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January 14, 1959

Mr. Frank Pinedo, Legal Advisor
American GI Forum of Texas
2319 Richton
Houston, Texas

Dear Frank:

I have a number of matters with respect to our present constitution which I believe should either be handled by way of amendment or on which we need a legal opinion in your official capacity. I am sending copies of this letter together with a copy of the constitution and amendments to each of the persons listed below in order that they be familiar with these matters and that they have an opportunity to comment on them or to add any information that they have with which I am not familiar.

1. The first matter has to do with the terms of office of our state officers. Article 3, Section 1, reads that state officers are to serve for a term of one year. It refers to the state chairman, the three vice-chairmen, the chaplain, and the secretary. The language is to be found at the place marked on page 4 of the constitution. This language is in conflict with the language to be found in Article 4, Sections 1, 2, 3, 6, and 7. Two year terms for the officers are specified in Article 4. The language referred to in Article 3, if I remember right, was added by amendment either at the Galveston convention in 1956 or at the Dallas convention in 1957. However, in order to make our constitution consistent all the way through, I would like to recommend that an amendment repealing or changing the conflicting language be prepared for submission to local groups prior to the San Antonio convention and for ratification by that convention.

2. The second matter refers to the election of the Executive Secretary. Article 3, Section 2 at the place marked on page 5 contains the language providing for election of this officer by the Board of Directors. I believe this language was incorporated by amendment at the Galveston convention in 1956. However, it is in conflict with Article 4, Section 7 where in the first paragraph of that section we provided the old system under which the Executive Secretary was elected at the state convention along with the other state officers. I would like to recommend that an amendment be prepared so as to eliminate the conflict between the two sections.

3. The third matter refers to the payment of dues per group per month as provided by Article 3, Section 5, Subsection (f). That section provides that $2.00 per month would be paid by every local group. Since assuming the office of Executive Secretary, however, I have been informed that the dues per group are now $4.00 per month. I want to know whether this information is correct. If it is, then I would like to be informed by you or any of the other people who may know about it, whether and when an amendment was adopted increasing the dues from $2.00 to $4.00 per month. In the event that no amendment was adopted, then I would like to request your opinion as to whether we have a right to charge $4.00 per month for this purpose.

4. The fourth matter that I would like to bring to your attention is with regard to Article 3, Section 1 at page 4 which provides that convention representation for local groups will be on the basis of four delegates for the first twenty paid up members of each group and one delegate for each additional ten paid up members. In connection with this I would like also to call your attention to Article 4, Section 7, Sub-paragraph 8 which places the duty on the Executive Secretary to compile a list of the delegate strength of each group sixty days before the state convention and to publish that list by distribution to all local groups throughout the state. I have several questions with reference to these constitutional provisions. First of all, does a group have to have twenty paid up members in order to cast four votes (or any votes for that matter) at the state convention? The language of the constitution seems to indicate that this is necessary. Second, is the list that is to be compiled by the Executive Secretary sixty days before convention time the official list which will be used in determining convention representation and voting on convention matters? In other words, do I have the authority or does anybody have the authority to credit local groups with any memberships and dues reported during the sixty days period prior to the convention in order to allow said group greater representation at the convention? I must request your legal opinion on this matter, and, due to the sixty days deadline, I would like to have it prior to the Board meeting in March so that at that meeting we can settle this matter definitely.

5. The next matter that I would like to bring to your attention is the matter with reference to issuance of membership cards. Article 3, Section 6 at the place marked on page 7 specifies that all membership cards for members of the American GI Forum of Texas are to be issued by our state headquarters on the receipt of membership dues. In line with this language, Article 4, Section 7, Subsection 7 places the duty upon the Executive Secretary to issue the cards. In the light of this language, I would like your official opinion as to the legal basis for issurance of our membership cards by the National Office rather than the State Office.

6. Article 4, Section 7, Sub-paragraph 4 specifies that the editor of the official organ of our organization is to be the Executive Secretary. The Board of Directors at a meeting in San Angelo in 1957 removed the News Bulletin from the hands of the Executive Secretary and placed it within the jurisdiction of the National Office with a person other than the Executive Secretary as editor. I would like your opinion clarifying the legality of this action on the part of the Board.

With reference to the various amendments that I referred to, I would like to call your attention to Article 8, Section 2 which specifies that the amendments enacted on July 7, 1956 are to be the guide for changes throughout the constitution when the meaning and intent of the revision requires it. Evidently whoever secured the passage of that amendment did not want to go to the trouble of reconciling conflicting language which resulted upon the adoption of the amendments that were adopted in 1956. However, I think that as a matter of form we should repeal conflicting language whereever it is to be found instead of throwing any particular matter into the realm of interpretation and construction.

With respect to any amendments necessary, I would like to suggest that you work out adequate language in conjunction with Virgilio Roel and his amendments committee. With respect to the legal opinions that I have requested or that you may find necessary to render on the different matters that I have brought to your attention, I would like to see if you can let me have them prior to the Board meeting in March so that we can consider them at that Board meeting.

Sincerely yours,

Ed Idar, Jr.
Executive Secretary

EIJ:gg
cc/to Gilbert Garcia
R. P. Sanchez
Dr. Hector Garcia
James de Anda
Manuel Velasco
V.G. Roel