

The American Legion Charter of National Constitution and By-laws Uniform Codes of Procedure for the Revocation, Cancellation or Suspension of Department and Post Charters Prepared By The American Legion National Headquarters Indianapolis, Indiana

Official The National Constitution of The American Legion as set out herein, is in full force and effect and represents action taken by National Conventions, being the Constitution adopted at the First Annual Convention, Minneapolis, Minn., Nov. 10-12, 1919, and as amended at the Second Annual Convention, Cleveland, Oh., Sept. 27-29, 1920; Fourth Annual Convention, New Orleans, La., Oct. 16-20, 1922; Fifth Annual Convention, San Francisco, Calif., Oct. 15-19, 1923; Sixth Annual Convention, St. Paul, Minn., Sept. 15-19, 1924; Seventh Annual Convention, Omaha, Nebr., Oct. 5-9, 1925; Ninth Annual Convention, Paris, France, Sept. 19-22, and Ratification Convention, New York N.Y., Oct. 19-22, 1927; Twelfth Annual Convention, Boston, Mass., Oct. 6-9, 1930; Fifteenth Annual Convention, Chicago, Ill., Oct. 2-5, 1933; Nineteenth Annual Convention, New York, N.Y., Sept. 20-23, 1937; Twentieth Annual Convention, Los Angeles, Calif., Sept. 19-22, 1938; Twenty-first Annual Convention, Chicago, Ill., Sept. 25-28, 1939; Twenty-second Annual Convention, Boston, Mass., Sept. 23-26, 1940; Twenty-third Annual Convention, Milwaukee, Wis., Sept. 18, 1941; Twenty-fourth Annual Convention, Kansas City, Mo., Sept. 19-21, 1942; Twenty-fifth Annual Convention, Omaha, Neb., Sept. 21-23, 1943; Twenty-seventh Annual Convention, Chicago, Ill., Nov. 18-21, 1945; Twenty-eighth Annual Convention, San Francisco, Calif., Sept. 30-Oct. 1-4, 1946; Twenty-ninth Annual Convention, New York, N.Y., Aug. 28-31, 1947; Thirtieth Annual Convention, Miami, Fla., Oct. 18-21, 1948; Thirty-first Annual Convention, Philadelphia, Pa., Aug. 29-Sept. 1, 1949; Thirty-second Annual Convention, Los Angeles, Calif., Oct. 9-12, 1950; Thirty-third Annual Convention, Miami, Fla., Oct. 15-18, 1951; Thirty-fourth Annual Convention, New York, N.Y., Aug. 25-28, 1952; Thirty-sixth Annual Convention, Washington, D.C., Aug. 30-Sept. 2, 1954; Thirty-seventh Annual Convention, Miami, Fla. Oct. 10-13, 1955; Thirty-eighth Annual Convention, Los Angeles, Calif., Sept. 3-6, 1956; Fortieth Annual Convention, Chicago, Ill., Sept. 1-4, 1958; Forty-second Annual Convention, Miami Beach, Fla., Oct. 17-20, 1960; Forty-eighth Annual Convention, Washington, D.C., Aug. 30-Sept. 1, 1966; Fifty-second Annual Convention, Portland, Ore., Sept. 1-3, 1970; Fifty-fourth Annual Convention, Chicago, Ill., Aug. 22-24, 1972; Fifty-fifth Annual Convention, Honolulu, Hi., Aug. 21-23, 1973; Fifty-sixth Annual Convention, Miami Beach, Fla., Aug. 20-22, 1974; Fifty-eighth Annual Convention, Seattle, Wash., Aug. 24-26, 1976; Fifty-ninth Annual Convention, Denver, Colo., Aug. 23-25, 1977; Sixty-first Annual Convention, Houston, Tex., Aug. 21-23, 1979; Sixty-ninth Annual Convention, San Antonio, Tex., Aug. 25-27, 1987; Seventy-second Annual Convention, Indianapolis, Ind., Aug. 28-30, 1990; Seventy-third Annual Convention, Phoenix, Arizona, Sept. 3-5, 1991; the Seventy-seventh Annual Convention, Indianapolis, Ind., Sept. 4-6, 1995; Seventy-ninth Annual Convention, Orlando, Fla., Sept. 2-4, 1997; Eighty-second Annual Convention, Milwaukee, Wis., Sept. 5-7, 2000; and reiterated at the Eighty-third Annual Convention, Charlotte, NC, Aug. 27-29, 2002; Ninety-fourth Annual Convention, Indianapolis, Ind., Aug. 28-30, 2012, Ninety-seventh Annual Convention, Baltimore, MD, Sept. 1-3, 2015 and the One Hundred and First Annual Convention, Indianapolis, IN, August 27 – 29, 2019. *Article IV, Section 1 and Article XIII, Section 2 were automatically amended upon the enactment of the LEGION Act (Public Law 116-35). The By-Laws as adopted at the Fourth Annual Convention, New Orleans, La., Oct. 16-20, 1922, and as amended at the Fifth Annual Convention, San Francisco, Calif., Oct. 15-19, 1923; Sixth Annual Convention, St. Paul, Minn., Sept. 15-19, 1924; Eleventh Annual Convention, Louisville, Ky., Sept. 30-Oct. 1, 2, 3, 1929; Fifteenth Annual Convention, Chicago, Ill., Oct. 2-5, 1933; Nineteenth Annual Convention, New York, N.Y., Sept. 20-23, 1937; Twentieth Annual Convention, Los Angeles, Calif., Sept. 19-22, 1938; Twenty-first Annual Convention, Chicago, Ill., Sept. 25-28, 1939; Twenty-second Annual Convention, Boston, Mass., Sept. 23-26, 1940; Twenty-third Annual Convention, Milwaukee, Wis., Sept. 15-18, 1941; Twenty-seventh Annual convention, Chicago, Ill., Nov. 18-21, 1945; Twenty-ninth Annual Convention, New York, N.Y., Aug. 28-31, 1947; Thirtieth Annual Convention, Miami, Fla., Oct. 18-21, 1948; Thirty-first Annual convention, Philadelphia, Pa., Aug. 29-Sept. 1, 1949; Thirty-third Annual Convention, Miami, Fla., Oct. 15-18, 1951; Thirty-fourth Annual Convention, New York, N.Y., Aug. 25-28, 1952; Thirty-ninth Annual Convention, Atlantic City, N.J., Sept. 16-19, 1957; Fifty-second Annual Convention, Portland, Ore., Sept. 1-3, 1970; Fifty-eighth Annual Convention, Seattle, Wash., August 24-26, 1976; and Fifty-ninth Annual Convention, Denver, Colo., Aug. 23-25, 1977; and Ninety-Second Annual Convention, Milwaukee, Wis., Aug. 31-Sept. 2, 2010; Ninety-fifth Annual Convention, Houston, Texas., Aug. 23 - 29, 2013; Ninety-seventh Annual Convention, Baltimore, MD, Sept. 1-3, 2015; and the One Hundred and First Annual Convention, Indianapolis, IN, August 27 – 29, 2019. Daniel S. Wheeler, National Adjutant

UNITED STATES CODE ANNOTATED TITLE 36, CHAPTER 217, SECTIONS 21701-21708 THE AMERICAN LEGION Created by Act of Congress Washington, DC on September 16, 1919

§ 21701. Organization (a) Federal charter.--The American Legion (in this chapter [36 U.S.C.A. § 21701 et seq.], the “corporation”) is a federally chartered corporation. (b) Perpetual existence.--Except as otherwise provided, the corporation has perpetual existence.

§ 21702. Purposes

The purposes of the corporation are—

- (1) to uphold and defend the Constitution of the United States;
- (2) to promote peace and good will among the peoples of the United States and all the nations of the Earth;
- (3) to preserve the memories and incidents of the World Wars and the other great hostilities fought to uphold democracy;
- (4) to cement the ties and comradeship born of service; and
- (5) to consecrate the efforts of its members to mutual helpfulness and service to their country.

§ 21703. Membership

An individual is eligible for membership in the corporation (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 from April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or(B) a government associated with the United States during a period or time referred to in subclause (a) of this clause 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.

§ 21704. Powers

The corporation may—(1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation; (2) adopt and alter a corporate seal; (3) establish and maintain offices to conduct its activities; (4) establish State and territorial organizations and local chapter or post organizations;(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters; (6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation; (7) publish a magazine and other publications; (8) sue and be sued; and (9) do any other act necessary and proper to carry out the purposes of the corporation. Added December 13, 2011

§ Section 21704A – Nondiscrimination

The requirements for holding a staff position in the corporation may not discriminate on the basis of race, color, religion, sex, or national origin.

§ 21705. Exclusive right to name, emblems, and badges

The corporation and its State and local subdivisions have the exclusive right to use the name “The American Legion” or “American Legion”. The corporation has the exclusive right to use, manufacture, and control the right to manufacture, emblems and badges the corporation adopts.

§ 21706. Political activities

The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

§ 21707. Service of process

As a condition to the exercise of any power or privilege granted by this chapter [36 U.S.C.A. § 21701 et seq.], the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 21708. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CONSTITUTION of 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 all 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

Section 1. The name of this organization shall be The American Legion.

Section 2. The National Headquarters of The American Legion shall be located in the city of Indianapolis, Indiana or a surrounding community.

ARTICLE II NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no members shall be addressed by their military or naval title in any convention or meeting of The American Legion.

Section 2. The American Legion 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.

ARTICLE III ORGANIZATION

Section 1. The American Legion shall be organized in Departments with a minimum of one thousand members and these in turn in Posts. There may be one Department in each state, the District of Columbia, and in each territory and insular possessions of the United States. The National Executive Committee may establish Posts in the territorial and insular possessions of the United States and foreign countries, and shall designate the Department under whose jurisdiction they shall function, but this shall in no way affect the status of Departments already established.

ARTICLE IV 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 (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, 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 V NATIONAL CONVENTION

Section 1. The legislative body of The American Legion shall be the National Convention, except as otherwise provided in the Constitution and By-Laws.

Section 2. The time and place of the National Conventions shall be determined by the National Executive Committee, which shall have authority to change such time and place for sufficient reasons to it appearing.

Section 3. In the National Convention each Department shall be entitled to five delegates and one additional delegate for each one thousand members, or major fraction thereof, whose current dues have been received by the National Treasurer 30 days prior to the meeting of said convention, and whose registration fees, as fixed by the National Executive Committee, for its total authorized delegate strength, have been paid; and to one alternate for each delegate. The delegates shall be chosen not less than two weeks before the National Convention at Department Conventions or in any other manner specified by any Department Constitution.

Section 4. Each duly registered delegate shall be entitled to one vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the registered delegates *Note: Article IV, Section 1 and Article XIII, Section 2 were automatically amended upon the enactment of the LEGION Act (Public Law 116-35) 7present from one's Department. Alternates for registered delegates shall have all the privileges of registered delegates, except that of voting. A registered delegate is a person who has received one's credentials after one's registration fee has been paid.

Section 5. A quorum shall exist at a National Convention when sixty percent of the Departments are represented as provided above.

Section 6. The National Executive Committee shall provide a Uniform Code of Procedure for the orderly organization and operation of National Conventions with continuing power of revision, and said Code shall be applicable at all National Conventions unless it is amended, suspended, or repealed by a majority vote of the total authorized representation at a National Convention.

ARTICLE VI NATIONAL OFFICERS

Section 1. The National Convention shall elect a National Commander, and five National Vice Commanders, who shall serve without seniority. No two Vice Commanders shall be chosen from the same Department. No persons shall be eligible for re-election to the office of National Commander or National Vice Commander.

Section 2. Such officers shall serve until the adjournment of the succeeding National Convention following their election and thereafter until their successors are chosen. Vacancies in these offices occurring between National Conventions shall be filled by election by the National Executive Committee, and any member of The American Legion, in good standing, shall be eligible for election to such vacancy; however, no Past National Commander, or Past National Vice Commander shall be elected to fill any vacancy in these respective offices.

Section 3. The National Executive Committee at its first meeting following the National Convention shall appoint the National Adjutant, National Treasurer, National Judge Advocate, National Chaplain, and National Historian, such officers to hold office at the pleasure of the appointing power. All persons having the custody of funds shall give adequate bonds, which shall be approved by the National Executive Committee.

Section 4. All Past National Commanders, while in good standing in their respective Posts, shall be members for life of the National Executive Committee, without vote, and shall also be life delegates to all National Conventions of The American Legion, with vote, to be exercised by them with their respective Departments.

ARTICLE VII NATIONAL EXECUTIVE COMMITTEE

Section 1. Between National Conventions, the administrative power of The American Legion shall be vested in the National Executive Committee, which shall be composed of the National Commander, the National Vice Commanders, and one National Executive Committee Member and one alternate from each Department to be elected as such Department shall determine, the alternate to act only in the absence of the National Executive Committee Member.

Section 2. The term of office of such National Executive Committee Member and alternates shall be two years. The term of office of each National Executive Committee Member and alternate shall commence immediately

upon the adjournment of the National Convention next ensuing after their election and shall end at the adjournment of the second next succeeding annual National Convention.

Section 3. Members of the National Executive Committee shall be delegates to the National Convention with vote, which vote shall be exercised with their respective Departments, except that the vote of the National Commander shall be exercised only in their capacity as chair of the National Convention.

ARTICLE VIII DEPARTMENT ORGANIZATION

Section 1. Departments shall be chartered by the National Executive Committee and shall be composed of the Posts within their respective areas, and such other Posts as the National Executive Committee may approve. Each Department charter shall be signed by the National Commander and National Adjutant.

Section 2. Each Department shall have a Department Commander, one or more Department Vice Commanders, a Department Adjutant, a Department Executive Committee, a Finance Officer, a Judge Advocate, and may have a Chaplain and such other officers as the Department may determine.

Section 3. Departments shall have authority to create and charter intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the programs of The American Legion.

Section 4. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization.

Section 5. Such intermediate bodies now existing within the Departments and heretofore authorized or recognized by such Department are hereby officially recognized to the extent of the powers herein granted.

ARTICLE IX POST ORGANIZATION

Section 1. Those who desire to form a Post shall apply for a temporary charter to the Commander of the Department in which they reside. 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 applying Post, but only when such applying Post is approved by the Commander of the Department or by the Department Executive Committee.

Section 2. The minimum membership of a Post shall be determined by the Executive Committee of the Department in whose area it lies.

Section 3. No Post shall be named after any living person.

Section 4. Upon receipt and processing of a proper application a temporary charter shall be granted and shall state that it is granted on the recommendation of the Department and on the following terms and conditions:

1. All acts heretofore duly and properly taken for the formation of the above named Post are recognized and confirmed by the National Executive Committee.

2. 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.

3. 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 5. After a temporary charter has been in effect for a probationary period of at least ninety days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the

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.

Section 6. All charters shall be countersigned by the Commander and the Adjutant of the Department.

Section 7. Each Department may prescribe the Constitution of its Posts. Permanent charters may be suspended, cancelled or revoked by the Department Executive Committee as provided in their respective Department By-Laws.

ARTICLE X FINANCE

Section 1. The revenue of The American Legion shall be derived from annual membership dues and from such other sources as may be approved by the National Executive Committee.

Section 2. The amount of such annual dues shall be determined by each National Convention for the ensuing year.

Section 3.1. The annual dues shall be collected by each Post and transmitted promptly through the Department to the National Treasurer. Departments are designated agents for collection for The American Legion with respect to such annual dues and upon the receipt thereof shall remit them promptly to The American Legion. In no event shall the period transpiring between the receipt of such annual dues by a Department and the remittance thereof to The American Legion exceed thirty (30) days.

Section 3.2. The annual dues shall be collected in such alternate method(s) as determined by the National Executive Committee from time to time and thereafter communicated to the Departments for communications to the Posts provided that

- (a) in no instance shall the National Organization or the Departments be empowered to retain, or withhold, more than each ones published amount of per capita dues;
- (b) in no event shall the period transpiring between the receipt of such annual dues by the National Organization and the remittance thereof to the Departments exceed thirty (30) days; and
- (c) any such alternative method shall be in addition to and not in substitution for method 3.1 above.

Section 4. Annual dues shall be payable October 20 of each year, for the succeeding calendar year.

ARTICLE XI DISCIPLINE

Section 1. The National Executive Committee, after notice and a hearing before a subcommittee as hereinafter provided, may cancel, suspend or revoke the charter of a Department for any good and sufficient cause to it appearing.

Section 2. The National Executive Committee may designate, appoint and authorize a subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the charter of any Department of The American Legion after said Department shall have received due and proper notice of said hearing and trial. Said subcommittee shall make its written findings and recommendations to the National Executive Committee for its approval or rejection, and the action of said National Executive Committee upon such findings and recommendations shall be final and conclusive.

Section 3. The hearing and trial of any cause involving the cancellation, suspension, or revocation of the charter of any Department in The American Legion shall be had and held under rules of procedure to be adopted by the National Executive Committee.

Section 4. Upon suspension of the charter of any Department of The American Legion, the National Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take

possession, custody and control of all of the records, property and assets of and belonging to such Department, and to provide for the government and administration of such Department during said suspension.

Section 5. Upon cancellation or revocation of the charter of any Department of The American Legion, the National Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of such Department, and to take all necessary and proper steps and proceedings to conclude and close the affairs of such Department, and said National Executive Committee may provide for such continued recognition and activities of Posts in said Departments as it may deem proper.

ARTICLE XII CHANGE OF RESIDENCE

Section 1. Any member in good standing in a Post moving from one's Post to any other Post shall be entitled to verification from one's original Post stating one's membership therein and the duration thereof

ARTICLE XIII AUXILIARIES

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

Section 2. Membership in The American Legion Auxiliary shall be limited to the:

(1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and

(2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;

(3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and

(4) to those women who of their own right are eligible for membership in The American Legion.*