



American Legion Auxiliary

Department

Operations

Guide

Chapter 8:

Membership

CHAPTER 8

MEMBERSHIP

Executive Summary

As a membership-driven, nonprofit patriotic service organization, the American Legion Auxiliary could accomplish very little without its members and their individual dedication to our mission. The very fact that we have nearly 750,000 members carries tremendous influence and clout as we lobby for veterans' issues along with the rest of the Legion Family. Through our various programs, our dedicated members impact the lives of veterans, military, and their families, as well as the general public. The future of the ALA and the continuation of our great works depend on our ability to recruit and retain members. In short, without our members, the ALA could not exist.

This chapter offers information on who is eligible, guidance on recruiting and retaining members, membership processing procedures, and other veterans service organizations. The ALA Code of Ethics is referenced and included in the Appendix since civility is critical to maintaining an environment attractive to members.

This chapter contains the following sections:

Section 1 Membership Eligibility

- Authorized Forms of Membership
- Membership Recruitment and Retention

Section 2 Membership Processing

- Membership Application (Traditional)
- Paid Up For Life Membership (PUFL)
- Membership Renewal Program
- Membership Dates and Deadlines
- Membership Cards
- Organizing New Units/New Charters

Section 3 Civility and Code of Ethics

Section 4 Joining Other Organizations

Section 5 Other Veterans Service Organizations (VSOs) - The ALA's Competitive Advantage

- Nonprofits in General
- Congressionally Chartered and Other VSOs
- Recommended Best Practices for VSOs

Section 6 Frequently Asked Questions (FAQs)

Section 1

Membership Eligibility

Membership in the American Legion Auxiliary is defined in the National Constitution under Article III, Section 1. Each unit of the ALA is responsible for verifying eligibility and deciding its membership, as provided in the National Bylaws. However, this responsibility is subject to the restrictions of the national governing documents.

Once eligibility is established, female applicants who meet the eligibility requirements may become members of an Auxiliary unit. A member of a unit is also a member of the department and the national organization. By payment of dues to the unit, a member also contributes to the support of her department (state) and the national organization.

Membership in the American Legion Auxiliary shall be limited to:

- the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of members of The American Legion;
- the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States 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 Government of the United States; all dates inclusive, or who being citizens of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during any of said periods, and died in line of duty or after honorable discharge; and
- those women who of their own right are eligible for membership in The American Legion.

On June 26, 2015, the United States Supreme Court issued a landmark decision in the case of Obergefell v. Hodges. The Court's ruling requires a State to license a marriage between two (2) people of the same sex and to recognize a marriage between two (2) people of the same sex when their marriage was lawfully licensed and performed out-of-State.

In a female same-gender marriage, if one (1) of the female spouses is a member of The American Legion (or who is eligible for membership in The American Legion and becomes a member of The American Legion, (same as the membership requirement for any spouse of a wartime veteran meeting the Legion' eligibility criteria), then the other female spouse is eligible for membership in the Auxiliary.

The June 26, 2015 Supreme Court decision requires all states to recognize same-gender marriages. The Legion and the Auxiliary will continue to accept into membership those individuals who meet membership eligibility criteria regardless of the gender of their spouses.

The Auxiliary is incorporated as an all-female organization; males are not eligible for membership. The recent Supreme Court ruling begets the question also now being asked by some about the eligibility of individuals undergoing medical/surgical changes to become physiological females.

Gender is determined by the gender specified on the person's driver's license or other legal document verifying gender at the time the ALA applicant's membership eligibility is determined. A person's gender-specific physical body parts determine gender. If the person has not undergone the complete sex-change medical/surgical transformation and there are no official documents attesting to the person's gender at the time of application, then the person is not yet eligible for membership. The person becomes eligible for membership at such time as the gender transformation is completed and, other ALA membership eligibility criteria having been met, the person can produce documentation attesting that the person is legally classified a female.

Other factors to consider when determining membership eligibility:

- When a request for ALA membership is based on the military service of a family member who is still living, that family member must be a member of The American Legion before the female relative may join.
- When a request for ALA membership is based on a deceased veteran who was not a member of The American Legion, the prospective member will be asked to provide verifying documentation that proves her eligibility (*see acceptable documentation below*).
- When a woman veteran applies to join the ALA without being a member of The American Legion, she is eligible to join if her service dates fall within one (1) of the eligible service periods as described in the National Constitution, Article III, Section 1. However, should her family members wish to join the ALA or the Sons of The American Legion through her service, she must first become a member of The American Legion. The Legion will verify the woman's eligibility.

The following documents are acceptable to verify membership eligibility in the ALA:

1. DD214 discharge papers (not issued until after the Korean War)
2. Official military orders
3. Official military service citations/awards
4. Letters related to the veteran's military service. Must be on official government letterhead.
5. Certificate from the VA records center in St. Louis
6. Data from the back of older discharges

It should be noted that discharge papers or copies of official military orders are not always easily available to the veteran, especially to those United States (U.S.) citizens who served in allied forces during military conflicts in a common area with the U.S.

In one such example cited by an American Legion source, a U.S. citizen who was visiting Europe at the beginning of WWII was trapped behind enemy lines, and because of German heritage, he was drafted into the German army. Later, he wound up separated from his German unit near the Russian front (Russia was an ally of the U.S. in WWII) and was soon fighting with the Russians against the Germans. Following the war, he returned to his hometown, Chicago, Illinois, and wanted to join The American Legion. His verification of service was Russian documents (translated) and commendations. He was allowed to join The American Legion.

Another example, where pictures established active-duty service, might be sailors or Marines in uniform while on liberty in a foreign port.

Key elements to review on any documentation, whether discharge papers or military orders, are dates of service and the character of the service (i.e., honorable or dishonorable). The American Legion does not research to verify the details behind the DD214 unless it appears to be falsified. Any falsified DD214 or military orders should be referred to the FBI. If the discharge is listed as “non-characterized,” you should refer those to the national secretary, who will ask Counsel General to review the coding listed.

Information on a veteran’s service record can be obtained by contacting the National Archives and Records Administration at 1-866-272-6272 or www.nara.gov.

Authorized Forms of Membership

The only authorized form of membership is active membership, of which there are two (2) classes: Senior and Junior. Granting special or honorary membership for any purpose or reason whatsoever is prohibited.

Senior members are those who are age eighteen (18) or older and those under the age of eighteen (18) years and married.

Junior members are those under the age of eighteen (18) years, and whose activities are supervised by Senior members. Upon reaching eighteen (18) years of age, Junior members are automatically admitted into Senior membership with full privileges. Junior members conduct their own meetings and perform their own special activities, planning their own community service projects and supporting unit projects. Junior members may hold honorary national officer positions. These young volunteers follow in the footsteps of Senior ALA members by donating thousands of hours in service to our veterans.

Once accepted as Senior ALA members, these women may continue their membership from year to year, whether or not their veteran relatives continue membership in The American Legion. The fact that a member’s service relative is no longer a member of The American Legion does not compel the ALA member to lose her ALA membership, as long as she does not have a lapse in dues payments.

The phrase “died in the line of duty,” applies to all persons who were killed in action, died of wounds or disease, were killed by accident or otherwise came to their death other than as a result of their own misconduct. In case of doubt, the Adjutant General of the Army, or the Navy Department, Washington, D.C., can advise if the person was considered to have died in the line of duty.

Any woman who legally marries a member of The American Legion at any time is eligible for membership in the ALA. A woman who is the *legal* wife of a male or female Legionnaire is eligible for membership in the ALA.

Widows from legal marriages (male/female or female/female) are also considered wives for membership.

Applications for membership must be completed for every applicant, and she must provide proof of her eligibility. (For instructions on completing the membership application, see the *ALA Unit Guide* on the national website at www.ALAforVeterans.org).

Paid Up For Life membership (PUFL): Any member in good standing whose membership dues are paid for the current year may become a PUFL member. The unit secretary must verify membership on the application. PUFL applications are available at www.ALAforVeterans.org.

Member Recruitment and Retention

Recruiting and retaining a diverse, active membership is critical to our mission. Well into the future, veterans will need our support and advocacy to assist them at home and abroad, during war and peacetime, to receive the attention and benefits they deserve.

To ensure the American Legion Auxiliary continues to exist for a future of serving our veterans, military, and their families, our goal is to enhance membership strength by our centennial anniversary. Following is a sampling of the resources available on the national website at www.ALAforVeterans.org to assist you in achieving this goal:

1. *National Membership Plan of Action*
2. *Elevator Speech*
3. *How to Reach Target Groups*
4. *New Member Welcome Kit*
5. *The American Legion Family Membership Brochure*
6. *Unit Revitalization Guide*
7. *Volunteer Interest form*
8. *Valued Member Survey*
9. *ALAMIS Training PowerPoint*
10. *Membership presentations from national meetings*

It is important for department officers, board members and other leaders to become familiar with the tools available as your units work to increase the ALA's positive visibility to attract and retain members. Letting members know that their contributions are valued, along with welcoming, respectful treatment goes a long way toward creating a positive experience and an appealing environment for both current and potential members. Department officers are encouraged to mentor unit leadership with these ideals.

Section 2

Membership Processing

Membership Application (Traditional)

See the *Unit Guide* on the national website for proper completion of the membership application. Units may obtain membership applications from their department headquarters or download from the national website. Completed membership applications, along with payment of department and national dues, are sent by the unit to department headquarters.

The American Legion National Judge Advocate/ALA Counsel General advises that since eligibility for membership can be challenged at any time during the life of the member, eligibility information should be retained indefinitely, as long as the member is alive. Only the eligibility information needs to be securely retained, and records can be digitized to save space and provide a more convenient way to retain the information. Units are advised to have access to a locked file cabinet in the post or other secure place for record retention.

Counsel General notes that in the past four years, the IRS has been more stringent about demanding to see eligibility records when they are doing field audits of posts, units and departments. The fact that the IRS has escalated its audits of Legion and ALA entities in recent years may lead to confusion about the length of time for retaining IRS records versus the length of time for retaining eligibility verification records. Counsel General has advised that tax returns need be kept for only seven (7) years, but eligibility records should be retained for the life of the member.

Effective with the 2017 membership year, new members can complete the membership application and pay their dues on the national website. They will be required to complete an affidavit affirming their eligibility. It will be up to departments to confirm that the new member meets ALA eligibility requirements.

When joining the American Legion Auxiliary via the national website, the member will receive a welcome email and be placed in the Department Headquarters Unit. Departments are encouraged to run a “new member report” on a weekly basis to identify new members, to confirm each member’s eligibility, and to send a Department welcome to the new member. The Department is obligated to promptly provide a membership card to all eligible new members.

NOTE: The following is taken directly from the ALA National Standing Rules, Section X., Units:

A new member joining the American Legion Auxiliary prior to the annual National Convention must pay full current annual dues to be eligible for full membership rights, privileges, and benefits.

A new member joining after the National Convention may be given by her Unit full membership rights, privileges, and benefits from the date the dues are received through December 31st of the following year.

Paid Up for Life Membership (PUFL)

PUFL Membership:

1. Is the Auxiliary’s national paid-up-for-life membership program.
2. Is purchased by the member with a lump sum payment. If the PUFL membership is a gift, the cost is paid by the gift giver.
3. Was established by resolution adopted at the 2/18/1981 National Executive Committee Meeting in Washington, D.C.

PUFL Eligibility:

1. Traditional members in good standing (having a valid membership card for the current year) may become PUFL members.
2. Members whose dues are not paid for the current year are considered delinquent and must pay current year dues before becoming eligible to become a PUFL.

3. Current year dues payments must be reflected in the national membership system (ALAMIS) before PUFL applications can be processed.

Cost of PUFL Membership:

1. Is based upon two factors:
 - Age of the member at the time the application is submitted.
 - The total unit dues amount at the time the membership is purchased.
 - Unit dues consist of department dues per capita, national dues per capita, and the dues amount retained by the unit.
 - The dues amount used to compute the cost of a PUFL membership may not be less than the sum of department dues per capita and the national dues per capita; units have the option of waiving their portion of dues.
 - Use the rate chart on the back of the PUFL application to determine exact cost of a PUFL membership.
2. Dues paid in advance may be deducted from the total PUFL fee only until December 31st of the year in which they were paid in advance.
 - For the deduction to be recognized when processing the application at National Headquarters (ALANHQ), the following is required:
 - The completed and certified PUFL application must reach ALANHQ no later than December 31st.
3. PUFL members will never be obligated to pay any additional amount if there is a dues increase.
4. PUFL fees are non-refundable.

PUFL Trust:

1. Is maintained by ALANHQ.
2. Money from the trust fund can be used only to support the PUFL program and to pay annual dues per capita each year to the unit, department, and national organization.
3. The interest income from the trust fund is used to cover the cost of dues increases at the national level.

Annual Payments to Units and Departments:

1. Annual payments will be made from ALANHQ in the fall for all PUFLs on record for the current membership year.
2. The PUFL member's unit and department will always receive the amount of annual unit dues per capita and department dues per capita in effect at the time the member joined the PUFL program.

NOTE: If the unit chooses to waive its portion of dues, the unit will not receive annual payments for that member.

Completing the PUFL Application:

1. Applicant: *(must have paid dues for the current membership year)*
 - Completes in full Section 1 of the application form (See PUFL form on national website)
 - Using rate chart on back of the application, determines her PUFL fee.

- Attaches appropriate payment: (check or money order made payable to American Legion Auxiliary, National) or provides all charge card (VISA or MasterCard) information requested on the application.
 - Submits application to her unit secretary for certification.
2. Unit secretary:
- Verifies that the applicant has accurately and fully completed Section 1 of the application.
 - Verifies that the member is in good standing (either has a valid membership card for the current year or is current with dues as verified in the national membership records database).
 - Completes, accurately and in full, Section 2 of the application.
 - Records the applicant's member ID number.
 - Lists the amount of current annual unit dues.
 - Verifies that the applicant has listed the correct PUFL fee based on her current age and the current amount of unit dues. (If applicant has listed the fee incorrectly, work with her to correct before sending to National Headquarters.)
 - Indicates if unit is waiving its portion of dues, thus reducing the amount on which the fee is based.
 - If applicant has paid dues in advance (by December 31st of the previous membership year) and is reducing her fee by that amount, ensure that the department has transmitted her dues in time to be reflected in the national membership system (ALA MIS) by January 15th. (Advance dues payments cannot be deducted after January 1st of the current membership year.)
 - Provides her address and phone number.
 - Certifies, with her signature, that the application is complete and that all information on the application is accurate.
- NOTE: Applications lacking sufficient information, payment, or certification will be returned to the unit secretary.*
- Makes a copy of the application for unit and/or department records.
 - Forwards original certified application, along with payment, to National Treasurer's Office, Attn: PUFL, 8945 N. Meridian St., Indianapolis, IN 46260.
 - May obtain current PUFL application forms from department headquarters or on the national website.

Identifying PUFL Members:

1. After the PUFL application and payment are processed at National Headquarters, the PUFL member will be issued a PUFL card. (Allow thirty (30) days to receive PUFL card.)

PUFL Members Transferring to Another Unit:

1. Relatively simple to initiate, particularly between units within the same department. (Some departments offer their own state life membership program, so check first if the transfer will be to a unit in another department.)
2. A unit accepting the transfer must agree to accept the unit dues per capita amount established by the former unit at the time the PUFL application was processed.

PUFL Member Versus Honorary Life Member: . . . (They are not the same)

1. PUFL membership is purchased and requires completing an application issued by National Headquarters.
2. Only a unit can bestow honorary life membership.
 - The unit pays dues for their honorary life member each membership year.
 - National Headquarters does not provide applications for, nor can it process, honorary life memberships.
 - All honorary life membership records are maintained at the unit and/or department level. Departments should mark the member's record as an honorary life member (HLM) to discontinue the renewal notice.
 - Honorary life memberships are valid only within the unit bestowing the membership.
 - If an honorary life member transfers to another unit, or the unit disbands, the honorary life membership becomes void.
 - Honorary life membership cards and pins can be purchased through the Emblem Sales Division of The American Legion; purchase of a pin requires the approval of the Department Secretary.

PUFL questions? If your questions about the PUFL membership program have not been answered here, please contact the Membership Division at National Headquarters at (317) 569-4500.

Membership Renewal Program

National Headquarters emails and/or prints and mails membership renewal notices directly to all Senior members except those in foreign units. Junior members do not receive a renewal notice. The personalized notice includes the amount of the annual unit dues and the name and address of the individual within the unit to whom the dues are to be paid. The national organization underwrites the entire cost of the membership renewal program.

Payment:

1. Although the notices are emailed or mailed by National Headquarters, the unit member may pay her dues directly to the person receiving dues at the unit – either in person or by mail or via credit card on the national organization website. Members who choose to pay their dues on-line will receive a receipt and have the ability to print their membership card.
2. If payment is made by mail, the member must enclose her check, along with the remit portion of the renewal notice, in the window envelope provided in the renewal notice mailing.
3. If a Senior member wants to pay dues for a daughter, granddaughter, or another person, she must provide that person's name, complete address, and member ID number on the back of the renewal form. This form, along with appropriate dues payment, may be mailed along with the Senior member's dues in the window envelope. This procedure must be followed to ensure proper credit.

Note: Unit dues represent the total of three amounts: the unit portion, department portion, and national portion. The unit retains its portion and transmits the balance to the unit's department headquarters which keeps its portion and transmits the national dues amount to ALANHQ.

Renewal Notice Mailing Schedule:

Notice	When Mailed	To
1st	September	all Senior members
2nd	January	all Senior members for whom dues were not received by National Headquarters by December 15

Note: Units should check with their department for actual department deadlines in order to meet National Headquarters' deadlines.

Emailed renewal notices will typically be sent in September.

Note: Members can opt out of emailed renewal notices by contacting their Department headquarters or the Membership Division or ALA MIS Help Desk at National headquarters.

Membership Dates and Deadlines

Please refer to the ALAMIS calendar on the national website for dates and deadlines for dues rate changes, renewal notices, membership cards, PUFL disbursements, etc.

Unit Data Form – Direct Billing:

To ensure that the information printed on renewal notices is accurate, each unit must complete, and forward to her Department Secretary, a Unit Data form or similarly designed department form.

1. The deadline for receiving Unit Data Forms is set annually by each department. Contact your department headquarters for instructions.
2. It is imperative that National Headquarters has complete and correct information to ensure that renewal notice data is accurate.

Prompt Processing of Dues: Prompt processing of dues at the unit and department level is extremely important; National Headquarters must receive dues well before the dates listed in the *Renewal Notice Mailing Schedule* to prevent mailing unneeded notices. However, because delays do occur, it is of equal importance for unit and department leaders to educate their members that some may receive a renewal notice although their dues have been paid. In such cases, please inform them to disregard the notice.

NOTE: If a unit is paying dues for/on behalf of a member, (honorary life members), make sure those dues are submitted on the first transmittal of the membership year.

Deadline to Run Expires: National Headquarters will run all expires of the previous year's members on January 31st of the following year. The membership year is from January to December. *Example:* On February 1, 2017, unpaid 2015 members will move to "expired," and unpaid 2014 members are moved to "former" members, all of whom will have their continuous years and join date reset to zero.

Dues Statements:

1. Should be used to renew Junior members. Junior members **DO NOT** receive membership renewal notices from National Headquarters.

2. Units may issue dues statements for any Senior member requesting a reminder to pay dues, in addition to the renewal notice sent by National Headquarters.

Membership Cards

Membership Cards Will:

1. Be shipped to most department headquarters in time for the department's annual convention.
2. Include approximately fifteen percent (15%) of each department's previous year total membership at 12/31 in blank cards to be distributed at the department's discretion.
 - Complete one of the "extra" blank cards for any missing renewal member cards.
 - Complete a blank membership card for new members. Upon payment of dues, promptly provide card to member to reflect that her current year dues have been paid. Card must be fully completed and signed by a unit officer to be valid.
3. Be sorted by unit, including Membership Roster, and shipped directly to each department headquarters for distribution.

IMPORTANT NOTES:

1. **Do not** borrow cards from other units. Contact your department headquarters for more card stock.
2. **Do not** confuse honorary life membership or department life membership with PUFL membership.
 - Honorary life membership cannot be processed at National Headquarters. Honorary life membership is paid by the unit and must be processed as a regular renewal.
 - The department pays department life membership, and dues should be submitted to National Headquarters. See PUFL membership for further explanation.
3. **Do not** submit duplicate dues payments on members. If the Unit Membership Roster is used appropriately, units will know which member's dues have already been transmitted to their department.

Card Reprints:

If card reprints are needed, units should contact their department headquarters. All unit requests must be in writing to their department headquarters. Request for reprints, or any other "Service Orders," can only be accepted at National Headquarters from the Department Secretary. Department headquarters will forward requests to National Headquarters.

NOTE: Reprints are done only if the unit loses the cards or the cards are destroyed. For a name change or transfer, use a blank card to prepare and issue a card with current information.

Organizing New Units/New Charters

Organizing a new unit is exciting and a good way to build membership. Many Legion posts in each department are without the benefit of an Auxiliary unit. Check with your Legion department headquarters for a list of those posts. Familiarize yourself with the information contained in *How to Organize a Unit*, and then contact the posts to determine their interest in chartering a new unit.

Procedures for New Charters

1. Print the full name and address for each charter member, along with the unit number, on the charter application and on membership cards.
 - A minimum of ten (10) Senior members is required to form a unit.
 - Transferred members may be designated as charter members.
 - Junior members currently cannot be counted in the original ten (10) applicants for unit charter, but can be charter members.
 - All new members must file individual membership applications as proof of eligibility.
 - Immediately distribute signed cards to all paid-up members.
 - Retain a listing of all charter members for unit records.
2. Prepare list with the total dues amount for Seniors and Juniors and who will receive the dues at the unit.
3. Prepare "Application for Unit Charter of the American Legion Auxiliary." Obtain charter applications from your department headquarters. Forward the following to your department headquarters:
 - All three copies of the signed charter application. (All copies must be signed by the Post Commander and attested by the post adjutant.)
 - Name, number, and location of unit must be identical to the post.
 - Completed information on amount of dues and member who will receive the renewal notices.
 - A check for \$10.00 per new charter.
 - Checks for charter fees and dues payments can be submitted together.
 - Membership applications for each new member. (Names and addresses on the charter application and new member applications must correspond.)
 - A typed list of names as they are to appear on the charter roll, if an inscribed roll is requested.
 - Set up fee for each inscribed roll is \$10.00 for 20 names and \$.50 for each additional name.

NOTE: The department must verify that all required information, forms, and payments are correct before forwarding items listed above to:

American Legion Auxiliary National Headquarters
ATTN: Membership Division
8945 N. Meridian St.
Indianapolis, IN 46260

Each completed charter will be forwarded from National Headquarters to the appropriate department headquarters office.

Allow ten (10) business days after the charter is *received* in National Headquarters for the charter members to be counted in membership reports.

Section 3

Civility and Code of Ethics

The *ALA Annual Programs Plan* includes a section on *Membership*, aka the *ALA Annual Plan of Action for Membership*, which emphasizes “Appeal to fellow citizens utilizing core character concepts to exemplify the behavior of our organization. Encourage the use of civility, leadership, and volunteerism as the basis for recruitment.”

As the world’s largest women’s patriotic service organization, it behooves us to put our best foot forward in the national spotlight and in our everyday one-on-one interactions with one another. Kindness and respectful, civil behavior was once commonplace in society, the norm rather than the exception; however, with the ever-increasing pace of life today, civility sometimes appears to have flown out the window. Still, we stop to listen when the news announcer tells of incidents where good Samaritans leave gold coins anonymously in Salvation Army kettles or stories of *paying it forward* by paying for another person’s meal in the drive-through of a fast-food restaurant, and it touches our hearts. On the flip side, the saying that if you please one person, one person knows of your good deeds, but if you anger one person, that anger is increased tenfold as they vent to others about how they were mistreated.

People do still care, and, as a nonprofit organization established to help others, we need to share our story through acts of kindness, treating others with respect and honoring other’s service with our thanks, whether that is the returning veterans or our own members who donate their time volunteering to help others.

Remembering the basic tenant of the Golden Rule - treating others as you wish to be treated - can accomplish a wealth of personal satisfaction while portraying our organization as one that cares and where membership and volunteerism is valued and appreciated.

American Legion Auxiliary members are expected to comply with the organization’s governing documents and adhere to the highest ethical standards to earn and protect the public’s trust in our performance to carry out the ALA’s mission, uphold rigorous standards of conduct, and be good stewards of our resources.

The organization for which a Code of Ethics is adopted must also establish the procedures/process for handling complaints about alleged ethics violations. Department violations must be addressed by the department.

As an example, at the National level of the organization, there are policies adopted by the national governing board – the National Executive Committee – for whistleblowers and conflicts of interest among others. The policies and forms are available to members as resources via the Members Section of the national website, ALAforVeterans.org.

At the National organization level, any member may report a suspected violation of the various Ethics policies, or an allegation of abuse of authority, or an allegation of negligence of duty committed by a national officer, national director (member of the NEC) or national leader serving in an appointed position confirmed by the NEC. There is no special form for making an inquiry, complaint, or allegation.

To exactly whom the complaint or allegation is submitted depends on what position the person who is the subject of the complaint holds. For example, any allegations of Code of Ethics violations about NHQ staff would be directed to the National Secretary. Any allegations about any officer, NEC member, national committee chair or national committee member, or any

special national appointee who was confirmed by the NEC could be reported to either the national president, national vice president, national secretary, national treasurer, or any combination of these four (4) officers.

The reason there is not a specified form or detailed protocol for how to report an Ethics violation allegation is so there is no real or perceived barrier to “blowing the whistle” or reporting an allegation of wrongdoing. Members need to feel unintimidated, unafraid, and unencumbered to do so via whatever manner is practical – a phone call, email, written note or letter. And because a member who feels compelled to report a suspicion of wrongdoing needs to feel confident that the allegation will be taken seriously, she should feel free to report it to a national officer whom she trusts. The expectation of confidentiality is paramount in any situation wherein a member feels compelled to report an allegation or suspicion of ethics violations or wrongdoing.

The same concerns apply to departments. For example, if a member suspects a department president is abusing her authority, and further suspects that the president is doing so “in cahoots” with another department leader, that member should not be hampered by strict rules and procedures for reporting the alleged abuses which might require the member to submit some required form to the very person about whom the member suspects is committing some wrongdoing.

Regardless of via what means and to whom the allegation was reported, the allegation of wrongdoing needs to be investigated by a small group (recommend more than one but no more than three) led by the officer or governing board member to whom the allegation was presented. The investigation should be done confidentially and lawfully. At the point where the small group has investigated the allegation and believes there is merit to the allegation, then that small group would take the reported allegation to the disclosure level and the matter would then have to be handled by the governing board (at the department level usually known as the DEC).

The DEC has the authority to discipline, suspend, or remove an elected officer, governing board director (DEC member), or department leader who was confirmed by the department governing board. The procedure by which the DEC must do this is governed by due process. An overview of the process for a department to mete disciplinary action is included in the ALA National Standing Rules. If the allegation is serious enough to warrant disciplinary action beyond a DEC verbal or written reprimand, such as removing an officer or appointee from her leadership position in the organization, then due process must be followed to protect the organization, including providing proper notice, holding a recorded hearing, and recording the disciplinary decision by the DEC.

If an outcome of removal from office or leadership position is anticipated, or if a criminal report or civil court action is anticipated, then the DEC is strongly advised to consult an attorney knowledgeable about that state’s law for guidance. In some departments, the Legion Department Judge Advocate may do this. In other departments, it may be more advisable to consult outside counsel. If the allegation involves a suspected criminal act, then the allegation must be reported to the appropriate law enforcement agency/police department. If the allegation involves suspicious activity regarding department finances, then a forensic external audit may be needed; the DEC would be strongly advised to make a special appropriation of funds for an external audit and/or forensic audit. If the matter is an emergency, the department president, department secretary, or department treasurer would be exercising defensible duty of care to proceed with engaging an attorney and/or external auditor and submitting the costs to the DEC at the earliest appropriate time.

Of note, all these scenarios described fall under the purview of the department governing board; not a department's finance committee.

The Code of Ethics, adopted by the National Executive Committee and incorporated into the ALA National Standing Rules, is provided in the appendix of this Guide. It is strongly recommended that all chartered entities and affiliated organizations at all levels adopt a Code of Ethics and conduct themselves accordingly.

Section 4

Joining Other Organizations

Dual Membership in American Legion Auxiliary and The American Legion:

There is no prohibition against any woman, who by right of her own service in the Armed Forces of the United States joins both The American Legion and the ALA. Although the Auxiliary and Legion are separate organizations, a qualifying woman may belong to both organizations. (See *chapter on Auxiliary Protocols & Etiquette*.)

Unit/Department Membership in Other Organizations:

ALA departments and units may be interested in joining other organizations or associations to gain some benefit or access to additional resources. Examples include their state or local chamber of commerce, professional leadership organizations (e.g., chapters of the American Society of Association Executives, Association of Fundraising Professionals, etc.), historical societies, and local nonprofit associations or registries.

The American Legion's national rules prohibit the Legion joining other organizations.

The ALA national governing documents do not address the subject; therefore, there is no express prohibition. In general, ALA subordinate organizations may join outside organizations or associations, but there are critical considerations that departments and units must keep in mind.

The primary consideration is that the membership rules of the non-ALA organization must not contradict or conflict with the articles of incorporation, constitution, bylaws, charter, or any rules or policies of the national ALA organization, department, or unit. In order to maintain the integrity of the ALA's trademarks and the group tax-exempt status for subordinate organizations, the national organization must maintain supervision and control of the trademarks.

If you join an outside organization, and by virtue of that membership are considered to have adopted or are required to follow any policy which contradicts those of the national ALA, be aware that you may lose the right to display any ALA trademarks (emblem, name, etc.) as well as lose your tax-exempt status under the national IRS group exemption. If you wish to join any non-ALA organization, you should carefully examine its membership requirements to determine if they contradict either national or department policies or rules. Contact your department or ALANHQ with questions about possible contradictions. You should not join a non-ALA organization whose relationship allows it to control the ALA's decision-making.

Consider if your membership in another organization is in line with your responsibilities as a veteran-focused nonprofit. If your membership in another organization causes you to drift away from acting in a nonprofit capacity, serving veterans, fulfilling the ALA mission, or creates liability

for your organization or other encroachment issues, you are highly advised not to join. Also consider if the relationship would be simply one of general membership or a partnership. If, for example, you are required to share costs (beyond membership fees) or provide services in a joint project, you may be creating legal liability for your own organization. Do a background check of any organization you want to join to be sure they are legitimate and fit the ALA's mission and goals.

Further, consider the public relations issues of joining an outside organization. Many chambers of commerce and other associations engage in extensive lobbying efforts, and some of their positions may conflict with those of The American Legion and the Auxiliary. Therefore, you are advised to consider the potential for negative reaction to such activities by your members or the general public. If the outside organization discriminates on a racial or religious basis, such discrimination violates ALA rules and might create a disastrous public relations situation. Also, other organizations may endorse or support partisan political candidates which is in violation of the national constitutions of both The American Legion and Auxiliary, and can result in loss of your tax-exempt status.

Consider the costs of joining another organization and how those costs might be perceived by members who may not see the benefits of associating with another group. Present the notion of joining another organization to your ALA membership for discussion and vote before joining.

Many times, other organizations want access to the name, emblem, and membership lists/numbers of the ALA. Access to the name and emblem is controlled by the national organization, and written permission from the national secretary is required. Another organization's use of ALA's membership information can result in privacy law violations. If the other organization advertises or presents its membership as including the ALA unit or department or their membership, you are strongly advised to sever all ties.

If an organization requests a list of the unit's or department's ALA members, the request should be very carefully considered as to intent and purpose. A list of ALA members must not be granted without the execution of a List Protection Agreement, available from the ALANHQ.

Finally, before deciding to join another organization, consider the alternative of working collaboratively with the organization in lieu of membership.

Section 5

Other Veterans Service Organizations (VSOs) - The ALA's Competitive Advantage

Throughout this Guide, reference is made to the fact that the American Legion Auxiliary (ALA) is the world's largest women's patriotic service organization with some 700,000 members. If you have read the chapter on the ALA strategic plan, you are aware that the first national strategic goal is to enhance membership strength.

In order to reach that goal, we need to know and understand our competition – not just competition for potential members' time, but the competition that also desires them as members. We are in competition for members from other VSOs as well as other nonprofit membership organizations (e.g., Kiwanis, Lions, etc.).

With this in mind, we can better communicate what we offer to prospective members that other organizations may not be able or willing to do. The ALA needs to give prospective members a

good reason to pay to belong, such as the fact that we provide a meaningful, personally rewarding experience. We need to show that we are proud of what we do for veterans/military, their families, and America's youth, our excitement about participating in programs that better the positions of those we serve, and how fulfilled we are to be proud supporters of ALA programs. We need to show what we can offer that which the competition can/does not.

According to the *2012/2013 Directory of Veterans and Military Service Organizations and State Directors of Veterans Affairs (VA)*, published by the office of the Secretary of Veterans Affairs, there are 144 VSOs listed. Of that 144, forty-seven (47) are Congressionally Chartered and **only thirty-six (36) have been recognized for the purpose of preparation, presentation, and prosecution of claims under the statutes administered by the VA.** The American Legion can be found in this listing of thirty-six (36) VSOs. (*Note: The ALA is not listed in this directory since we fall under The American Legion's listing.*)

According to this directory, "For an organization to be listed (*in this publication*) it must be a Non-Profit that is National in scope, of good reputation, in existence and involved with Veterans for a minimum of three (3) years, dedicated to a wide range of Veteran's issues with a membership of at least 1,000 or be Congressionally recognized."

Nonprofits in General

According to the *IRS Data Book for 2012, Table 25*, there were 1,080,130 charitable and religious tax-exempt organizations as of the fiscal year ending September 2012. Of these, there are more than twenty-seven (27) types of tax-exempt organizations and only one type, 501(c)(3), are either public charities or private foundations. Thirty-three percent (33%) of these organizations are human service organizations, where the VSOs would fall.

In 2009, the charities filing form 990 with the IRS reported approximately \$1.4 trillion in revenue and reported holding nearly \$2.6 trillion in assets.

The following "Myths about Nonprofits" are quoted from the National Council of Nonprofits website (www.councilofnonprofits.org):

1. **Myth: Nonprofits can't earn a profit** – Reality: Nonprofits can make a profit; however, a nonprofit organization cannot distribute its profits to any private individual. This is because charitable nonprofits are formed to benefit public, not private, interests.
2. **Myth: Nonprofits don't have paid staff; they only use volunteers** – Reality: Nonprofits employ 13.7 million Americans, or about ten percent (10%) of the workforce. In fact, if the nonprofit sector were a country, it would have the seventh largest economy in the world. In 2010, 9.2% of all wages and salaries paid in US were from nonprofit organizations and the nonprofit sector represented 5.5% of the GDP in 2012.
3. **Myth: Nonprofits can't lobby** – Reality: Every charitable nonprofit can and should make its voice heard on issues that are important to its mission and to the people or cause they serve. As advocates, nonprofits are sometimes required to speak up about policies, laws, and regulations that affect the charitable nonprofit community and their individual mission. However, partisan political activity, such as endorsing a candidate for public office, is prohibited conduct for charitable nonprofit organizations.

4. **Myth: A well-run nonprofit should have low “overhead” costs** – Reality: Core operating costs, such as paying utility bills, rent, salaries/wages, and other indirect costs of delivering a nonprofit’s mission are in fact necessary, and have no relation to the level of effectiveness or the outcomes a charitable nonprofit may deliver.
5. **Myth: Nonprofits get most of their funding from foundations** – Reality: Foundation grants represent only a small part of the total revenue for the charitable nonprofit community as a whole. Private philanthropy, which includes both donations from individuals and grants from private foundations represent only 13.3% of the total annual revenue to the charitable nonprofit community and of that, the majority is from contributions from individuals.
6. **Myth: The charitable giving incentive benefits only wealthy individuals and elite institutions** – Reality: All charitable nonprofits benefit from public support and donations, and most depend on private donations to serve their communities. While the individual taxpayer typically receives only a partial tax benefit for their donation, the community served by the nonprofit receives the full value of every dollar. Any cap on the giving incentive negatively affects the community served by the nonprofit more than any one individual.
7. **Myth: Most nonprofits are large and have many resources** – Reality: In fact, most nonprofits are small in both budget size and numbers of employees. While large, national nonprofits like the American Red Cross have high visibility, such organizations are not representative of the community as a whole. In 2010, 82.5% of all reporting public charities had annual revenue of less than \$1 million.

As you can see, the ALA is not the only avenue for American women looking for a way to give back. In truth, all VSOs have heavy competition for members from the pool of nonprofits in the United States.

Congressionally Chartered and Other VSOs

1. Current or Former Military Background Required for Membership:

This group of VSOs includes major organizations such as the following that are recognized by the VA for the purpose of preparation, presentation and prosecution of veterans’ claims with the VA:

- The American Legion (*NOTE: The national charter capitalizes “The” only when referring to the national organization unless at the beginning of a sentence. According to General Counsel, The American Legion’s National Judge Advocate, the words “The American Legion” by themselves refer only to the national organization and may only be used when referring to the national organization. Department addresses should be “American Legion Department of XXXX.” This capitalization of “The” has been used to clearly delineate between national and subsidiary groups in legal filings.*)
 - Headquartered in Indianapolis, Indiana, and Washington, D.C.
 - Made up of 55 departments
 - Has approximately 14,000 local posts
 - Has more than 2 million members
 - Organized on March 15, 1919
 - Congressionally Chartered on September 16, 1919, under Public Law Number: PL 66-47

- Membership open to current military servicemembers and veterans serving during the timeframes of foreign conflicts regardless of whether deployed
- Website: www.legion.org
- The American Legion established a women's Auxiliary in 1919 – the American Legion Auxiliary. The American Legion Auxiliary is a separately governed corporation, unlike the other VSO's whose auxiliaries are programs of and controlled by their respective VSL. *(NOTE: The American Legion's federal charter capitalizes "The" in front of American Legion. At the department level, The American Legion generally uses a lower case "the" because most Legion departments are incorporated without "the" being capitalized. The American Legion Auxiliary does **not** use a capitalized "the" in front of American Legion Auxiliary because we are incorporated as "American Legion Auxiliary" without the word "the." Therefore, "the" is only capitalized in front of American Legion Auxiliary when it is at the beginning of the sentence.)*
- Veterans of Foreign Wars of the United States (VFW)
 - Headquartered in Kansas City, Missouri, and Washington, D.C.
 - Has approximately 1.7 million members which includes its VFW Auxiliary members as reported on its website. The VFW Auxiliary is a program of the VFW.
 - Organized in 1899
 - Chartered by Congress on May 28, 1936, under Public Law Number PL 74-630
 - Membership open to those veterans who actually served in conflict of foreign wars as evidenced by a campaign medal for overseas service or served 30 consecutive (60 non-consecutive days) in Korea.
 - Website: www.vfw.org
- Disabled American Veterans (DAV)
 - Headquartered in Cold Spring, Kentucky, and Washington, D.C.
 - Has approximately 1 million members
 - Organized in 1921
 - Congressionally Chartered on June 17, 1932, under Public Law Number: PL 72-186
 - Membership open to disabled veterans of foreign conflicts
 - Website: www.dav.org
 - The DAV has an Auxiliary, which is a program of DAV and whose membership numbers are included in the DAV's 1 million members but not reported separately in its directory
- AMVETS (aka American Veterans)
 - Headquartered in Lanham, Maryland
 - Has 250,000 members of which over 30,000 are in its Ladies Auxiliary as reported on its website. The AMVETS Ladies Auxiliary is a program of AMVETS.
 - Organized on December 9, 1944
 - Chartered by Congress on July 23, 1947, under Public Law Number PL 216-80
 - Membership open to all veterans and active-duty military
 - Website: www.amvets.org

These are the four (4) largest Congressionally Chartered VSOs (in terms of membership) listed in Part I of the *2012/2013 Directory of Veterans and Military Service Organizations and State Directors of Veterans Affairs* (directory). There are thirty-two (32) other VSOs listed in Part I, and all are recognized by the VA for the purpose of providing support to veterans in the prosecution of their claims with the VA. It is understood that the Auxiliaries of these groups may also assist with representing veterans with their claims. A non-membership organization in this listing is the Wounded Warrior Project, headquartered in Jacksonville, Florida. While it does not have a Congressional Charter, it received VA accreditation on September 10, 2008.

Part II of the directory lists other Congressionally Chartered VSOs that are not recognized by the VA for the purpose of preparation, presentation, and prosecution of veterans claims only. They represent the interest of American veterans. There are eleven (11) VSOs listed in Part II. American Gold Star Mothers Inc., American War Mothers, and Blue Star Mothers of America Inc. are names of nonprofit organizations you may recognize from this group.

Part III of the directory lists other service organizations NOT Congressionally Chartered or recognized by the VA for the purpose of veteran claims representation; but that represent the interest of American veterans. Some of these VSOs are not actually membership organizations. Names you might recognize from this listing:

- American Military Retirees Association
- Iraq/Afghanistan Veterans of America (IAVA)
- National Association of American Veterans (NAAVETS)
- National Society of Daughters of the American Revolution (DAR)

2. Membership Based on Familial Relationship to Veteran/Military:

VSOs based on familial relationships that may or may not be women listed (all in Part III) in the directory:

- National League of Families
- National Military Family Association
- Society of Military Widows
- Tragedy Assistance Program for Survivors Inc.
- Veterans and Military Families for Progress

There are six (6) familial organizations that appear to be women-based listed in the directory:

- American Gold Star Mothers Inc.
- American War Mothers
- Blue Star Mothers of America Inc.
- Daughters of Union Veterans of the Civil War
- Gold Star Wives of America Inc.
- National Society Daughters of the American Revolution

As evidenced by the above list, a woman wanting to volunteer with other women to help veterans has plenty of organizations from which to choose. To find the American Legion Auxiliary on the VA website, she would have to drill down through the parent organization, The American Legion, to find us.

This is just one example of why it is important for leaders at all levels to encourage our members to tell our story -- the story of service to veterans, military, their families, the community and youth. With nearly 750,000 members, we are the largest all-female VSO, but we are certainly not alone in our mission to serve veterans and our communities. If we want to remain the largest and grow, we must make our stories known.

3. Membership Not Based on Veteran or Family Connections:

While most of the 144 VSOs listed in the *2012/2013 Directory of Veterans and Military Service Organizations and State Directors of Veterans Affairs* are membership organizations based on either being active-duty military, a veteran of military service, or a familial relationship to a veteran, there are several that do not require a military connection. For example, the American Red Cross is considered a VSO by the VA, as is the Wounded Warrior Project.

These two (2) alone, with their national advertising campaigns, are stiff competition for other VSOs. Even if we had campaigns on the scale of these two organizations, competition requires us to be Legion Family brand advocates, leveraging the long history and good reputation of The American Legion Family of organizations working continually to raise community awareness in every possible way.

Recommended Best Practices for VSOs

Following are two of the most important best practices for any charitable nonprofit to remember:

Non-Partisanship

Partisan political activity, such as endorsing a candidate for public office, is prohibited conduct for charitable nonprofit organizations. (See the *Nonprofits in General* section.)

To be Congressionally Chartered, a nonprofit has to state unequivocally that they will not take part in partisan politics. The American Legion's Congressional Charter is no different, and, since the ALA falls under that charter, we are bound by that statement as well. To do otherwise risks the revocation of the American Legion's Congressional Charter and with it their tax-exempt status, along with the Auxiliary's.

As a reminder, if your unit or department wishes to invite a political candidate to speak at an event, you are advised to issue invitations at the same time to all candidates for said position so that all sides can be heard and the organization maintains its impartiality. All candidates should be treated with the same hospitable decorum.

Department leaders should make sure that all members fully understand the negative repercussions of representing a particular political candidate while at the same time representing the ALA. The ALA representation might be as simple as wearing ALA clothing, pins, or cap while attending a political event supporting a political candidate. The press and media can very easily jump to the conclusion that the organization is supporting the candidate. As they say, a picture speaks a thousand words and photos/videos can be taken by anyone today with a smartphone and posted anywhere. The best thing to remember is that if you think wearing an Auxiliary shirt, pin, or other regalia to a political event will be questioned, then don't do it.

Transparency

As discussed in the chapter on Financial Operations, charitable nonprofits at all levels are required to file Form 990 with the IRS and state agencies annually. The 990 is the government's way of assuring transparency in financial dealings within the nonprofit.

Going beyond the mandatory 990 filings in our transparency is recommended to attract members and donors. Officers and board (DEC) members need to understand how we fund our programs, the percentage of donations that go directly to the intended program, and be able to communicate that information to anyone who asks. For instance, if a potential donor learns that 100% of their donation to the ALA will make its way to a military family, vs. only 80% of that given to the American Red Cross due to their overhead costs, most donors would contribute to the Auxiliary.

If 100% of your fundraising overhead costs are covered by membership dues, be sure to indicate such in your fundraising materials so the donor knows that 100% of donations received will be used toward the intended program/project or to the ALA Foundation for future projects. We want the potential donor to choose us over the 1.08 million other charitable nonprofits¹ from which they have to choose for their charitable donations. We have nothing to hide, so be transparent!

¹ Source: *IRS Data Book for 2012, Table 25* or 144 other VSOs (Source: *2012/2013 Directory of Veterans and Military Service Organizations and State Directors of Veterans Affairs*)

Section 6

Frequently Asked Questions (FAQs)

FAQ 1: Equal membership for females.

Since there is a Sons of The American Legion, why can't there be a Daughters of the American Legion? It appears that the only place where the female gender has equal membership opportunity is as a veteran/member or Legion Rider. You might just find this idea has more merit and benefit than holding on to outdated traditional values. Not to mention the possibility of members paying for membership in multiple organizations, thus increasing Americanism support and interest by taking a more active part in The American Legion community. If not, then re-organize the American Legion Auxiliary (as the name implies: everything else) to include all non-veterans, male and female, and have the SAL and Legion Riders as subservient to it.

RESPONSE: Both The American Legion and American Legion Auxiliary are veterans service organizations whose membership eligibility is limited based upon the criteria specified by Congress. Neither the Legion nor the ALA are social clubs – an IRS classification for which no tax-exempt status is assigned.

The ALA effectively has a "daughters of the ALA": its ALA Junior members. The ALA has two (2) classes of membership: Seniors – adults, and Juniors – females under the age of 18 who must meet the same eligibility criteria as adult females.

The ALA is incorporated as an all-female organization whose members are eligible for membership by being married to or directly related to a wartime veteran eligible for membership in The American Legion according to the criteria defined by Congress. As such, the ALA cannot arbitrarily reorganize itself to expand or alter its membership eligibility without an Act of Congress. A Congressional bill to expand ALA membership would have to be proffered by The American Legion whose federal charter provides for the exclusive membership criteria to which both organizations are legally bound.

Females who do not meet eligibility criteria and who want to assist the ALA can become supporters and volunteers.

The American Legion and American Legion Auxiliary annually receive many suggestions to expand membership eligibility. The Legion established a study committee which concluded that the Legion could not expand membership because of the limitations of eligibility imposed by Congress in the Legion's federal charter. Both the Legion and ALA are federally tax-exempt because of the Legion and ALA's exclusive membership eligibility. Expanding membership eligibility jeopardizes the tax-exempt status of both organizations. Neither the Legion nor the Auxiliary desire to expand membership eligibility contrary to the restrictions specified by Congress, which would in turn jeopardize our tax-exempt status assigned by the IRS.

FAQ 2: Female same-gender marriage eligibility.

In a female same-gender marriage, if the female spouse wartime veteran who is a member or eligible to be a member of The American Legion, is the female wife eligible for membership in the Auxiliary?

RESPONSE: On June 26, 2015, the United States Supreme Court issued a landmark decision in the case of Obergefell v. Hodges. The Court's ruling requires a State to license a marriage between two (2) people of the same sex and to recognize a marriage between two (2) people of the same sex when their marriage was lawfully licensed and performed out-of-State.

This decision requires all states to recognize same-gender marriages. The Legion and the ALA will continue to accept into membership those individuals who meet membership eligibility criteria regardless of the gender of their spouses.

The Auxiliary is incorporated as an all-female organization; males are not eligible for membership. Gender is determined by a person's gender-specific physical body parts at the time that membership eligibility is determined.

FAQ 3: A unit accepted a member several years ago with the person who signed her up (member 1) knowing that the new member's (member 2) eligibility was questionable. Now there is a personality conflict between member 1 and member 2 and member 1, who was aware of the questionable eligibility, saying that member 2 is not technically eligible for membership and wants the unit to revoke member 2's membership. Unless member 2 has been disloyal, shown neglect of duty, been dishonest or shown conduct unbecoming a member (per the *Unit Guide*), the unit can't reject her as a member now; can they?

RESPONSE: Any member can challenge the membership eligibility of another member by presenting the challenge to the unit to whom the member being challenged belongs or to whom the person's membership application is being presented for consideration.

The unit has the responsibility for responding to the challenge of membership ineligibility and for making a determination on that person's eligibility. If the unit determines that the member is not eligible, the member may appeal to the department. If the unit determines that the member is eligible, the person challenging that member's eligibility may appeal to the department. The department is the final authority on determining an individual's membership eligibility.

A member can challenge another member's eligibility to belong, and a member can also challenge another member's appropriateness to remain a member based on that member's conduct. In the example you cited, the issue being presented to the unit is that of the member's eligibility – not the member's conduct. The personal nature of the circumstances leading to the challenge of eligibility is not relevant. The personal circumstances may be common knowledge and unpleasant, but they are not a factor in the unit's responsibility to investigate and make an eligibility determination in response to the member's challenge. That determination needs to be made based solely upon proof of eligibility.

Also note that a unit's or department's decision regarding an individual's membership eligibility is not appealable to the national organization. The national organization only has authority to consider an appeal from a unit regarding the department's action to suspend, cancel or revoke the unit's charter. The national organization has no authority to consider eligibility or discipline appeals from members. The department is the final authority on eligibility and discipline.

FAQ 4: A woman veteran, who is eligible for membership in The American Legion but has not joined that organization, is a member of ALA and now her daughter wishes to join the ALA. Can the daughter join the ALA based on her mother's service?

RESPONSE: No, the daughter can only join the ALA based on her mother's service and membership in The American Legion. If the mother were to join the Legion, then the daughter would be eligible for membership in the ALA.

FAQ 5: Is there any circumstance where a woman could join the ALA without having a relative as current member of The American Legion? Is verification required by the Post Adjutant if the Veteran is deceased?

RESPONSE: **There are two circumstances** when a woman can become a member without having a relative as a current member of The American Legion. **The first** circumstance would be when the woman has served in the military during the requisite dates. She may join the ALA without being a member of the Legion. **The second** circumstance is when a woman's membership is based on a deceased veteran who was not a member of The American Legion;

however, the prospective member will be required to provide verifying documentation of the deceased relative's service dates to prove her eligibility.

FAQ 6: If an ALA member works for an assemblyman, can she run for county/district office in the ALA? My understanding was you cannot run for any office if you are an elected official in some capacity in local, county, or federal government. Is this in writing anywhere?

RESPONSE: There is no written prohibition that a person wishing to hold an ALA office cannot do so because of her place of bona fide employment or her position as a government elected official. There is no inherent conflict solely because the person is serving in public office. There are no national ALA or Legion restrictions from holding public office or working for a public official and holding an ALA office.

If your department or district rules place such restrictions, then you would need to abide by those bylaws or policies. If there is a conflict other than the person is an elected official or works in public service, then you would need to address the specific conflict and vote to handle it accordingly.

FAQ 7: As my department's Constitution & Bylaws chairman, I've been asked a question regarding the new wording under eligibility as it relates to dependents. The question is, "What about stepchildren and Reserves? Are they eligible to become members?"

RESPONSE: The eligibility information stated in the ALA National C&B has never mentioned step-relatives. This eligibility matter is not contained or addressed anywhere in The American Legion's national governing documents. While such membership eligibility descriptions represent a longstanding practice in the ALA, this eligibility practice has never been stated in the Auxiliary's C&B and cannot be stated in writing in the ALA's governing documents because: a) the ALA eligibility wording cannot conflict with the Legion's federal charter; and b) because of how both national organizations are classified by the IRS for tax exemption. The national ALA governing documents have always and must continue to remain silent on step-relatives. Departments are the final authority for determining the eligibility of its members; therefore, a department's determination of an individual's ALA membership eligibility is not appealable to the national organization.

Women serving in the Reserves, or the wives of those serving in the Reserves, are eligible for membership in the ALA provided that the servicemember has served at least one (1) day of active duty at the call of the federal Armed Forces.

FAQ 8: Regarding the change to allow only "direct and adopted female descendants" eligibility for membership: What was the rationale for this change?

RESPONSE: The wording does not represent any substantive change. The wording added "adopted" to clarify that adopted children are indeed legal members of the family and, therefore, descendants. The word "descendants" includes all the future generations of the original eligible member, therefore eliminating the need to amend the C&B in the future to allow for great-great, then great-great-great...and so on.

FAQ 9: The Auxiliary Unit no longer has an American Legion Post, so who would sign the Auxiliary membership application?

RESPONSE: According to Chapter II of the *American Legion Auxiliary Unit Guide*, which can be found on the Auxiliary's national website www.ALForVeterans.org, the signature of a post officer should be on every application of those applying for membership by reason of relationship to a Legion member or a deceased veteran. If the post officer's signature cannot be

obtained, a letter from the Department Adjutant in which the service relative has his/her Legion membership will be accepted in lieu of the post officer's statement. A copy of this letter must be attached to the application.

A resolution passed at the 1943 Auxiliary national convention states that satisfactory proof of a veteran's service shall have been established when the post adjutant certifies that he has examined the records and documentary evidences of the deceased veteran and, based upon his examination thereof, declares it to be his opinion that the applicant is eligible for membership. A subsequent membership committee report explains that in cases when an application is received with the applicant making application on the record of a deceased veteran and no service record accompanies the application, the attestation of the post adjutant is needed.

FAQ 10: How long must units retain membership applications?

RESPONSE: The American Legion National Judge Advocate/ALA Counsel General advises that since eligibility for membership can be challenged at any time during the life of the member, eligibility information should be retained indefinitely, as long as the member is alive. Only the eligibility information needs to be securely retained, and records can be digitized to save space and provide a more convenient way to retain the information. Units are advised to have access to a locked file cabinet in the post or other secure place for record retention.

Counsel General notes that in the past four years, the IRS has been more stringent about demanding to see eligibility records when they are doing field audits of posts, units and departments. The fact that the IRS has escalated its audits of Legion and ALA entities in recent years may lead to confusion about the length of time for retaining IRS records versus the length of time for retaining eligibility verification records. Counsel General has advised that tax returns need be kept for only seven (7) years, but eligibility records should be retained for the life of the member.

American Legion Auxiliary Department Operations Guide, published April 25, 2014.

UPDATE HISTORY:

#	Date	Author(s)	Description (Substantive or Proofing)
01	07/21/2014	NHQ Communications	Proofing: Cover added, footers edited
02	11/17/2016		Updates: Executive; Sec. 1; Sec. 2; Sec. 3; Sec. 5; Sec. 6

