

MEMORANDUM

Date: October 25, 2012

To: Daniel S. Wheeler

From: P. B. Onderdonk, Jr.

Re: Partisan Politics

You requested a review of the limitations on The American Legion becoming involved in partisan political activities. It may not.

This is made crystal clear by 36 US Code §21706 (part of The American Legion Corporate Charter), which states:

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

This is further emphasized by the provisions of Article II, Section 2 of the National Constitution which provides:

“The American Legion shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.”

The American Legion takes positions on issues and lobbies for veteran’s benefits and a strong America. This is clearly permitted. What is not permitted is the endorsement of any candidate or the donation of funds by The American Legion to a candidate. The American Legion takes positions on issues and its members being citizens need to be informed on the issues.

Hence, American Legion programs such as candidate nights are fully authorized as long as all candidates are invited on the same terms and conditions. It would be illegal to invite the one you support with advance notice, but the one you oppose with no notice at all. When Legionnaires wear their pins and hats to political rallies, the media often try to reach the wrong conclusions. This can be very embarrassing to the Legionnaire.

Hence, we normally recommend that Legionnaires do not wear their caps to partisan political rallies. There is no rule against doing this so long as the Legionnaire makes it clear there is no endorsement.

Likewise, we recommend that Legion publications not accept paid political ads. However, if they do, the paid political advertisements must be made on the same terms and conditions for all candidates and should be labeled "Paid Political Advertisement" at both the top and bottom.

As noted above, those who violate the partisan political activities prohibition put the Legion charter of their post at risk as well as its tax exempt status.