

CONSTITUTION OF THE SONS OF THE AMERICAN LEGION DETACHMENT OF TEXAS

Adopted by the Detachment at the Annual Convention held in Austin, Texas,
July 15-17, 2022.

PREAMBLE

Proud possessors of a priceless heritage, we male descendants of veterans of All Wars, associate ourselves together as "Sons of The American Legion' 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 true spirit of Americanism; to preserve the memories of our former members and the associations of our members and our forefathers in All 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 friendship by our devotion to mutual helpfulness; to adopt in letter and spirit all of the great principles for which The American Legion stands; and to assist in carrying on for God and Country.

ARTICLE I NAME

SECTION 1. The name of the organization shall be the Sons of The American Legion, Detachment of Texas.

ARTICLE II NATURE

SECTION 1. The Sons of the American Legion, Detachment of Texas, is a civilian organization. Membership therein does not affect nor increase liability for military or police service.

SECTION 2. The Sons of the American Legion, Detachment of Texas shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

SECTION 3. The Sons of the American Legion, Detachment of Texas shall by absolutely non-sectarian.

SECTION 4. Each member shall perform his full duty as a citizen according to his own conscience and understanding, in accord with the law.

ARTICLE III ORGANIZATION

SECTION 1. The Sons of The American Legion, Detachment of Texas, is that jurisdiction of the Sons of The American Legion lying in the State of Texas.

SECTION 2. The Sons of the American Legion, Detachment of Texas shall be governed by such rules and regulations as may be prescribed by the National Executive committee of the American Legion; and by such rules and regulations as may be prescribed by The American Legion, Department of Texas, not inconsistent with those prescribed by the National American Legion Executive Committee.

SECTION 3. The Sons of the American Legion, Detachment of Texas shall be organized under the jurisdiction and sponsorship of the local Post of the American Legion and shall bear the name and number of the sponsoring Post.

ARTICLE IV ELIGIBILITY

SECTION 1. All male descendants adopted sons, and stepsons of members of The American Legion, and such male descendants of veterans who died in service during the period of April 6, 1917, through November 11, 1918, or any time from December 7, 1941, to date, who served honorably, as set forth in Article IV, Section 1, of the National Constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion.

SECTION 2. There shall be no form or class of membership except an active membership.

ARTICLE V OFFICERS

SECTION 1. The elective officers of this Detachment shall be a Commander, a Vice Commander for every Division, a National Executive Committeeman, an Alternate National Executive Committeeman, a Detachment Adjutant, a Detachment Finance Officer, a Detachment Chaplain, a Detachment Judge Advocate, a Detachment Historian, a Detachment Sergeant-at-Arms and a Detachment Assistant Sergeant-at-Arms.

SECTION 2. The Vice-Commanders shall be elected at their respective Division Conventions.

ARTICLE VI EXECUTIVE COMMITTEE

SECTION 1. Between Detachment Conventions, the administrative power of the Detachment shall be vested in the Detachment Executive Committee.

SECTION 2. Voting members of the Detachment Executive Committee shall be all elected and appointed Detachment Officers, all District Commanders, all Squadron commanders and all Past Detachment Commanders. However, no voting member shall cast more than one vote on any item at the Detachment Executive Committee Meetings.

SECTION 3. Other members of the Detachment Executive Committee, but without a vote, are all Detachment appointed officers.

ARTICLE VII AMENDMENTS

SECTION 1. This Constitution is adopted, subject to the provisions of the National Convention and the Detachment Constitution of which this Detachment is a subordinate member. Any amendment to the National Constitution and the Detachment Constitution, which is in conflict with any provision hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

SECTION 2. This Constitution may be amended at any Annual Detachment Convention by a vote of two-third (2/3) of the delegates attending such Convention. Any amendment so adopted shall become effective immediately upon approval of the Department Executive Committee, Department of Texas.

**BY-LAWS
OF THE
SONS OF THE AMERICAN LEGION
DETACHMENT OF TEXAS**

**ARTICLE I
NOMINATION AND ELECTION OF OFFICERS**

SECTION 1. The Detachment Convention shall elect all elected Detachment officers, with the exception Vice Commanders who are elected at their respective Division conventions.

SECTION 2. The Presiding Officer shall announce nominations are open for each respective office. Any delegate to the Convention may nominate an eligible member for office being voted on. The member being voted on may accept or decline the nomination. The Presiding Officer will call for nominations 3 times at which time he will close nominations.

SECTION 3. There will be a roll call of the Squadrons at which time the Delegation Chairman will list the votes given to each candidate for the office than called upon.

SECTION 4. Those officers shall be declared elected who have received a majority of the votes of the delegates at the convention.

SECTION 5. The newly elected officers and members of the Detachment Executive Committee shall take office immediately after the close of the Detachment Convention.

SECTION 6. The National Executive Committeeman and the Alternate National Executive Committeeman shall be elected for a two-year term.

- a.) In case of death, incapacitation or resignation of the National Executive Committeeman, the Alternate National Executive Committeeman will fulfill the duties of the National Executive Committeeman for the remainder of the term of office.

- b.) The National Executive Committeeman and Alternate National Executive Committeeman shall not serve more than two (2) consecutive elected terms of office/or a period of not to exceed less than six (6) years.
- c.) Any special election shall not constitute one of elected terms.

SECTION 7. The Detachment Commander shall not hold office for two (2) consecutive years except in cases of national emergency.

- a.) In case of death, incapacitation or resignation of the Detachment Commander, each Detachment Vice-Commander shall assume control of his respective Division until a special election can be held.
- b.) A special election will be held at the next Detachment Executive Committee meeting.
- c.) Upon of death, incapacitation or resignation of the Detachment Commander, the immediate Past Detachment Commander present shall convene the meeting.

SECTION 8. The Detachment Adjutant and the Detachment Finance Officer shall be elected to terms of two years..

ARTICLE II DUTIES OF OFFICERS

SECTION 1. Detachment Commander: The Commander, who corresponds to the President of an organization, shall be the executive head of the Detachment of Texas, with full power to enforce the provisions of this Constitution and By-Laws and all policies of The American Legion National and Department Executive Committees concerned with the Sons of The American Legion. The out-going Detachment commander will be delegation chairman at the National Convention if he attends. He shall perform such other duties as are usually incident to the office.

SECTION 2. Detachment Vice-Commanders: The Vice Commanders, who correspond to the Vice President of an organization, shall act as representative of the Commander for his respective Division. He shall also be in charge of Detachment membership for his Division. He shall perform such other duties as are usually incident to the office.

SECTION 3. Detachment Adjutant: The Detachment Adjutant, who corresponds to the Secretary of an organization, shall be charged with the administrative duties required in carrying out the policies of The American Legion National and Department Executive Committees concerned with the Sons of The American Legion and of the Detachment Executive Committee. He shall also aid the Internal Affairs

Chairman and the Vice Commanders in Detachment membership and all other duties that are usually incident to their office.

SECTION 4. National Executive Committeeman: The National Executive Committeeman shall represent the Detachment of Texas and the Sons of the American Legion National Executive Committee.

SECTION 5. Alternate National Executive Committeeman: The Alternate National Executive Committeeman shall represent the Detachment of Texas and the Sons of The American Legion National Executive Committee when the National Executive Committeeman cannot be present.

SECTION 6. Finance Officer: The Finance Officer shall be the custodian of the funds of the Detachment. He shall be charged with receiving and disbursing the funds of the Detachment and shall make reports upon the condition of the Detachment Treasury when called for by the Detachment Executive Committee. He shall perform all other duties as are usually incident to the office.

SECTION 7. Sergeant-at-Arms: The Sergeant-at-Arms shall be charged with the responsibility of preserving order at all detachment meetings. He shall be in charge of posting the Colors at all Detachment meetings. He shall perform such other duties as are usually incident to the office.

SECTION 8. Assistant Sergeant-at-Arms: The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in preserving order at all Detachment meetings. He shall perform the duties of the Sergeant-at-Arms when the Sergeant-at-Arms is not present. He shall perform such other duties as are usually incident to the office.

SECTION 9. Chaplain: The Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such rituals as may be prescribed.

SECTION 10. Historian: The Historian shall collect from year to year all records and data of value and interest to the Sons of The American Legion, and shall compile during his term of office a complete history of the year's activities for the Detachment of Texas.

SECTION 11. Judge Advocate: The Detachment Judge Advocate shall ensure that parliamentary procedures are followed at all Detachment meetings.

ARTICLE III LEGISLATIVE ORGANIZATION

SECTION 1. The legislative body of the Detachment shall meet at the Detachment Convention which shall be held annually in conjunction with the Department Convention of the American Legion. The meeting place shall be fixed jointly by the Executive Committee of the Detachment of Texas and The American Legion, Department of Texas.

SECTION 2. The Detachment Adjutant, in conjunction with the Department Adjutant, at the direction of the Detachment Commander, shall issue a call for the Detachment Convention not less than thirty (30) days prior to the opening day of the Convention.

SECTION 3. At the Detachment Convention, each Squadron shall be entitled to one (1) Delegate, and one (1) Alternate Delegate for every ten (10) members, or major fraction thereof, provided such delegates and alternates shall be members of the Squadron electing them, and provided further that such Squadron shall have no indebtedness then due to the Detachment. Delegate Strength shall be determined by membership turned in to the Detachment thirty (30) days prior to the opening of the Detachment Convention.

SECTION 4. Each Delegate shall be entitled to one (1) vote.

- a) The vote of any delegate absent and not represented by an alternate shall be cast by a majority of the delegates present from his Squadron and in the absence of all accredited delegates or alternates from a Squadron, then the vote or votes are forfeited.
- b) No voting member shall cast more than one (1) vote on any item at the Detachment Convention.

SECTION 5. A certified list containing the names and membership numbers of each Squadron's Convention Delegates shall be registered with the Credentials Chairman before the banging of the gavel signifying the opening of the last day of the Convention. Failure to comply with this section shall deprive delegates of a vote in the Convention.

SECTION 6. All resolutions to be considered by the Detachment Convention must be approved by a Squadron, Intermediate Organization, the Detachment Executive Committee, or any standing or special committee of the Convention. Resolutions emanating from a Squadron or Intermediate Organization must be registered with the Detachment Adjutant at least fourteen (14) days prior to the Detachment Convention.

- a) All resolutions sent to the Detachment Convention shall be drawn in form so as to provide that the Resolution was adopted by the Sons of The American Legion, Detachment of Texas, in convention assembled, and any Resolution not drawn in such form shall be returned by the Detachment Adjutant to the proposed for correction.
- b) The Detachment Headquarters Office shall prepare a complete file of all Resolutions registered with the Detachment Adjutant in accordance with the first paragraph of this section and shall make such complete file ready for distribution to all delegates and members of the convention committee upon their arrival at the convention city; furthermore, a complete file of all Resolutions registered with the Detachment Adjutant shall be retained by the office at the convention city, open for inspection of delegates and any member of the Detachment of Texas.

SECTION 7. All Past Detachment Commanders, all District Commanders and all Detachment Vice Commanders of The Sons of The American Legion, Detachment of Texas, shall be delegates-at-large to the Detachment Convention and shall be entitled to one (1) vote, such vote to be cast with respective Squadron. At-large-delegates must be present at the Convention in order for their Squadrons to cast their vote.

SECTION 8. The Detachment Commander shall not vote until after two (2) consecutive tie votes.

SECTION 9. No Squadron shall have a Bingo License in the Squadron name.

SECTION 10. The goal for each squadron shall be set as the Squadron's membership at the start of the National Convention plus two (2). Hall of Fame shall be set as the Squadron's membership at the National Convention plus five (5). At no time will a Squadron's membership be less than ten (10) members. If a Squadrons membership is less than ten (10) than the goal for the upcoming year will be ten (10).

ARTICLE IV DETACHMENT EXECUTIVE COMMITTEE

SECTION 1. The Detachment Executive Committee shall meet immediately following the adjournment of the Detachment Convention, in conjunction with the Department Executive Committee of the American Legion. The meeting place shall be fixed jointly by the Executive Committee of the Detachment of Texas and The American Legion, Department of Texas, at the call of the Detachment Commander, and at such other times as called by the Detachment Commander to act on necessary Detachment business between Detachment Conventions. The Detachment Adjutant,

at the direction of the Detachment Commander, shall issue a call to each member of the Executive Committee, voting and nonvoting, not less than fourteen (14) days prior to the meetings

SECTION 2. The Detachment Executive Committee shall fill vacancies in any office until the succeeding Detachment Convention.

SECTION 3. Any Detachment Officer may be removed by the Detachment Executive Committee because of inefficiency. In order to enact such removal, a two-thirds (2/3) vote of the voting members attending a Detachment Executive Committee meeting is necessary. Furthermore, a written notice must be filed with the Detachment Adjutant fourteen (14) days prior to the voting on the removal of the officer.

SECTION 4. The Detachment Executive Committee shall by cause remove any officer who missed any two (2) of three (3) D.E.C. meetings before the Detachment Convention.

SECTION 5. The quorum for the transaction of business at any Detachment Executive Committee meeting shall consist of a five (5) of the elected Officers of The Son's of The American Legion, Detachment of Texas. However, the Detachment Commander or one of the four Vice Commanders must be present for the transaction of business.

ARTICLE V STANDING COMMITTEES

SECTION 1. Upon election of the Detachment Commander, the Detachment Commander shall appoint members of the standing committees, with the approval of the Detachment Executive Committee.

SECTION 2. The Standing committees shall be defined by the Detachment Executive Committee.

ARTICLE VI MEETINGS

SECTION 1. The regular stated meetings of this Detachment shall be held at a date and time set by the The American Legion Department of Texas.

SECTION 2. Special meetings shall be called upon the majority vote of the Executive Committee.

SECTION 3. Notice of all special meetings of the Detachment shall be sent to each Detachment and/or posted on the Detachment Web Site and Facebook page seventy two (72) hours prior to the holding of such meeting.

SECTION 4. Notice of special meetings shall state the object and purpose thereof, and no other business shall be transacted at such special meeting except for such business as is contained in the notice thereof.

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SECTION 6. The Executive Committee shall meet for organization and such business as may come before it as often as said Commander may deem necessary. The Commander shall call a meeting of the Executive Committee upon the written request of five members of the committee.

SECTION 7. In the event a public emergency or natural disaster makes the holding of an in-person meeting unlawful or impossible, the post may conduct its meeting by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster.

- a. The Detachment shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.
- b. Any action that could be taken at an in-person meeting, including amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision.
- c. Any action taken at any such virtual meeting shall be ratified at the first regular in-person Detachment meeting.
- d. During a virtual meeting, the Detachment adjutant shall ensure that all participants are members in good standing and that a quorum is present.
- e. The Detachment Commander shall determine the need for a virtual meeting.
- f. If there is a vote, the Adjutant must make a record of the vote and ensure that every voter is sufficiently identified and a member of the Detachment in good standing.

SECTION 8. The procedure of all Detachment Meetings shall be governed by Robert's Rules of Order, Newly Revised.

ARTICLE VII INTERMEDIATE ORGANIZATIONS

SECTION 1. Division and Districts may organize in conformance with the geographical boundaries prescribed by the Constitution of the American Legion, Department of Texas.

SECTION 2. A minimum of two (2) Squadrons must be present within the geographical area before any intermediate organizations can be formed. Furthermore, all active membership Squadrons under the direction of the Detachment Commander or his appointed representative will assist in drafting and approving the intermediate organization's original Constitution and By-Laws.

SECTION 3. The original intermediate organization's Constitution and By-Laws must be then approved by the Detachment of Texas Executive Committee before any officers of the intermediate organization are recognized as valid officers.

SECTION 4. If an operation intermediate organization fails for one (1) membership year to have two (2) or more Squadrons within its geographical boundaries, then the officers of the intermediate organization are not recognized as valid officers and the intermediate organization is terminated.

ARTICLE VIII ORGANIZATION OF SQUADRONS

SECTION 1. Posts desiring to form Squadrons of the Sons of The American Legion shall be governed by the provisions of the National Constitution of the Sons of the American Legion and the Constitution of the American Legion, Department of Texas.

SECTION 2. Each Squadron shall elect its officers at a regular meeting, not less than thirty (30) days prior to the Detachment Convention, and report them on such forms as are required, together with the new Adjutant, whether elected or appointed, no later than twenty (20) days before the Detachment Convention. Each Squadron may prescribe in its own By-Laws the date upon which its officers shall enter upon their duties.

ARTICLE IX UNIFORM CAP

SECTION 1. The Detachment Commander, four Detachment Vice Commanders, Detachment Adjutant, Detachment Finance Officer, Detachment Chaplain, Detachment Historian, Detachment Judge Advocate, Detachment Sergeant-at-Arms, Detachment Assistant Sergeant-at-Arms, and all Division Commanders are entitled to wear the cap prescribed by the National Sons of the American Legion as a detachment officer (French Blue Bottom, Gold Crown). Vice Commander's caps will be identified by applicable Divisions, (i.e. Detachment Vice Commander, Division 1,2,3,or 4).

ARTICLE X FINANCE

SECTION 1. The revenue of the Sons of The American Legion, Detachment of Texas, shall be derived from annual membership dues and from such other sources as may be approved by the Detachment Executive Committee.

SECTION 2. The minimum annual dues per member shall be set at a rate determined at each annual Detachment Convention, subject to approval by the Department Executive Committee, The American Legion, Department of Texas.

SECTION 3. The Alternate National Executive Committeeman, if attending the Sons of The American Legion National Executive Committee Meeting, and not acting in the place of the Executive Committeeman, shall receive:

1. The cost of an airline ticket (Coach Class), purchased no later than twenty-one (21) days in advance of the meeting.
2. Baggage fees if applicable. Receipt required.
3. Mileage at the current American Legion rate to and from his home to the airport.
4. Transportation from the Indianapolis International Airport will be reimbursed up to the allowance as determined by The American Legion.
5. Individuals who drive to the meeting will receive a mileage allocation based on the rate per mile as used by The American Legion. Only the driver of the vehicle will be entitled to receive the mileage allowance. The maximum allowable reimbursement shall be the same as the rate set forth by The American Legion. Parking at the meeting hotel will be covered up to the maximum allowance as determined by The American Legion.

6. Per Diem for the two days, plus the travel per diem, at the rate allowed for meetings in Indianapolis unless otherwise authorized by The American Legion's Internal Affairs.

SECTION 4. The Detachment Commander shall receive a call-in, to attend the Spring National Executive meetings during his term of office per the allowance allowed to the National Executive Committeeman less the allowance given for his attendance by The National Sons of The American Legion for training classes.

SECTION 5. The out-going Commander, the in-coming Commander, the National Executive Committeeman and the Alternate National Executive Committeeman or designate acting in their place shall receive one hundred percent (100%) coach air fare and the set single room price not to exceed three nights to the Sons of The American Legion National Convention.

SECTION 6. All Detachment of Texas members serving as members of National Sons of The American Legion Commissions or Committees shall receive an amount plus their call in not to exceed the National Executive Committeeman's call to the National Executive Committee meeting

SECTION 7. Call-in per diems and mileage as determined by the Detachment Executive Committee, to the Detachment Executive Committee meetings and the Detachment Convention will be paid to Detachment Officers, Committee Chairmen, District Commanders appointed Committee Chairmen and Appointed Officers, and Past Detachment Commanders of The Sons of The American Legion, Detachment of Texas.

- a.) Vice-Commanders of the Detachment and District Commanders must attend both meetings and a committee meeting to receive the call-in.
- b.) The list of Committees that will be attended will include. Americanism, Internal Affairs/Membership, VA&R, Children & Youth, Awards, and Public Relations.

ARTICLE XI DISCIPLINE

SECTION 1. The Detachment Headquarters may suspend, cancel or revoke the charter of any Squadron of the Sons of The American Legion which violates this Constitution, subject to the approval of The American Legion Department Executive Committee.

SECTION 2. Upon the cancellation or revocation of the charter of any Squadron of the Sons of The American Legion, the property and assets belonging to such Squadron

shall thereupon become the property of the Post of the American Legion Post to which the Squadron is attached.

ARTICLE XII INDIVIDUAL TRANSFER

SECTION 1. Any member of a Squadron desiring to transfer to another Squadron shall be entitled to a transfer card to said other Squadron, provided all dues and assessments have been paid to date. The approval of his application by the receiving Squadron places him on their roster, but until this application for transfer is acted upon favorably by the receiving Squadron and until such member shall have paid all dues. Assessments, or other moneys owed by him to the issuing Squadron, he remains a member of the Squadron issuing the transfer card. A record of such transfer must be submitted to the Department Adjutant, otherwise, such transfer shall be deemed invalid.

ARTICLE XIII ADVISORY COMMITTEE

SECTION 1. The Commander of the Department of Texas, The American Legion, shall appoint a committee of as many members as he shall deem necessary to advise the activities of the Detachment of Texas, Sons of the American Legion. The chairman of this committee shall be named the Detachment of Texas advisor.

DETACHMENT CERTIFICATE

These Constitution and By-Laws were voted on and approved by the Membership at the Detachment Convention on July 17, 2022.

Tom Arista .
Detachment Commander

Kevin Winkleman
Detachment Adjutant

DEPARTMENT CERTIFICATE

These Constitution and By-Laws have been passed on by the Department Judge Advocate on _____, ____; and approved by the Department Executive Committee on _____, _____.

Department Judge Advocate