

**BYLAWS**  
**DEPARTMENT OF TENNESSEE**  
**VETERANS OF FOREIGN WARS**  
**OF THE UNITED STATES**

**PROPERTY OF THE DEPARTMENT OF TENNESSEE  
VETERANS OF FOREIGN WARS OF THE UNITED STATES  
TO BE DELIVERED TO YOUR SUCCESSOR IN OFFICE**

**REVISED JUNE 27, 2020**

## BYLAWS

### DEPARTMENT OF TENNESSEE VETERANS OF FOREIGN WARS OF THE UNITED STATES

#### ARTICLE I NAME AND JURISDICTION

**Section 1: NAME:**

By virtue of charter granted, this subdivision of the Veterans of Foreign Wars of the United States shall be known as the Department of Tennessee, Veterans of Foreign Wars of the United States, hereinafter referred to as Department.

**Section 2: JURISDICTION:**

The jurisdiction of this Department shall conform with the territorial limits of the State of Tennessee.

#### ARTICLE II OBJECTS

**Section 1: OBJECTS:**

The objects of this Department shall be as set forth in the Congressional Charter of the Veterans of Foreign Wars of the United States.

#### ARTICLE III AUTHORITY

**Section 1: AUTHORITY:**

The supreme power of this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States and shall at all times be governed by the Congressional Charter and Bylaws adopted by said National Convention, mandates of the National Council of Administration and orders of the Commander-in-Chief.

**Section 2:**

Subject to the provisions of the National Bylaws, the government of this Department shall be vested in a Department Convention, Department Council of Administration and lawful orders of the Department Commander.

#### ARTICLE IV DEPARTMENT CONVENTION

**Section 1: COMPOSITION:**

The Department Convention shall be as provided in Article "V" of the National Bylaws.

**Section 2: MEETINGS:**

There shall be an annual meeting of the Department Convention between May 1<sup>st</sup> and July 31<sup>st</sup> of each year. In the event the Department Convention does not fix the time and place of the following Department Convention, same shall be fixed by the Department Council of Administration.

#### ARTICLE V OFFICERS

**Section 1: OFFICERS (a):**

The officers of the Department shall be those as provided for in Article "V" Sec. 516 of the National Bylaws and Department of Tennessee Bylaws.

**Section 1: OFFICERS (b):**

The elected Officers of this Department shall be Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster and Chaplain. Chair Officers are Commander, Senior Vice Commander and Junior Vice Commander. Elected Officer Chair succession to the position of Commander begins with election to Junior Vice Commander; sequentially advancing annually upon nomination and election to the positions of Senior Vice Commander and then Commander. The Judge Advocate and Surgeon are appointed Non-Chair officers. The Department Commander will appoint all other positions in accordance with the National Bylaws.

**Section 2: ELECTION:**

The officers of this Department, their eligibility to nomination, election and/or appointment, installation and term of office shall be in accordance with the provisions of the National Bylaws and the Department Bylaws.

**Section 3: VACANCIES:**

Vacancies in office may be declared and shall be filled in accordance with the provisions of the National Bylaws.

**Section 4: DUTIES:**

The duties of all officers in the Department shall be as prescribed by National and Department Bylaws, as lawful orders or as the Department Convention may direct and as these Bylaws hereafter provide.

**ARTICLE VI  
COUNCIL OF ADMINISTRATION**

**Section 1: COMPOSITION:**

The Department Council of Administration shall consist of such officers as are provided for in Article "V" Sec. 522 (a) of the National Bylaws and Department Bylaws. The Council of Administration of this Department shall be Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Quartermaster, Judge Advocate, Surgeon, Chaplain, Immediate Past Department Commander and District Commanders.

**Section 2: DUTIES - POWERS:**

The duties and powers and/or authority of the Council of Administration shall be in accordance with the provisions of Section 522 of the National Bylaws

**AMENDMENT NO. 3**

**Surplus Funds:**

All Funds received at Department Headquarters for the Tennessee Cottage Fund (National Home, Eaton Rapids, MI) shall be forwarded to the National Home earmarked for Tennessee Cottage.

**AMENDMENT NO. 4**

**Council of Administration:**

The Department Council of Administration shall, from time to time, use any surplus funds not needed for the normal operation of the Department Programs and Department Headquarters, for the purchase of investment vehicles through a certified broker earning interest at the best rates allowed by law. Said investments shall not be expended for any reason of cause except by prior approval of two-thirds (2/3) vote of the Council of Administration.



ARTICLE VII  
DEPARTMENT DISTRICTS

Section 1: DEPARTMENT DISTRICTS:

- (a) The District Commanders, members of the Council of Administration, shall be elected by and represent their respective Districts as follows:
- (1) Comprising: Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi and Washington Counties.
  - (2) Comprising: Anderson, Blount, Campbell, Knox, Loudon, Roane, Scott, Union, Sevier, Fentress, and Morgan Counties.
  - (3) Comprising: Bledsoe, Bradley, Grundy, Hamilton, Marion, Meigs, McMinn, Monroe, Polk, Rhea, and Sequatchie Counties.
  - (4) Comprising: Macon, Robertson, Smith, Sumner, Trousdale, and Wilson Counties.
  - (5) Comprising: Bedford, Cannon, Coffee, DeKalb, Franklin, Giles, Lincoln, Marshall, Moore, Rutherford, Van Buren, and Warren Counties, with the Exception of Smyrna.
  - (6) Comprising: Cheatham, Davidson, Montgomery, and Stewart Counties, plus cities of Smyrna and Brentwood.
  - (7) Comprising: Dickson, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Wayne, and Williamson Counties, with exception of Brentwood.
  - (11) Comprising: Clay, Cumberland, Jackson, Overton, Pickett, Putnam, and White Counties.
  - (8) Comprising: Benton, Carroll, Chester, Decatur, Hardeman, Hardin, Henderson, Henry, Madison, and McNairy Counties.
  - (9) Comprising: Crockett, Dyer, Gibson, Haywood, Lake, Lauderdale, Obion, Tipton and Weakley Counties.
  - (10) Comprising: Fayette and Shelby Counties.
- (b) In addition to the District Commanders, each Department District shall elect and/or appoint District Officers in accordance with the provisions of the National Bylaws.

ARTICLE VIII  
PER CAPITA TAX

Section 1: PER CAPITA TAX:

Each Department Convention at its annual session shall assess a per capita tax of not less than one dollar twenty-five cents (\$1.25) per annum on each member in good standing in each and every Post within its jurisdiction.

ARTICLE IX  
ARREARAGE

Section 1: ARREARAGE:

Any Post in arrears for returns, reports or other financial obligations shall be subject to the provisions of Section 213 of the National Bylaws.

## ARTICLE X CREDENTIALS

### Section 1: DELEGATES:

Delegate strength to District, Department and National Conventions will be as prescribed in Article II Section 222 of the most current National Bylaws and Manual of Procedure.

## ARTICLE XI COMMITTEES

### Section 1: COMMITTEES:

The Department Commander shall appoint the members of the following Committees:

- (a) Bylaws Committee
- (b) Credentials Committee
- (c) Resolutions Committee
- (d) Convention Committee

### Section 2: BUDGET AND FINANCE:

A Budget and Finance Committee in the Department of Tennessee will be appointed to serve composed of the following:

Department Commander  
Department Sr. Vice Commander  
Department Jr. Vice Commander  
Department Quartermaster  
The three (3) Immediate Past Department Commanders

### Section 3: AUDITING:

Department Commander shall appoint three of the District Commanders on the Council of Administration, one from each geographical region of the State: East, Middle and West for one year to do quarterly audits of all records and accounts of Department Quartermaster, Adjutant and Officers; alternate District Commanders each year. A written Department report of audit is to be given to the full Council of Administration. A report of audit on Department records and accounts will be given at Mid-Winter (Pow-Wow) and State Convention.

### Section 4: POST INSPECTION "DUTY OF INSPECTOR"

The Department Inspector shall supervise the work of Instruction and inspection in the Department.

- (a) Inspections: The Department Inspector shall require that each District, County Council and Post be inspected at least once during the inspector's term in office. The requirements of such inspection are:
  - (1) That the books and records be inspected.
  - (2) That the National, Department, District, County Council, and Post Bylaws be enforced.
  - (3) That the opening and closing of meetings, the order of business and rules of order be followed and the initiation of recruits and other ceremonies be conducted as prescribed by the Bylaws, Manual of Procedure and Ritual.
  - (4) A report on the decorum of meetings.
  - (5) Submission of a detailed report concerning the Post, County Council or District Finances, records and Property at the time of the Inspection.

The Inspector shall make a detailed written report of each inspection to the Adjutant General, the Department Commander, Post Commander in which he/she shall set forth any constructive criticism and recommendations. The Inspector shall report to the Department Commander every instance in which a Post Commander or other Post Officers refuses to comply with any applicable Bylaw, The Manual of Procedure or Ritual or any Lawful order of proper authority after the information concerning same is brought to the attention of such Post Officers.



ARTICLE XII  
AMENDMENT NO. 1

Section 1:

These Bylaws may be altered or amended by a two-thirds (2/3) vote of the members present and voting at a stated meeting; provided however, that no amendment will be considered unless a copy of same shall have been forwarded to all Posts and Department officers at least thirty (30) days prior to the convening of the Convention. No amendments shall be effective until same have been reviewed by the Commander-in-Chief.

ARTICLE XIII  
AMENDMENTS

These Bylaws may only be amended by the Department Convention and then only by a two-thirds (2/3) vote of the members present and voting at any duly assembled meeting thereof; provided, that such amendments have been forwarded, through channels, in accordance herewith, and have been proposed by a Post, County Council, District or have been recommended by a Department Officer or Department Committee and written notice thereof, together with copy of such proposed amendment has been posted at the official web site for the Department of Tennessee, VFW, [www.tnvw.org](http://www.tnvw.org) under the title "Proposed Bylaw Changes" at least 30 days before assembling of the Department Convention; amendments adopted at any Department Convention in accordance herewith shall take effect simultaneously with the formal adjournment of the Department Convention at which adopted, subject only to the approval of the Commander-in-Chief. A copy of these Bylaws and amendments hereafter adopted must be furnished to each Post Commander by the Department Adjutant within ninety (90) days after approval.

Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future National Bylaws, the latter shall prevail and be binding upon this Department as though written herein.

ARTICLE XIV  
AUXILIARY TO THE DEPARTMENT

The Auxiliary to this Department, as heretofore organized and now existing, is recognized in its entity by this organization, and its continued entity is hereby sanctioned as long as such Auxiliary pursues the purposes and objects of the Auxiliary in accordance with the National Bylaws, Ritual, Rules and Regulations of the Auxiliary and fully complies with the Congressional Charter, Bylaws and Manual of Procedure of the Veterans of Foreign Wars of the United States and the Bylaws of this Department and orders of the Department Council of Administration.

ARTICLE XV  
MILITARY ORDER OF THE COOTIE

The Grand Pup Tent of the Military Order of the Cootie to this Department, as heretofore organized and now existing, is recognized in its entity by this organization, and its continued entity is hereby sanctioned so long as such Grand Pup Tent pursues the purposes and objects of the Military Order of the Cootie in accordance with the National Bylaws, Ritual, Rules and Regulations of the Military Order of the Cootie and fully complies with the Congressional Charter, Bylaws and Manual of Procedure of the Veterans of Foreign Wars of the United States and the Bylaws of this Department and orders of the Department Council of Administration and the Department Commander.



## ARTICLE XVI DEFUNCT POST ASSETS

Disposition of property will be in accordance with the National Bylaws, Article II, Sec. 212. In all cases of surrender, revocation or forfeiture of a charter, title to all real and personal property shall immediately pass to the Department who shall take possession and control for disposition as directed by the Department Council of Administration for the purposes set forth in the Congressional Charter. In addition, the books and records of the Post shall be recovered by the Department. In case of surrender or forfeiture of a charter, the Department Council of Administration in the case of trust funds or trust property, or both, shall carry out the intent and purpose of such trust to the extent of such funds or property, or both.

The Department shall place all monies from the sale of Post assets/property in the Cancelled Charter Fund for a period of one year. If within one year of the cancelled charter date, (15) previous members of the defunct Post along with at least (10) new members, and the Post has been chartered in accordance with Article II, Sec. 201 of the National Bylaws, the Council of Administration (COA) may approve funds to establish the Post's initial annual operational budget. Written request for any or all remaining cancelled charter funds must be approved by the Council of Administration and any surplus funds may be distributed in accordance with Department of Tennessee Bylaws, Article VI, Amendment NO. 4, Surplus Funds.

If within one year of the cancelled charter date, the Post has not been chartered in accordance with Article II, Sec. 201 of the National Bylaws, all monies shall be distributed in accordance with Article V, Sec. 522 of the National Bylaws. The Council of Administration may approve reallocation of monies for the normal operation of the Department Programs and Department Headquarters or distribution in accordance Department of Tennessee Bylaws, Article VI, Amendment NO. 4, Surplus Funds.

## ARTICLE XVII TENNESSEE VFW MOTORCYCLE GROUP

**FORMATION:** A chartered VFW Post in Tennessee may form a motorcycle unit in accordance with the Bylaws of the Tennessee Motorcycle Group. No unit shall be formed unless approved by a two-thirds (2/3) vote of the Post membership present and voting at a regular or special meeting, due notice of the proposed formation of the unit having been given the entire membership in writing at least one week prior to a regular meeting, or special meeting called for the aforementioned purpose.

**GOVERNANCE:** The VFW Motorcycle Group to the Department and the VFW Motorcycle Unit to the District or Post shall be subject to the jurisdiction of the Department of Tennessee VFW and the District/Post whose affiliation the unit bears, as well as the Bylaws to the Tennessee VFW and the Bylaws of the Motorcycle Group.

### **SUSPENSION AND DISCONTINUANCE:**

1. The State Commander in consultation with the President of the VFW Motorcycle Group may direct the suspension of any chartered motorcycle unit in Tennessee for a definite or indefinite period of time. The State Commander may order the cancellation of any motorcycle unit if, with the approval of the Council of Administration, he/she believes the conduct of the motorcycle unit or its officers is detrimental to the best interest of the Tennessee VFW.
2. A Post may, by a two-thirds (2/3) majority vote of its members, present and voting at a meeting following a printed or written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said meeting, vote to cancel its affiliation of such unit.

3. Any affiliated motorcycle unit, after cancelation, will have a period of ninety (90) days in which to apply to another VFW Post for affiliation in accordance with the guidelines under "Formation" above. The Department of Tennessee VFW will hold, in trust, any monies or property for a period of ninety (90) days. If the unit affiliates with another Post, the monies or property held in trust by the Department will be returned. After ninety (90) days, if the unit has not affiliated with a Post, any monies or property will be forfeited to the Department.

**DISPOSITION OF PROPERTY:** Upon cancellation, all monies and other property shall immediately become the property of the Department of Tennessee, to be held in trust in accordance with number 3 above.

**REPORTS:** The President of each motorcycle unit affiliated with a Post or District will, within thirty (30) days of induction into office, provide to the Commander of the respective Post or District an itemized report of the financial and membership status of the motorcycle unit over which he/she is presiding. The Tennessee VFW Motorcycle Group will provide the same report to the Department Commander. Such reports will be acknowledged by the Commander and may be read at the next regular meeting.

**SOLICITATION:** No Tennessee VFW Motorcycle Unit or the Motorcycle Group may conduct any kind of solicitation/fundraiser without the prior written approval of either one of the Department, District or Post to which it is affiliated.

No Bylaw or rule adopted shall conflict with National Policy regarding Motorcycle Riders Groups/Associations.



REVIEWED 1111 21 2020  
FOR THE COMMANDER-IN-CHIEF

*[Signature]*  
KIM A. DE SHANO  
ASSISTANT ADJUTANT GENERAL  
BY JOHNATHAN R. DUNCAN, DIRECTOR  
ADMINISTRATIVE OPERATIONS