



For God and Country

The American Legion

Department of France

BELGIUM – CHINA – DENMARK – ENGLAND – FRANCE – GERMANY
GREECE – IRELAND – ITALY – NETHERLANDS – SPAIN – THAILAND



BYLAWS

The Bylaws of the Department of France, The American Legion, were adopted at the Department of France First DEC, 2012, Ludwigshafen, Germany, 18 June 2011; Amended at the First DEC, 2015, in Neu Ulm, Germany, 21 June 2014; Amended at the 2015 Convention in Ludwigshafen, Germany, 19-20 June 2015; Ratified at the First DEC in Houffalize, Belgium, 18 June 2016; Amended at the Second DEC in Heilbronn/Frankenbach, Germany, 22 October 2016; Amended at the Third DEC in Ansbach, Germany, 18 March 2017; Amended at the Fourth DEC in Ludwigshafen, Germany, 15 June 2017; Amended at the Third DEC in Ansbach, Germany, 17 March 2018; Approved by two-thirds (2/3) vote at the 2018 Convention, in Wüstenrot, Germany, 21-23 June 2018; Approved by (2/3) vote at the Second DEC in Heilbronn, Germany, 26 October 2019; Amended at the Second DEC, via GoToMeeting video platform, 24 October 2020, by Unanimous Consent; Amended at the Third DEC, via GoToMeeting video platform, 19 March 2022, by Unanimous Consent; Amended on 15 December 2022 by Department Electronic DEC; Amended at the Second DEC in St Avold, France, 28 October 2023, by Unanimous Consent. Approved by Unanimous Consent at the American Legion, Department of France Convention, in Ochsenfurt, Germany, 13-16 June 2024.

Unless otherwise stated, whenever the masculine or feminine gender is used, both are intended.

ARTICLE I – DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The government and management of the Department are entrusted to the Department Executive Committee, DEC.

Section 2. The DEC shall consist of two (2) delegates from each Post in addition to the Department Officers and Past Department Commanders.

Section 3. The DEC shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Department funds; shall hear the reports of Department committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of the Department.

Section 4. The DEC shall meet for organization and such other business as may come before it at the Call of the Department Commander. The Commander shall call at least four (4) DEC Meetings before the next Department Convention, and as often as said Commander may deem necessary. The Commander shall call a Special Meeting of the DEC upon the joint written request of three or more members of the DEC, or two or more Post Commanders.

Section 5. The first meeting of the DEC for the Department year shall be as soon as feasible after adjournment of the Department Convention, but not later than 10 days after the same. The second meeting shall be held

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on the 2nd Saturday following the Commanders and Adjutants National Call-In and should be held in St. Avold, France. The third meeting should be held on the third Saturday in March, and the fourth meeting should be held just prior to the opening of the Department Convention.

Section 6. The hosting Post of the DEC Meeting shall be responsible for ensuring adequate meeting facilities are available, including sufficient seating capacity and tables.

Section 7. All meetings will be held upon reasonable notice at the call of the Department Commander. Except as provided in the Constitution and Bylaws, reasonable notice shall be construed to mean not less than four (4) weeks actual notice. However, the Department Commander shall call a special meeting upon the written request of nine (9) or more members of the DEC upon not less than seven (7) days' notice. Attendance by Delegates or Officers at such Special Meetings may be by electronic means (i.e., Skype, GoToMeeting, and Zoom) or any other available Video conferencing platform. If video conferencing is used the below standard will be used. Internal Affairs meetings for the 2nd, 3rd, and 4th DEC will be held Not Later than (NLT) seven (7) days prior to the scheduled Department Executive Committee (DEC) meeting. In addition, the following Posts and members are authorized to attend all DEC's and Conventions by video conferencing.

- China CH01
- England EG01, EG02, EG303
- Greece GC01
- Ireland IR01, IR02, IR03, and IR63
- Spain SP292
- Thailand TH01 and TH02
- All Past Department Commanders, who are still members of the Department of France.
- Members 70 years and older, if a delegate, then the member must be on a Delegate Letter.

- a. The Department Internet Video Conference SOP will be used.
- b. Unanimous Voting will be utilized during these conferences to the fullest possible extent.
- c. The Department Adjutant is responsible for ensuring the call with a video link is published Not Later Than seven (7) days prior to the meeting.
- d. In the event of an emergency, the Department Adjutant is responsible for ensuring the Call with a video link is published NLT three (3) days prior to the meeting.

Section 8. Upon Notification of a Natural Disaster or pandemic, or other declared emergencies the Department Commander is authorized to call for electronic meetings (i.e., Skype, GoToMeeting, and Zoom) or any other available Video conferencing platform to conduct any and all Department business without prior approval of The Department Executive Committee.

- a. The Department Internet Video Conference SOP will be used.

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b. Unanimous Voting will be utilized during these conferences to the fullest possible extent.

c. The Department Adjutant is responsible for ensuring the call with a video link is published Not Later Than seven (7) days prior to the meeting.

ARTICLE II – MEETINGS

Section 1. All Department Officers and Posts are required to attend the meetings of the DEC and the Convention.

Section 2. Any Officer or Post may be excused from attending the DEC meeting or Convention by a majority vote of the Delegates and Officers attending such meeting, subject to the required quorum.

Section 3. Each Post may, by Constitution or By-Laws, establish attendance and quorum requirements for any Post meeting.

Section 4. DEC and Department Convention Meetings shall require a quorum of not less than fourteen (14) voting members, to consist of not less than nine (9) Posts represented and five (5) voting Department Officers. Should a quorum not be present at a regular or special meeting of the DEC, or a Session of the Convention, the quorum requirement may be suspended by a two-thirds (2/3) vote of the voting members present, provided that actions taken while the quorum was suspended be ratified at the next meeting of the DEC, or Session of the Convention, as applicable. Failing a two-thirds vote of the voting members present, the presiding officer shall adjourn the meeting and reschedule all pending business to the next meeting of the DEC, or Session of the Convention.

Section 5. Minutes of a regular or special meeting of the DEC, and the last Session of the Department Convention, shall be provided to the Members not later than 30 days after the adjournment of such Meeting or last Session. Minutes of any DEC meeting occurring within 30 days prior to convening of the Department Convention and of any Session of the Department Convention, except the last Session shall be provided to the Members not later than the convening of the next Department Convention Session.

Section 6. Past Department Commanders shall be delegates with voice and vote. They may vote as Department Officers or as Post Delegates if certified as a Post Delegate, but not both.

Section 7. If a Past Department Commander transfers out of the Department of France, he or she shall lose all benefits as stated in Article II Section 6. However, in recognition of his or her service, they will remain on the Department Mailing Roster and receive Department correspondence. If he or she transfers back into the Department of France all privileges stated in Article II Section 6 shall be reinstated in full.

Section 8. Attendance by electronic means (i.e., Skype or other voice and video programs) to meetings is authorized for Department Officers who are not physically in the European area due to performing Legion business. A one-week advance notice must be submitted to the Department Adjutant.

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Section 9. The presence and consumption of any alcoholic beverage in an official meeting hall/room during a meeting of The American Legion, Department of France is prohibited. Official Meeting hall/room shall be construed to mean any Meeting hall/room where official business of The American Legion, Department of France is conducted.

ARTICLE III – DEPARTMENT CONVENTION

Section 1. CALL to CONVENTION: Not less than sixty (60) days prior to the date of assembly of the Department Convention specified in Article VII, Section 1 of the Department Constitution, the Department Adjutant shall issue an Official Call for the Department Convention. The Official Call shall be served on all Department Officers and the Posts through their respective Adjutants, addressed to the official address of such Officers and Adjutants.

Section 2. The Official Call for the Department Convention shall contain, as a minimum, within its context, the following information, and instructions:

- a. The time and place of the assembly of the Department Convention.
- b. Statement of known business to be transacted.
- c. Composition of the Department Convention in terms of authorized delegates and alternates as specified in the Department Constitution. Included shall be registration forms with instructions for completing and forwarding.
- d. The name and address of the Chairman of each Standing Convention Committee.

Section 3. A second and final Official Call for the Department Convention shall be issued by the Department Adjutant not less than twenty (20) days prior to the date of the Convention assembly. The second and final Official Call shall contain within its context or have attached as supplements the following information:

- a. Time and place of the Convention assembly.
- b. Outline of the Convention Program with a detailed business agenda
- c. Any resolutions which shall be offered, minutes of the last Convention if not already distributed, number of delegates authorized for each Post, and such other information as may be pertinent to the expeditious conduct of the Convention business.

Section 4. Department Delegates All Elected Department Officers shall be Delegates. An Elected Department Officer may vote as a Department Officer or as a Post Delegate if he is certified as a Post Delegate, but not both.

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Section 5. Past Department Commanders present shall be Delegates with 'voice' and with 'vote.' They may vote as Department Officers or as a Post Delegate if certified as a Post Delegate, but not both.

Section 6. If a Past Department Commander transfers out of the Department of France, he or she shall lose all benefits as stated in Article III Section 5.

Section 7. Post Delegates Each Post shall be entitled to be represented by a Delegation. The number of Delegates shall be calculated based on the Post Membership as of 1 June of the Convention Year. Each Post shall be entitled to two (2) Delegates for Membership of between one (1) and fifty (50) Members. Each Post shall be entitled to one (1) additional Delegate for every additional fifty (50) Members, or a major fraction (twenty-six [26]) thereof. Each Post shall be entitled to a number of Alternate Delegates equal to the number of Delegates. Each Post shall provide the Department Adjutant with the method for substitution of its Alternates for its Delegates.

Section 8. Credentials: Delegation Credentials shall consist of a Certificate of Election, signed by the Post Commander or the Post Adjutant naming its Delegates and Alternates, and specifying the method of substitution of Alternates for Delegates. If any Post fails to furnish this Certification, its Delegates shall not be eligible to vote at the Department Convention. All Delegates should be signed in 30 minutes prior to the start of the Session.

Section 9. Delegates to the Department Convention shall be certified in writing to the Department Adjutant in the number and manner prescribed by Article III, Sections 7 and 8 of these Department By-Laws. The rights of Posts to make a substitution for absentee Delegates or Alternate Delegates shall be recognized by the Credential Committee, provided that such substitution shall be certified by the Post Commander and the Adjutant, or, in their absence, by the Chief Delegate, at any time prior to adjournment of the First Session of the Department Convention.

Section 10. The Department Adjutant is authorized to design and circulate such proper forms as may be required to record and certify the accreditation of Delegates and alternate Delegates. He is further authorized, in conjunction with the Credentials Committee, to establish such reasonable and proper administrative Delegates and alternates accredited and entitled to be seated in the Department Convention. All such forms or other administrative requirements shall be certified officially by the Post Commander and Adjutant at the time specified by the Department Adjutant.

Section 11. Each Post Convention Delegation shall have designated in writing a Chief Delegate, whose name shall be submitted to the Department Adjutant and the Credentials Committee as such. Such Chief Delegate shall be recognized by the Presiding Officer as the leader of said delegation and he shall be the principal authority in identifying the Official Delegates and Alternates. He shall receive all formal notices or other official communication in the name of the Post Delegation.

Section 12. Disputes concerning the accreditation of Delegates and Alternate shall be referred to the Credentials Committee.

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Section 13. The Convention shall choose the Department's Delegates and Alternates to the next National Convention; but failing to so choose, such Delegates and Alternates shall be chosen by the DEC.

Section 14. All Resolutions requiring action by the Department Convention must be submitted as provided in Article XXI - Resolutions of these By-Laws.

Section 15. Unless otherwise provided for within the Resolution or Convention mandate, all Resolutions and Convention mandates adopted by the Department Convention shall remain in effect until properly carried out or disposed by action of a Department Convention.

Section 16. The Department Convention shall be conducted in accordance with the Department Constitution, the Department By-Laws, and the Department Standard Operating Procedures – Conventions.

ARTICLE IV – OFFICERS: ELIGIBILITY and DUTIES

Section 1. DEPARTMENT NATIONAL EXECUTIVE COMMITTEEMAN and ALTERNATE NATIONAL EXECUTIVE COMMITTEEMAN. The Department's National Executive Committeeman and the Alternate National Executive Committeeman shall be elected at the Department Convention. The National Executive Committeeman shall attend the meetings of the National Executive Committee. He shall represent the Department at such meetings and shall present to the NEC such observations, motions, and other matters as the DEC or the Department Convention shall instruct him to present. The Alternate National Executive Committeeman shall replace the National Executive Committeeman at any meeting or other function of the NEC when the National Executive Committeeman cannot be present.

a. All information received from the National Organization by the National Executive Committeeman, or the Alternate shall be made known to all Department and Post Officers at least on a monthly basis and shall be presented at all Department Executive Committee Meetings. Information may be presented via the Department Newsletter; but may be presented on a more current basis, as the situation necessitates.

b. The term of the Office of the Department's National Executive Committeeman and of the Alternate National Executive Committeeman shall be two (2) years, beginning at the close of the National Convention following the Department Convention in which they are elected.

c. To be eligible for election as the Department's National Executive Committeeman, the Candidate should have previously served as the Department's Alternate National Executive Committeeman.

d. To be eligible for election as the Department's Alternate National Executive Committeeman the Candidate should have previously served as a Department Vice Commander.

Section 2. DEPARTMENT COMMANDER. The Department Commander shall be elected at the Convention and shall be the executive head of the Department of France, with full powers to enforce the provisions of the National Constitution and By-Laws and the Department of France Constitution, By-Laws, Standard Operating Procedures (SOP), Special Procedures, Rules, and the will of the National and Department Conventions. He

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shall be the Chairman of the Department Convention and the DEC. He shall appoint all the necessary committees, special assistants, and liaison officers and shall perform such duties that are usually incident to the office. To be eligible for election as Department Commander, the Candidate should have previously served as a Department Vice Commander.

Section 3. DEPARTMENT VICE COMMANDERS. The Department Vice Commanders shall be elected at the Convention and shall serve as members of the DEC and shall perform such duties as directed by the DEC or the Department Commander. In the absence of the Department Commander, the Vice Commander-at-Large shall act as the Chairman of the DEC or Convention. In the absence of both the Commander and Vice Commander-at-Large, the Vice Commander appointed by the Department Commander shall act as Chairman. Failing such appointment, the remaining Vice Commanders shall appoint a Chairman.

a. The Vice Commanders of the various regions shall act for the Department Commander on matters pertaining to the administration of Department affairs which may arise in their areas of responsibility. They will act under the general policies of the Department Commander and DEC.

b. The Vice Commander-at-Large should be the Chairman of the Internal Affairs Committee, except where a conflict of interest could occur or be construed. He will be the Chairman of the Mid-Winter Conference; he will be the architect of the Mid-Winter Conference program and coordinate with Department Leaders who will contribute to the Mid-Winter Conference in a timely manner. The Vice Commander-at-Large will assign the Post's responsibility equally among the 4 elected Department Vice Commanders. He will mentor, manage, and assist the 4 Department Vice Commanders. He will represent the Department Commander at those functions that the Department Commander cannot attend. In addition, this will allow the VCAL to meticulously plan, coordinate, and implement the several Internal Affairs Committee Meetings that the Department conducts throughout the membership year with the approval and concurrence of the Department Commander.

c. To be eligible for election as Department Vice Commander-at-Large, the Candidate should have previously served as a Department Vice Commander.

Section 4. DEPARTMENT ADJUTANT. The Department Adjutant shall be appointed by the Department Commander with the advice and consent of the DEC at the first DEC meeting following the Convention and he shall serve at the pleasure of the DEC. The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Commander, and of the DEC, and of the Department Convention. The annual allowance for the Department Adjutant shall be fixed by the DEC.

Section 5. DEPARTMENT HISTORIAN. The Department Historian shall be elected at the Convention, and shall collect, from year to year, all records and data of value for the National Headquarters of The American Legion and shall compile during his term of office, a complete history of the year's activities, and shall assist the Post Historians so as to coordinate and unify work of these officers and shall have such duties as the DEC may prescribe.

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Section 6. DEPARTMENT JUDGE ADVOCATE. The Department Judge Advocate shall be appointed by the Department Commander with the advice and consent of the DEC at the first DEC meeting following the Convention and shall serve at the pleasure of the DEC, and shall advise on legal matters, including the construction and interpretation of the Department Constitution. By-Laws, SOPs, Special Procedures, and Rules, and shall perform such other duties as are usually incident to the office.

Section 7. DEPARTMENT SERVICE OFFICER. The Department Service Officer shall be appointed at the 1st DEC and shall advise the Commander and DEC on matters pertaining to veterans' affairs and rehabilitation and shall assist Post Service Officers in the formation of viable service programs, ensuring that information is disbursed, and assistance is available to qualified veterans and dependents of deceased veterans.

By law, an individual must be accredited by the VA as an agent of a VA-recognized veteran's service organization to assist in the preparation, presentation, and prosecution of a claim for VA benefits. Additionally, the Service Officer must be certified by the Department of France and the Service Officer's accreditation must be recognized by The American Legion National Headquarters. If the Department Service Officer's accreditation or certification is withdrawn for any reason, the Department Commander is authorized and directed to remove the Department Service Officer without prior approval of the Department DEC. The immediate removal of the Service Officer is required to protect the Department of France from any and all legal liabilities.

Section 8. DEPARTMENT FINANCE OFFICER. The Department Finance Officer shall be appointed by the Department Commander with the advice and consent of the DEC at the 1st DEC meeting following the Convention and shall be the custodian of the funds of the Department. He shall make the reports upon the Department Treasury when called for by the Department Commander or the DEC. The Finance Officer shall not pay out monies of the Department of France excluding those fixed, budgeted, or approved by the DEC. All requests for funds outside of a DEC meeting or convention must have the approval of the DEC which can be done by Electronic DEC if the funds are needed prior to the next scheduled DEC. All requests for funds will be accompanied by an explanation for the requested funds. The Department Finance Officer shall perform such other duties as are usually incident to his office. He shall be bonded in connection with his duties.

a. The Department Finance Officer shall be the Custodian of the Department of France, American Legion Auxiliary monies. The Department Finance Officer shall be responsible for the accounting and auditing of these funds and shall prepare and provide a financial statement of said funds to the Department Auxiliary Secretary or Treasurer before all Department Auxiliary meetings.

b. The Department Finance Officer shall be the Custodian of the Sons of The American Legion, Detachment of France monies. The Department Finance Officer shall be responsible for the accounting and auditing of these funds and shall prepare and provide a financial statement of said funds to the Detachment Adjutant before all Detachment meetings.

Section 9. DEPARTMENT CHAPLAIN. The Department Chaplain shall be elected at the Convention and shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonies and rituals as

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may be recommended by National Headquarters from time to time. Is responsible for ensuring get well and sympathy cards are disbursed upon receipt of notification.

Section 10. DEPARTMENT SERGEANT-AT-ARMS. The Department Sergeant-at-Arms shall be elected at the Convention and shall be responsible for maintaining order at Department meetings, for the registration and verification of the credentials of members serving as Delegates, and for the other duties usually incident to his office. The Sergeant at Arms will ensure that all Delegation Letters are in hand 30 minutes prior to any meeting held by the Department of France Executive body.

Section 11. Newly elected Department Officers shall be formally installed according to the rituals of The American Legion at the close of the Annual Convention.

Section 12. All the above positions will provide a written and oral report at all DEC Meetings.

ARTICLE V – OFFICIAL CAPS

Section 1. POST CAPS (members and officers) — All blue, piped in gold and lettered of gold, with optional basic lettering (Style 1 or Style 2), additional lettering, and restrictions as indicated below:

a. Style 1—Post numerals at the right front between piping and front crease. Department name in full on the left side beneath the emblem. Lettering on the emblem side to be in a straight line. Example "20" (at right front) – "FRANCE" (on the left side beneath the emblem).

b. Style 2—Post numerals at the right front between piping and front crease. With the town name in full and the Department name on the left side beneath the emblem. Lettering on the emblem side to be in a straight line. Example "1" (at right front) – "PARIS, FRANCE" (on the left side beneath the emblem).

c. Where any additional lettering is desired, this must be on the right side of the cap. This lettering is restricted to the name of the Post, such as "John Jones"; or officer title, such as "Commander" or "Past Adjutant". Where present or past officer cap insignia or badges are used in place of embroidered titles, these must be on the right side of the cap.

d. Consecutive membership insignia, membership stars, and/or decorations (authorized American Legion or military service) must be attached to the right side of the cap. Fraternal or civil organization insignia cannot be used on American Legion caps.

e. Names or nicknames of individual members cannot be used on caps.

Section 2. DEPARTMENT OFFICER CAP — All white cap, piped in gold and lettering in gold. Lettering is to be as follows:

a. Basic lettering—Post numerals (optional) at the right front between piping and front crease. Department name in full on the left side beneath the emblem. Lettering on the emblem side to be in a

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straight line. Example "20" (at right front) – "FRANCE" (on the left side beneath the emblem.) Town names are not permitted on Department Officer Caps.

b. Titles—Each Department officer cap must have the title on the right side of the cap. If embroidered, this would be (as an example) "Chaplain" or "Department Chaplain," as preferred, all lettering to be in straight lines or lines. If cap insignia is used, this must be on the right side of the cap.

c. Department officer cap may be worn by all Department Officers, whether elected or appointed, who are provided for in the Department Constitution.

d. Department officer cap may be worn only during the tenure of office. After retiring from office, an individual must revert to wearing the all-blue Post member cap but may attach to the right side of the Post cap, the proper past officer cap insignia. If preferred, the past officer title may be embroidered on the right side of the all-blue Post member cap.

e. Consecutive membership insignia, membership stars, and/or decorations (authorized American Legion or military service) must be attached to the right side of the cap. Fraternal or civil organization insignia cannot be used on American Legion caps.

Section 3. NATIONAL OFFICER CAP — All red cap, piped in gold and lettered in gold. Lettering is to be as follows:

a. Basic lettering— Post numerals (optional) at the right front between piping and front crease. Department name in full on the left side beneath the emblem. Lettering on the emblem side to be in a straight line. Example "20" (at right front) – "FRANCE" (on the left side beneath the emblem.) Town names are not permitted on National officer caps.

b. Titles—Each National officer cap must have the title on the right side of the cap. If embroidered this would be (as an example) "National Commander" or "National Adjutant" with the word "National" on one line, and office proper on the second, or if necessary, a third line. All lettering is to be in straight lines. If cap insignia is used, this must be on the right side of the cap.

c. National officer cap may be worn by the National Executive Committeemen and Alternate National Executive Committeemen.

d. National officer cap may be worn only during the tenure of office. All National officers, upon retiring from office, must revert to wearing all blue Post member cap but may attach to the right side of the Post cap the proper past officer cap insignia. If preferred, the past officer title may be embroidered on the right side of the all-blue Post member cap.

e. Consecutive membership insignia, membership stars, and/or decorations (authorized American Legion or Military Service) must be attached to the right side of the cap. Fraternal or civil organization insignia cannot be used on American Legion caps.

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Section 4. RESTRICTIONS

- a. The left side (emblem side) of any American Legion cap cannot contain other than the official American Legion Emblem and lettering as set forth previously in this resolution for Post, Department, or National caps.
- b. No member of any organization, such as drum and bugle corps, Bands, and so forth, sponsored by any Post or intermediate organizations between the Department and Post levels, or by any Department, shall wear the overseas cap having the color or combination of colors, authorized for the sole use of Department or National officers when the members of uniformed groups are not appearing in the full uniform of their group.

ARTICLE VI - CHARTERS

Section 1. A group desiring to form a Post shall make application for a Temporary Charter to Department Headquarters. The Temporary Charter shall be issued by the National Commander and National Adjutant upon receipt of the application properly executed by the Charter Members of the projected Post, but only when such application is approved by the DEC. A Post shall be deemed to exist from the date of approval of the application by the DEC without the administrative delay attending return of the Temporary Charter from National Headquarters and presentation thereof to the requesting group. A new post requires fifteen (15) New Members, (NO TRANSFERS). National NEC only approves Request for Temporary Charter three (3) times a year; at the Spring NEC Meeting, the Pre-Convention NEC Meeting, and the Fall NEC Meeting.

Section 2. A Temporary Charter shall be granted and shall state it is on the recommendation of the Department and on the following terms and conditions:

- a. All acts heretofore duly and properly taken for the formation of the above-named Post are recognized and confirmed by the National Executive Committee.
- b. The above-named Post shall uphold the declared principles of The American Legion and shall conform to and abide by the regulations and decisions of the Department and of the National Executive Committee, or other duly constituted National governing body of The American Legion.
- c. This Charter is subject to revocation by the National Executive Committee on the recommendation of the Department, or by such authority that may hereafter be established by the National Convention.

Section 3. After a Temporary Charter has been in effect for a probationary period of at least ninety (90) days, an application for a Permanent Charter may be made. Such probationary period shall not exceed one (1) year upon termination of which the Department shall determine whether or not a Permanent Charter shall be issued or denied, and the action of the Department shall be final. The Department will notify the Temporally Chartered Post after ninety (90) days to proceed with the paperwork for a permanent charter.

Section 4. All charters shall be countersigned by the Department Commander and the Department Adjutant.

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Section 5. The DEC may suspend, cancel, or revoke a Post Charter. The action taken by the DEC shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation, or revocation. The action taken by the National Executive Committee upon appeal shall be final.

Section 6. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary shall upon order of the DEC, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension, or cancellation.

Section 7. Upon cancellation or revocation of the Charter of any Post of the Department, the DEC is authorized, empowered, and directed, by and through its duly authorized agents, to take possession, custody, and control of all records, property, and assets of such Post and to take all necessary steps and proceedings to wind up and close the affairs of such Post. The Department may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 8. The National Executive Committee shall provide a uniform code defining the procedure to be followed in the revocation, cancellation, or suspension of Post charters providing for a method of appeal and further providing a code of procedure for the revocation, cancellation, or suspension of Department charters with continuing power to revise said code, provided, however, that the procedure now in effect shall continue until such code is so adopted.

ARTICLE VII– POST OPERATIONS

Section 1. ANNUAL REPORTS. Each Post Commander shall, on or about the 1 June each year, submit a certificate to the Department Adjutant indicating that the Post has filed the appropriate tax forms with the appropriate governments; registered with the military and/or civilian authorities, as applicable; and bonded the Officers of their Posts handling funding. In addition, each Post shall prepare an annual Post Report of Post Activities on the form provided by the Department Adjutant (Consolidated Post Data Report) by 1 June of the current year for the preceding year.

Section 2. The Department Commander, and/or the DEC, shall, should it be deemed advisable after consideration of a written and attested complaint, detail special auditors to investigate the membership rolls, financial statement, business and financial operations of any Post or a business branch, subsidiary or activity that may be sponsored by directly or indirectly connected with the Post. The Audit Committee shall take such steps as they deem necessary to protect the name and prestige of The American Legion and to rectify any unsound situations that may exist or arise in any Post. The expense of such audit and/or investigation shall be paid for by the Department of France only in the event the audit and/or investigation is requested by the Department of France.

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ARTICLE VIII– DISCIPLINE

Section 1. The DEC may suspend, cancel, or revoke a Post Charter for any good and sufficient cause, provided such action conforms to the Uniform Code of Procedure for the Revocation, Cancellation, or Suspension of Post Charters adopted by the National Executive Committee. The action taken by the DEC shall be final and conclusive unless an appeal is made under the Revocation, Cancellation, or Suspension of Post Charters. The action taken by the National Executive Committee upon appeal shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by the National and Department Constitutions and By-Laws, ceasing to function as a Post for six (6) months, voluntarily ceasing to function as a Post, merging with one more Post, refusing to pay Department and National per capita dues, or under such other conditions as might make such action necessary, shall upon order of the DEC, surrender its Charter for cancellation. Upon failure to surrender such Charter, immediate steps may be taken for its suspension, cancellation, or revocation. A Post shall be considered to have ceased to function when it:

- a. Has failed to hold regularly scheduled meetings.
- b. Has no American Legion programs in effect.
- c. Has failed to transmit membership data as required.
- d. Has failed to have a representative at three (3) consecutive meetings of the DEC.
- e. Has failed to obtain fifteen (15) current members by 1 February of each year.
- f. Has failed to respond to Department correspondence within 15 days of notification.

Section 3. Upon suspension of the Charter of any Post of the Department, the DEC is authorized, empowered, and directed, by and through its duly organized agents, to take possession, custody, and control of all the records, property, and assets of such Post.

Section 4. Upon cancellation or revocation of the Charter of any Post of the Department, the DEC is authorized, empowered, and directed, by and through its duly authorized agents, to take possession, custody, and control of all records, property, and assets of such Post and to take all necessary steps and proceedings to wind up and close the affairs of such Post. The Department may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 5. It is not intended by Sections 3 and 4 of this Article that property not belonging to the Post but found on its premises be taken in possession, custody, and control, except for the purpose of handing it over as soon as conveniently may be done to the persons authorized or appointed by a court or under legal procedure.

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Section 6. Each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

Section 7. Members may be suspended, or their Membership may be canceled or revoked from The American Legion only upon a proper showing of cause. Charges shall be based on disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post in such a manner and form as prescribed by the Practice and Procedure in the Expulsion or Suspension of a Member of The American Legion approved by the National Executive Committee. The action taken by the post shall be final and conclusive unless an appeal is made to the DEC within forty (40) days after the Judgment of expulsion or suspension. The action taken by the DEC upon appeal shall be final.

Section 8. A member whose dues for the current year have not been paid by 1 January shall be classed as delinquent. If his dues are paid on or before 1 February, he shall be automatically reinstated. If he is still delinquent after 1 February, he shall be suspended from all privileges. If he is still under such suspension on 30 June of such year, his membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by payment of dues for the year in which reinstatement occurs. Provided, however, that the Posts, Departments, and National organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 9. The Department of France will adhere to The American Legion's Practice and Procedure for Suspension of a Member of The American Legion.

ARTICLE IX – ELIGIBILITY FOR MEMBERSHIP 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 or 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. Membership in The American Legion is membership in the National Organization of The American Legion by affiliation with Posts.

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Section 3. All Post Transmittals will be submitted in the prescribed format prescribed by the DEC.

Section 4. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 5. The American Legion, Department of France does not recognize, support, or approve of a group known as The Friends of The American Legion.

Section 6. No person may be a member at any one time of more than one Post.

Section 7. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to the National Headquarters within thirty (30) days, shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, such person 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.

ARTICLE X - MONIES AND COLLECTIONS

Section 1. All National, Department, and Post officials handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average amount of money handled in a single year. In case of delinquencies in the payments of amounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. The bonds provided by National officials shall be approved by the National Judge Advocate and the National Executive Committee; bonds provided by Department officials shall be approved by the Department Judge Advocate and the DEC; and, bonds provided by the Post officials shall be approved by the local approval authority and the Post DEC, or such other official or officials as the Department may designate. Posts who do not have bonding will be responsible for all debts incurred by the Post or its members.

Section 2. National Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any Department, and should that Department so desire, assist in a similar audit of Posts within that Department.

Section 3. Department Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any Post.

ARTICLE XI - TRANSFER OF POSTS

Section 1. Posts of The American Legion formed within units of the Army, Navy, Marine Corps, or other organizations liable to transfer from one place to another, and which are organized under the Department in

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which they are then located, may transfer to another Department in a manner similar to the transfer of individuals from one post to another.

Section 2. Any existing Post in the territorial or insular possession of the United States or in foreign countries, which is not under the jurisdiction of a present existing Department, shall within one year following the adoption hereof, unless extended by the National Executive Committee, request the National Executive Committee to place it under the jurisdiction of a Department to be selected by such Post. Said request shall have attached thereto the formal consent of such Department. Should a Post fail or refuse to make such a request or be unable to obtain the consent of a Department, then the National Executive Committee shall designate the Department.

ARTICLE XII - POST HOME OR CLUBS

Section 1. Any American Legion Post in the Department of France may establish and maintain a Post Home for the social enjoyment of its members, bearing the name, title, emblem, and subject to control by the DEC and such limitations and restrictions as may be provided by law; provided, however, that permission to establish said Post Home must first be secured from the DEC; and provided further that such Post has complied with, or taken steps to comply with, the provisions of Article X, Section 7 of the Department Constitution. Automatic permission is deemed for those Posts operating Annexes as specified in Section 2 below.

Section 2. Such Posts as have established Post Homes may establish an Annex to such facility subject to the approval of the DEC; provided that such Annex must be located within twenty-five (25) miles (forty (40) kilometers) of the Post Home.

Section 3. Any Post or Post Home or Annex which is found to be operating in a manner which is inimical to and contrary to the established aims, concepts, and purposes of The American Legion or is in violation of any city ordinance, District, State or Federal laws or the Department or National Constitutions and By-Laws, may be cited to appear before the DEC to show cause, if any, why the Post Home or Annex operation should not be suspended or closed for a period of time not to exceed one year. Written notice stating the time and place of the hearing shall be sent to the Commander or Adjutant of the Post in question at least thirty (30) days prior to the time of said hearing. Upon the hearing of the cause, the Commander of the Post involved, together with any authorized representatives, may appear and be heard. Failure upon the Post representatives to appear, as herein provided shall automatically result in suspension or closing of the operation in question. The decision of the DEC shall be final and subject to appeal therefrom.

Section 4. The Post Home or Annex established in connection with a Post shall be managed, supervised, and controlled by the Post Home Committee. The method of Post or Annex government adopted by a Post, including the number of House Committee, shall be specified in its By-Laws and the By-Laws shall further provide that the actions of the governing body therein shall at all times be subject to the control and direction of the Post. The governing body of the Post Home or Annex shall have the power to suspend a member from privileges for a period not to exceed one (1) year for violation of rules.

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Section 5. Every member in good standing in the Post shall be entitled to all the rights and privileges of the Post Home, Club or Annex connected therewith. The control of and membership in such Post Home, Club, or Annex shall be limited exclusively to the members in good standing in the Post establishing same; provided, however, members in good standing of other American Legion Posts may use the facilities of the Post Home, Club or Annex.

Section 6. Any Post entering into an agreement with concessionaires, managers, outside vendors, or others for operation of Post Homes or Annexes after 15 June 1979 shall, before consummating such agreement, submit said agreement to Department Headquarters for approval by the Commander or Judge Advocate within thirty (30) days if not sooner. The Department cannot be held liable for any losses the Posts incur as a result of such contracts. Contracts for the operation of Post Homes as Annexes in effect prior to 15 June 1979 shall, at the request of the concerned Post, be reviewed by the Department Judge Advocate.

Section 7. Violations of this article may become cause for action under Article XI of the Department of France Constitution.

ARTICLE XIII – APPOINTMENTS, STANDING, AND SPECIAL COMMITTEES

Section 1. The Commander, upon taking office each year, may appoint any necessary Assistant Adjutant, Assistant Judge Advocate, and/or Assistant Finance Officer. The Commander may appoint Liaison Officers to other veterans' organizations. The Commander may appoint Special Assistants to the Commander, as he deems necessary. All Liaison Officers and Special Assistants so appointed are Department Officers but are not eligible to vote at DEC meetings or at the Department Convention, unless otherwise qualified. Other Officers may be appointed as requested by the membership or directed by the DEC. In addition, the Commander will appoint a Department Service Officer; the term of this appointment is two (2) years and runs concurrently with the elections of the Department NECMan and ALTNECMan. Appointments made by the Commander shall be ratified by the Delegates and Voting Officers present at the meeting at which the appointment is made or announced; or, if made in Recess, then at the next DEC Meeting or Convention Session. Tenure shall be for the duration of the Department Year, except for the Department Service Officer position which is a two (2) year term. Service shall be at the discretion of the Commander. Dissolution of the appointment shall be made by the Department Commander or a majority vote of the DEC. The appointment term of the Department Service Officer shall be two (2) years and shall run concurrently with the elections of the NECMan and ALTNECMan. If a successor is appointed prior to the Service Officer's term completion the newly appointed Service Officer will complete the term of the outgoing Service Officer. The Appointed Service Officer will have a voice but no vote at all Department DEC's and conventions.

Section 2. The Commander, upon taking office each year, is authorized to appoint the following Standing Committees: Americanism, Children and Youth, Finance, Foreign Relations, Membership, Public Relations, Veterans Affairs, and Rehabilitation, National Security, Sons of The American Legion, Ways and Means, Internal Affairs, POW/MIA, VIP, and American Legion Riders as standing committees of the Department. Other standing committees will be appointed as requested by the membership or directed by the DEC. Standing committees will consist of such members, Program Directors, and the Chairmen thereof, as shall be designated by the Department Commander. Chairmen of Standing Committees and Program Directors shall

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not be eligible to vote at DEC meetings or Department Convention unless otherwise qualified. The Department Commander will ensure each appointee provides a written report to the Adjutant and an oral report at each DEC Meeting. A vacancy shall exist when a Program Director or Chairman is absent (with an unexcused absence) from any DEC Meeting. The position will be filled by appointment and ratified by the DEC at that time.

a. Americanism Committee. Purpose: To inspire patriotism and good citizenship through patriotic observances, patriotic and civic instruction in schools, Americanization of aliens, information on anti-American propaganda, youth activities such as Boys State, Boys Nation, Scouts, Oratorical Contest, School Award Medals, baseball, flag etiquette, and other similar community services, as well as providing a listing of available scholarship through the "Need A Lift?" booklet. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for the proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for the community and civic betterment. Program directors include Boys State, Boys Nation, Scouting, Oratorical, St. Avold Cemetery, and Sacred Torch.

b. Children and Youth Committee. Purpose: To ensure that any child of a veteran in need of care and protection will receive that service and aid; to organize the Legion's strength in each community in the interest of children in general; and to assist the community in reducing juvenile delinquency. Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions, and coordinating services and agencies in the community for the above purposes. To act as an intermediary for the needy children of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran should be in need of the necessities of life" and "a square deal for every child."

c. Finance Committee. Purpose: To supervise the receiving, disbursement, and accounting of all Department funds; to prepare the annual budget recommendation for the Department; and to advise the Department on all financial policies. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations, and supervision of receiving, disbursing, and accounting of all Department funds.

d. Foreign Relations. Purpose: To maintain and secure world peace and friendship abroad through community endeavors. This committee has become active as America has recognized its responsibility as a world leader.

e. Membership Committee. Purpose: To obtain, retain, and increase the membership of the Department with specific responsibilities for renewals, enrollment of new members, transfers, and reinstatements. The Membership Committee shall have charge of all matters pertaining to the membership of the Department, including the procuring of new members, reinstatements, and eligibility of members.

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f. Public Relations Committee. Purpose: To promote public support of the Legion's programs through publicity of Department programs and activities in local newspapers or on radio, TV, etc.; and by keeping the membership informed on American Legion programs. The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with the American Legion Magazine, Department, and national Legion news service and by local publicity of Department and Post programs and activities.

g. Veterans Affairs and Rehabilitation Committee. Purpose: To assist veterans in obtaining needed hospitalization, in the prosecution of claims, and in obtaining other veterans' rights and benefits; to visit comrades who are sick or disabled; to visit and comfort members of their families when sick or bereaved. The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc. Program directors include Homeless Veterans and Veterans Rehabilitation.

h. National Security Committee. Purpose: To organize the Department membership in support of national or civilian defense projects in the community; to organize the Department and to assist in organizing the community for readiness to meet any emergency. The National Security Committee shall work with and coordinate Legion efforts with the local civil defense council on matters pertaining to national, civilian, and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home. Program directors include JROTC and 6th Fleet Affairs.

i. Sons of The American Legion Committee. Purpose: To act as a supervisory committee for the Sons of The American Legion Detachment in connection with its organization, activities, recreational and educational programs. This committee shall have supervision over the operations of the Department's detachment of the Sons of The American Legion.

j. Internal Affairs Committee. Purpose: To provide oversight for the resolution of problems that cannot be solved by the Department Officers and cannot wait until the next DEC meeting. Program directors include Awards and Constitution and By-Laws. This Committee will operate IAW the Standard Operating Procedures—Internal Affairs. To formulate and recommend policies and to oversee the implementation of adopted policies relating to activities conducted for organizational purposes, including but not limited to such matters as do not properly come within the scope of any other Department Committee; further to review and recommend administrative procedures of the Department Headquarters on matters referred to this committee by a Department Officer.

k. Prisoner of War/Missing in Action Committee. Purpose: To provide increased awareness of POW/MIAs; to organize the Department and posts POW/MIA activities; and to provide education to the public. This committee will provide appropriate POW/MIA memorabilia and material.

l. Very Important Person Committee. Purpose: To assist visiting dignitaries with their travel plans within the Department. This committee provides escorts and coordinates with the appropriate elements at the National Organization and within Europe.

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m. American Legion Riders Committee. Purpose: To act as a supervisory committee for The American Legion Riders in connection with its organization, activities, recreational and educational programs. This committee shall have oversight of the operations of the Department's American Legion Riders Group.

Section 3. The Chairman of standing committees may appoint directors to manage the programs of their committees with the concurrence of the Department Commander. The tenure of the standing committees is for the duration of the Department Year. A standing committee can be dissolved by a majority vote of the DEC.

Section 4. Special committees will be appointed by the Department Commander to fulfill short-term projects not covered by the above-mentioned standing committees. The tenure of a special committee will be from the initial appointment to the presentation of a final report by the committee chairman, not to exceed the duration of the Department Year. Since special committees have a short-term mission, they will be dissolved after the acceptance of the final report. Examples of special committees include the Convention Committee and the Elections Committee. Chairmen of Special Committees shall not be eligible to vote at DEC meetings or the Department Convention unless otherwise qualified.

Section 5. Special assistants to the Commander will perform those duties assigned by the Commander.

ARTICLE XIV - EXPENDITURES

Section 1. Expenditures will be limited to those required in activities listed in the Department Constitution and necessary operation and administration of the Department.

Section 2. Recurring expenditures will be listed in the Department budget and approved on an annual basis. Other types of expenditures and the amounts authorized shall be set by majority vote of the DEC, at any regular or special meeting.

a. There will normally be only one order per month placed with National Emblem Sales. The Department Finance Officer will certify and forward the order and check to National Emblem Sales.

b. At no time shall Department level items (caps, pins, etc.) be ordered from Emblem sales by anyone. The Department Adjutant will make orders for said items. Private orders will be paid for in advance.

c. The Program Chairmen who need National Emblem Sales items will prepare their orders as outlined in paragraph a. above.

Section 3. The Department Commander will appoint a committee for Special Consignments (such as Department Coins or Eiffel Towers) to be ordered through the Department Finance Officer and to be sold at a predetermined price set by the DEC.

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ARTICLE XV – INCOME

Section 1. The Department's income will be from three sources: membership dues, donations, interest from investments, and fund-raisers.

Section 2. The amount of annual dues for the Department of France shall be determined by the Department Second DEC each year. The annual dues shall be collected by each Post and transmitted to the Department Membership Chairman and then to the Department Finance Officer, no less frequently than once each sixty (60) days. The proposed annual per capita dues for the coming year shall be submitted at the Second DEC meeting of the current year for dissemination to the Posts for a vote at the Department Third DEC. In no event shall the period transpiring between the receipt of annual dues by the Department and the remittance thereof to The American Legion National Organization exceed thirty (30) days.

Section 3. Every post will transmit the prescribed annual per capita dues for every new member and every renewal and reinstatement of annual membership to the Department Membership Chairman, and then to the Department Finance Officer. The Department Membership Chairman will in turn send the National portion of the per capita dues for every new member and renewal and reinstatement of annual membership to National. Annual dues shall be payable 20 October of each year, for the succeeding calendar year.

Section 4. Donations are not part of the annual budget. Donations can come from fines assessed at Department meetings or from members or the general public.

Section 5. As necessary, interest or principal from the Department of France's investments can be used to liquidate outstanding obligations. No funds will be removed from the investments without the approval of the DEC.

ARTICLE XVI - FINANCIAL CONTROL

Section 1. The Finance Committee shall prepare and deliver a proposed budget for the coming fiscal year to the Department Adjutant not later than 1 June. The Department Adjutant shall deliver such proposed budget to Department Officers and Posts not later than two (2) weeks prior to the convening of the Department Convention. Such a budget shall not exceed the income of the preceding fiscal year.

Section 2. The annual Budget shall be approved at the First DEC.

Section 3. No appropriation shall be considered by the DEC unless the appropriation has first been submitted to and passed upon by the Finance Committee. In the event a proposed appropriation is rejected by the Finance Committee, the proposer of such appropriation may present the matter to the DEC for final action. In addition, any proposal for the direct allocation for the expenditure of funds by the Department Convention must be submitted in writing and read to the Convention at least eight (8) hours before the vote thereon. Any expenses in excess of the authorized budget must be documented and presented at the next DEC meeting by the Finance Officer for approval before reimbursing the individual expending the funds.

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Section 4. The accounting records will be maintained to reflect the assets, liabilities, net worth, and financial transactions of the organization. A Standing Operating Procedure (SOP) describing the accounting system used by the organization, will be prepared and maintained in a permanent file for reference and inspection purposes. Financial statements will be prepared prior to the second, third, and fourth DEC meetings and presented at these meetings for review and comment.

Section 5. An Audit Committee of not less than three (3) members, or a duly qualified civilian auditor, shall be appointed by the Commander at least sixty (60) days prior to the annual Convention, whose duty shall be to audit the financial records of the Department of France for the ending Fiscal Year. A report of any recommendations shall be presented to the delegates assembled at the annual Department Convention. No member of the Audit Committee shall be appointed from the home Post of the Department Finance Officer.

Section 6. In case of delinquencies in the payments of amounts due Department or National Headquarters, action shall be taken at once by the Department Finance Officer to bring about a speedy and complete settlement. All National, Department, and Post officials handling American Legion monies shall be properly covered by fidelity/crime insurance in an adequate amount as desired by the National Finance Commission. Said fidelity/liability insurance policy(s) provided for National Officials shall be approved by the National Judge Advocate and the National Executive Committee, and those provided for Department Officials by the Department Judge Advocate and the DEC, and those provided for the Post officials shall be approved by the Post Legal Officer and the Post Executive Committee, or such other official or officials as the Department may designate.

ARTICLE XVIII - LIABILITY INSURANCE

The Department and Posts will have public liability insurance relevant to their activities. Liability insurance will be maintained current at all times.

ARTICLE XIX - EMPLOYEES

Section 1. The Department has no employees.

Section 2. The Department is not a U.S. employer within the meaning of the United States Employment Tax Regulation.

ARTICLE XX - NOTICES

Each member of the DEC shall furnish the Department Adjutant with a mailing and email address within 14 days after the Convention or said appointment, to which all notices and documents intended for him may be sent; and the same shall be deemed to have been duly served upon a Committeeman when mailed to them at the address furnished. Any notice or document shall be presumed to have been duly served upon them five days after the same has been dispatched by registered mail to their last known address.

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ARTICLE XXI – RESOLUTIONS

Section 1. Each Resolution must emanate from and have the approval of, any one or a combination of Posts in good standing, DEC, Chairman of a standing Department or Convention Committee, or Convention. In addition, a resolution can be presented at any of the several DECs that the Department of France conducts, during the year so long as it adheres to the following.

- a. Must not contain any verbiage to alter or modify the Department constitution. This is a convention action.
- b. Must be submitted to the Department adjutant not later than 15 days prior to the next DEC.
- c. And must adhere to Sections 2, 3, and 4 of this Article.

Section 2. Two (2) copies of every Resolution, except those originating on the floor of the Convention or in a Convention Committee, must be received by the Department Adjutant at least sixty (60) days prior to the convening of the Department Convention.

Section 3. Each Resolution must be on one (1) subject only. All local resolving clauses should be omitted, substituting therein a clause resolving Department action, as well as the Resolving clauses.

Section 4. All Resolutions must be germane to the purpose for which The American Legion was organized, and extreme care should be taken in proposing Resolutions which place unnecessary burdens in the field of legislation or unrelated matters. Any Resolution seeking National consideration shall be accompanied by supporting documentation.

ARTICLE XXII - RULES OF ORDER

The rules of procedure of all meetings of the DEC shall be those set forth in Robert's Rules of Order, as revised, except when the same is contrary to the provisions contained in these By-Laws or the Department Constitution.

ARTICLE XXIII - LIMITATIONS OF LIABILITIES

The Department shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Department, post, subdivision, group of men, members of The American Legion, or other individuals, corporations, or organizations.

ARTICLE XXIV - AMENDMENTS

Section 1. These By-Laws may be amended at any DEC meeting, by a vote of two-thirds (2/3) of the voting strength, provided the proposed amendment shall have been submitted through the Department Adjutant, to

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the Posts and to the members of the DEC, by mailing or emailing the same to them at least two (2) weeks prior to the convening of the next DEC Meeting. Any such proposed amendments shall be accepted for transmittal by the Department Adjutant only when submitted to him by a letter signed by the Commander of one (1) of the several Posts of the Department, or by three (3) elected Department Officers.

Section 2. Any such proposed Amendment may be changed by Amendment thereof without further notice by a two-thirds (2/3) vote of the voting strength of the DEC.

Section 3. These By-Laws may also be amended at any Department Convention by a two-thirds (2/3) vote of the voting strength of the Convention, without prior notice.

Adopted at the Department of France First DEC, 2012, Ludwigshafen, Germany, 18 June 2011; Amended at the First DEC, 2015, in Neu Ulm, Germany, 21 June 2014; Amended at the 2015 Convention in Ludwigshafen, Germany, 19-20 June 2015; Ratified at the First DEC in Houffalize, Belgium, 18 June 2016; Amended at the Second DEC in Heilbronn/Frankenbach, Germany, 22 October 2016; Amended at the Third DEC in Ansbach, Germany, 18 March 2017; Amended at the Fourth DEC in Ludwigshafen, Germany, 15 June 2017; Amended at the Third DEC in Ansbach, Germany, 17 March 2018; Approved by two-thirds (2/3) vote at the 2018 Convention, in Wüstenrot, Germany, 21-23 June 2018; Approved by (2/3) vote at the Second DEC in Heilbronn, Germany, 26 October 2019; Amended at the Second DEC, via GoToMeeting video platform, 24 October 2020, by Unanimous Consent; Amended at the Third DEC, via GoToMeeting video platform, 19 March 2022, by Unanimous Consent. Amended on 15 December 2022 by Department Electronic DEC; Amended at the Second DEC in St Avold, France, 28 October 2023, by Unanimous Consent. Approved by Unanimous Consent at the American Legion, Department of France Convention, in Ochsenfurt, Germany, 13-16 June 2024.

ATTEST:

John D. Fleming

John D. Fleming
Department Adjutant

Robert L. Gray

Robert L. Gray
Department Commander