



For God and Country

The American Legion

Department of France

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



CONSTITUTION

The Constitution of the Department of France, The American Legion, was adopted at the 2011 Department of France Convention, Ludwigshafen, Germany, 16-18 June 2011; Amended at the 2014 Convention in Neu Ulm, Germany 20-22 June 2014, ratified at the 2015 Convention in Ludwigshafen, Germany, 19-20 June 2015. Approved by two-thirds (2/3) vote at the American Legion, Department of France Convention, in Ludwigshafen, Germany, 15-17 June 2017. Approved by two-thirds (2/3) vote at the American Legion, Department of France Convention, in Wüstenrot, Germany, 21-23 June 2018. Approved by a two-thirds (2/3) vote at the American Legion, Department of France Convention, in Ludwigshafen, Germany, 16-23 June 2018. Approved by two-thirds (2/3) vote at the American Legion, Department of France Convention, in Ludwigshafen, Germany, 16-19 June 2022. 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.

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:
To uphold and defend the Constitution of the United States of America;
To maintain law and order;
To foster and perpetuate a one hundred percent Americanism;
To preserve the memories and incidents of our associations in all Wars;
To inculcate a sense of individual obligation to community, state and nation;
To combat the autocracy of both the classes and the masses;
To make right the master of might;
To promote peace and goodwill on earth;
To safeguard and transmit to Posterity the principles of justice, freedom and democracy;
To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME and LOCATION

Section 1. The name of this organization shall be the Department of France, The American Legion.

Section 2. The Department of France Headquarters shall be located in St. Avoird, France.

Section 3. The Department of France is chartered by the National Headquarters of The American Legion, in accordance with The American Legion Charter granted by an Act of Congress of the United States of America of 16 September 1919, and all amendatory acts thereto.

**Department of France
Constitution**

ARTICLE II - OBJECTIVES

Section 1. The objectives and purposes of the Department shall be to promote the principles and policies set forth in the Preamble and in the National Constitution of The American Legion.

Section 2. In addition, it shall be the purpose of the Department to foster, insofar as it is able, friendly relations between countries where American Legion posts are located and the United States of America; to aid members in distress; to cooperate with the Departments of The American Legion in America and elsewhere, as well as the National Organization, for our own mutual benefit.

Section 3. The American Legion activities of this Department shall be conducted on a non-profit basis as a Veterans organization, in support of The American Legion National programs: Americanism, Children and Youth, Veterans Affairs and Rehabilitation, National Security, Foreign Relations, Membership and Post Activities, Public Relations, Legislative, Finance, Economic, Graves Registration and Memorials, Sons of the American Legion, The American Legion Auxiliary, The National Emergency Fund, The American Legion Child Welfare Fund, American Legion Riders, and the Past Commanders' Club.

ARTICLE III - NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

Section 2. The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan politics or for the promotion of the candidacy of any person seeking political office or preferment.

ARTICLE IV - DEPARTMENT ORGANIZATION

Section 1. The Department of France shall be composed of all Posts of the American Legion located within the geographical limits of Europe, as the term Europe is defined by the Department, from time to time.

ARTICLE V - ELIGIBILITY

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

Department of France Constitution

(B) a government associated with the United States Government during a period or 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. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person, whose membership has been suspended, canceled, or revoked by any Post, shall be admitted to membership in another Post, without consent of the Post conducting the proceedings, except that where such consent has been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department of the Post conducting the proceedings for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 5. No member shall be allowed to seek election or appointment to any office in the Department or any Post until he has provided adequate proof of eligibility to the Department or Post Adjutant, as appropriate.

Section 6. Any member in good standing in a Post who moves from this Department shall be entitled to a certificate from his Post certifying his membership and duration thereof.

ARTICLE VI – DISCIPLINE

Section 1. The Department and the Posts of the Department reserve the right to discipline the Members of the Posts and of the Department, to include the power of cancellation, revocation, or suspension of any person's Membership in the American Legion.

Section 2. The Department reserves the right to discipline any Post of the Department, to include the power of cancellation, revocation, or suspension of any Charter.

Section 3. The cancellation, revocation, or suspension of any person's Membership in the American Legion or of any Post's Charter shall be done in accordance with the National Constitution of The American Legion, the National By-Laws, any National Procedures or Directives, the Department of France Constitution, the Department By-Laws, the Department Standard Operating Procedures, and only after the exercise of Due Process, and only after a fair trial, and appeal, if requested.

**Department of France
Constitution**

ARTICLE VII - DEPARTMENT CONVENTION

Section 1. A Department Convention shall be held annually on such date in the month of June, at such place as shall be fixed by the Department Executive Committee, or, in the absence of such fixation, the commander will appoint a three (3) member committee to coordinate with the Saint Avold, France, Mayor's Office for a three (3) day convention in Saint Avold, France starting in the third (3) week of June, at the Headquarters of the Department of France. If this location is unavailable the committee will seek a convention venue at a different location.

Section 2. The Department Convention shall be conducted in accordance with Article III of the Department By-Laws and the Standard Operating Procedures - Conventions.

Section 3. If the Department Convention shall fail to meet or elect and install officers at the appointed time, those in office shall continue and exercise full authority until their successors are duly elected and installed.

Section 4. Any action taken by the Department Convention, except elections, is permanent, and can only be changed by action of a subsequent Convention.

ARTICLE VIII - DEPARTMENT OFFICERS

Section 1. The Elected National Officers of the Department of France shall be:

- a. National Executive Committeeman (NEC Man)
- b. Alternate National Executive Committeeman (Alt NEC Man)

The NEC Man shall have a 'voice' and a 'vote' at all Meetings and Conventions. The Alt NEC Man shall have a 'voice', but no 'vote', at all Meetings and Conventions. The NEC Man may vote as a National Officer or as a Post Delegate if he is certified as a Post Delegate, but not both. The Alt NEC Man may vote as a Post Delegate if he is certified as a Post Delegate. If the Alt NEC Man is serving as the NEC Man, then he may vote as a National Officer or as a Post Delegate, if he is certified as a Post Delegate, but not both.

Section 2. The Elected Department Officers of the Department of France shall be:

- a. Commander
- b. Vice-Commander At Large
- c. Vice-Commanders – 4
- d. Historian
- e. Chaplain
- f. Sergeant-at-Arms

Each Elected Department Officer and all Past Commanders present shall have a 'voice' and a 'vote' at all Meetings and Conventions. An Elected Department Officer or Past Commander may vote as a Department Officer or as a Post Delegate if he is certified as a Post Delegate, but not both.

Department of France Constitution

Section 3. The Appointed Department Officers of the Department of France shall be:

- a. Adjutant
- b. Judge Advocate
- c. Finance Officer
- d. Service Officer- 2 years

Each Appointed Department Officer shall have a 'voice', but no 'vote', at all Meetings and Conventions. An Appointed Department Officer may vote at any Meetings or Conventions if he is certified as a Post Delegate. Any Appointed Department Officer who is removed from their respective office for cause is not authorized to wear the Past Officer Lapel Pin of their respective office and they will not be recognized as a Past Officer of the Department of France.

Section 4. The term of office of the Elected Department Officers shall become effective following the closing of the Convention at which they were elected and shall continue for one (1) year or until their successors shall have been elected.

Section 5. The term of office of the Elected National Officers (NECMan and Alt NECMan) shall be for two (2) years or until their successors shall have been duly elected. The newly elected NECMan and Alt NECMan will not take office until after the adjournment of the American Legion National Convention in the year of their election. The term of office of the Appointed Service Officer shall be for two (2) years or until their successors shall have been duly appointed. The term of office of the Appointed Service Officer shall become effective at the time of announcement of their appointment and shall continue for two (2) years or until their successors shall have been appointed.

Section 6. The term of office of the Appointed Officers named in Section 3 of this Article, shall become effective at the time of announcement of their appointment and shall continue for one year or at the pleasure of the Department Executive Committee until their successors have been appointed. Except for the Service Officer which is a two (2) year appointment.

Section 7. All Department Officers shall be regular members of a Post in the Department of France, in good standing.

Section 8. In the event of the death, disability, resignation, or removal of an Elected Department Officer, the respective office shall be declared vacant. When the office of Commander shall be vacant, the Vice Commander-at-Large shall assume the said office for the unexpired term, with all duties and powers appurtenant to the said office. When the office of an Elected Department Officer (except the Commander) shall be declared vacant, the Department Commander shall appoint a replacement Officer to serve until the next DEC Meeting, at which time the replacement Officer is subject to confirmation, or another replacement may be elected by the DEC. Any Department Officer who is removed from office for cause is not authorized to wear the Past Officer Lapel Pin of their respective office and they will not be recognized as a Past Officer of the Department of France.

Section 9. In the event of the death, disability, resignation, or removal of the NECMan, the respective office shall be declared vacant, and the Alt NEC Man shall become the NECMan for the balance of the term then

Department of France Constitution

remaining. If the vacancy occurs before the second or the third Department Executive Committee Meeting, then the DEC shall elect an Alt NEC Man at the next DEC Meeting to serve until the Department Convention. The Department Convention will then elect an Alt NEC Man to fill the remaining term, if any; or shall elect an Alt NEC Man if the term will expire. If the NECMan or ALTNECMan are removed for cause from their respective office the wearing of the Past NECMan or ALTNECMan Lapel Pin is not authorized for wear and he/she will not be recognized as a Past NECMan or ALTNECMan of The Department of France.

Section 10. The death of an Officer must be noted, in writing, by the Commander to the Adjutant and the DEC. The resignation of an Officer may be accepted by the Commander, and must then be noted, in writing, to the Adjutant and the DEC. A disability (unless accompanied by a resignation) shall only be declared by the DEC and must be noted, in writing, by the Commander to the Adjutant. A removal shall only be accomplished by the DEC. The permanent departure of an Officer who is a member of a Post in the Department of France from the geographical limits of Europe may be grounds for removal, unless the Officer certifies to the DEC that he is capable, both physically and financially, to continue his service in that Office. If the departing Officer fails to so certify his capability, or if the DEC finds that such officer is not capable to continue, either physically or financially, then the DEC may declare the office vacant and must be noted, in writing, by the Commander to the Adjutant. A vacancy occurs only upon the receipt of notice by the Adjutant of one of the above occurrences. For purposes herein, the term a 'permanent departure' shall be defined as any departure that will cause an absence that can be reasonably construed to continue until at least the date of the next Department Convention. The receipt of military transfer orders for a destination outside the geographical limits of Europe may be considered by the Department Executive Committee as adequate evidence of a permanent departure.

ARTICLE IX - DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Between Department Conventions, the administrative powers of the Department of France, subject to the provisions within the Constitution and By-Laws, are lodged within the Department Executive Committee, DEC.

Section 2. The voting members of the DEC shall be the Department Commander, Vice Commander-at-Large, four (4) Vice Commanders, Sergeant-at-Arms, Chaplain, Historian, National Executive Committeeman, Past Department Commanders, and two (2) representatives from each Post of the Department which shall be members in good standing within their own Post and have written delegation authority from their Post Commander or Post Adjutant. In the absence of the National Executive Committeeman, the Alternate National Executive Committeeman shall sit in his place. In addition, the Department Adjutant, Finance Officer, Judge Advocate, Program Directors, and Chairmen of Standing Committees shall have a voice but no vote unless they have written delegation authority from their respective Posts.

Section 3. The term of office of voting members of the DEC shall be while they are serving the office to which they are elected, or until their successor has been elected or appointed.

Section 4. The Meetings of the DEC shall be conducted in accordance with Article II of the Department By-Laws.

Department of France Constitution

Section 5. Any member of the DEC may be suspended, canceled, or removed for cause at a DEC meeting by a two-thirds (2/3) vote of the members present; provided that the Officer shall have been served with a written statement of complaint at least thirty (30) days before such vote shall be taken, and shall have an opportunity to be heard at the DEC Meeting. The decision of the DEC shall be final.

ARTICLE X - FINANCE

Section 1. The Department of France's financial matters shall be conducted by the Finance Officer and the Finance Committee in accordance with the By-Laws and Standard Operating Procedures.

Section 2. The Fiscal Year shall be from 1 July to 30 June. Finance Reports shall end as of 31 May.

ARTICLE XI - POST ORGANIZATION

Section 1. Posts shall be organized in accordance with the National and Department Constitution and By-Laws. A Post shall be chartered by The American Legion and the Department.

Section 2. No Post shall be named after any living person, nor be given a name that is similar to that of an existing Post in the Department.

Section 3. MEMBERSHIP. The minimum membership of a Post within the Department shall be fifteen (15) members, except as may be authorized by a two-thirds (2/3) majority of the Delegates and Officers present at a Convention.

Section 4. CONSTITUTION. The Department of France shall prescribe a Standard Post Constitution for all Posts within the Department of France. Changes to the Standard Post Constitution will be in Amendment form and will be approved by the submitting Posts in an annual meeting assembled, and attested to by the Post Adjutant, and signed by the Post Commander, and forwarded in accordance with Article XVI of this Constitution. However, regulations and inclusions may be required to comply with local military regulations that may be made; subject to the approval of the Department Judge Advocate for compliance with the Department and National Constitution and Bylaws.

Section 5. BY-LAWS. Each Post within the Department of France shall adopt its own By-Laws, subject to the approval of the Department Judge Advocate and attested thereto, a copy of which shall be maintained at the Department Headquarters, along with the Post minutes of the meeting at which they were formally adopted. Thereafter, all amendments shall be forwarded to the Judge Advocate for approval prior to adoption and a copy of the approved amendment shall be filed with the basic document.

Section 6. STANDARD OPERATING PROCEDURES. Each Post within the Department of France may adopt its own Standard Operating Procedures, subject to the approval of the Department Judge Advocate and attested thereto, a copy of which shall be maintained at the Department Headquarters, along with the Post minutes of the meeting at which they were formally adopted. Thereafter, all amendments shall be forwarded to the Judge Advocate for approval prior to adoption and a copy of the approved amendment shall be filed with the basic document.

**Department of France
Constitution**

Section 7. REGISTRATION. Each Post within the Department of France shall be registered with the military authorities in the area in which their Post is located and/or with the local civilian authorities, as applicable.

ARTICLE XII - AMERICAN LEGION AUXILIARY

Section 1. The American Legion recognizes an auxiliary organization known as The American Legion Auxiliary.

Section 2. Eligibility for membership in the American Legion Auxiliary shall be the same as that prescribed for membership by the National Constitution and By-Laws.

Section 3. The Auxiliary shall be governed in the Department of France of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the DEC.

ARTICLE XIII - SONS OF THE AMERICAN LEGION

Section 1. The American Legion recognizes an organization known as The Sons of The American Legion.

Section 2. Eligibility for membership in the Sons of The American Legion as that prescribed for membership by the National Constitution and By-Laws.

Section 3. The Sons of The American Legion shall be governed in the Department of France of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the DEC.

ARTICLE XIV - AMERICAN LEGION RIDERS

Section 1. The American Legion recognizes an organization known as The American Legion Riders.

Section 2. The membership requirements for the American Legion Riders are very straightforward. To become a member, you must.

a. Be a current member of the American Legion, American Legion Auxiliary, or Sons of the American Legion. Own a motorcycle (at least 350cc) or be the spouse of an owner who is an American Legion Riders member.

b. Own a motorcycle (at least 350cc) or be the spouse of an owner who is an American Legion Riders member.

Section 3. The Legion Riders shall be governed in the Department of France of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the DEC.

**Department of France
Constitution**

ARTICLE XV - RATIFICATION

Section 1. All acts performed and Charters heretofore granted by the National Organization to fall under the Department of France are hereby ratified and confirmed. We do not grant Charters - we recommend to National a Charter be drawn up for a new Post. We vote to send a Temp Charter application to National.

ARTICLE XVI - AMENDMENTS

Section 1. This Constitution may be amended at any Department Convention by a two-thirds (2/3) vote of the voting strength of the Convention, provided the proposed amendment shall have been submitted through the Department Adjutant to the Posts of the Department and to the members of the DEC by mailing or emailing same to them at least thirty (30) days prior to the convening of the next Department Convention. However, a proposed amendment shall not be accepted for mailing or delivery by the Department Adjutant except when submitted to him by letter signed by the Commander of any one of the several Posts of the Department, or by three (3) elected Department Officers. 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 Convention.

ARTICLE XVII - CONFLICTS

Section 1. The Department of France Constitution, By-Laws, and Standard Operating Procedures are subject to the applicable provisions of the National Constitution and By-Laws of The American Legion as they exist from time to time, and to the extent of any conflict that may exist, the National Constitution and By-Laws shall be controlling.

Section 2. In those cases, not provided for in the Department of France Constitution, By-Laws, and Standard Operating Procedures, Robert's Rules of Order, as revised, will be utilized to provide the proper procedure.

ARTICLE XVIII - GENERAL PROVISIONS

Section 1. This organization does not discriminate in membership on the basis of race, color, religion, national origin, sex, or mental or physical handicap.

Section 2. The members, according to host nation laws, may be personally liable to creditors if the assets of the Department of France are insufficient to discharge liabilities.

Section 3. Guests are welcome to any Department of France function or open meeting.

Section 4. There is no absentee or proxy voting at any Convention, DEC Meeting, or any other election, whether Department or Post.

Section 5. If the Department of France is dissolved, assets will be disposed of in accordance with Sections 4 and 5, Article XI, of the National Constitution of The American Legion.

**Department of France
Constitution**

Section 6. The general membership can request the National Headquarters to dissolve the Department of France in accordance with Article XI of the National Constitution of The American Legion

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ATTEST:

John D. Fleming

John D. Fleming
Department Adjutant

Robert L. Gray

Robert L. Gray
Department Commander