

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.