ONE HUNDRED AND SIXTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Tampa, Florida
August 26, 27, 28, 2025

Resolution No. 19: Amend Article IV of the American Legion National By-Laws
Origin: California
Submitted by: Convention Committee on Constitutional Amendments
(As Amended)

WHEREAS, Article IV, Section 1 of the National By-Laws reads: "Each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion"; and

WHEREAS, Under The American Legion By-Laws. Article IV, Section 2. "A Post may suspend or expel a Post member from The American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner and form as the Post or Department By-Laws"; and

WHEREAS, Each department, in its bylaws, stipulate the exact rules of giving a member "due process" in a fashion that shall not be in conflict with the National Constitution and/or By-Laws of The American Legion; and

WHEREAS, The current guidelines of Article IV, Section 1 of the National By-Laws, a member can silently transfer from one post to another while under a formally initiated disciplinary action, effectively avoiding such action due to lack of jurisdiction resulting from the transfer; and

WHEREAS, Over the years an unknown number of members have transferred posts to avoid disciplinary action: and

WHEREAS, The American Legion does not have a specifically identified process in the National By-Laws of blocking members from transferring to another post or department to avoid their home post's disciplinary investigation or charges: and

WHEREAS, Specific language must be added to close the gap used as a loophole that allows wrongdoers to evade the spirit and intent of these mandates while accepting posts fail or are not interested in vetting the incoming egregious members and allow the transfer; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Tampa, Florida, August 26, 27, 28, 2025, That Article IV of the National By-Laws be amended by inserting the following Section between Sections 2 and 3: "Any local Post that has initiated disciplinary action against an offending member under Article IV, Section 2, will maintain jurisdiction of that member's disciplinary process until the cause of such action is resolved, and that the member shall not transfer to any other Post during this process unless approved by both the losing and gaining Posts."