

BY-LAWS
SONS OF SPANISH AMERICAN WAR VETERANS
as amended through the 73rd National Convention
Ft. Mitchell, KY August 2009
8/22/09

ARTICLE 1
NATIONAL CONVENTION

SECTION 1

The supreme power of this organization shall be lodged in the National Convention.

SECTION 2

The National Convention shall be held annually.

SECTION 3

The body of the National Convention shall consist of the following representatives:

1. National officers elected.
2. Past National Presidents.
3. Past Department Presidents.
4. Camp Delegates or their Alternates.
5. Members-at-Large.

All representatives to the National Convention must be Members in good standing in their respective Camps which likewise must be in good standing.

SECTION 4

Each Camp, including the Member-at-Large Camp, may have 1 Delegate for each 5 Members, or major fraction thereof, with a minimum of 2 Delegates. The Delegates must be in good standing at the time of the National Convention and have been elected prior to the National Convention. One Alternate will be allowed for each Delegate. Delegates and Alternates shall have credentials issued by their Camp.

SECTION 5

Every Delegate of a National Convention who is present at such Convention shall be entitled to one and only one vote. Majority vote of the Members present and voting shall be necessary to pass any resolution or motion at a National Convention; provided, however, that any resolution referred to a Committee shall be reported out for action by the main body before the close of the Convention in which it was presented unless specifically stated otherwise.

SECTION 6

The President, at the Council of Administration meeting prior to the National Convention, can appoint a Past National President to serve as Master of Ceremonies during the Convention. His duties shall be to welcome, conduct, and introduce visitors to the Convention.

**ARTICLE 2
NATIONAL OFFICERS**

SECTION 1

All Members present at a National Convention shall be eligible to any National office, provided that the candidates for Junior Vice, Senior Vice and National President shall have the title of at least Past President of a Camp or shall be a Member at Large who has been in attendance at three previous National Conventions.

SECTION 2

The National Convention shall elect the following Officers for the period of one year or until their successors are duly elected and appointed and qualified; National President, National Senior Vice President, National Junior Vice President, and a Board of three Trustees.

SECTION 3

A majority vote of the Members of the Convention present and voting shall be necessary to elect. If there is no election on the first ballot, another shall be held. If there is no election on the second ballot, the name of the Brother receiving the least number of votes on the second ballot shall be dropped and another ballot taken. This procedure is to continue in successive ballots until an election is had.

SECTION 4

National Officers may receive such compensation for their services as the National Convention may direct.

**ARTICLE 3
DUTIES OF OFFICERS**

SECTION 1

National President. The National President shall enforce all the laws enacted by the National Convention. He shall preside at all Conventions and at all meetings of the Council of Administration. He shall appoint all Committees and shall serve as a Member Ex-officio thereof. He shall approve and sign all Charters. He shall have the power to suspend, revoke or reinstate a Charter, as outlined in the Rules and Regulations. He shall act on all requests, petitions or resolutions which do not in any way conflict with established policies of this organization. He shall exercise such powers, transact such business and perform such duties as may by custom pertain to his office subject always to the laws of this organization, its objects and purposes. He shall appoint the following National Officers; National Secretary, National Treasurer, National Chief-of-Staff, National Chaplain, National Sergeant-at-Arms, National Inspector, National Patriotic Instructor, National Judge Advocate, National Graves Registration Officer, Senior and Junior Color Sergeants, Historian, Master of Ceremonies, and all necessary assistances.

SECTION 2

National Vice Presidents. The National Senior and Junior Vice Presidents in order of their seniority, shall assist the National President in such manner as he may direct and shall perform the duties of the National President in case of his absence, resignation or disability to attend to the duties of his office. The National Senior Vice President shall be Chairman of the Ways and

Means Committee. The National Junior Vice President shall be chairman of the Committee on Audit.

SECTION 3

National Secretary. The National Secretary shall keep accurate minutes of the proceedings of the National Convention; the meetings of the Council of Administration; and of such other proceedings as he may from time to time be called upon to record, and to record the same in books to be kept for that purpose. He shall conduct such correspondence of the National Headquarters as the National President may direct. He shall be the custodian of the Seal of the National Organization. He shall sign all Charters issued during his term of office and place thereon the Seal of the National Organization. He shall handle non-saleable supplies including applications for Membership-at-Large. He shall perform such other duties as may from time to time be delegated to him by the National President.

SECTION 4

National Treasurer. He shall be custodian of all funds and securities belonging to the National Organization. He shall promptly deposit to the account of the National Organization all monies received by the National Organization. The account of the National Organization shall be held in a nation-wide bank. All checks, drafts or withdrawals from such account shall be made by him. Warrants for withdrawals are made over the signatures of the National President and the National Secretary. Itemized receipts are required for all withdrawals. He shall, at all times, be prepared to inform the National President, or the Council of Administration, the financial conditions of the National Treasury, and, annually at the National Convention, furnish a detailed statement of same. He shall notify Camp Treasurers by February 1 of any delinquencies. He shall notify Members at Large who are delinquent in their dues by March 1.

SECTION 5

Board of Trustees. The Board of Trustees shall make or cause to be made, a thorough audit and examination of the books of account of the National Treasurer, Supply Officer and the *National Son* and read a report at the National Convention. They shall also determine the investment policy of funds received held in trust and the power to invest is hereby granted.

SECTION 6

Vacancies. In the event of a vacancy in the office of National President, the National Senior Vice President shall at once succeed to the title and duties of the office and the National Junior Vice President shall at once succeed to the title and duties of the National Senior Vice President. The Junior Vice President shall at once succeed to the title and duties of the Senior Vice President in the event of a vacancy in the latter office. In the event of a vacancy in the office of Junior Vice President a nomination and election shall be conducted by Members of the Council of Administration voting as outlined in Article 2, Section 3 of these By-Laws.

**ARTICLE 4
COUNCIL OF ADMINISTRATION**

SECTION 1

The body of the Council of Administration shall consist of the elective National Officers, Past National Presidents, Past Department Presidents, National Secretary, National Treasurer and the National Judge Advocate.

SECTION 2

There shall be one regular meeting of the Council of Administration before the National Convention convenes and another one immediately after the installation of the new National Officers. The National President may call a meeting of the Council of Administration whenever the interest of the organization requires it. No traveling expenses will be allowed for these meetings.

SECTION 3

At least seven (7) of the members of the Council of Administration may call a meeting of the Council of Administration by resolution duly signed by the Members thereof, provided, that not more than two Members shall be from the same unit.

SECTION 4

The Council of Administration shall perform and exercise such duties and powers as may be prescribed in these By-Laws to it and such additional duties and powers as shall have been expressly imposed upon and delegated to it by the National Convention. The Council shall act as an advisory board to the National President when called upon by him to do so and the Members as individuals shall perform any special service which he may direct.

**ARTICLE 5
COMMITTEES**

SECTION 1

The following committees: Credentials, Audit, Resolutions, Legislation, Ways and Means, Public Relations, Historical, Nominating, By-Laws, and Recruiting may be appointed by the National President as necessary.

SECTION 2

The Committee on Credentials shall be appointed prior to the convening of a Convention and shall report to the Convention upon the credentials of Members, submitting a list of duly accredited Officers, Past Officers, and Delegates present and entitled to participate in the Convention.

SECTION 3

The Committee on Audits shall be composed of the National Junior Vice President as Chairman with the Board of Trustees who shall audit or cause to be audited the books, records and supplies of National Treasurer, Supply Officer, Secretary, the editor of the *National Son* and report in writing to the National Convention.

SECTION 4

The Committee on Resolutions shall report to the National Convention any resolutions passed by a majority of the Committee.

SECTION 5

The Committee on Legislation shall make all proper efforts to promote the passage of legislation which is in accordance with the purposes of this Order.

SECTION 6

The Committee on Ways and Means shall suggest ways and means of deriving all funds for the operation and continuation of the National Organization and shall work with the Board of Trustees in determining a safe and profitable investment policy for the funds of the National Organization. There shall be no limit to the number of Members of this Committee.

SECTION 7

The Committee on Public Relations shall be on guard at all times to see that the public relations of the Sons of Spanish American War Veterans remain on the highest basis at all times and shall suggest from time to time to the National President methods of improving the public relations of this organization.

SECTION 8

The Historical Committee shall consider and act upon all incidents of the Spanish-American War Era from a historical standpoint.

SECTION 9

The Nominating Committee shall be appointed not later than the second session of the National Convention which shall draw up a prospective list of Officers for the coming year and shall submit same to the convention under Nomination of Officers. Further nominations may be made from the floor. This Committee shall consist of at least 5 Members.

ARTICLE 6 RITUAL AND RULES AND REGULATIONS

SECTION 1

The National Convention shall adopt a Ritual and Rules and Regulations which shall contain all official regulations, ceremonies and procedure for the proper conduct of all units of this organization. Such Ritual and Rules and Regulations when adopted by the National Convention shall have the same force and effect as though incorporated in these laws.

ARTICLE 7 REVENUE

SECTION 1

The National Convention shall determine from year to year the rate of per capita tax to be levied on the Camps as set forth in the Rules and Regulations of this organization. New per capita rates may be set under the authority prescribed in Article 8, Section 1 in the Rules and Regulations.

SECTION 2

The National Organization may handle such supplies as may be found expeditious and sell same for cash to the Members or Camps.

SECTION 3

The National Organization, through the office of President, shall have the right to raise funds by means other than that above described.

**ARTICLE 8
FUNDS**

SECTION 1

All monies received by the National Organization from whatever source, not received, raised or solicited for a special purpose, shall constitute the General Fund of the Organization.

SECTION 2

The National Convention may from time to time establish funds for specific purposes. A Special Fund may be permanent or temporary and shall consist of all sums received for the purpose specified in the Convention.

**ARTICLE 9
DISBURSEMENTS**

SECTION 1

All payments out of funds in charge of the National Treasurer shall be made against warrants drawn by the National Secretary and countersigned by the National President.

SECTION 2

Payment out of General Fund:

A. The National President shall order payments from the General Fund in accordance with the enactments of the National Convention.

B. The National President shall have the power to order payments from the General Fund at his own discretion and without reference to other authority for the following purposes:

1st. For all current expenses of National Headquarters incurred in the ordinary course of business, including supplies needed either for National Headquarters or to supply the Camps in conformity with Article 7, Section 2.

C. Disbursements from the General Fund for purposes other than those herein-before mentioned shall be authorized only in accordance with enactments of the National Convention.

SECTION 3

Payments from Special Funds shall be made only in strict accordance with the purposes and in the manner set forth in the enactments of the National Convention establishing such Fund.

ARTICLE 10
DISCIPLINE AND COURT MARTIAL

SECTION 1

Members charged with having committed the following offenses may be tried by court martial as hereinafter outlined:

- A. The making of false statement in an application for membership.
- B. The making of false statements against a Member or Members of the organization.
- C. Violation of the oath of obligation.
- D. Violation of the material provisions of the laws of the organization or its subsidiary units and the lawful orders of same.
- E. Failure to pay a just debt to any unit of this organization or the misappropriation or misapplication of funds belonging to any unit of this organization.
- F. Failure to make prompt and proper accounting and returns of any property or funds belonging to any unit of this organization.

SECTION 2

A Member found guilty of any of the offenses above mentioned shall be penalized by the Court as follows:

- A. Dishonorable discharge from the organization.
- B. Removal from office.
- C. Disqualification from holding office for a specific period.
- D. Suspension from membership.
- E. Forfeiture of any or all ranks held in the organization.
- F. Reprimand by the Court.
- G. Nothing herein contained shall prevent the Court from imposing one or more penalties or placing the offender under probation.

SECTION 3

Any three Members may submit a written complaint, against any Member or Members, containing the charges claimed to a Camp or National President and National Judge Advocate who shall order a Committee to investigate and file a written report before taking any action thereon. If the Committee recommends that the charges be heard by a court-martial the Officer to whom the report is submitted must take action thereon.

SECTION 4

Any Member of the Order shall be tried by the National Judge Advocate and five Members not associated with the accused Member's Camp who shall be appointed by the National President. The names of the Members of the Court shall remain unknown until the final verdict has been rendered.

SECTION 5

A. The Judge Advocate, upon receipt of the written charges, shall transmit to the accused a copy of the charges and he shall also instruct both the accused and accusers that they shall have 30 days to submit briefs substantiating their respective stands.

B. Both the accused and accusers shall present copies of the above mentioned briefs, at his or their expense, to the Judge Advocate, containing all facts pertaining to their side of the case. All briefs shall be attested by a notary public.

C. The Judge Advocate shall call for a ballot of each Member of the Court within 30 days of the sending of the above mentioned briefs to the Court Members; provided, that he may grant a reasonable extension of time on the request for further information by one of the Members of the Court. In no event shall transportation expenses be provided for the conduct of the Court-Martial.

SECTION 6

The verdict, together with all briefs and charges, shall be filed permanently with National Headquarters.

SECTION 7

The right to appeal to the case of a Court-Martial shall be made to the National President and if in his judgment any doubt remains as to the justice rendered by the verdict, he shall cause a National Court-Martial to sit in judgment. The right of an appeal in the case of a National Court-Martial shall be made to the National Convention.

SECTION 8

Impeachment of the National President shall be conducted as provided in the Constitution and Rules and Regulations of the United Spanish War Veterans for Impeachment of their Commander in Chief.

Constitution of the United Spanish War Veterans (1920 edition)

Article X

TRIAL BY COURT-MARTIAL.

Section 2. Liability as to Commander-in-Chief. The Commander-in-Chief shall not be liable to trial by court-martial during his tenure of office, but at the end of his term, or after resignation or removal upon impeachment, he may be tried for offenses committed while in office or prior thereto.

Article XI

IMPEACHMENT.

The Commander-in-Chief alone shall be liable to impeachment for malfeasance in office or for misconduct of a nature likely to bring the organization into disrepute, whether or not the acts complained of are specially prohibited by the Code of Discipline. The National Encampment shall try all impeachments sitting as a court, and the method of procedure and the conviction and sentence in the case, if an impeachment trial, shall be as prescribed in the Rules and Regulations of the Order.

Rules and Regulations of the United Spanish War Veterans (1920 edition)

Part 6

Article II

IMPEACHMENT OF THE COMMANDER-IN-CHIEF.

Section 300. How Commenced. Impeachment of the Commander-in-Chief, as provided in article XI of the Constitution, shall be commenced by a resolution originating with any member of the National Encampment. Such resolution shall set out fully the acts or neglects with which the accused is charged, and shall allege in detail the nature of the injury to the organization which is believed to result from the same. The resolution shall be signed by not less than twenty-five members of the National Encampment before any official notice shall be taken of the same.

Section 301. Preliminary Proceedings. A resolution for impeachment shall be forwarded to the Senior Vice Commander-in-Chief, who shall cause an attested copy of the same to be sent by mail to each member of the National Council of Administration, together with copies of any affidavits in support of the accusation which the comrades moving for impeachment may desire to submit. The National Council of Administration shall thereupon vote by mail upon the question of bringing the accused to trial on the charges preferred. If two-thirds of the members of the National Council of Administration shall vote in the affirmative, the Senior Vice Commander-in-Chief shall assemble the National Encampment in special convention at such time and place as the National Council of Administration shall approve, for the purpose of trying said impeachment.

Section 302. How Tried. The National Encampment shall try all impeachments, sitting as a court, with the Senior Vice Commander-in-Chief, or in his absence the Junior Vice Commander-in-Chief, as president pro tempore, for purposes of organization only. The president pro tempore shall lead the Encampment in the election of a president and a judge advocate of the court.

Section 303. Conviction and Sentence. A two-thirds vote of the members of the National Encampment present and voting shall be necessary to a conviction. In case of conviction the sentence shall not extend beyond removal from office; provided, however, that having been removed from office, the accused may then be tried by court-martial for the same misdemeanors which caused his impeachment, and upon conviction thereof he shall be sentenced to an adequate penalty, notwithstanding the provisions of section 273 hereof, to the contrary.

(Section 273. Second Trial Barred. No comrade shall be tried a second time for the same offense except upon his own motion for a new trial on the ground of newly discovered evidence, as hereinafter provided.)

Section 304. Provision for Certain Cases. If, upon the commencement of impeachment proceedings, the Senior Vice Commander-in-Chief be himself under charges or other inability, or if the office is vacant, then the next available active officer of the National Encampment, in the order of lineal rank, shall perform the duties herein prescribed for the Senior Vice Commander-in-Chief.

ARTICLE 11
UNITED SPANISH WAR VETERANS

SECTION 1

No Member of the Sons of Spanish-American War Veterans shall at any time have the right or permission to wear or carry the emblem of the United Spanish War Veterans, unless uniformed in a historical presentation.

ARTICLE 12
MERIT AWARDS

SECTION 1

The National Convention may award each year merit badges or citations to Members for distinguished service to the organization.

ARTICLE 13
AMENDMENTS

SECTION 1

These By-Laws can be amended by a majority vote of the Members present and voting at the National Convention, provided, that such proposed amendment shall have been submitted in writing to the National President by a Member not less than 90 days before the opening of the next National Convention.

SECTION 2

Original proposition may be discussed, altered or amended at the Convention, provided it does not alter the character of the original proposition.

SECTION 3

Any other amendment to these By-Laws can be presented at the current National Convention, and will be voted on at the following National Convention provided the proposed amendment has been published in General Orders.

ARTICLE 14
PRINTING

SECTION 1

The National President shall ensure that copies of these By Laws are readily available to all Members.