

board of directors. Special meetings may be called as prescribed in the constitution. The national council and the board of directors shall have power to hold meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

(Mar. 16, 1950, ch. 62, § 5, 64 Stat. 24; Aug. 14, 1953, ch. 486, § 1, 67 Stat. 582.)

#### AMENDMENTS

1953—Act Aug. 14, 1953, struck out provision that there must be a meeting of the National Council at least once every two years.

### § 36. Exclusive right to emblems, badges, marks, and words or phrases

The corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the old corporation and by its successor in carrying out its program, including the sole and exclusive right to use, or to authorize the use of, during the existence of the corporation, the badge of the Girl Scouts, Incorporated, which is referred to in the Act of August 12, 1937 (Public, Numbered 259, Seventy-fifth Congress; 50 Stat. 623), and all the other aforesaid emblems and badges, descriptive or designating marks, and words or phrases in connection with the manufacturing, advertising, and selling of equipment and merchandise: *Provided, however,* That nothing in this chapter shall interfere or conflict with established or vested rights.

(Mar. 16, 1950, ch. 62, § 6, 64 Stat. 24; Aug. 17, 1951, ch. 328, 65 Stat. 192.)

#### REFERENCES IN TEXT

Act of August 12, 1937 (Public, Numbered 259, Seventy-fifth Congress; 50 Stat. 623), referred to in text, is act Aug. 12, 1937, ch. 590, 50 Stat. 623, which is not classified to the Code.

#### AMENDMENTS

1951—Act Aug. 17, 1951, inserted “and by its successors” and “including the sole and exclusive right to use, or to authorize the use of, during the existence of the corporation, the badge of the Girl Scouts, Incorporated, which is referred to in the Act of August 12, 1937 (Public, Numbered 259, Seventy-fifth Congress; 50 Stat. 623), and all the other aforesaid emblems and badges, descriptive or designating marks, and words or phrases in connection with the manufacturing, advertising, and selling of equipment and merchandise” and substituted “*Provided, however,* That” for “it being distinctly and definitely understood, however, that”.

### § 37. Annual report

On or before the first day of April of each year the corporation shall make and transmit to Congress a report of its proceedings for the preceding fiscal year.

(Mar. 16, 1950, ch. 62, § 7, 64 Stat. 24; Aug. 14, 1953, ch. 486, § 2, 67 Stat. 583; Aug. 30, 1964, Pub. L. 88-504, § 4(2), 78 Stat. 636.)

#### AMENDMENTS

1964—Pub. L. 88-504 struck out “, including a full, complete, and itemized report of receipts and expenditures of whatever kind” after “fiscal year”.

1953—Act Aug. 14, 1953, substituted “for the preceding fiscal year” for “for the year ending December 31, preceding” after “its proceedings”.

### § 38. Acquisition of assets and liabilities of existing corporation

On March 16, 1950, the separate existence of the old corporation shall cease and the old corporation shall be merged into the corporation. The corporation shall possess all the public and private rights, privileges, powers, and franchises and shall be subject to all the restrictions, disabilities, and duties of the old corporation so merged into it, and all of the rights, privileges, powers, and franchises of the old corporation, and all property—real, personal, and mixed—and all debts due it on whatever account shall be vested in the corporation; and all property, rights, privileges, powers, and franchises and all other interests of the old corporation shall be the property of the corporation and the title to any real estate vested in the old corporation by deed or otherwise, under the laws of the District of Columbia or any State, shall not revert or be in any way impaired by reason of this chapter: *Provided, however,* That all rights of creditors and all liens upon any property of the old corporation shall be preserved unimpaired and all its debts, liabilities, and duties shall attach to the corporation and may be enforced against it to the same extent as if such debts, liabilities, and duties had been incurred or contracted by it.

(Mar. 16, 1950, ch. 62, § 8, 64 Stat. 24.)

### § 38a. Reservation of right to amend or repeal chapter

Congress shall have the right to repeal, alter, or amend this chapter at any time.

(Mar. 16, 1950, ch. 62, § 9, 64 Stat. 24.)

### § 39. Printing annual report

The annual report of the Girl Scouts of the United States of America shall be printed each year, with accompanying illustrations, as a separate House document of the session of the Congress to which such report may be submitted.

(Apr. 16, 1951, ch. 29, 65 Stat. 32.)

#### CODIFICATION

Section was not enacted as part of act Mar. 16, 1950, ch. 62, 64 Stat. 22, which comprises this chapter.

## CHAPTER 3—THE AMERICAN LEGION

Sec.	
41.	Corporation created.
42.	Completion of organization.
43.	Purpose of corporation.
44.	Powers of corporation.
45.	Membership.
46.	Nonpolitical nature of corporation.
47.	Acquisition of assets and liabilities of existing organization.
48.	Exclusive right to names.
49.	Annual report.
50.	Agents for service of process.
51.	Reservation of right to amend or repeal chapter.

### § 41. Corporation created

That the following persons, to wit: William S. Beam, of North Carolina; Charles H. Brent, of

New York; William H. Brown, of Connecticut; G. Edward Buxton, junior, of Rhode Island; Bennett C. Clark, of Missouri; Richard Derby, of New York; L. H. Evridge, of Texas; Milton J. Foreman, of Illinois; Ruby D. Garrett, of Missouri; Fred J. Griffith, of Oklahoma; Roy C. Haines, of Maine; John F. J. Herbert, of Massachusetts; Roy Hoffman, of Oklahoma; Fred B. Humphreys, of New Mexico; John W. Inzer, of Alabama; Stuart S. Janney, of Maryland; Luke Lea, of Tennessee; Henry Leonard, of Colorado; Henry D. Lindsley, of Texas; Ogden L. Mills, of New York; Thomas W. Miller, of Delaware; Edward Myers, of Pennsylvania; Franklin D'Olier, of Pennsylvania; W. G. Price, junior, of Pennsylvania; S. A. Ritchie, of New York; Theodore Roosevelt, junior, of New York; Albert A. Sprague, of Illinois; John J. Sullivan, of Washington; Dale Shaw, of Iowa; Daniel G. Stivers, of Montana; H. J. Turney, of Ohio; George A. White, of Oregon; Eric Fisher Wood, of Pennsylvania; George H. Wood, of Ohio; Mathew H. Murphy, of Alabama; Andrew P. Martin, of Arizona; J. J. Harrison, of Arkansas; Henry G. Mathewson, of California; H. A. Saidy, of Colorado; Alfred M. Phillips, junior, of Connecticut; George N. Davis, of Delaware; A. H. Blanding, of Florida; Walter Harris, of Georgia; E. C. Boom, of Idaho; George G. Seaman, of Illinois; Raymond S. Springer, of Indiana; Mathew A. Tinley, of Iowa; W. A. Phares, of Kansas; Henry De Haven Moorman, of Kentucky; T. Semmes Walmsley, of Louisiana; A. L. Robinson, of Maine; James A. Gary, junior, of Maryland; George C. Waldo, of Michigan; Harrison Fuller, of Minnesota; Alexander Fitzhugh, of Mississippi; H. C. Clark, of Missouri; Charles E. Pew, of Montana; John G. Maher, of Nebraska; J. G. Scragham, of Nevada; Frank Knox, of New Hampshire; Hobart Brown, of New Jersey; Charles M. De Bremon, of New Mexico; C. K. Burgess, of North Carolina; Julius Baker, of North Dakota; F. C. Galbraith, of Ohio; Ross N. Lillard, of Oklahoma; E. J. Eivers, of Oregon; George F. Tyler, of Pennsylvania; Alexander H. Johnson, of Rhode Island; Julius H. Walker, of South Carolina; M. L. Shade, of South Dakota; Roane Waring, of Tennessee; Claude V. Birkhead, of Texas; Wesley E. King, of Utah; Charles Francis Cocke, of Virginia; H. Nelson Jackson, of Vermont; Harvey I. Moss, of Washington; Jackson Arnold, of West Virginia; John C. Davis, of Wisconsin; A. H. Beach, of Wyoming; E. Lester Jones, of the District of Columbia; Lawrence Judd, of Hawaii; Robert R. Landon, of the Philippine Islands; and such persons as may be chosen who are members of the "American Legion", an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War, 1917 to 1918, known as the "American Legion", and their successors, are created and declared to be a body corporate. The name of this corporation shall be "The American Legion."

(Sept. 16, 1919, ch. 59, §1, 41 Stat. 284.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 42 of this title.

### § 42. Completion of organization

Said persons named in section 41 of this title and such other persons as may be selected from

among the membership of the American Legion, an unincorporated society of the soldiers, sailors, and marines of the Great War of 1917-1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the "American Legion" shall be permitted to participate in the proceedings thereof.

(Sept. 16, 1919, ch. 59, §2, 41 Stat. 284.)

### § 43. Purpose of corporation

The purpose of this corporation shall be: To uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two World Wars and the other great hostilities fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.

(Sept. 16, 1919, ch. 59, §3, 41 Stat. 285; Oct. 29, 1942, ch. 633, §1, 56 Stat. 1012; July 26, 1955, ch. 386, §1, 69 Stat. 379; Sept. 1, 1966, Pub. L. 89-550, §1, 80 Stat. 371.)

#### AMENDMENTS

1966—Pub. L. 89-550 substituted "and the other great hostilities" for "and the Korean hostilities".

1955—Act July 26, 1955, amended section generally, inserting reference to Korean hostilities.

1942—Act Oct. 29, 1942, amended section generally, inserting reference to the Constitution and to second world war.

### § 44. Powers of corporation

The corporation created by this chapter shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use, in carrying out the purposes of the corporation, such emblems and badges as it may adopt and to have the exclusive right to manufacture, and to control the right to manufacture, and to use, such emblems and badges as may be deemed necessary in the fulfillment of the purposes of the corporation; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(Sept. 16, 1919, ch. 59, §4, 41 Stat. 285; June 26, 1953, ch. 153, §1, 67 Stat. 82.)

## AMENDMENTS

1953—Act June 26, 1953, inserted provision relating to the exclusive right to manufacture, the use, and control of such emblems and badges deemed necessary in the fulfillment of the purposes of the corporation.

## CROSS REFERENCES

Loan or gift of condemned or obsolete material by Secretary of military department or Secretary of the Treasury, see section 2572 of Title 10, Armed Forces.

Penalty for unauthorized manufacture, reproduction, or sale of badges or emblems of veterans' organizations, see section 705 of Title 18, Crimes and Criminal Procedure.

Recognition by Secretary of Veterans Affairs of representatives of American Legion for prosecution of claims under laws administered by Department of Veterans Affairs, see section 5902 of Title 38, Veterans' Benefits.

**§ 45. Membership**

No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.

(Sept. 16, 1919, ch. 59, § 5, 41 Stat. 285; Oct. 29, 1942, ch. 633, § 2, 56 Stat. 1012; July 9, 1946, ch. 546, 60 Stat. 524; Dec. 28, 1950, ch. 1177, 64 Stat. 1122; July 26, 1955, ch. 386, § 2, 69 Stat. 380; Sept. 1, 1966, Pub. L. 89-550, § 2, 80 Stat. 372; Dec. 27, 1974, Pub. L. 93-557, 88 Stat. 1792; Aug. 17, 1978, Pub. L. 95-346, 92 Stat. 485; Dec. 21, 1979, Pub. L. 96-155, 93 Stat. 1165; Oct. 30, 1990, Pub. L. 101-478, 104 Stat. 1157; Dec. 2, 1991, Pub. L. 102-179, 105 Stat. 1229.)

## AMENDMENTS

1991—Pub. L. 102-179 amended section generally. Prior to amendment, section read as follows: "No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates."

1990—Pub. L. 101-478 amended section generally. Prior to amendment, section read as follows: "No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following peri-

ods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any of the governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates."

1979—Pub. L. 96-155 authorized membership in the corporation for service commencing Dec. 22, 1961, rather than Aug. 5, 1964, to May 7, 1975.

1978—Pub. L. 95-346 substituted "May 7, 1975" for "August 15, 1973".

1975—Pub. L. 93-557 substituted "December 31, 1946" for "September 2, 1945", "January 31, 1955" for "July 27, 1953", and "August 15, 1973" for "the date of cessation of hostilities as determined by the Government of the United States".

1966—Pub. L. 89-550 inserted "August 5, 1964, to the date of cessation of hostilities as determined by the Government of the United States," after "June 25, 1950, to July 27, 1953;"

1955—Act July 26, 1955, substituted "July 27, 1953" for "the date of cessation of hostilities, as determined by the United States Government".

1950—Act Dec. 28, 1950, redefined eligibility for membership in the American Legion.

1946—Act July 9, 1946, permitted veterans of World War II to become members.

1942—Act Oct. 29, 1942, included as members personnel of war beginning Dec. 7, 1941, and inserted proviso.

## CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

**§ 46. Nonpolitical nature of corporation**

The organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

(Sept. 16, 1919, ch. 59, § 6, 41 Stat. 285.)

**§ 47. Acquisition of assets and liabilities of existing organization**

Said corporation may acquire any or all the assets of the existing unincorporated national organization known as the "American Legion" upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

(Sept. 16, 1919, ch. 59, § 7, 41 Stat. 285.)

**§ 48. Exclusive right to names**

Said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use, in carrying out its purposes, the name "The American Legion", or "American Legion".

(Sept. 16, 1919, ch. 59, § 8, 41 Stat. 285; June 26, 1953, ch. 153, § 2, 67 Stat. 82.)

## AMENDMENTS

1953—Act June 26, 1953, extended the exclusive right to the use of the name "American Legion".

**§ 49. Annual report**

The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year: *Provided, however,* That said report shall not be printed as public documents.

(Sept. 16, 1919, ch. 59, § 9, 41 Stat. 285; Aug. 30, 1964, Pub. L. 88-504, § 4(3), 78 Stat. 636.)

#### AMENDMENTS

1964—Pub. L. 88-504 struck out “, including a full and complete report of its receipts and expenditures” after “calendar year”.

#### CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

#### § 50. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred the American Legion shall file in the office of the secretary of state of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the American Legion may be served.

(Sept. 16, 1919, ch. 59, § 9½, 41 Stat. 285.)

#### § 51. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(Sept. 16, 1919, ch. 59, § 10, 41 Stat. 285.)

### CHAPTER 3A—UNITED SPANISH WAR VETERANS

#### §§ 56 to 56h. Omitted

#### CODIFICATION

Sections 56 to 56h related to United Spanish War Veterans, the corporate existence of which terminated pursuant to former section 56g of this title.

Section 56, acts Apr. 22, 1940, ch. 130, § 1, 54 Stat. 152; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, created a corporation known as United Spanish War Veterans, specified individuals eligible for membership, and specified the powers of the corporation.

Section 56a, act Apr. 22, 1940, ch. 130, § 2, 54 Stat. 153, defined objects and purposes of corporation.

Section 56b, act Apr. 22, 1940, ch. 130, § 3, 54 Stat. 153, provided for principal office, place for holding annual meetings, and possession of property.

Section 56c, act Apr. 22, 1940, ch. 130, § 4, 54 Stat. 153, provided for supreme governing authority of corporation.

Section 56d, act Apr. 22, 1940, ch. 130, § 5, 54 Stat. 153, provided that governing body determine membership, except as limited by provision of section 56 of this title.

Section 56e, act Apr. 22, 1940, ch. 130, § 6, 54 Stat. 153, provided that activities of corporation be carried on through certain agencies.

Section 56f, act Apr. 22, 1940, ch. 130, § 7, 54 Stat. 154, provided corporation exclusive right to name.

Section 56g, act Apr. 22, 1940, ch. 130, § 8, 54 Stat. 154, provided that corporate existence of United Spanish War Veterans terminate when the last of its members dies.

Section 56h, acts Apr. 22, 1940, ch. 130, § 9, 54 Stat. 154; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107, provided for disposition and future ownership of property and archives.

### CHAPTER 3B—MARINE CORPS LEAGUE

Sec.	
57.	Corporation created.
57a.	Purposes of corporation.
57b.	Powers of corporation.
58.	Annual report.

Sec.	
59.	Reservation of right to amend or repeal chapter.

#### § 57. Corporation created

Major General John A. Lejeune, United States Marine Corps, retired, honorary national commandant; Maurice A. Illch, national commandant; Roy S. Taylor, senior national vice commandant; Kenneth B. Collings, junior national vice commandant; Alexander F. Ormsby, national judge advocate; Reverend John H. Clifford, national chaplain; Edward A. Walker, national sergeant at arms; John B. Hinckley, Junior, national adjutant and paymaster; John E. Brock, national chief of staff, are created a body corporate of the name “Marine Corps League.”

(Aug. 4, 1937, ch. 564, § 1, 50 Stat. 558.)

#### § 57a. Purposes of corporation

The purposes of this corporation shall be (a) to preserve the traditions and to promote the interests of the United States Marine Corps; (b) to band those who were on August 4, 1937, serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy; (c) to fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms; (d) to hold sacred the history and memory of the men who have given their lives to the Nation; (e) to foster love for the principles which they have supported by blood and valor since the founding of the Republic; (f) to maintain true allegiance to American institutions; (g) to create a bond of comradeship between those in service and those who have returned to civil life; (h) to aid voluntarily and to render assistance to all marines and former marines as well as to their widows and orphans; (i) to perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of peculiar interest to marines.

(Aug. 4, 1937, ch. 564, § 2, 50 Stat. 558.)

#### § 57b. Powers of corporation

The corporation (a) shall have perpetual succession; (b) may charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the organization; (c) may sue or may be sued; (d) may adopt a corporate seal and alter it at pleasure; (e) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (f) may establish and maintain offices for the conduct of its business; (g) may appoint or elect officers and agents; (h) may choose a board of trustees, consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (i) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes; and (j) generally may do any