

MEMO

To: Department Judge Advocates and Adjutants
From: Kevin J. Bartlett, National Judge Advocate
Date: July 31, 2019
Re: The LEGION Act

On July 30, President Trump signed into law the LEGION Act – and our National Charter was immediately changed from having seven eligibility eras to two eligibility eras, subject to the same limitations and restrictions as before.

36 USC Section 21703 – Membership now reads: “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 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 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.”

Additionally our Charter was amended with this additional clause:

“36 USC Section 21704A – Nondiscrimination: The requirements for holding a staff position in the corporation [The American Legion] may not discriminate on the basis of race, color, religion, sex or national origin.”

The Constitution of The American Legion, Article XVII states:

“In the event the Congress of the United States shall amend the eligibility clause in the Act creating The American Legion, this Constitution shall be deemed amended in conformance therewith, but subject to all consistent limitations and restrictions in this Constitution contained.”

Therefore Article IV, Section 1 of the Constitution of The American Legion now reads:

“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.”

Additionally Article XIII, Section 2 now reads:

“Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of members of The American Legion, and to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941; or who, being citizens 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 any of said periods, and died in the line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion.”

Thus all properly documented eligible members for The American Legion, American Legion Auxiliary and Sons of The American Legion are being accepted immediately by the National Organization and processed in the normal manner. Concurrently there is a newly developed American Legion membership application that allows an eligible member from a previously undocumented war era the ability to acknowledge his or her service during the “Other Conflicts” war eras and send it in to the department with the appropriate dues. It is my understanding that an updated application for the Sons of The American Legion and the American Legion Auxiliary is forthcoming.

Department Judge Advocates and Adjutants are strongly urged to immediately review their respective eligibility dates in their respective Constitutions, media materials (to include web, brochures, social media sites and any marketing materials) and documents to make the appropriate changes as needed.

It is understood that this major change to our Charter and Constitution took place very quickly and may cause questions and concerns. Attached hereto is a media release that may answer some of your questions. This media release is for dissemination as you see fit.

If a Department Judge Advocate and/or Department Adjutant has additional questions or concerns regarding this matter please send your name, the department you represent, a direct telephone number you can be reached at and your questions to: Legal@Legion.Org. Use the topic “LEGION Act Questions” in the subject line. Emails will be answered in the order in which they are received.

*** Please note that due to the legal nature of the topic, only questions/concerns coming directly from a Department Judge Advocate and/or Department Adjutant can be answered. ***