

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
Indianapolis, Indiana
May 2-3, 1973**

**Resolution No. 2: Amending Section 3, Article X, of National Constitution of The American Legion
Origin: Constitution and By-Laws Committee
Submitted by: Internal Affairs Commission**

WHEREAS, Section 3, Article X, of the National Constitution dealing with the collection of the national per capita assessment reads as follows:

“Section 3. The annual dues shall be collected by each post and transmitted through the department to the national treasurer.”; and

WHEREAS, The national organization of The American Legion has, since 1923, considered the relationship of departments to the national organization of The American Legion under the above cited section and article of the National Constitution to be one in which departments are agents for the collection of the annual per capita assessment due the national organization of The American Legion; and

WHEREAS, This position of the national organization was adopted based upon a legal opinion dated April 18, 1923, written by Past National Judge Advocate Robert A. Adams addressed to Past National Adjutant Lemuel Bolles, apportion of which opinion is quoted hereunder:

“***The individual pays his national dues to his Post Finance Officer, who is thereby obligated to see that such dues are properly transmitted to the National Organization. As a matter of convenience to all concerned, and for obvious reasons this transmittal is made through the Department Headquarters, the Department Finance Officer being the medium through whom dues of individual members are transmitted from the collecting Posts to the National Organization. He is, for that purpose, the representative of the National Organization and the agent thereof. His obligation is to forward such dues promptly and without dissipation of funds

“The ordinary principles of agency, in my opinion, apply to the obligations upon the Department Finance Officer, or however designated, in connection with this handling of national funds.***”; and

WHEREAS, In the interest of clarification it is deemed desirable by The American Legion to incorporate the purport of Past National Judge Advocate Adams’ legal opinion into the language of the aforesaid Section 3, of Article X, of the National Constitution by amending the same; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 2-3, 1973, That Section 3, of Article X, of the National Constitution be amended to read as follows:

Section 3. The annual dues shall be collected by each Post and transmitted promptly through the Department to the National Treasurer. Departments are designated agents for collection for The American Legion with respect to such annual dues and upon the receipt thereof shall remit them promptly to The American Legion. In no event shall the period transpiring between the receipt of such annual dues by a Department and the remittance thereof to The American Legion exceed thirty (3) days; and, be it further

RESOLVED, That a copy of this resolution proposing an amendment to the National Constitution of The American Legion be forwarded to the national adjutant of The American Legion with a request that he cause it to be circulated to the several departments and members of the National Executive Committee of The American Legion by mailing the same to them at least twenty (20) days prior to the convening of the next National Convention, all as provided for under Article XV, of the National Constitution of The American Legion.