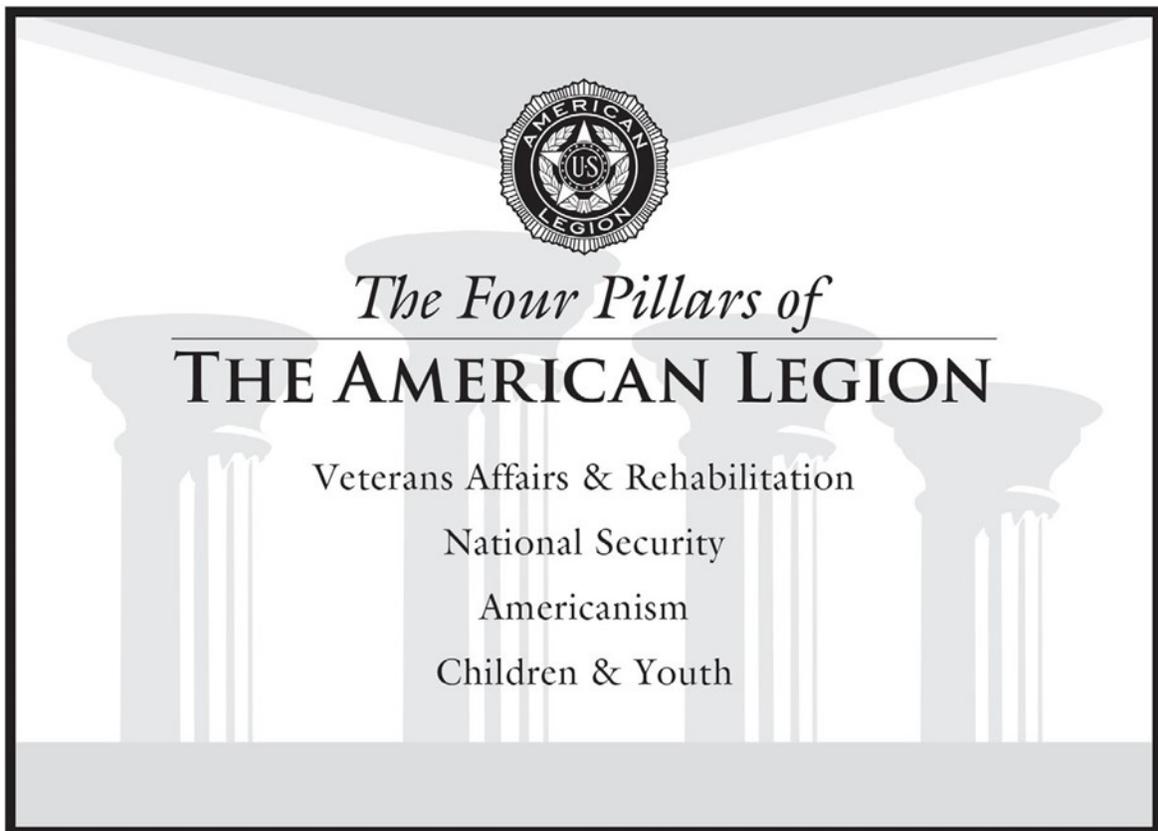


LTC George Franklin “Ben” Aiken American Legion Post 407 El Paso, Texas

By-Laws



Adjutant Dennis O’Leary
10-4-2020

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BY-LAWS OF THE
LTC GEORGE FRANKLIN “BEN” AIKEN POST 0407
EL PASO, TEXAS

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.

Article 1 – Name

Section 1. Name. The name of this organization shall be the LTC George Franklin “Ben” Aiken Post No. 0407, El Paso, Texas, The American Legion.

Article II – Management

Section 1. Objective. The government and management of the Post is entrusted to a Post Executive Committee which shall consist of at least two (2) members in addition to the Officers of this Post. They shall be elected annually as provided in Article V, Section, of these By-Laws and, they shall take office immediately upon election.

Section 2. Executive Committee Meetings. The Post Executive committee shall meet for organization and other such business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander, at least once (1) a month and as often as the Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or members of said Post Executive Committee. A majority of the members of the Committee shall constitute a quorum thereof.

Section 3. Post Employees. The Post Executive Committee shall such employees as may be necessary; shall authorize and approve all expenditures, shall require adequate bonds from all persons having custody of Post funds, and shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes. The Post Executive Committee shall

hear the reports of the Post Committee Chairmen, and at the end of each fiscal year, an audit committee shall be appointed before turning them over to the new Post Finance Officer. Except for the hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

ARTICLE 3 – Officers

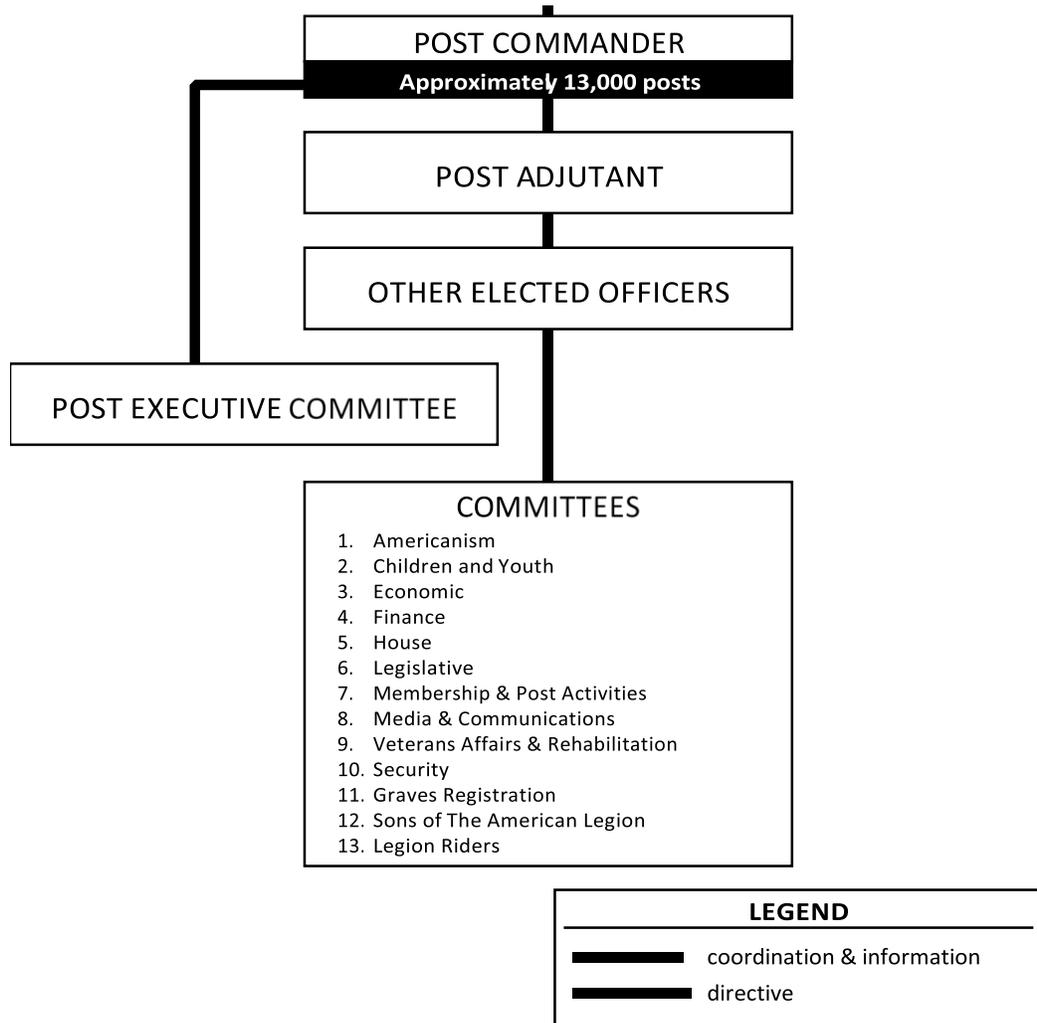


Figure 1 American Legion Department of Texas Post 407 Officer Chain of Command

American Legion Post 0407 El Paso, Tx Officers

Post Commander

Section 1. Description. The charge you have accepted, commander, is broad and difficult. How you respond will determine to a large degree the standing of The American Legion among your associates and within the community. Your own ability, the support of district and department officers, the information in this guide, and the help you will get from the post officers who form your team will together make the performance of your job possible. As you look to the overall operation of the post, you'll realize you have stepped to another level. You may see the step as too high, but as you proceed, following the suggestions and recommendations in this guide, you may find your year as commander the most rewarding of your life.

Section 2. Duties. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business affairs of the Post. The Post Commander shall be the Chief Executive Officer of the Post.

- a. **Section 2A. –Budget.** The Post Commander with the assistance of the Post Finance Officer and the Post Adjutant shall prepare or cause to be prepared a proposed Annual budget for the upcoming Post Year, a copy of which shall be delivered to each member of the Post Executive Committee, not later than five (5) days prior to the first meeting of the Post Executive Committee.
- b. **Section 2B. Disbursements.** The Post Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy immediately to the Department Adjutant.

Section 3. By-Laws. The Post Commander shall see that the Post By-Laws and Constitution are Observed. The Post Commander shall perform such other duties as directed by the Post.

Post Adjutant.

Section 1. Description. The adjutant is the primary administrative officer for the post and a like the first sergeant of a military unit. Post activities revolve around the adjutant. Most posts retain a good adjutant in the officer over a period of years. The role of adjutant provides continuity for a post. While the commander's duties are largely inspirational and executive, an adjutant's duties are administrative and functional. The commander navigates the ship, while the adjutant is the engineer who sees that the ship's machinery is working and maintained.

The adjutant is the personnel officer and personal point of contact for individual members of the post. He or she maintains membership records and minutes of meetings, checks up and assists the work of the other officers and committees, and publishes official orders, announcements and communication with post members.

Section 2. Duties. The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keeping those records that the Department and National

Organizations may require. The Post Adjutant shall issue membership cards, handle certificates of transfer, render reports of membership annually and at Post meetings, and under the direction of the Post Commander, handle all correspondence of the Post.

- a. The Post Adjutant shall comply with Article V, Section 5, of the American Legion Department of Texas as shown.
- b. It shall be mandatory for Post Adjutants to certify to Department Headquarters the names of Post Officers elected/appointed for the ensuing year, immediately, but no later than ten (10) days after their election, as prescribed by the Department Executive Committee, together with a list of delegates and alternates elected to the Department Convention.

First Vice Commander.

Section 1. Description. Membership may be the primary assignment of a first vice commander, but during a normal year, the first vice commander will have many other duties. He or she should become familiar with the ceremonial protocol for regular meetings. He or she will likely be called upon to conduct one or more meetings during the year due to an absence of the post commander. Knowing how to develop an agenda, run a meeting and follow protocol are useful skills to develop. The vice commander should be ready to fill in for the commander at a moment's notice.

Second Vice Commander.

Section 1. Description. The second vice commander is responsible for building an atmosphere in which Legionnaires have fun while accomplishing the mission of your American Legion post.

- a. The commander depends on the second vice commander to help run operations to spice up meetings and attract members to the post. The social calendar should be filled months in advance with activities designed to engage members.
- b. One of the second vice commander's first duties should be to contact other veterans and civic groups to verify each patriotic holiday and observance receives the respect it deserves.
- c. The second vice commander should be looking for ways to involve members in post activities, operations and programs to assist the first vice commander by providing improved member retention.

Post Finance Officer.

Section 1. Description. The finance officer usually serves as the chair of the finance committee and oversees all receiving and disbursing of post funds. The post adjutant, in all matters relating to finance, should carry on the work in close correlation with the finance officer. Both officers must be covered by adequate bond. Department headquarters should be consulted for blanket bond arrangement. Post accounting forms are available to meet the requirements of American Legion posts in maintaining a correct and permanent membership and finance record. Because of

their simplicity, they require no special knowledge of bookkeeping or accounting. Consult the Emblem Sales catalog for prices and detailed descriptions or go online to emblem. legion.org.

Be prompt in remitting national and department per capita fees and cards to department headquarters. It is essential the finance officer maintain accurate financial records for all post operations and activities.

Section 2. Duties. The Post Finance Officer shall have charge of all the finances and see that they are safely deposited in some local bank(s) and shall report once a month to the Post Executive Committee and to the Post, in writing, the condition of the finances of the Post, with such recommendations as The Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post, such checks to be countersigned by the Post Commander, as authorized by the Post Executive Committee. The Post shall furnish a surety bond in such sum as shall be fixed by the Post Executive Committee.

Post Chaplain.

Section 1. Description. The chaplain need not necessarily be a clergyman but must be a person capable of moral and intellectual leadership and one who gives dignity and respect to the office. The chaplain should be in close touch with the commander and other post officers and should attend all meetings of the post executive committee. The leadership in many post activities belongs by right to the chaplain, and when this office is filled by the right person, the post's usefulness to the community greatly increases.

Section 2. Duties. The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc. The Post Chaplain shall adhere to such ceremonial rituals as are recommended by the National of Department of Texas Headquarters.

Post Sergeant-at-Arms

Section 1. Description. The sergeant-at-arms arranges the meeting hall and assists the post commander and adjutant in preliminary arrangements for meetings, including leading the color detail during presentation and retirement ceremonies. He or she is the expert on flag etiquette and should know proper flag etiquette. The sergeant-at-arms should also play a leading role in the post color guard, burial detail and other pageantry.

The sergeant-at-arms is the logical person to chair a welcome committee, which can have a tremendous influence on the post's image, membership and relationship with members. Every Legionnaire wants to feel part of the group, particularly the new Legionnaire attending his or her first few meetings. The sergeant-at-arms must make certain new members are welcomed, introduced and made to feel they are important to the post. The sergeant-at-arms encourages members to attend meetings and advises the commander on who should be acknowledged.

Section 2. Duties. The Post Sergeant at Arms shall preserve order at all times and meetings and shall perform such duties as may be from time to time assigned to the Post Sergeant at Arms by

the Post Commander or the Post Executive Committee. The Post Sergeant at Arms shall oversee the Post Colors and shall not display or permit them to be displayed without specific authority of the Post Commander.

Post Service Officer.

Section 1. Description. A good service officer should be retained. The value of a post service officer increases with length of service. As the service officer's reputation grows, so will the value of the organization in the veteran community. The job requires a competent, dedicated and organized person, preferably one is readily available to provide assistance. He or she is responsible for bringing awareness to all veterans and their dependents the rights and benefits granted them by law.

The service officer must know how to access and utilize the expert services available through The American Legion, state and federal government agencies, and local community agencies. The job requires timely submission of information to full-time professionals, so veterans and their dependents are adequately represented. The service officer's report should be a standard part of every meeting.

Section 2. Duties. The Post Service Officer shall comply with the Service Officer's Manual and Post Guide of The American Legion, and recommendations of the National Headquarters and the Headquarters of the Department of Texas and the needs of this Post.

Post Historian

Section 1. Description. The work of post historian is cumulative. it is wise to leave the responsibility to one person if handled well.

There should be close cooperation between the post adjutant and the historian. The former works with records on matters of current interest, the latter on matters of historical interest. The post historian should also keep in touch with the department historian and be prompt in answering inquiries. An annual report should be made to the department historian prior to the department convention.

Copies of printed material regarding the post should be deposited in local and state libraries, as well as in the post and department archives. This will prevent complete loss of records through fire or other catastrophe, as well as provide source material for those looking for information about The American Legion.

Section 2. Duties. The Post Historian shall keep a history of the principal events pertaining to the Post, and the members thereof. The Post Historian shall ensure that the Post Adjunct is informed of all necessary information that is required to be passed on to both the Department of Texas and to National Headquarters. The Post Historian shall perform all duties as may be assigned to them by the Post Command and the Post Executive Committee.

Post Judge Advocate

Section 1. Description. The primary duty of the judge advocate is to supply professional advice in the conduct of post business or to procure proper counsel. He is the guardian of the constitutional form of post government. Your judge advocate can also supply valuable assistance to other post committees and officers. The judge advocate should maintain contact with local government officials.

The judge advocate commonly has the duty, with others, of auditing post financial accounts. This is done annually, usually before the election of officers, or more frequently at their discretion.

Section 2. Duties. The Post Judge Advocate to ensure the legality of all documents and all questions of a Legal Nature and to maintain all records of such matters. The Post Judge Advocate is to render such information to the Post Commander and to the Post Executive Committee.

Post Executive Committee

Section 1. Duties. Government and management of the post is entrusted to the executive committee. it should meet regularly or as often as the commander deems necessary. The post executive committee is further charged with hiring employees, authorizing and approving all expenditures, requiring adequate bonds from those with custody of post funds, hearing reports of post committee chairpersons, and providing oversight over post affairs.

Delegation of these functions to the executive committee is in no way intended to usurp the powers of the membership through regular post meetings. Rather, this allows the routine operational affairs of the post to be handled outside of post meetings. Committee reports and other issues of general interest to members should be handled during post meetings.

The key to interesting post meetings is using the executive committee effectively. The post meeting that becomes bogged down in arguments on petty details is interesting only to those engaged in the conflict.

Section 2. Responsibilities. The Post Executive Committee is responsible to the General Membership of the Post for handling of the day to day routine of the Post.

ARTICLE IV—Standing Committees

Section 1. Committee Appointments. The Post Commander, immediately upon taking office each year, shall appoint such standing committees as the Post Commander deems necessary for the efficient operation of the Post. The Post Commander shall also appoint other committees as needed or that are found necessary from time to time. All of such committees shall consist of such members needed or required and the Chairman of those committees both standing and appointed as required will be confirmed by the Post Executive Committee.

Section 2. Standing Committees. The committees listed below are the standing committees used by the majority of American Legion Posts. This does not preclude the need for different or additional committees by the individual Post. Also, not every Post will have each of these committees depending on the size and activities of the Post involved.

Americanism. This committee seeks to inspire love of country and good citizenship through patriotic observances, flag etiquette, civic instruction in schools, the Americanization of immigrants, community service, and youth activities such as Boys State, Boy Scouts, Oratorical Contest, School Award Medals and American Legion Baseball.

Children and Youth. This committee ensures children of veterans in need of care and protection receive proper and timely services and aid, extends connections to verified organizations and facilities providing services for children and youth, and maintains programs that meet the needs of youth in the local community.

Veterans Affairs & Rehabilitation. This committee assists veterans in pursuing claims, understanding their rights and obtaining their benefits. Committee members also visit veterans who are sick, disabled or residing in assisted living facilities, and provide comfort to members' families in illness and bereavement.

National Security. This committee engages in community emergency preparedness, promotes public safety, and supports local and national civilian defense projects.

Membership & Post Activities. This committee recruits, retains and engages members to give the post the volunteers to create success for The American Legion in the local community.

Public Relations. This committee elevates awareness in the veterans community and the community of American Legion advocacy of veterans issues, national security, Americanism and youth. The American Legion is defined in the public eye by the values it demonstrates. The committee accomplishes this in two ways: placing radio and TV advertisements and public service announcements produced by National Headquarters where they can be seen and heard and developing relationships with editors and journalists in the post's community, so they cover programs supporting the Legion's four pillars. For example, the High School Oratorical Contest is the reporter's news peg, but the Legion's support for a "one hundred percent Americanism" is the story. Why and how the Legion is "still serving America" is the question the post's public relations committee should answer in the media. Public relations are a membership multiplier.

Legislative. This committee promotes The American Legion's official legislative mandates, disseminates legislative updates, organizes and promotes proactive grassroots lobbying activities, and liaisons with elected officials and their staffs. All activities must be in compliance with Section 2, Article ii of the Constitution of The American Legion, which forbids the dissemination of partisan principles and the promotion of the candidacy of any person seeking public office. However, voter education is a critical element of the electoral process, and posts are permitted to host town hall meetings, put on "meet the candidate" nights and allow candidates to address post meetings, district conferences or state conventions. Candidates may participate as long as invitations are extended to all candidates, affording them equal opportunity to participate. The American Legion cannot endorse or oppose any candidate, even if the candidate is a Legionnaire and post member. A post home should be free of any political

materials that would appear to be an endorsement of a candidate. Every effort must be made to remain nonpartisan. Note: if in doubt, contact the department for clarification before proceeding.

Finance. This committee supervises the receiving, disbursement and accounting of all post funds, prepares annual budget recommendations, and advises the post on all financial policies.

Economic. This committee assists veterans in meeting and overcoming problems such as employment, veterans preference, housing, civil service appeals, and employment of handicapped and older workers.

House. This committee supervises the operation of the post's physical facilities, such as a clubroom, American Legion center, meeting room, etc. Responsibilities include administration, equipment, and the hiring and direction of employees (as authorized by the post executive committee), and general rules applicable to the conduct of members while on the post's premises.

Service. This committee is key to every successful post, assisting returning veterans in their transition to civilian life. Other concerns include employment, on-the-job training, and educating veterans on their rights and benefits. The committee should maintain contact with members of the armed forces from the post's community.

Article V – Resolution

Section 1. Resolution Procedures. All resolutions from both The National and Department of Texas presented to the Post by a member or a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department of Texas Headquarters for its approval before any publicity is given other than mere passage by the Post is taken.

Article VI – Meetings Post Meetings.

Section 1. Post Meetings. The regular and special meetings of the Post shall be held as otherwise directed by the Post Commander, at which place may be transacted such business as may properly be brought up for action, including approval of the minutes of the previous regular and Executive Committee meetings. Such meetings may be converted into entertainment meetings as may be deemed advisable by the Officers of the Post.

Procedure at all regular meetings shall comply with the current manual of ceremonies.

Section 2. Regular Meetings. The regular business meetings of the Post shall be as determined by the Post. Other meetings may be held as directed by the Post Commander and the Post Executive Committee.

Section 3. Special Meetings. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post at any time as required.

Section 4. Member Called Meetings. Upon the written request by signed petition of not less than five (5) members in good standing of the Post delivered to the Post Commander, requesting

a special meeting of the Post, the Post Commander shall call the said special meeting within not less than seven (7) days nor more than fourteen (14) days after receipt of the said petition. In the petition it shall be stated the purpose for which the meeting is requested and matters not pertaining to said stated purpose shall not be considered.

Section 5. Quorum. At least four (4) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

Section 6. Virtual Meetings. In the event a public emergency or natural disaster makes the holding of an in-person meeting unlawful or impossible, the post may conduct its meeting by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster.

- a. The post shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.
- b. Any action that could be taken at an in-person meeting, including amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision.
- c. Any action taken at any such virtual meeting shall be ratified at the first regular in-person post meeting.
- d. During a virtual meeting, the post adjutant shall ensure that all participants are members in good standing and that a quorum is present.
- e. The post commander shall determine the need for a virtual meeting.
- f. If there is a vote, the Adjutant must make a record of the vote and ensure that every voter is sufficiently identified and a member of the Post in good standing.

Article VII – Delegates

Section 1. Convention Delegates. Delegates and alternates to a Department, Division, or District Convention shall be elected at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by a two-thirds (2/3) majority vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the Chairman. Alternates for the delegates shall have all the privileges of registered delegates except that of voting.

Section 2. Registered Delegates. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

- a. **Modified Unit Rule.** Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate will cast one vote, then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.
- b. **Pro Rate Rule.** Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate will be entitled to a portion of the total number of votes allocated to the Post that is directly proportionate to the percentage that the delegate represents of the total delegation present.

Section 3. Convention Votes. The Chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, to reflect the vote of each delegate present.

Article VIII – Dues – Fiscal Year

Section 1. Annual Dues. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year.

Section 2. Delinquent Dues. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his/her dues are paid on/before February first, he/she shall be automatically reinstated. If he//she is still delinquent after February first, he/she shall be suspended from all privileges. If he/she is still under such suspension on June thirtieth of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs.

Section 3. Post Payment of Dues. The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues may be paid for by the post with the reason for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendation except for new members and transfers. The approval or rejection shall be voted on at the next regularly scheduled meeting of the Post.

Article IX – Elections

Section 1. Nominations. Nominations for positions as Officers for this Post shall take place in February and March preceding the election in May of the given year. All nominations will be verified for acceptance by the Post Adjutant and certified to the Post Commander prior to the election in May.

Section 2. Voting. The ballot for the May election shall be by voice vote unless otherwise stated by the Post Commander or Post Executive Committee prior to the May regular meeting. If

a voice vote is not appropriate or objected to the vote will be taken by ballot and the results certified by the Post Adjunct before announcing the results.

Section 3. Installation of Officers. The newly elected Post Officers shall be installed at the June regular meeting of the Post or as soon as practicable after the annual election but not later than the regular meeting in October following the election of those officers.

Article X – Rules of Order

Section 1. Rules of Order. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, current edition. Except as otherwise provided by the National, and Department of Texas.

Article XI – Limitations of Liabilities

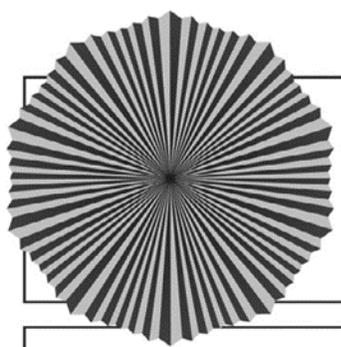
Section 1. Liabilities. This Post shall not incur, or cause to be incurred any liability, or obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of The American Legion, or other individuals, corporations, or organization.

Article XII –Amendments

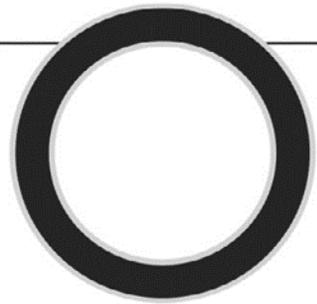
Section1. Amendments to By-Laws. These By-Laws may be amended at any regular Post meeting by a vote of Two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved or rejected by the Post Executive Committee whether in whole or in part.

Section 2. Vote of Post. Once the proposed amendment has been accepted or rejected by the Executive Committee, they shall be published to the regular members of the Post a minimum of one (1) full month before being voted on by the regular members. They must be published in writing either by mail or via e-mail

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The rays of the sun
The rays of the sun form the background of the emblem and suggest the Legion's principles will dispel the darkness of violence and evil.



Outer rings
The larger of the two outer rings signifies the rehabilitation of our sick and disabled comrades. The smaller inside ring denotes the welfare of America's children.

The wreath
The wreath forms the center, in loving memory of those brave comrades who gave their lives in the service of the United States that liberty might endure.



The star
The star, victory symbol of World War I, symbolizes honor, glory and constancy. The letters "U.S." leave no doubt as to the brightest star in the Legion's constellation.



The words
The words "American Legion" tie the ring together for truth, remembrance, constancy, loyalty, honor, service, veterans affairs and rehabilitation, children and youth, national security and Americanism.

Inner rings
The smaller of two inner rings set upon the star represents service to our communities, states and nation. The larger outer ring pledges loyalty to Americanism.

