Leadership Retreat
Judge Advocate Briefing
Judge Advocate Team

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UNITED STATES CODE ANNOTATED
TITLE 36, CHAPTER 217,
SECTIONS 21701-21708
THE AMERICAN LEGION
Created by Act of Congress
Washington, DC on
September 16, 1919

§ 21701. Organization
(a) Federal charter.--The American Legion (in this chapter [36 U.S.C.A. § 21701 et seq.], the “corporation”) is a federally chartered corporation.
(b) Perpetual existence.--Except as otherwise provided, the corporation has perpetual existence.

§ 21702. Purposes
The purposes of the corporation are--
(1) to uphold and defend the Constitution of the United States;
(2) to promote peace and good will among the peoples of the United States and all the nations of the Earth;
(3) to preserve the memories and incidents of the 2 World Wars and the other great hostilities fought to uphold democracy;
(4) to cement the ties and comradeship born of service; and
(5) to consecrate the efforts of its members to mutual helpfulness and service to their country.
§ 21703. Membership

An individual is eligible for membership in the corporation (The American Legion) only if the individual --

(I) Has served in the Armed Forces of --

(A) the United States at any time during --

(i) the period from April 6, 1917, through November 11, 1918; or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States 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.

§ 21704. Powers

The corporation may —

(1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices to conduct its activities;

(4) establish State and territorial organizations and local chapter or post organizations;

(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) publish a magazine and other publications;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out the purposes of the corporation.
§ Section 21704A - Nondiscrimination

The requirements for holding a staff position in the corporation may not discriminate on the basis of race, color, religion, sex or national origin.

§ 21705. Exclusive right to name, emblems, and badges

The corporation and its State and local subdivisions have the exclusive right to use the name “The American Legion” or “American Legion”. The corporation has the exclusive right to use, manufacture, and control the right to manufacture, emblems and badges the corporation adopts.

§ 21706. Political activities

The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

§ 21707. Service of process

As a condition to the exercise of any power or privilege granted by this chapter [36 U.S.C.A. § 21701 et seq.], the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 21708. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
CONSTITUTION
of The American Legion

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:
To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
CONSTITUTION
of The American Legion

ARTICLE IX
POST ORGANIZATION

Section 7. Each Department may prescribe the Constitution of its Posts. Permanent charters may be suspended, cancelled or revoked by the Department Executive Committee as provided in their respective Department By-Laws.

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
What is a Constitution?

The constitution of an organization contains the fundamental principles which govern its operation.

What are the bylaws of an organization?

The bylaws establish the specific rules of guidance by which the group is to function.

All but the most informal groups should have their basic structure and methods of operation in writing.
WHY HAVE A CONSTITUTION?

By definition an organization is a “body of persons organized for some specific purpose, such as a club, fraternal organization or society.” The process of completing a constitution serves to clarify your purpose, delineate your basic structure and provide the cornerstone for building an effective group. It will also allow members and potential members to have a better understanding of what the organization is all about and how it functions. The value of having this written document is that it clearly describes the basic framework of your organization.
Bylaws

Bylaws of the ORGANIZATION determine its structure and provide specific regulations by which its affairs are governed.

The bylaws define or explain the rules under which the ORGANIZATION functions. They protect the group from error and guide it to efficient service. The ORGANIZATION unit should be careful not to include items that should be in the Standing Rules (guidelines for running your Board), as this makes the Bylaws too cumbersome. Bylaws may not be suspended, even by unanimous vote. KEEP YOUR BYLAWS SIMPLE. You do not want to have them be so specific that they keep you from operating. Amendments to local ORGANIZATION bylaws require a 2/3 vote of the members present and voting at a general meeting provided the quorum is present and a 30-day notice has been given of the proposed changes.

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
Standing Rules

Standing rules are the rules an organization uses to administer its affairs under the provision of its bylaws. They set forth the procedures adopted to accomplish specific areas of ORGANIZATION work. Standing Rules are more flexible than bylaws and may be changed or suspended at any board meeting by a majority vote.

Examples: • Setting the hour at which board meetings are to begin • Explanation of courtesies extended to guests • Spelling out requirements for special recognition and awards • Maintenance of membership lists • Determining who registers the appropriate signatures at the bank • Outlines of ORGANIZATION or functions • Determination of what courtesies will be extended to board members or officers. • Setting allowances to be paid for board members who attend State and/or National conferences and conventions to cover registration, travel (airfare or mileage), hotel, and meal expenses incurred while on official business.

Developing Standing Rules is not a difficult task.
BY-LAWS
OF
THE AMERICAN LEGION
DEPARTMENT OF FLORIDA

ARTICLE V

DUTIES OF OFFICERS

3. Department Vice Commanders.
4. Department Area Commanders.
5. District Commanders.
6. District Vice Commanders.
ARTICLE VIII
DEPARTMENT ORGANIZATION

Section 1. Departments shall be chartered by the National Executive Committee and shall be composed of the Posts within their respective areas, and such other Posts as the National Executive Committee may approve. Each Department charter shall be signed by the National Commander and National Adjutant.

Section 2. Each Department shall have a Department Commander, one or more Department Vice Commanders, a Department Adjutant, a Department Executive Committee, a Finance Officer, a Judge Advocate, and may have a Chaplain and such other officers as the Department may determine.

Section 3. Departments shall have authority to create and charter intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the programs of The American Legion.

Section 4. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization.

Section 5. Such intermediate bodies now existing within the Departments and heretofore authorized or recognized by such Department are hereby officially recognized to the extent of the powers herein granted.

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
# DISTRICT COMMANDER POST VISITATION REPORT

(Please note: you are required to visit each post in your district at least twice a year)

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Post</th>
<th>District</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Post Incorporated</th>
<th>Explain Reason for Visit</th>
</tr>
</thead>
</table>

**MEMBERSHIP AND POST ACTIVITIES**

<table>
<thead>
<tr>
<th>How many members last year</th>
<th>How many current members</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Number of new members this year</th>
<th>Active membership committee Yes/No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Number of new members installed annually</th>
<th>Lapel pins given Yes/No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Officers elected annually Yes/No</th>
<th>All officers filled Yes/No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Officers installed annually Yes/No</th>
<th>Meetings held regularly Yes/No (Dates when meetings are held)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Meetings run according to National Post Officer’s Guide Yes/No</th>
<th># of SAL members</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th># Auxiliary Members</th>
<th># Legion Rider Members</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Post is asset to community Yes/No (Explain)</th>
<th>List family activities</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>List programs which aid Veterans</th>
<th>Company Name and type of Post Insurance</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Has qualified Service Officer Yes/No</th>
<th>Name &amp; Date of certified</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Uses Post Officers Guide Yes/No</th>
<th>Uses Post Administrative Manual Yes/No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date of Legion Link Posted on Bulletin Board</th>
<th>Post on Bulletin Board Yes/No</th>
</tr>
</thead>
</table>

**Please attach a copy of the following documents upon submission of your report**

- Constitution & By Laws
- Tax Exempt Certification
- Florida Incorporation Certification - ARE SIGNERS VALID - Yes / No

**Information changes for Post Commander and/or Adjutant**

**PROGRAMS**

<table>
<thead>
<tr>
<th>Post has chairman and participates in the following programs: (Yes or No)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Americanism</th>
<th>Boys State</th>
<th>Boy Scouts</th>
<th>Legion Baseball</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Oratorical</th>
<th>School Medals</th>
<th>Shooting Sports</th>
<th>Children &amp; Youth</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ROTC</th>
<th>Law &amp; Order</th>
<th>Blood Donor</th>
<th>Special Olympics</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Membership</th>
<th>VA &amp; R</th>
<th>Disaster preparedness</th>
<th>Vet Employment</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>VA Hospital</th>
<th>Legion Riders</th>
</tr>
</thead>
</table>

Please attach improvement plans for programs not being utilized.

**COMMUNITY SERVICE & ACTIVITIES**

<table>
<thead>
<tr>
<th>Post involved in: (Yes or No)</th>
<th>Flag Day</th>
<th>Veterans Day</th>
<th>Memorial Day</th>
<th>July 4th</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Get Out the Vote</th>
<th>Legion Birthday</th>
<th>Four Chaplains Sunday</th>
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<table>
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<tr>
<th>American Education Week</th>
<th>Community Service Projects</th>
<th>Educational Scholarships</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Post has Color Guard</th>
<th>Post participates in Burial Services for Veterans</th>
</tr>
</thead>
</table>

Please attach dates and details of activities the post has participated in.

If you have any questions or concerns please attach them to this form.

Verify: Post Commander | Date |

District Commander | Date |
Monthly Activities Report
District Commander

Report for Month of _____________ District _____________

Name __________________________

Made contact with District Chairman (list names and Chairmanship)
______________________________________________________________________________

Miles traveled: ______ Post Contacted: ____________________________________________

Letters written: (Please attach copy) _____________________________________________

Post Visitations made (attach copy of Post Visitation Report to this report):
Post _____ _____ _____ _____ _____ _____ _____ _____

Area/District/Post Activities attended:
______________________________________________________________________________

______________________________________________________________________________

Problems encountered: ____________________________________________________________
______________________________________________________________________________

My major program pushes for next month: ____________________________________________
______________________________________________________________________________

Signed: __________________________

Deadline: 2nd Monday of each month
Send to Rachel at Department: rcastleberry@floridalegion.org

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
ARTICLE VI
DEPARTMENT OFFICERS

1. The Department officers shall be:
The Department Commander
The Department First Vice Commander
The Department Second Vice Commander
The Department Third Vice Commander
The Department Area Commanders (6)
The Department Adjutant
The National Executive Committeeman
The Alternate Nat. Exec. Committeeman
The Department Judge Advocate
The Department Assistant Judge Advocate
The Department Historian
The Department Chaplain
The Department Sergeant-At-Arms and
The Department Service Officer

October 23, 2020

Clarence E. Hill, Judge Advocate
Department of Florida
ARTICLE VII
DEPARTMENT EXECUTIVE COMMITTEE

1. Between Department Conventions the executive power of the Department shall be vested in the Department Executive Committee, which shall consist of the following:
The Department Commander
The Department First Vice Commander
The Department Second Vice Commander
The Department Third Vice Commander
The Department Area Commanders (6)
The District Commanders
Two District Vice Commanders from each District
The National Executive Committeeman
The Alternate National Executive Committeeman
The Department Chaplain
The Department Historian
The Department Sergeant-At-Arms
All Past Department Commanders

2. The Department Adjutant, Department Assistant Adjutant, Department Service Officer, Department Judge Advocate and Department Assistant Judge Advocate shall be ex-officio non-voting members of the Department Executive Committee.

3. All Past Department Commanders, while in good standing in their respective Posts, shall be members for life of the Department Executive Committee. The District representatives shall assume their duties on the Department Executive Committee at the same time as the Department Commander and other Department Officers.

October 23, 2020
Clarence E. Hill, Judge Advocate
Department of Florida
Questions?

Judge Advocate Team

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