The Officers of the Division shall be a Commander, Adjutant, Chaplain, Finance Officer, Service Officer, Judge Advocate, Historian and Sergeant-At-Arms. The Division may, through affirmative vote of two-thirds (2/3) majority of recognized delegates at any one of its conventions, provide additional Officers, when not in conflict with the Department and National Constitution and By-Laws.

**ARTICLE V – AMENDMENTS**

The Constitution may be amended at any Division Convention by a two-thirds (2/3) majority roll call vote of the authorized representation present. Provided further that a record of the Vote on all amendments be made a part of the minutes of the Convention.

**BY-LAWS**

**ARTICLE I – CONVENTION**

**Section 1.** The Division will hold at least one (1) Convention each year at the call of the Division Commander, and as soon as practicable thereafter, the Division Adjutant shall transmit a copy of the proceedings to the Department Adjutant. Upon failure or refusal of the Commander to call a Division Convention on written request of a Post in the Division, any eighteen (18) Posts from at least three (3) Districts in the Second Division, may unite in calling a Division Convention and such Convention shall be recognized as being duly constituted – provided all Posts of the Division have been notified in writing and a quorum, as required by the Constitution and By-Laws, is present at such convention.



**Section 2.** The registration fee for the Second Division Convention shall be set by the Host Post, with the express consent of the Division Commander.

**Section 3.** The Division Commander, or the Division Adjutant, as he may direct, shall notify all Posts of the date and place not less than three (3) weeks prior to a convention.

## **ARTICLE II – ELECTION OF OFFICERS**

The Division Commander shall be nominated and elected at the Division Convention and shall serve for a period of one (1) year as provided by the Department By-Laws. The Division Command, starting in 1976, will be rotated among the assigned Districts in the following order: District 7 - 8 - 6 - 22 - 11 - 2. The District not supplying an endorsed candidate from their District will forfeit their turn, and the Division Commander will be elected by the delegates present at the Division Convention. Notwithstanding the above rotation, anyone may be nominated from the floor. In a case of a vacancy, the Department Executive Committee will appoint a Commander to serve the balance of the term. The Division Commander will appoint the Division Adjutant, Division Chaplain, Division Judge Advocate, Division Sergeant at Arms, Division Service Officer and VAVS Representative, Division Membership and Organization Chairman, Division Boys State Chairman, Division Baseball Chairman, Division Boy Scouts Chairman, Division Sons of the American Legion Chairman and Division Oratorical Contest and School Awards Chairman.

## **ARTICLE III – DELEGATES**

Each Post shall elect or select delegates to the Division Convention in accordance with Department and National Constitution and By-Laws, who shall be certified by Post Officials. Delegates may only be elected and certified by their respective Posts. If the Post does not submit a list of certified delegates in accordance with its by-laws said post will have no delegates at the Convention. The Credentials Committee may not appoint nor recommend seating as delegates any person not certified by their Post.

## **ARTICLE IV – COMMITTEES**

**Section 1.** At Division Conventions, the Commander shall appoint committees on Credentials, Rules, Resolutions, Constitution and By-Laws, and such other committees as are deemed to be advisable, and which committees shall consider such matters as may be referred to it and report their recommendations to the Convention.

**Section 2.** A permanent Oratorical Committee is hereby authorized and approved as a program of the 2<sup>nd</sup> Division. Said Committee shall be administered by six (6) committee members who, for the first year, shall be appointed, one from each District for staggered terms of 1, 2, 3, 4, 5 & 6 years, by the incoming Division Commander. Thereafter, the incoming 2<sup>nd</sup> Division Commander shall appoint a 6-year committeeman to take the place of the previous 1-year committeeman, and such 6 year appointment being from the District corresponding to the previous 1 year term. This standing committee, which shall be called "The Austin C. McElfish Oratorical Fund", shall have the power to raise funds for the purpose of setting up 2<sup>nd</sup> Division Oratorical bank account(s) to be used solely for the expenses, awards and scholarships attendant to the 2<sup>nd</sup> Division Oratorical Contest; and thereafter, for the expenses and awards to the Department Oratorical Contest. The Committee shall elect a Chairman, Secretary and Treasurer, and said committee shall meet as often as is necessary to carry out the purposes of the committee at the call of the Committee Chairman or the 2<sup>nd</sup> Division Commander, who shall be an ex-officio member of said committee without vote, but with the right to speak. However, in the event of a tie vote, the 2<sup>nd</sup> Division Commander shall have a vote to break such a tie. Expenditures of funds at any time between



Division Conventions must be approved by the 2<sup>nd</sup> Division Commander. All checks, withdrawals and transfers of any kind must be by the signature of at least two (2) committeemen, one of which signatures must be the Treasurer's. Said Committee shall report to the 2<sup>nd</sup> Division membership at the Annual 2<sup>nd</sup> Division Convention, giving an accounting of monies made or expended and the carrying out of the committee's purposes.

**Section 3.** A permanent Boy Scout Committee is hereby authorized and approved as a program of the 2<sup>nd</sup> Division. Said Committee shall be administered by six (6) members, who, for the first year, shall be appointed, one from each District, for staggered terms of 1, 2, 3, 4, 5, and 6 years, by the incoming 2<sup>nd</sup> Division Commander. Thereafter, the incoming 2<sup>nd</sup> Division Commander shall appoint a 6 year appointment being from the District corresponding to the previous 1 year term. This standing committee, which shall be called "The Verne (Red) Berridge Memorial Boy Scout Fund", shall have the power to raise funds for the purpose of setting up a 2<sup>nd</sup> Division Boy Scout bank account to be used solely for the betterment of the overall Boy Scout Program, including, but not limited to, the expenses, awards and scholarships attendant to the 2<sup>nd</sup> Division, the Department of Texas, and the National American Legion "Eagle Scout of the Year" contests. The committee shall elect a Chairman, Secretary and Treasurer each year, and said Committee shall meet at the annual 2<sup>nd</sup> Division Convention, and as necessary to carry out the purposes of the program at the call of the Committee Chairman or 2<sup>nd</sup> Division Commander, who shall be a member of said Committee with limited right to vote only in case of a tie vote; and with right to speak. Expenditures of funds at any time between 2<sup>nd</sup> Division Conventions must be approved first by the 2<sup>nd</sup> Division Commander. All checks, withdrawals, and transfers of any kind must be by the signature of at least two (2) Committeemen, one of which signatures must be the Treasurer's. Said Committee Chairman or other delegated Committeeman shall report to the 2<sup>nd</sup> Division Convention giving an accounting of monies raise, made or expended, and the carrying out of the Committee's purposes.

## **ARTICLE V – VOTING STRENGTH**

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 2<sup>nd</sup> Division Post member present and voting, provided upon request of any delegate 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.

## **ARTICLE VI – QUORUM**

An attendance of representatives of five percent (5%) of the Posts in the 2<sup>nd</sup> Division shall constitute a quorum of the Division for all purposes.

## **ARTICLE VII – FUNDS AND BANK ACCOUNT**

7) The 2<sup>nd</sup> Division Commander and 2<sup>nd</sup> Division Adjutant shall create and maintain a bank account in the name of "2<sup>nd</sup> Division-Department of Texas American Legion, where surplus funds may be retained and transferred to any incoming Commander and Adjutant, which sum shall not exceed Five Thousand and No/100 (\$5,000.00) Dollars; and any monies coming into the 2<sup>nd</sup> Division, by any manner, shall be deposited in said account, which shall require the signatures of the Commander and Adjutant to make withdrawals therefrom. At any time when the amount in said account shall be greater than \$5,000.00, at the conclusion of any convention of the 2<sup>nd</sup> Division, the surplus therein shall be divided equally between the permanent Boy Scout committee and the permanent Oratorical committee, for use as prescribed above. The 2<sup>nd</sup>



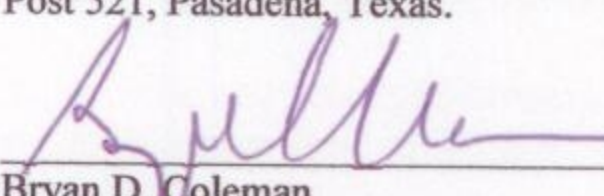
Division Commander and 2<sup>nd</sup> Division Adjutant, upon assuming the position at the conclusion of the Texas Department Convention, may determine the bank wherein the 2<sup>nd</sup> Division account shall be maintained for the year when such persons shall occupy the said offices.

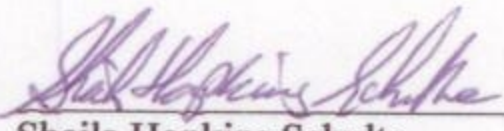
### ARTICLE VIII – AMENDMENTS

These By-Laws may be amended at the 2<sup>nd</sup> Division Convention by a two-thirds (2/3) majority roll call vote of the authorized representation present. Provided further than a record of the vote on all amendments shall be made a part of the minutes of the Convention.

### CERTIFICATION

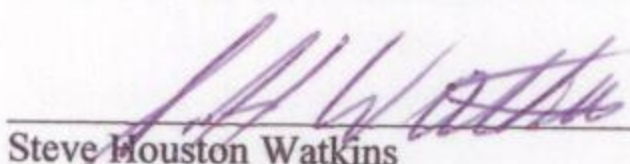
We, the following officers of the Second Division, The American Legion, Department of Texas, hereby certify that the foregoing Constitution and By-laws, as amended, after due notice was given to all members, and was adopted at the Division Convention which was held on the 27<sup>th</sup> of April, 2014, A.D., at Edward H. White II American Legion Post 521, Pasadena, Texas.

  
Bryan D. Coleman  
Commander, 2<sup>nd</sup> Division  
Department of Texas

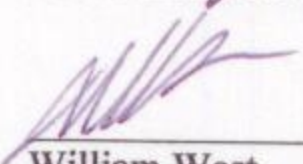
ATTEST:   
Sheila Hopkins Schulte  
Adjutant, 2<sup>nd</sup> Division  
Department of Texas

### 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, Steve Houston Watkins, and recommended for approval by Department Executive Committee, on this the 27 day of May, 2014, A.D.

  
Steve Houston Watkins  
Department Judge Advocate

Be it duly noted that the Department of Texas Executive Committee approved same on the 10 day of May, 2014, A.D, at the Texas State American Legion Convention, held in McAllen, Texas.

  
William West  
Department of Texas Adjutant