

Office of
Department Adjutant

THE AMERICAN LEGION, Department of Texas

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June 26, 2011

Willie E Mulkey Sr
Commander Post 516
6801 Manhattan Blvd
Fort Worth TX. 76120

Dear Commander Mulkey Sr:

Enclosed please find the Constitution and By-Laws for Greater Fort Worth Post 516, The American Legion, Department of Texas, as approved by the Department Executive Committee on June 26, 2011.

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".

William West
Department Adjutant

MTP: njb

CC: Dan Corbin,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

RECEIVED
MAY 20 2011
BY:

Constitution And By-Laws

Greater Fort Worth

Post 516

Revised January 2011

January, 2011
Prepared by David Fenn,
Michael Hux, Allen Collet

PURPOSE

The purpose of this organization is to foster and to perpetuate a one hundred percent Americanism, to preserve the memories and incidents of our association in the Great Wars; 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 the principles 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 of America and of the State of Texas.

ARTICLE I NAME

SECTION 1. The name of this organization shall be Greater Fort Worth Post 516, The American Legion, Department of Texas. The Charter of Incorporation was filed in the office of the Secretary of the State of Texas under Charter No. 260712. The supplemental charter issued by The National American Legion is hereby adopted as the charter of this Post.

ARTICLE II OBJECTS

SECTION 1. The objects and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing purpose, and The National and Departmental Constitutions of The American Legion.

ARTICLE III
NATURE

SECTION 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

SECTION 2. This organization shall be absolutely non-political and shall not be used for dissemination of partisan principles, nor for promoting or retarding the candidacy of any person seeking public office or preferment.

SECTION 3. Rank does not exist in The American Legion, no member shall be addressed by his military title in any meeting of this Post.

ARTICLE IV
MEMBERSHIP

SECTION 1. Eligibility to membership in this Post, shall be as prescribed by The National Constitution of The American Legion, and The Constitution and By-Laws of The American Legion Department of Texas, and as further stated in this Constitution and By-Laws.

SECTION 2. Application for membership shall be made in writing under such regulation as may from time to time be prescribed by The Post Executive Board.

SECTION 3. All applications for membership shall be acted upon at the next Post General Membership Meeting following the making of such application, and shall at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of The Post Members cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

SECTION 4. Any member of this Post may be expelled for cause by two-thirds [2/3] vote of The Executive Board after charges are preferred under oath in writing, and a fair trial is had upon the same, under the rules and regulation of The Department of Texas and The Uniform Code Of Procedure of The Department of Texas, and Article IV, of The National By-Laws of The American Legion.

SECTION 5. If the accused is convicted, his membership is suspended until his final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

SECTION 6. No person who has been expelled by another Post shall be admitted to membership in this Post, without the consent of the expelling Post, ~~until after one [1] year has elapsed since his/her expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved by this Post.~~

ARTICLE V OFFICERS

SECTION 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by The By-Laws, be under the supervision of The Executive Board which shall consist of two [2] members at large in addition to the elected Officers of this Post. The term of office of members of The Executive Board shall be for one [1] year. This Post, by its By-Laws, may provide for such other standing committees as the business of this organization may require.

SECTION 2. The elected officers of this Post shall be: A Commander, Three [3] Vice Commanders, an Adjutant, Finance Officer, Judge Advocate, Historian, Chaplain, Sergeant-at-arms, Service Officer, and two [2] Members at Large; to serve on The Executive Board. And such others as may be deemed necessary and approved by a majority vote of The Executive Board and The General Membership, and shall serve in an advisory capacity with no vote.

SECTION 3. A nominating committee shall be appointed by The Executive Board who shall report their nominations to The General Membership Meeting next preceding the annual election of officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

SECTION 4. All Officers and Executive Board Members shall be elected annually, by vote on written ballots. They shall hold office until their successors are duly installed or as otherwise provided. Election of Officers shall be at The General Membership Meeting held not less than fifteen [15] days prior to The Department Convention and shall be installed no later than the first General Membership Meeting in October following their election. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. Any Officer or Executive Board Member may be removed for cause by two-thirds [2/3] vote of the Executive Board.

SECTION 5. The duties of The Elected Officers and Advisory Committees shall be those usually appertaining to such Officers as provided in these By-Laws.

SECTION 6. The Elected Officers and Appointed Committee Members are expected to attend the regular meetings of The Post Executive Board.

Failure of any Officer or Committee person to attend three [3] consecutive meetings, without reasonable cause having been furnished to The Adjutant or The Commander, shall be cause for forfeiture of said office. The Executive Board shall decide when an Officer, by his/her failure to attend three [3] consecutive meeting, has forfeited his/her right to continue in office. And shall decide when or whether to declare such office vacant, and when to order an election to fill such vacancy.

SECTION 7. In case of vacancy in any office for any cause, the vacancy shall be filled at any General Membership Meeting provided at least five [5] days notice of such election has been given to the members and posted on this Post premises.

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ARTICLE VI FINANCE

SECTION 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues, and from other sources as may be approved by The Executive Board and sanctioned by this Post.

SECTION 2. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by The Post Executive Board.

SECTION 3. This Post shall pay to The American Legion Department of Texas Headquarters, National and Department annual membership dues not less than thirty [30] days from receipt thereof for every member of this Post.

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ARTICLE VII
CHARTER MEMBERS

SECTION 1. Members who joined this Post prior to the issuance of the charter shall be known as Charter Members.

ARTICLE VIII
ORGINIZATIONS

SECTION 1. This Post recognizes Four [4] Auxiliary Organizations to be known as: Auxiliary Unit 516, The American Legion, Sons of The American Legion Squadron 516, The American Legion, Junior Auxiliary Unit 516, The American Legion, and American Legion Riders Post 516, ?
The American Legion.

SECTION 2. Membership in the auxiliaries named above shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion.

ARTICLE IX
Amendments

SECTION 1. This Constitution is adopted subject to the provision of The National Constitution of The American Legion and The Constitution of The American Legion Department of Texas. Any amendment to said National Constitution or Department 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 General Membership Meeting by vote of two-thirds [2/3] of the members attending said meeting. Provided that the proposed amendment has been submitted in writing to The Executive Board in session and approved by it. If rejected in whole or in part, it may be taken to a General Membership Meeting on a minority report. Provided that the proposed amendment has been submitted in writing and read at the next preceding General Membership Meeting of this Post; and provided further, that written notice shall be given to all members at least five [5] days in advance of the date when such amendment is to be voted upon notifying said members that at such meeting a proposal to amend The Constitution is to be voted upon.

SECTION 3. Anything not covered by This Constitution shall be governed by The Constitution of The Department of Texas and The National Constitution and By-Laws.

ARTICLE X
REAL PROPERTY

SECTION 1. Real Property is defined as all buildings, permanent attachments to the building and land owned by this Post. Real Property may be sold, leased or otherwise disposed of, where control of said property is involved, at any General Membership Meeting by two-thirds [2/3] vote of Post Members present, provided that the proposal has been submitted in writing, after approval by a majority vote of The Executive Board, and read at the next preceding General Membership Meeting and provided further that notice shall have been given all members by mail at least fifteen [15] days in advance of the date when such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the bulletin board in the same time limits prior to the actual voting on the proposal. ←

SECTION 2. Post Personal Property is defined as all assets owned by this Post and not included in Article X, Section 1.

By-Laws

Greater Fort Worth

Post 516

Revised January 2011

January, 2011
Prepared by David Fenn,
Michael Hux, Allen Collet

ARTICLE I
NAME

SECTION 1. The Post existing under these By-Laws is to be known as Greater Fort Worth Post 516, The American Legion Department of Texas.

SECTION 2. The objects of this Post are as set forth in The Constitution.

ARTICLE II
Management

SECTION 1. The government and management of this Post is entrusted to an Executive Board which shall consist of two [2] Members at Large in addition to The Elected Officers of this Post. They shall be elected annually as provided in Article V, Section 4 of This Constitution, and all shall take office immediately upon installation.

SECTION 2. The Post Executive Board shall meet for organization and such other business as may come before it at the call of The Post Commander within ten [10] days after the installation of the new officers. Thereafter The Post Executive Board shall meet at least once a month and as often as The Commander may deem necessary. The Commander shall call a meeting of The Executive Board upon the joint written request of three [3] or more members of said Executive Board. A majority of the members of The Executive Board shall constitute a quorum thereof.

SECTION 3. The Post Executive Board shall hire such employees as may be necessary, shall authorize and approve all budgets/expenditures, shall require adequate bonds from all persons having the custody of Post funds, shall cause all funds to be placed in the hands of the Finance Officer for deposit and accounting purposes, shall hear the reports of Post Committees

and generally shall have charge of, and be responsible for, the management of the affairs of this Post. At the end of the fiscal year an audit committee shall be appointed with the Judge Advocate serving as Chairperson to conduct a complete audit of Post records before turning them over to the new Finance Officer. This shall be completed within thirty [30] days before installation and submitted to The Executive Board for review and approval.

ARTICLE III Duties of Officers

SECTION 1. COMMANDER: It shall be the duty of The Post Commander to preside at all meetings of this Post, and to have general supervision over the business and affairs of this Post, and such Officer shall be The Chief Executive Officer of this Post. He/she shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of this Post for the year, and recommendations for the ensuing year. Which shall be read at the annual meeting and a copy thereof immediately forwarded to The Department Adjutant. The Commander shall have supervision of all employees and the right to suspend same until the next Executive Board Meeting. He/she shall see that this Constitution and By-Laws are observed. He/she shall perform such other duties as are directed by this Post.

SECTION 2. 1ST VICE COMMANDER: The Post 1st Vice Commander shall assume and discharge the duties of The Commander in the absence of The Commander. Membership shall be his/her primary concern.

SECTION 3. 2ND VICE COMMANDER: The Post 2nd Vice Commander shall assume and discharge the duties of the office of The

Commander in the absence of The Commander, and 1st Vice Commander. His/her primary duty will be entertainment for the membership.

SECTION 4. 3RD VICE COMMANDER: The Post 3rd Vice Commander shall assume and discharge the duties of the office of The Commander in the absence of The Commander, The 1st Vice Commander, and The 2nd Vice Commander. His/her primary duty will be the Americanism Chairman.

SECTION 5. ADJUTANT: The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organization may require; issue membership cards, handle certificates of transfer, render reports of memberships annually or when called upon at a meeting, and under the direction of The Commander handle all correspondence of this Post. He/she shall comply with Article V, Section 5, of The Department Constitution.

SECTION 6. FINANCE OFFICER: The Post Finance Officer of this Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to The Executive Board and The General Membership, in writing, the condition of the finance of this Post, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of this Post. He/she shall sign all checks disbursing the moneys of this Post. This Post shall furnish such surety bond in such sum as shall be fixed by The Executive Board.

SECTION 7. JUDGE ADVOCATE: The Post Judge Advocate shall supply professional advice in conduct of the Post business, or to procure

proper counsel. He/she shall be The Chairman of any committee concerning The Constitution or By-Laws revision. He/she shall be in charge of the annual audit of the Post financial accounts as set out in article II, Section 3 of these By-Laws. He/she shall be responsible for the orderly conduct of disciplinary procedures.

SECTION 8. POST HISTORIAN: The Post Historian shall be charged with maintaining an accurate history of the principle events pertaining to the members and/or this Post. He/she shall preform such other duties as may pertain to the office as determined by The Post Executive Board.

SECTION 9. POST CHAPLAIN: The Post Chaplain shall be charged with the spiritual welfare of the membership. And will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc..., adhere to such ceremonial rituals as are recommended by The National or Department Headquarters form time to time.

SECTION 10. SERGEANT-AT-ARMS: The Post Sergeant-at-arms shall preserve order at all times and all meetings, and shall perform such other duties as may from time to time be assigned to him/her by The Commander or The Executive Board. He/she shall have charge of The Post Colors, and shall not display or permit them to be displayed without specific authority of The Post Commander.

SECTION 11. SERVICE OFFICER: The Post Service Officer shall comply with The Service Officer's Manual and Post Handbook of The American Legion and recommendation of National and Department Headquarters, and needs of this Post.

ARTICLE IV
DELEGATES

SECTION 1. Delegates and alternates to a Department, Division or District Convention shall be elected by written ballot by this Post at a regular Membership Meeting of this Post to be held not less than fifteen [15] days prior to the date of such convention. However, this Post, by two-thirds [2/3] vote of members present, may authorize The Commander to appoint said delegates. The Post Commander shall immediately upon their election or appointment designate The Chairman.

ARTICLE V
DUES FISCAL YEAR

SECTION 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. Following the calendar year, a member becomes delinquent for non-payment of dues by January 1st and if he/she continues delinquent he/she loses all privileges by February 1st, and his/her membership is forfeited on June 30th if still delinquent.

SECTION 2. The fiscal year shall end with the installation of the newly elected officers, and the new fiscal year shall begin as the new officers assume their duties.

SECTION 3. The newly elected officers shall be installed at a regular General Membership Meeting or as may be designated by The Executive Board as soon as practicable after the annual election, not later than the first regular General Membership Meeting in October following their election, and according to Article V, Section 4 of This Constitution.

ARTICLE VI
POST COMMITTEE APPOINTMENTS

SECTION 1. The Post Commander, immediately upon taking office each year shall appoint such standing committees as he/she deems necessary for the efficient operation of this Post. He/she may appoint other committees and chairpersons as may be necessary from time to time.

SECTION 2. The duties and function of the respective Post Committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and Department Headquarters.

ARTICLE VII
RESOLUTIONS

All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by this Post is taken.

ARTICLE VIII
POST MEETINGS

SECTION 1. The regular and special meetings of this Post shall be held at the premises of this Post, or otherwise as designated by The Post Commander, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Executive Board Meetings since the last regular meeting; such meetings may be converted to Entertainment Meetings as

may be deemed advisable by The Officers of this Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies and Roberts Rules of Order, revised.

SECTION 2. The General Membership Meeting of this Post shall be the third [3rd] Thursday of each month, at a time to be determined by the membership. The Post Executive Board shall meet on the First [1st] Thursday of each month, or as directed by The Commander.

SECTION 3. The Post Commander or a majority of The Executive Board shall have the power to call a special meeting of this Post at any time.

SECTION 4. A Special Meeting of this Post may be called upon written request by a signed petition of not less than six [6] members in good standing of this Post delivered to The Commander. The Post Commander shall call the said Special Meeting within no less than seven [7] days, nor more than fourteen [14] days after receipt of the said petition. In said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In the notice given to membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of The Executive Board shall have the power to call a special meeting of this Post, and the notice of the call for this meeting shall be posted five [5] days prior to the meeting stating the subject matter to be discussed at said meeting, and said meeting shall not discuss other matters not relating to said notice.

SECTION 5. At least six [6] members in good standing shall constitute a quorum at any General Membership, Executive Board, or Special Meeting of this Post. The Executive Board will be notified individually of any
5 Special Meeting called.

ARTICLE IX
NOTICES

SECTION 1. Every member shall furnish The Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

SECTION 2. The Post Adjutant shall cause written notice of the annual election to be given at least thirty [30] days prior thereto and properly posted.

SECTION 3. Written Notice as called for in these By-Laws and The Constitution, shall consist of such notice being mailed by individual letter, newsletter, or e-mail to each current member by The Adjutant at each current member's address last supplied to The Adjutant by said member. A copy of said notice shall be furnished by The Adjutant to place in the records.

ARTICLE X
RULE OF ORDER

All proceedings of this Post shall be conducted under and pursuant to Roberts Rules of Order, Newly Revised, except as herein otherwise provided.

ARTICLE XI
LIMITATIONS OF LIABILITIES

This Post shall incur, or cause to be incurred, no liability nor obligation whatsoever which shall subject to liability any other Post, subdivision, group or men or women, members of The American Legion, or individuals, corporation, or organization.

ARTICLE XII
DISCIPLINE

SECTION 1. Any member or non-member who strikes another person, member or non-member, **unless by undue provocation or except in his/her own defense,** with intent to do physical or bodily harm, inside this Post or on the grounds of Post 516, shall be restricted from Post property for a period of ninety [90] days for the first [1st] offense. For the second [2nd] offense the period of time shall be indefinite, BEFORE ANY RESTRICTION, a hearing shall be held by The Executive Committee after written notice is given to the accused of date of the hearing, the charges filed, and his/her right to appear, testify, and have witnesses in his/her behalf, and to cross-examine the accuser and adverse witnesses.

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ARTICLE XIII
AMENDMENTS

These By-Laws may be amended at any General Membership Meeting by a vote of two-thirds [2/3] of The Members of this Post attending such meeting; provided that the proposed amendment shall have been submitted in writing to The Executive Board in session and approved by it, or if rejected in whole or in part it may be taken to The General Membership on ^Mminority ^Rreport, provided that the proposed amendment shall have been submitted in writing and read at the next preceding General Membership Meeting of this Post, and provided further, that written notice shall have been given to all members at least five [5] days in advance of the date when such amendment is to be voted on and properly posted notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

POST CERTIFICATE

We, the following officers of GREATER FORT WORTH POST 516, The American Legion, Department of Texas hereby certify, that the forgoing Constitution and by-laws after due notice was giving to all members, was adopted at a regular meeting of this Post on the 3rd day of Jan 2011 A<D>

*Willie E. Mulkey Sr.
Willie E Mulkey Sr, Commander*

*Attest Phillip Bengé
Phillip Bengé, Post Adjutant*

DEPARTMENT CERTIFICATE

Passed on by the Department Judge Advocate on the

22d day of June 20 11 A<D>

and approved by the Department Executive Committee on the

23d day of June 20 11 A<D>

Samuel A.
Department Judge Advocate