



American Legion Auxiliary Membership Eligibility 101 & FAQ

Membership Eligibility 101:

Membership in The American Legion Auxiliary shall be limited to the:

- (1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- (2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who, being a citizen 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 either eligibility periods and died in the line of duty or after honorable discharge;
- (3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and
- (4) to those women who of their own right are eligible for membership in The American Legion.

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 current member of The American Legion before the female relative or spouse may join.
- When a request for ALA membership is based on a deceased veteran the prospective member will be asked to provide verifying documentation that proves his/her eligibility (see acceptable documentation below).
- When a female 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. However, should her family members (including spouse) 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 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

Membership Eligibility Frequently Asked Questions:

Q: Is there any circumstance where a person could join the ALA without having a relative as a current member of The American Legion?

A: There are two circumstances when a person can become a member without having a relative as a current member of The American Legion.

- 1) When a woman has served in the military during the requisite dates. She may join the ALA without being a member of The American Legion.
- 2) When a person's membership is based on a deceased veteran the prospective member will be required to provide verifying documentation of the deceased relative's service dates to prove their eligibility.

Q: Is verification of veteran eligibility required by the Post Officer?

A: The signature of the Post Officer should be on every application of those applying for membership. If the Post Officer's signature cannot be obtained after a reasonable effort, a letter from the Department Adjutant will be accepted in lieu of the Post Officer's statement.

The only exception is if the applicant is eligible in her own right, then the Unit Secretary signs and dates the application upon verification of that female veteran's military record.

Q: 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?

A: 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.

Q: Are stepchildren eligible to become members?

A: No, IRS regulation for 501(c)19 organizations do not include stepchildren in their definition of an auxiliary organization.

Q: Are men now eligible to join the Auxiliary?

A: Male spouses of current members of The American Legion are eligible to join the Auxiliary. Male spouses of all men and women who served in the eligible periods (April 6, 1917-November 11, 1918 and any time after December 7, 1941) and died in the line of duty or after honorable discharge are eligible to join the Auxiliary.

Grandfathers, Fathers, Uncles, Brothers or other male descendants are not eligible to join the Auxiliary.

Q: Are husbands of Auxiliary members able to now join the Auxiliary?

A: Husbands of American Legion Auxiliary members are only eligible to join the Auxiliary if their spouse is also a current member of The American Legion. Husbands would be eligible due to their spouse's membership in The American Legion and not through their spouse's membership in the Auxiliary.

Q: Is a person eligible through the war service of divorced spouse?

A: A divorced man or woman does not occupy the status of spouse and, therefore, has no eligibility. But the fact that a member of the Auxiliary has become divorced from whom they gained their eligibility does not force them to surrender their Auxiliary membership, even though they may be married to another person. However, if they become delinquent in their ALA dues, they may reinstate their membership only by payment of back dues for all years of delinquency.

Q: Are relatives of members of the Sons of The American Legion eligible for membership in the Auxiliary?

A: Only if the member of the Sons of The American Legion is also a member of The American Legion. If the SAL member is not eligible for membership in The American Legion, the applicant must secure eligibility through the service of an eligible veteran.

Q: Must a potential member join the Unit of the Post of which their service relative is a member?

A: No, the potential member is eligible for membership in any Auxiliary Unit.

Q: Is the spouse of a non-veteran eligible for membership on the war service of a former spouse who died either during the war or following discharge?

A: The fact that the widow of a veteran remarried does not deprive them of their right to belong to the Auxiliary. Under these circumstances the spouse of a non-veteran is eligible for membership in the Auxiliary if their former spouse was a veteran and died either during the war or following their discharge.

Membership Processing Frequently Asked Questions:

Q: Does a TAL Post have authority over a Unit's membership or money?

A: Besides verifying the eligibility of a potential Auxiliary member, no TAL Post has the authority to determine the membership of a unit or dictate what a Unit does with their finances.

Q: Can staff at ALA NHQ transfer a member to another unit at the request of the member?

A: No, units have final authority over their own membership. Units must accept the new members transfer and then submit a form to their department for processing.

Q: How long must units retain membership applications?

A: 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 and to redact any personally identifying information such as birthdate and social security number in order to secure information from identity theft. 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.

Q: How does the Auxiliary update/correct a members' join date?

A: Members are required to provide proof of original join date, if proof cannot be provided, the member must pay necessary back dues to reinstate continuous membership.