

## **THE AMERICAN LEGION FAMILY STRUCTURE AND RESPONSIBILITY**

In an effort to answer questions we receive on a daily basis via phone, letter, or e-mail, here is information with regards to The American Legion Family and each branch's responsibility.

- The National Headquarters of The American Legion has no control over the day-to-day operations of Department Headquarters.
  - It does no good to call, write, or e-mail National Headquarters about problems within a Post or about anything to do with membership. They simply refer said correspondence/calls back to Department Headquarters and, if it is anything other than membership, Department Headquarters refers same back to the Post.
- Department Headquarters has no control over the day-to-day operations of Posts.
  - There is a chain of command for complaints regarding officers or members of a Post beginning with the Commander of the Post.
  - If the Commander is the problem or fails to solve the problem, the next step is to go to the County Judge Advocate, then the District Judge Advocate, and THEN the Department Judge Advocate.

**The American Legion Auxiliary** was provided for by the first National Convention of The American Legion in 1919 as a SEPARATE corporation with no oversight or monetary ties to The American Legion at any level of the organization. The relationship between the two organizations is one of COOPERATION rather than REGULATION. The American Legion Posts and American Legion Auxiliary Units are related, but independent organizations each with separate EIN's, financial records, By-laws, etc.

The National Judge Advocate of The American Legion has issued the following ruling:

“It is crystal clear that The American Legion Post has no authority to control the Unit related to it. The Post may not revoke nor threaten revocation of its Unit's charter. The Unit should regard its connection with the Post as a distinct honor. It should strive unceasingly to carry out the National Constitution's pledge to participate in and contribute to the accomplishment of the aims and purposes of The American Legion.”

Eligibility and membership in the Auxiliary is limited to women who have direct personal connection with service members from World Wars I and II, the Korean or Vietnam War, or conflicts in Lebanon, Grenada, Panama, Operation Desert Shield/Storm, the Gulf War, OIF/OEF until the cessation of hostilities as determined by the US Government. (Additional information on eligibility and membership may be obtained from The American Legion Auxiliary National website.)

As of this writing, men are not eligible for membership in The American Legion Auxiliary.

National Judge Advocate, Philip Onderdonk, states there are five rules of subsidiary corporations, Sons of The American Legion, and The American Legion Riders as follow:

1. All officers, directors, trustees, etc. must be named by the Post (usually nominated by the Post Commander and confirmed by the Post Executive Committee).
2. All vacancies in the subsidiary corporation must be filled by the Post.
3. The subsidiary corporation must report to the Post no less than once per month. These reports must include financial reports.
4. The Post Treasurer or Finance Officer must be the signatory on all accounts.
5. All amendments to articles of incorporation or by-laws must be approved by the Department. If the current text has not been approved by the Department, it too must be so approved.

**The Sons of The American Legion** was created in 1932 as a COMMITTEE within the American Legion. It is made up of boys and men of all ages whose parents or grandparents served in the US military and became eligible for membership in The American Legion.

All male descendants, adopted sons, or stepsons of members of The American Legion and such male descendants of veterans who died in service during periods of war as designated by the United States Congress for eligibility in The American Legion or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion. You are NOT eligible under an uncle or aunt.

No females are eligible for membership in the Sons of The American Legion.

ALL actions of the Sons of The American Legion at all levels shall be subject to review and ratification at the appropriate level of The American Legion. The SAL Squadron shall be organized under the JURISDICTION AND SPONSORSHIP of a local Post of The American Legion. Squadron officers elected are subject to the approval of the sponsoring American Legion Post.

All funds received in any manner for welfare purposes of any nature by a Squadron or County organization shall be deposited in a duly authorized banking institution, and none of such funds shall be withdrawn except for welfare purposes and upon draft signed by the Treasurer of the Squadron or County Organization and at least one other member thereof duly elected for that purpose. All financial records of a Squadron must be open for review by the sponsoring Post.

**The American Legion Riders** are a program of a Post with all the same rules and regulations of all other programs of the Post, however the Riders are open to all members of The American Legion Family. They are sponsored at the discretion of a Post and can be disbanded by a vote of the Post. The Director of the Riders can be appointed and removed at the Post Commander's discretion. All financial records of the Riders must be open and available to the Post at all times.

In addition, when a subgroup of the Legion wants to set up a corporation or a 501(c)3 (for ANY reason), they must first check with Department Judge Advocate Charles Mills or Department Adjutant James W. Casey.

Yours for The American Legion,

James W. Casey  
Department Adjutant