



Constitution

Of

The American Legion

Department of Texas

Brown/Guest Post 30

Revised 3 June 2025

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PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in 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 comradeship by our devotion to mutual helpfulness.

ARTICLE I – NAME

Section 1. The name of this organization shall be Brown/Guest Post No. 30, The American Legion.

ARTICLE II – PURPOSE

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and the National and Department 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. The American Legion, Department of Texas, shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

ARTICLE IV – ELIGIBILITY AND MEMBERSHIP

Section 1. An individual is eligible for membership in The American Legion only if the individual – (1) has served in the Armed Forces of (A) the United States at any time during – (i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period of time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period of time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

Section 3. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 4. All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 5. No person may be a member at any one time of more than one Post in The American Legion.

Section 6. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, he may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 7. Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

Section 8. Transfers. Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with **Article III, Section 5 of the Department of Texas Constitution and Bylaws**. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card

Section 9. A member of this Post may only be disciplined in accordance with the **Department Uniform Code of Procedure for Disciplinary Actions**.

Section 10. If a member is expelled in a disciplinary proceeding, membership is suspended until the final appeal is heard and a decision is rendered, and if the individual is expelled by the decision, the individual shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event the application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 11. Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that individual's name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, certified mail, return receipt requested is not eligible for membership in The American Legion.

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 a Post Executive Committee which shall consist of the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, a First Vice Commander, a Second Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplain, a Sergeant at Arms, a Service Officer, two Trustees, and such other officers as may be deemed necessary by this organization.

Section 3. A Nominating Committee may be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly 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 shall be elected annually, by majority vote, at a Post meeting held not less than fifteen (15) days prior to the Department Convention, and shall be installed not later than the first regular Post meeting in August following their election. Voting will be by written ballot unless there is only one nominee. Only members holding current calendar year membership cards shall have the privilege of voting in the election. Officers shall hold office until their successors are duly installed. Any Post Officer may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to effect such removal. The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post membership at the next regular Post meeting where a quorum is present.

Section 5. The duties of Officers and Executive Committeeman shall be those usually appertaining to such Officers and as further provided in the By-Laws.

Section 6. Officers are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer to attend three (3) consecutive meetings, without reasonable cause having been furnished to the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer's failure to attend three (3) consecutive meetings, has forfeited the right to continue in office, and when or whether to declare such office vacant.

Section 7. In case of vacancy in any office for any cause, and six months or more remain until the next election, a special election shall be held at the next regular meeting; if less than six months remain until the next election, the Post Executive Committee shall provisionally appoint a member to finish the term of office, if such provisional appointment is approved by two-thirds (2/3) of the quorum present at the next regular meeting the member shall hold the appointed office until the successor to that office is duly installed.

ARTICLE VI – FINANCE

Section 1. The revenue of this Post shall be derived from annual membership dues and from other such sources as may be approved by the Post Executive Committee and approved by the Post.

Section 2. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

ARTICLE VII – CHARTER MEMBERS

Section 1. Members who joined this Post prior to the issuance of permanent charter shall be known as charter members.

ARTICLE VIII – AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Brown/Guest Post No. 30, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion Auxiliary.

ARTICLE IX – AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National and Department Constitution of The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. Any proposed amendment to this Constitution shall be presented before a quorum of the membership at any regular meeting, and shall be filed in writing with the Adjutant. The Adjutant shall read out loud the proposed amendment to the members. At the next regular meeting the Adjutant shall again read out loud the proposed amendment, if the amendment is approved by two-thirds (2/3) of the quorum present at the second reading, that amendment shall become a part of this Constitution.

Section 3. An amendment becomes effective after review and approval by the Department Judge Advocate.

Section 4. Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

ARTICLE X – REAL PROPERTY

Section 1. Real property owned by the Post may be sold, used as collateral for a loan, encumbered with a lien, leased, or otherwise disposed of by complying with the Department’s “Guidelines for the Selling of Post Property” posted on the Department’s website (which include all requirements of Texas law for a nonprofit corporation to convey real property thus protecting individual officers and members of the Post from personal liability for the transaction and the requirements of the Department and National Constitutions to protect the federal tax-exempt status of the Post).

Section 2. No real estate owned by this Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of the essence the Department Commander, who shall report said action to the next Department Executive Committee meeting.

Section 3. If Post real estate becomes encumbered with a lien, the Post will notify the Department Adjutant within 7 days of receiving notice of the lien.

Section 4. Upon acquiring any interest in real estate, the Post will notify the Department of Texas.

ARTICLE XI – PROGRAMS

Section 1. This Post may sponsor a Sons of The American Legion (SAL) Squadron. Such Squadron, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

Section 2. Said SAL Squadron 30 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron 30 adopts its own Constitution and By-Laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

Section 3. Once created, this Post may cease its sponsorship of SAL Squadron 30 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 4. This Post may sponsor a Legion Riders Chapter. Such Chapter, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

Section 5. Said Legion Riders Chapter 30 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 30 adopts its own Constitution and By-Laws, it shall be governed by Post 30 rules and regulations.

Section 6. Once created, this Post may cease its sponsorship of Legion Riders Chapter 30 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 7. The Legion Riders Chapter shall elect a Director from its membership. There shall be a member of the Post appointed Liaison to the Legion Riders Chapter. Any Liaison appointed shall report as directed by the Post Executive Committee concerning the Legion Riders Chapter activities.

ARTICLE XII – SOCIAL MEDIA AND THE INTERNET

Section 1. Social Media Guidelines. All members of this post and all participants in the programs of this post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

Section 2. Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these account and domain names are vested in the post. Applicants or registrants must obtain approval from the Post Executive Committee to establish a domain name or social media account for the Post or its programs. Applicants or registrants shall, upon demand, transfer such account or domain name to another individual designated by the Post Executive Committee.