



The American Legion • Department of France • Margraten Post NL01 • USAG Benelux • Brunssum, NL

Constitution

The Constitution of The American Legion Post NL01 Margraten was adopted, passed voting at the 13 Oct 2017 general membership meeting and signed into effect on 8 December 2017; Reviewed and passed voting at the 3 December 2018 general membership meeting and signed into effect on 3 March 2018; Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 17 July 2020 in Kerkrade, The Netherlands; Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 13 March 2021 via Video Meeting; Amended Article XV, Section 3 and ratified by two-thirds (2/3) vote at the General Membership Meeting 16 April 2021 via Video Meeting. 2021 Annual review with no changes, signed at the General Membership meeting 26 March 2022 in Brunssum, The Netherlands. 2022 Annual review with no changes, signed at the General Membership meeting 25 March 2023 in Brunssum, The Netherlands. Amended and ratified at the General Membership Meeting 09 March 2024 in Brunssum, The Netherlands. Amended and ratified at the General Membership Meeting 29 March 2025 in Brunssum, The Netherlands.

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

Preamble

For God and Country, we associate ourselves 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 classes and 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 Margraten Post NL01, The American Legion, Department of France.

Section 2. The Margraten Post is located in the Netherlands and is operated as a Private, non-profit Organization within the U.S. Military Community in The Netherlands and The Tri-Border Area to include Germany and Belgium, within the jurisdiction of the USAG Benelux Commander and his/her approving authority.

Section 3. The Margraten Post NL01, The American Legion, Department of France was chartered by the National Headquarters of the American Legion on 17 August 2017 and countersigned by the Department of France on 20 August 2017.

Article II - Objectives

Section 1. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble and the National and Department Constitutions of the American Legion.

Section 2. In addition, it shall be the purpose of the Post to foster, insofar as it is able, friendly relations within the community, its Veterans' organizations, and the United States of America. To aid American Legion members, veterans, and their families in distress. Furthermore, its purpose shall be to cooperate with Posts and Departments of the American Legion in America and elsewhere, as well as the National Organizations for our mutual benefit.

Section 3. The American Legion activities of this Post shall be conducted on a non-profit basis and charitable as a Veteran's Organization in support of the following 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. This Post is a civilian organization, and membership therein does not affect or increase liability for military or police service.

Section 2. This Post shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment. The members of American Legion Margraten Post NL01 will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government. (This is required by the USAG for a Private Organization (PO), IAW AR 210-22 and AER 210-22)

Section 3. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of this Post.

Article IV - Membership

Section 1. Any person shall be eligible for membership in The American Legion who is or was a member of the United States Armed Forces between 6 April 1917 to 11 November 1918 or has served federal active duty in the United States armed Forces since 7 December 1941 and has been honorably discharged or is still serving.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life. Honorary, associate, social or guest memberships in the American Legion are NOT permitted.

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. They 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. They shall be ineligible for membership until such approval is granted by the Department Executive Committee (DEC).

Section 5. No member shall be allowed to seek election or appointment to any office in the Department or Post until they have 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 their Post certifying their membership and duration thereof.

Section 7. Eligibility for membership shall not be restricted in any manner with regard to race, color, religion, sex, creed, national or ethnic origin, or mental or physical handicap.

Section 8. To withdraw their membership, the member need only not pay their annual dues and express their wish not to renew membership through verbal or written communication with the Post. No official withdrawal application is required.

Section 9. Guests may attend regular meetings and must sign the 'Guest Register' maintained by the Sergeant at Arms. Guest participation in official meetings and ceremonies is at the Commander's discretion; furthermore, guests are not voting members.

Article V - Post Officers

Section 1. The Elected Officers of the Post shall be:

- a. Commander
- b. First Vice Commander

- c. Second Vice Commander
- d. Historian
- e. Chaplain
- f. Service Officer
- g. Sergeant at Arms

Section 2. The Appointed Officers of the Post shall be:

- a. Adjutant
- b. Judge Advocate
- c. Finance Officer

Post Executive Committee (PEC):

a. The Elected and Appointed Officers, the Immediate Past Post Commander (IPC), the Director of The American Legion Riders, the Commander of the Sons of the American Legion and the President of the American Legion Auxiliary under Post NL01 shall be known collectively and may be referred to as the Post Executive Committee.

b. Each Elected Post Officer present, the IPC present, and active Past Post Commanders present, shall have a 'voice' and a 'vote' at all meetings. The Adjutant, Finance Officer, and Judge Advocate, the Director of The American Legion Riders, The Commander of the Sons of the American Legion and The President of the American Legion Auxiliary under Post NL01 shall have a 'voice' but no 'vote' in the PEC Meetings, due to the nature of their office by appointment, however will have a 'voice' and 'vote' at all General Membership Meetings (GMMs).

c. Past Post Commanders are invited to PEC and General Membership Meetings and shall have a 'voice' and 'vote'.

d. Quorum of the PEC: A quorum of the Post PEC is defined in the Post NL01 Constitution, Article V, Section 10. (See also Post NL01 Bylaws, Article IV, Section 2; and Article VIII, Section 1.b.)

Section 3. All elected Officers shall be elected annually, in the month of March, and they shall hold office until their successors are duly installed or as otherwise provided.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. An Appointed Post Officer or Member may vote at any Department Meeting or Convention if they are certified as a Post Delegate.

Section 6. The term of office of the Appointed Officers named in Section 4 of this Article shall become effective at the time of announcement of their appointment and shall continue commensurate with the term of and/or at the pleasure of the Post Commander until their successors have been appointed.

Section 7. All Post Officers shall be regular members of the Post and in good standing.

Section 8. Elected Officer Vacancies:

a. In the event of death, disability, resignation or the removal of an Elected Post Officer, the respective office shall be declared vacant.

b. When the office of Commander shall be vacant, the First Vice Commander shall assume the said office for the unexpired term, or a General Membership Meeting (according to the guidelines of Bylaws Article IV, Section 6) convenes to elect a new Commander, with all duties and powers appertaining to the said office.

c. When the office of an Elected Post Officer (except Commander) shall be declared vacant, the Post Commander shall appoint a replacement Officer to serve until the next Post meeting (GMM), at which time the replacement Officer is subject to confirmation by the membership, or a replacement may be elected by the Members.

Section 9. The death of an Officer must be noted, in writing, by the Commander to the Adjutant and communicated to the Post membership. The resignation of an Officer may be accepted by the Commander and must then be noted, in writing, to the Adjutant, and the Post membership. A disability (unless accompanied by resignation) shall be declared in writing by the Commander to the Adjutant. Removal of the Officer shall only be accomplished by the action of the PEC.

Section 10. PEC Quorum: A quorum of a minimum of four (4) voting officers shall be present to conduct business within a PEC.

Section 11. Any member of the PEC may be suspended, canceled or removed for cause at a PEC meeting by 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 PEC meeting. The decision of the PEC shall be final.

Article VI - Finance

Section 1. Post financial matters shall be conducted by the Finance Officer and by the Finance Committee in accordance with the Bylaws and Standard Operating Procedures.

Section 2. The Fiscal Year shall be 1 April to 31 March.

Section 3. The Post shall annually file the proper returns with the U.S. Internal Revenue Service and forward to the Department Headquarters as provided for in the Department Constitution and Bylaws.

Article VII - POST ORGANIZATION

Section 1. This Post shall be organized in accordance with the National and Department Constitutions and Bylaws. The Post shall be chartered by The American Legion.

Section 2. This Post shall not be named after any living person, nor be given a name that is similar to that of an existing Post or Department.

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

Section 4. Constitution: This Post adopts its own Constitution, subject to the approval of the Post and 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 Department Judge Advocate for approval prior to adoption, and a copy of the approved amendments shall be filed with the basic document.

Section 5. Bylaws: This Post adopts its own Bylaws, subject to the approval of the Post and 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 Department Judge Advocate for approval prior to adoption, and a copy of the approved amendments shall be filed with the basic document.

Section 6. Standard Operating Procedures: This Post may adopt its own Standard Operating Procedures (SOP), 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 Department Judge Advocate for approval prior to adoption, and a copy of the approved amendments shall be filed with the basic document.

Section 7. Registration: This Post shall be registered with such civil or military authorities in the area in which the Post is located and/or with the local civilian authorities, as applicable. (See Post NL01 Bylaws, Article XV)

Article VIII - Charter Members

Members who joined this Post prior to 3 June 2002 shall be known as Charter Members.

Article IX - American Legion Auxiliary

Section 1. The American Legion recognizes the 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 X - Sons of The American Legion

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

Section 2. Eligibility for membership in the Sons of The American Legion shall be the same as that prescribed for membership by the National Constitution and Bylaws.

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 XI - American Legion Riders

Section 1. The American Legion recognizes the 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. Hold membership in and be in good standing with the American Legion, American Legion Auxiliary, or Sons of the American Legion.
- b. Be legally registered motorcycle owners (at least 500 cc's) or be the spouse of an owner who is an American Legion Rider member within the state of registration.
- c. Be properly licensed and insured per state or country laws.
- d. Obey motor-vehicle laws in the state or country in which they are operating a motorcycle or riding as a passenger.

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.

Article XII - Ratification

All acts performed and Charters heretofore granted to the Post by the Department of France are hereby ratified and confirmed.

Article XIII - Amendments

This Constitution may be amended at any general membership meeting (GMM) of the Post by two thirds (2/3) vote of the voting strength of the meeting, provided the proposed amendment shall have been submitted in writing to the Post Adjutant at least thirty (30) days prior to the convening of the meeting and have been approved by the Department Judge Advocate. Any proposed amendment may be changed by an amendment thereof without further notice by two thirds (2/3) vote of the voting strength of the meeting.

Article XIV - Conflicts

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

Section 2. In those cases, not provided for in the Post Constitution, Bylaws and Standard Operating Procedures, the most current edition of Robert's Rules of Order shall be utilized to ensure the proper procedure.

Article XV - 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 of Post NL01, according to local law, may be personally liable to creditors if the assets of the Post are insufficient to discharge liabilities.

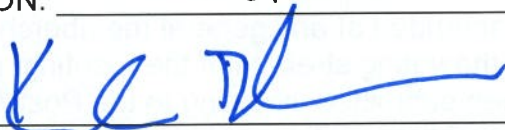
Section 3. Guests are welcome at any Post NL01 function or open meeting but must be sponsored by an American Legion member in good standing. Approval from the Post NL01 PEC shall be required for guests to attend any meeting if not represented by an American Legion member.

Section 4. There is no absentee or proxy voting permitted at any General Meeting, PEC Meeting, or at any other election. The PEC may authorize the use of virtual meeting capabilities, for example a Zoom meeting, to enhance attendance for individuals deployed, outside the country, etc. Voting is allowed during virtual meetings when video enables visual confirmation of a show of hands to be counted and verified. When a secret ballot is required, the private chat function of the virtual meeting platform shall be used to ensure anonymity of voters.

Section 5. The general membership of the Post can request the Department of France to dissolve the Post in accordance with Article XI of the National Constitution of The American Legion.

Section 6. If Post NL01 is dissolved, assets will be disposed of in accordance with Section 4 and 5, Article XI, of the National Constitution of The American Legion.

APPROVED BY MAJORITY ON: 07.03.2026

Attested by the Adjutant: 

Signature of Commander: 