



**CONSTITUTION
OF
RHEIN-NECKAR POST GR03
DEPARTMENT OF FRANCE
THE AMERICAN LEGION**

The Original Charter from the National Headquarters, The American Legion dated October 23, 1970 formed Heidelberg Post 3 to operate in Heidelberg, Germany. All members listed on this Charter are Charter Members of this Post. The name was changed to Alfred E. Watts Post 3 on August 20, 1976 in honor of Alfred E. Watts was responsible for this Post being born. Comrade Watts had passed away. On April 20, 2000, the Post was changed to its current name Rhein-Neckar Post GR03 with a Charter being issued through the Department of France, by the National Headquarters, The American Legion.

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 the great wars; to inculcate a sense of individual obligation to the 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 good-will 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

Section 1. The name of this organization shall be Rhein-Neckar Post GR03, Department of France and The American Legion.

Section 2. The Rhein-Neckar Post GR03 shall be located in Heidelberg, Germany.

Section 3. The Rhein-Neckar Post GR03 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 on September 16, 1919, and all amendatory acts thereto.

ARTICLE II - OBJECTS

Section 1. The objects and purpose of this Post shall be to promote the principles and policies as set forth in the preamble, and in the National and Department Constitutions of The American Legion.

Section 2. This Post activities shall be conducted on a non-profit basis as a Veteran's organization in support of The American Legion National and Department programs; Americanism, Children and Youth, Veterans Affairs and Rehabilitation, National Security, Membership and Post Activities, Public Relations, Legislative, Finance, Economic, House, Legion Auxiliary, The National Emergency Fund, The American Legion Child Welfare Fund, 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 their military or naval title in any 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 - ELIGIBILITY

Section 1. Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during any of the period listed in Article V - Eligibility of the Department of France, or the Officer's Guide, The American Legion on Page 130.

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 to more than one Post.

Section 4. No person, who has been expelled by a Post, shall be admitted to membership in another Post, without consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he/she 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 V – POST OFFICERS

Section 1. The Officers of the Rhein-Neckar Post GR03, The American Legion shall be a Post Commander, a 1st Vice Commander, a 2nd Vice Commander, an Adjutant, a Historian, a Judge Advocate, a Chaplain, a Service Officer, a Sergeant-at-Arms, a Finance Officer and three (3) Executive Committee Members; all to be elected during the month of June, with the exception of the Adjutant, Judge Advocate, and Finance Officer, who will be appointed by the Commander immediately after conclusions of the election along with all Committee Chairmen necessary for the conduction of business.

Section 2. The term of office of the elected Officers shall become effective following the closing of the Department Convention, and shall continue for one (1) year or until their successors shall have been elected.

Section 3. The term of office of the appointed Officers named in Section 1 of this Article, shall become effective at the closing of the Department Convention, and shall continue for one year or at the pleasure of the Post Commander, or until their successors have been appointed.

Section 4. Every member of Post GR03 in good standing shall be eligible to hold office in this Post. Absentee or proxy votes are not allowed. Any member not present and desirous of running for a particular position must have provided a letter of intent, before they can be nominated for office. All elected and appointed Post Officer shall submit due proof of eligibility through submission of a copy of their DD214, Active/Reserve Duty ID Card (DD Form 2) or a Retiree ID Card (DD Form 202) to the Department Adjutant within thirty (30) days after the Department Convention.

Section 5. In the event of the death, resignation or removal of an elected Post Officer, or in the event of the permanent departure of an elected Post Officer from the geographical limits of this Post, the respective office shall be declared vacant and with the exception of the Post Commander, the 1st Vice Commander shall assume the said officer for the unexpired term, with all duties and powers appurtenant to the said office. When the office of all other officers shall be vacant, the vacancy shall be filled in accordance with Article VII, Section 6.

Section 6. 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 Post Election. The receipt of military transfer orders for a destination outside the geographical limits of the Heidelberg, Germany area shall be considered by the Post Executive Committee as adequate evidence of a permanent departure, and a replacement officer shall be appointed and installed at such time as appropriate to the actual department of the Officer to ensure the efficient transfer of the duties to the replacement.

ARTICLE VI - POST EXECUTIVE COMMITTEE

Section 1. Between Post Elections, the administrative powers of the Post Executive Committee of Rhein-Neckar Post GR03, subject to the provisions within the Constitution and By-Laws, are lodged with the Executive Committee.

Section 2. The voting members of the Post Executive Committee shall be the Post Commander, 1st and 2nd Vice Commanders, Chaplain, Historian, Service Officer, Sergeant-at-Arms and three (3) Executive Committee Members. The Post Adjutant, Judge Advocate and the Finance Officer and all Past Commanders, Program Chairmen and Chairmen of Standing Committees shall have a voice but no vote unless they have written authority from the Post Commander or the Post Executive Members.

Section 3. The term of office of voting member of the Post Executive Committee shall be while they are serving the office to which they are elected.

Section 4. The Post Executive Committee shall meet within the month after the term of office begins, and shall thereafter meet not less than three (3) times before the next annual election. All meetings will be held upon reasonable notice at the call of the Post Commander, in no case except in the Constitution and By-Laws provided, shall such reasonable notice be construed to mean less than four weeks actual notice except that the Post Commander shall call a special meeting upon written request of nine (9) or more members of the Post Executive Committee.

Section 5. Any member of the Post Executive Committee may be removed or suspended for cause at an Executive Committee 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 Executive Committee meeting. The decision of the Executive Committee shall be final.

ARTICLE VII - FINANCE

Section 1. The revenue of the Rhein-Neckar Post GR03 shall be derived from annual membership dues, the resale of items from The American Legion Emblem Sales Catalog and memorabilia, raffles, and from other sources as may be approved by the Post Executive Committee.

Section 2. The Fiscal Year shall be July 1st of the current year to June 30th of the coming year.

ARTICLE VIII - CHARTER MEMBERS

Members who joined this Post prior to October 23, 1970 (or members who joined this Post prior to the issuance of charter) shall be known as charter members.

ARTICLE IX - AMERICAN LEGION AUXILIARY

This Post does not have a Ladies Auxiliary organization.

ARTICLE X - SONS OF THE AMERICAN LEGION (SAL)

Section 1. This Post recognizes a concordant organization to be known as the Sons of The American Legion Squadron GR03 of Rhein-Neckar Post GR03, Heidelberg, Germany, Detachment of France, The American Legion.

Section 2. Membership in the concordant body shall be as prescribed by the National Constitution of the American Legion National SAL organization.

ARTICLE XI - SAVING CLAUSE

Section 1. This Constitution is a standard Post Constitution prescribed by the Constitution of the American Legion, Department of France, and adopted subject to the provisions of the National Constitution of the American Legion. Any amendment to said National or Department Constitutions which is in conflict with any provision hereof, this Post Constitution must be modified or amended.

ARTICLE XII - LIABILITY

Section 1. This Post shall maintain liability Insurance with a reputable Liability Insurance Company providing liability protection for this Post, to cover any liability or obligation whatever, which shall subject to liability any other Post, subdivision, group of men, members of the American Legion, or any other individuals, corporations, or organizations.

Section 2. Dissolution of this Post may be accomplished by a majority vote of the general membership. In the event it becomes necessary to discontinue or dissolve Rhein-Neckar Post GR03, it shall be the responsibility of the Post Commander to notify the Department.

Section 3. This Post is not an instrumentality of the United States of America.

ARTICLE XIII - AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of France, The American Legion.

Section 2. This Constitution may be amended by a vote of two-thirds (2/3) of the total membership votes on the floor, provided the proposed amendment shall have been submitted by the Post Adjutant to the members of the Posts and to the members of the Post Executive Committee members by mailing same to them at least thirty (30) days prior to the next General Membership meeting. However, a proposed amendment shall not be accepted for mailing of delivery by the Post Adjutant except when submitted to him/her by letter signed by the Commander of the Post. Any proposed amendment may be changed by amendment thereof without further notice by a two-thirds (2/3) vote of the total member votes on the floor.

Section 3. Two (2) copies of all amendments to this Constitution shall be forwarded to The Department of France and the Approving Authority; after formal approval by the Department of France Judge Advocate and as envisioned by the Department of France Constitution.

ARTICLE XIV CONFLICTS

Section 1. This Constitution and By-Laws appurtenant thereto 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 this Constitution and the By-Laws, appurtenant hereto, Robert's Rule of Orders, as revised, will be utilized to provide proper procedure.

ARTICLE XV – MANDATORY STATEMENTS

Section 1. This Private Organization is established Army Regulations 210-22, 11-2, 600-50, AE Reg 210-22, DOD 5500.7-R and DODI 1000.15. These publications serve as primary reference points concerning the operations in this community. This organization should keep in close coordination with the Private Organization office to ensure the activities are conducted as authorized.

Section 2. This organization is not an instrumentality of the United States, will be self-sustaining, and may not receive financial assistance from the U.S. Army or non-appropriated funds. This organization will not in any way duplicate or compete with a non-appropriated fund instrumentality operation or appropriated fund governmental function.

Section 3. Neither the Department of the Army nor USAREUR will assume any responsibility for this organization's debts.

Section 4. This organization does not discriminate in membership on the basis of race, color, religion, national origin, sex, or mental or physical handicap.

Section 5. The organizations approving authority to operate as a private organization is Department of the Army, United States Army Garrison Baden-Wuerttemberg, Unit 29237, APO AE 09102-9237, IMEU-BW-MWR.

Section 6. The members, according to host nation laws, may be personally liable to creditors if the assets of the Rhine-Neckar Post GR03 are insufficient to discharge liabilities.

Section 7. Guests are welcome to any Rhein-Neckar Post functions or meetings.

Section 8. Fifty-One percent (51%) of the membership must have SOFA Status requirements.

Section 9. If the Rhein-Neckar Post GR03 is dissolved, assets will be disposed of in accordance with Sections 4 and 5, Article XI, of the National Constitution of The American Legion.

Section 10. The general membership can request the National Headquarters to dissolve the Rhein-Neckar Post GR03 in accordance with Article XI of the National Constitution of The American Legion.

Approved by majority vote at the General Membership Meeting on October 7, 2010.

(SIGNATURE OF POST COMMANDER)

(SIGNATURE OF POST ADJUTANT)