

CONSTITUTION

OF THE

AMERICAN GI FORUM OF THE UNITED STATES

Founded: March 26, 1948



“Education is Our Freedom and Freedom Should be Everybody’s Business”

CONSTITUTION
American GI Forum of the United States

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CONSTITUTION

Of the

American GI Forum of the United States

**REFERENCE: American GI Forum of United States Federal Charter, August 13, 1998,
Pub. L. 105-231; 112 Stat. 1530; 36 U.S.C. 21001**

PREAMBLE

We, the various State GI Forum Organizations, GI Forum Women, GI Forum Youth and GI Forum At-Large Chapters of the American GI Forum, a Congressionally Chartered Veterans Family Organization, in order to better serve our People, our Country, our State and our local Communities, do hereby commit ourselves to the principles of American limited constitutional democracy, to the advocacy of US military service Veterans’ rights, education, civil rights and socio-economic equal opportunity by organizing and establishing a national organization; the American GI Forum of the United States (AGIF-US.) Therefore, we as Veterans of the Armed Forces of the United States, and our families, joined together as the AGIF-US, do hereby humbly invoke the blessings of Almighty God for the AGIF-US, and hereby ordain and establish this Constitution.

This constitution will be followed by National, all State, Local, Regional, and At-Large Chapters including Washington, D.C., and Puerto Rico. All Bylaws and Policies, Practices, and Procedures Manuals at the state and local levels cannot supersede the National documents.

ARTICLE 1 – NAME AND FEDERAL CHARTER

The official name of this organization shall be “The American GI Forum of the United States.” The AGIF-US, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such, and granted a Federal Charter.

ARTICLE 2 – POWERS

The AGIF-US (in the Act referred to as the “corporation”) shall have only those powers granted to it through its Bylaws and Articles of Incorporation filed in the State of Texas and subject to the laws of the State of Texas specifically, Texas

Business Organizations Code, Title 2 Corporations, Chapter 22-Nonprofit Corporations.

- A. The National Conference shall be the supreme legislative and governing body of this AGIF-US and except as restricted by this Constitution, shall have all powers necessary to administer its affairs and to promote the objectives set forth in the Purpose Clause of this Constitution.

- B. The National Conference shall be empowered to make fundamental and basic policy decisions for the AGIF-US and shall have the power to veto or modify any action or decision of the AGIF-US Mid-Year Conference of the Board of Directors. Pursuant to the powers granted, all resolutions and other actions of the National Conference shall be binding upon all officers and members of this AGIF-US, on all AGIF States, on Local Chapters, District and Regional AGIF Chapters and At-Large AGIF Chapters.

- C. Powers of the National, State, Regional, At-Large, District, and Local Boards as specified, the National Board shall function as an ultimate judicial body of the AGIF-US, as appeals taken under the Policies, Practices, and Procedures Manual shall be heard by the National Board and its decision shall be final.
 - 1. Such body shall provide momentum and direction to the AGIF Boards above expressed through any matter on which a vote is taken, which shall carry by a two-thirds (2/3) majority vote of those present.
 - 2. The National Board shall make ordinary, administrative type decisions at the national level using the AGIF-US Bylaws and Policies, Practices, and Procedures Manual.
 - 3. All other decisions of said body, such as, those affecting fundamental change or basic policy, shall be recommended to the National Conference.
 - 4. A motion, rule or vote, that conflicts with the Constitution, if adopted, even by a unanimous vote, is null and void.

ARTICLE 3 – PURPOSES

The purposes of the corporation are those provided in its Bylaws and Articles of Incorporation and shall include the following:

- 1. To secure the blessing of American democracy at every level of local, State, and national life for all United States citizens or residents.

- 2. To uphold and defend the Constitution and the United States flag.

3. To foster and perpetuate the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all.
4. To foster and enlarge equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States residents, regardless of race, color, religion (creed), sex, gender identity or expression, sexual orientation, national origin (ancestry), disability, age, marital status, veteran or military status; or reprisal or retaliation for prior civil rights activities.
5. To encourage greater participation of the ethnic minority represented by the corporation in the policymaking and administrative activities of all departments, agencies, and other governmental units of local and State governments and the Federal Government.
6. To combat all practices of a prejudicial or discriminatory nature in local, state, or national life which curtail, hinder, or deny to any United States resident an equal opportunity to develop full potential as an individual.
7. To foster and promote the broader knowledge and appreciation by all United States citizens or residents of their cultural heritage and language.
8. The above purposes will prevail according to current law changes.

ARTICLE 4

Section 1 – Motto

The official motto of the AGIF-US shall be “Education is our Freedom and Freedom Should Be Everybody’s Business.” This motto shall be used in all literature, letterheads, bulletins, and other written material distributed by the AGIF-US at all levels.

Section 2 – Seal

The official seal of the AGIF-US shall consist of a shield with seven red and six white stripes running vertically for two thirds of the depth of the shield and a blue field at the top third with thirteen stars set six on each side and one at top center. Across the blue field will be inscribed the word “American” and rays in a white background will run from the center star to the word “American.” Across the face of the shield wherein lie the vertical stripes will be inscribed the words “GI Forum.” The words, “**Founded on March 26, 1948,**” shall appear on the upper right side of all AGIF-US letterhead at all levels.

Section 3 – Founder

The Founder – Dr. Hector P. Garcia, the revered founder of the AGIF-US, has journeyed in full battle gear to join others of our troops in the Kingdom of Almighty God, but his ideas and ideals should be respected and followed as much as practically possible considering the conditions of the time. However, whatever time, his tireless efforts to achieve social justice, equality of opportunity and a better life for all and for Hispanics specifically, shall keep the fires burning in the hearts of all those who continue to fight for the lofty goals he sought.

ARTICLE 5

Section 1 – Service of Process

With respect to service of process, the corporation shall comply with the laws of the State of Texas and those States in which it carries on its activities in furtherance of its corporate purposes.

Section 2 – Memberships

Except as provided in Article 5, Section 2. D., eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the Bylaws and Articles of Incorporation. The organization has the power to enact laws governing the admission of members and to prescribe the necessary qualification for membership. Admission to the organization is a matter within the complete and exclusive purview of the organization. An organization has the right to select its members. Membership in the organization is not a constitutional right, but simply a privilege. It is a privilege which may be given or withheld.

A. GI Forum Chapters

Membership in GI Forum Chapters shall be constituted by men and by women who may qualify as Veterans and whose residency is in the same state and/or locality. The term Veteran shall be defined as those who have served honorably or discharged other than dishonorable or are serving honorably for more than one hundred eighty consecutive days in the Armed Forces of the United States of America including other official components for military service by the Armed Forces of the United States, or who have served in such a unit for as long a time as it may be required to qualify as a Veteran as defined by the U.S. Department of Veterans Affairs; shall be eligible for active membership in the GI Forum Chapters of this organization.

B. GI Forum Women Chapters

All Women's Chapters shall be affiliated with an American GI Forum Chapter in their locality. Women who previously belonged to a Women's Chapter that was not affiliated with a Forum's Chapter may join another Women's Chapter in their state that is affiliated with a Forum Chapter. Only one Women's and one Youth Chapter shall be affiliated with a Forum Chapter.

All females who are American citizens or residents with legal status, and who are 18 years of age or older, shall be eligible for active membership in a Women's Chapter by a recommendation of an active member in good standing. A female Veteran may join either a GI Forum or a GI Forum Women's Chapter.

C. GI Forum Youth Chapters

All youth, who are American citizens or residents with legal status, and between the ages of 10 to 18 years, 19 to 21 years old if enrolled in a higher education institution and whose residency is in the same locality shall be eligible for active membership in an American GI Forum Youth Chapter. A Youth Chapter must be recommended by an active forum member in good standing and approved by the GI Forum Chapter to be recognized by the State American GI Forum. Youth Chapters shall be affiliated with a GI Forum Chapter whose residency is in the same locality and not stand alone. Only one Youth Chapter may be affiliated with a local GI Forum Chapter. Voting must follow the Policies, Practices, and Procedures Manual. There shall be at least two (2) Youth Chapters in a State to have State Youth Officers. There shall be at least two (2) State Youth Chapters, from different States present at the National Conference to elect National Youth officers.

D. Non-Veterans and Members of Armed Forces

Any adult person, 18 years of age or older, who does not fulfill the requirements in Article 5, Section 2. A., on Veterans' qualifications, who is of good moral character and whose general reputation in the community in which they reside is good, may be voted into membership, in a particular American GI Forum Chapter. Any adult person's membership must be recommended by an active member in good standing, where membership is solicited and whose residency is in the same locality. Provided, however, that the total non-veteran membership in any GI Forum Chapter must not exceed twenty-five percent (25%) of the total membership except however, that such percentage once attained, shall not decrease if the percentage of Veteran members decreases.

Furthermore, all GI Forum Chapters must always have at least eight (8) Veteran members. The Veterans' requirements do not apply to Women Chapters and Youth Chapters. Membership in GI Forum Chapters shall also be available to people who are active members of the Armed Forces of the United States, and they shall be counted as Veterans. On leaving the military, for them to qualify as Veterans, they shall have to meet the requirements in Article 5, Section 2.A. Any person so eligible, who is of good moral character, who is disposed to uphold the principles of the AGIF-US, who pays their dues and takes the Oath of Members shall be considered a member of their Chapter, of the AGIF-US, and of any pertinent AGIF Organization(s).

OATH OF MEMBERS

“I do solemnly promise and swear that I will uphold the Constitution and honor the Flag of the United States of America and of my State, that I will abide by the Constitution and Bylaws of the American GI Forum and of my State, that I will neither wrong nor harm, in any way, shape or form the same, nor a member thereof, SO HELP ME GOD.”

E. AGIF State Organization(s)

An AGIF State Organization shall be an AGIF Organization found in each of the various states of the United States where three or more Charters have been issued to constitute a State American GI Forum Veteran's Chapter. Only one AGIF State Organization will exist per state. At least three (3) AGIF Local Chapters are necessary to constitute an AGIF State Organization.

F. National Organization

The AGIF-US shall be a confederation composed of its own autonomy, as well as the autonomy of the various State AGIFs, Local Chapters, District Chapters, Regional Chapters, and At-Large Chapters, as presently existing at the time this Constitution is adopted, plus any new AGIF Organization(s). The autonomy referred to herein is set out merely to insulate fellow (sister) AGIF Organization(s) from exposure to civil liability which might be incurred by a given AGIF Organization and/or by an AGIF member, but all AGIF Organizations and AGIF members shall be strictly bound by the terms of this Constitution.

On the failure of any AGIF Organization(s) or member to be so bound, such as to act outside of the authority of the Constitution on its own

motion, after notice and adversarial type hearing before it held in the spirit of procedures set out in the Policies, Practices, and Procedures Manual shall on simple majority vote, suspend the Charter of any AGIF Organization(s) or suspend an individual from membership, if found guilty of failing to operate strictly under the terms of this Constitution, and any guilty Chapter and/or any AGIF Organization(s) and member, shall lose the right to register and be seated at the Mid-Year Conference and National Conference, as well as lose the right to use the GI Forum name.

On failure to abide by such terms, any AGIF Organization(s) and its Commander and/or member, shall be subject to a state civil injunctive action filed by the National Commander in the capital city of the state where any offending entity is/are situated. The finding of the National Board shall be admissible in evidence, and on a court holding against any offending entity, shall be subject to pay attorney fees, court costs, and interest at the legal rate.

G. Transfer of Membership

Any member in good standing of any AGIF Chapter may request transfer of his/her membership to any other Chapter in any other state by notifying the local Chapter Secretary, whose duty it shall be to notify the proper local, state and national officer(s) of such transfer. Such transfers shall not be authorized for a member residing in a state where a State AGIF Organization exists, unless the member involved is becoming a resident of the state to which he/she wants the membership transferred.

It is permissible; however, to transfer membership from one AGIF Chapter to another within the same state, or if moving, any other state. Dual membership in any Local Chapters or State Organizations is not permitted.

Section 3 - Board of Directors

Except as provided in Article 5, Section 5. G., the composition of the Board of Directors of the corporation and the responsibilities of the board shall be as provided in the Bylaws and Articles of Incorporation of the corporation and in conformity with the laws of the State of Texas.

The National Officers/Executive Board of the AGIF-US shall be as follows:

- a. National Commander

- b. National Vice-Commander
- c. National Secretary
- d. National Treasurer
- e. National Sergeant at Arms
- f. Immediate Past National Commander (Ex-Officio/non-voting)
- g. National Chairwoman
- h. National Vice-Chairwoman
- i. National Women’s Recording Secretary
- j. National Women’s Treasurer
- k. National Women’s Sergeant at Arms
- l. Immediate Past National Chairwoman (Ex-Officio/non-voting)
- m. National Youth Chair

The National Board shall be composed of the National Officers as listed above, plus the State Commander, State Chairwoman, and State Youth Chair of all State AGIF Organizations or their duly designated representative in descending order of office and one representative from each At-Large AGIF Organization.

Section 4 – Meetings

The National Conference shall meet at least once each year at a site specified by the National Board of Directors. The National Board shall meet at least once each year between National Conferences at a place designated at the previous meeting of the Board or by a National Conference. In order for the AGIF-US to remain solvent the National Executive Board shall host and stage the Annual Mid-Year and National Conferences.

Section 5 – National Officers – Elected

All elected positions shall be elected by the delegates present at the National Conference. All AGIF Organizations shall follow the same election procedures.

Oath of Office

“I, (give name) do solemnly promise and swear that I will uphold the Constitution and respect the flag of the United States of America and of my State. I will abide by the Constitution and Bylaws of the American GI Forum of which I am (give position); my conduct and thoughts shall be for the betterment and advancement of said (name of chapter) and the people it serves. I will serve to the best of my ability and will strive for cooperation with all officers, members, and committees of said AGIF Organizations and that I will adhere always to such end and uphold the same to the utmost, SO HELP ME GOD.”

Section 5a - Officers

Except as provided in Article 5, Section 5., the positions of officers of the corporation and the election of members to such positions shall be as provided in the Bylaws and Articles of Incorporation of the corporation and in conformity with the laws of the State of Texas.

Section 6 - Restrictions

A. Income and Compensation

No part of the income or assets of the AGIF-US and its AGIF Organizations may inure to the benefit of any member, officer, or individual during the life of the Federal Charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and members of the AGIF-US and its AGIF Organization(s) or reimbursement for actual and necessary expenses in amounts approved by the Board of Directors.

B. Fundraising

AGIF Organization(s) shall have the power to raise money by dues, projects, and by other lawful means for their own purposes and to set up their own procedures for contests and other fund-raising functions within their jurisdiction and activities.

C. Loans

The AGIF-US and its AGIF Organization(s) shall not make any loan to any member, officer, director or employee of the corporation.

D. Issuance of Stock and Payment of Dividends

The AGIF-US and its AGIF Organization(s) may not issue any shares of stock or declare or pay any dividends.

E. Disclaimer of Congressional or Federal Approval

The AGIF-US and its AGIF Organization(s) may not claim the approval of Congress or the authorization of the Federal Government for any of its activities by virtue of the Act.

F. Corporate Status

The AGIF-US and its AGIF Organization(s) shall maintain its status as a corporation organized incorporated under the laws of the State of Texas.

G. Corporate Function

The AGIF-US or AGIF Organization(s) shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Texas.

H. Nondiscrimination

In establishing the conditions of membership in the AGIF-US and its AGIF Organization(s) and in determining the requirements for serving on the Board of Directors or as an officer of the AGIF, the AGIF-US and its Organization(s) may not discriminate based on race; color; religion (creed); sex; gender identity or expression; sexual orientation; age; national origin (ancestry); physical or mental disability; marital status; language; veteran or military status; or reprisal or retaliation for prior civil rights activity. Current law changes will prevail.

Section 7 – Code of Ethics

A. Conflict of Interest

The American GI Forum officers and Board Members are entrusted to avoid the appearance of a conflict of interest. A conflict of interest occurs when a board member allows personal gain (direct or indirect) to influence his/her judgment or action in the fulfillment of their duties and responsibilities.

A board member or officer's conduct shall be fair, impartial, and impersonal. A board member or officer shall act in a manner that is above reproach and always in the best interest of the AGIF-US. A board member or officer who believes he/she may have a conflict of interest shall disclose the situation to the Chair of the Ethics Committee who will take appropriate action to ensure the AGIF-US's best interests are protected. The situation shall be reported to the AGIF-US board for final determination. Nepotism is considered a Conflict of Interest. (Reference: Appendix E)

B. Sexual Harassment

The AGIF-US shall maintain a zero tolerance against sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical or any conduct or other offensive unequal treatment of board members or officers, employees or recipients that would not occur except for the sex of those persons. All sexual harassment incidents shall be reported to the Chair of the Ethics Committee who will forward it to the members of the Ethics Committee for appropriate discipline.

C. Whistleblowers

All reports of abuse by an officer, board member, or member of the AGIF-US shall be reported to the Chair of the Ethics Committee. The Chair of the Ethics Committee shall form a committee of three (3) members of the general AGIF-US membership to review or investigate a complaint. The results of said review or investigation shall be reported to the Ethics Committee for appropriate action. All complaints are confidential. The complainant shall not be subject to any retaliation. (Reference: Appendix I)

Section 8 - Liability

The AGIF-US and its AGIF Organization(s) shall be liable for the acts of its officers, directors, members, and agents whenever such individuals act within the scope of their authority.

Section 9 – Maintenance and Inspection of Books and Records

A. Books and Records of Account

The AGIF-US and its AGIF Organization(s) shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the Board of Directors, or any committee having authority under the Board of Directors. Financial records will be the responsibility of the AGIF Organization(s) Treasurer. Minutes of all meetings will be the responsibility of the AGIF Organization(s) Secretary.

B. Names and Addresses of Members

The AGIF-US and its AGIF Organization(s) shall keep at its principal office a confidential record of the names and addresses of all members having the right to vote in any proceeding of the corporation. These records will be the responsibility of the AGIF Organization(s) Treasurer and Secretary.

C. Right to Inspect Books and Records

All books and records of the AGIF-US and its AGIF Organization(s) may be reviewed by any member in good standing or by any agent or attorney of such member, for any proper purpose at any reasonable time as specified in the Bylaws. (Reference: Bylaws Article 22. F. Page 27)

D. Application of State Law

This section may not be construed to contravene any applicable State law.

Section 10 – Audits of Financial Transactions

The first section of the Act entitled “An Act to provide for audit of accounts of private corporations established under Federal law,” approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following: “(80) American GI Forum of the United States.” The Executive Board will oversee the assigning of the Audit responsibility.

Section 11 – Annual Report

The AGIF-US and AGIF Organization(s) shall annually submit to Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in Section 10. The annual report shall not be printed as a public document.

Section 12 – Reservation of Right to Alter, Amend or Repeal Federal Charter

The right to alter, amend, or repeal the Act is expressly reserved to Congress.

Section 13 – Tax-Exempt Status Required as Condition of Federal Charter

If the AGIF-US and AGIF Organization(s) fail to maintain its status as a corporation exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in the Act shall terminate.

Section 14 - Termination

The Federal Charter granted in the Act shall expire if the AGIF-US and AGIF Organization(s) fail to comply with any of the provisions of the Act.

Section 15 – Definition of State

For the purposes of this Document, the term “state includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

ARTICLE 6 – AMENDING PROCEDURE

Proposed amendments to this Constitution, which has reference to piecemeal amendments or to the adoption of an entire document (Text), must be submitted to the National Legal Advisor, the National Parliamentarian, and the National Commander. The three (3) named officers shall determine whether the proposed Text was stated in proper form. They shall be free to suggest and/or aid in re-writing, if necessary.

Next, within thirty (30) days from submission to the named officers or from the

re-writing, whichever is later, but in any event not later than forty-five (45) days from the date of submission to the officers, the Text shall again be immediately submitted to the Chair of the Constitution Committee who shall send a copy of the Text to all legally constituted Chapters of the AGIF-US for their review.

Thereafter, an AGIF State Board of Directors must adopt the Text in principle by simple majority (50% plus one) vote of their voting membership present.

Next, the AGIF State Board of Directors shall send the results of their State vote to the Chair of the Constitution Committee within ten (10) days. The Chair of the Constitution Committee will forward the Text and the State vote results to the committee and to each member of the AGIF National Board of Directors at least ten (10) days before a meeting called by the National Commander. The members of the National Board shall consider and debate the Text and vote on adoption or rejection in part or in whole. Adoption must carry by two-third (2/3) vote of such Board present.

Finally, the Text shall be presented to the ensuing AGIF National Conference, which shall forthwith consider the Text. Upon approval of the Text in part or in whole by two-third (2/3) vote of said National Conference, the National Commander shall pronounce the Text as approved in final form.

ARTICLE 7 – ENACTING AND REPEALING PROVISION

At such time as this Constitution is approved under the provisions of the pre-existing or predecessor Constitution of This Organization, the same shall become the supreme law of the AGIF-US and all other constitutional provisions, Bylaws, customs and usage or action of the National Board of Directors or National Conference or State and/or At-Large and Local American GI Forum Organizations in the past in conflict herewith shall stand automatically repealed.

AUTHORIZATION:

LEGISLATIVE HISTORY - S. 1759:

CONGRESSIONAL CHARTER RECORD, Vol. 144 (1998)

UNITED STATE CODE 36

July 31, considered and passed Senate

Aug. 3, considered and passed House

ADOPTED by the AGIF-US on this 27th day of July 2022 at the AGIF-US

National Conference gathered in Colorado Springs, Colorado.

Luis Vazquez-Contes
AGIF-US National Commander

Gregory Nichols
AGIF-US National Secretary