

(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; February 28, 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; Nov. 20, 1997, Pub. L. 105-110, 111 Stat. 2270.)

AMENDMENTS

1997—Pub. L. 105-110 substituted "February 28, 1961" for "December 22, 1961".

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 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; 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