

## RESOLUTION 2

**Post 33, Winnebago County Council, Sixth District,  
Department of Wisconsin, The American Legion  
February 18, 2010**

### **Resolution No.2: Change in Eligibility Dates for Membership in the American Legion**

**Submitted by : Post 33, Neenah  
(Post, District, County, Other)**

WHEREAS, The eligibility dates for membership in The American Legion are determined by the Congress of the United States of America by the establishment of specific dates during which the United States of America was involved in war, declared or undeclared, or other armed hostilities; and

WHEREAS, The defeat of the Soviet Union and its Warsaw Pact Allies in political, economic, ideological, cultural, and armed conflicts constitute the greatest success of the Armed Forces since the end of World War II; and

WHEREAS, Historians and the Congress of the United States have recognized that the period between World War II and the collapse of the Soviet Union is classified as the "Cold War," and

WHEREAS, Millions of Cold War veterans honorably served and sacrificed, and prevented communist world domination and nuclear war while maintaining a high state of alert, and the "strategic Triad," and are not now eligible for membership; and

WHEREAS, During the period thousands of these Armed Forces members were killed, wounded, and became missing in overseas Cold War operations, which were separate and different from the major armed Cold War conflicts in Korea, Vietnam, and Grenada, and are not eligible for membership; and

WHEREAS, Our soldiers, who served in repeated troop deployments to protect Berlin; constantly manned the fire line during the Korea truce, and engaged counter-insurgency operations in Iran, Turkey, Greece, Central and South America, and are now not eligible for membership; and

WHEREAS, Our sailors who served on long cruises under wartime conditions on our attack and missile submarines or flew the anti-sub picket aircraft and our sailors who came under fire in the Formosa Straits and on our surveillance ships , and are not now eligible for membership; and

WHEREAS, Our airmen, who flew the Berlin Airlift, the SAC crews that flew our bombers on continuous missions under wartime conditions to the fail-safe points, or from point "A" to "B" whose losses have not been fully acknowledged for security reason and are not eligible for membership; and

WHEREAS, The American Legion in National Convention assembled in Nashville, Tennessee, in 2004 resolved that "Congress authorize and provided funding for the award of a Cold War Medal to all Armed Forces members who served on extended active duty during the period 2 September 1945 through 26 December 1991; and

WHEREAS, The Cold War Service Medal of 2009 Bill # S.2743 on the Senate floor; and

WHEREAS, The Cold War Service Medal of 2009 Bill # H.R.4051 on the House floor; and

WHEREAS, This resolution has been approved by American Legion Post 33 and The Winnebago County Council of The American Legion; now therefore, be it

**RESOLVED**, By The Sixth District of the Wisconsin American Legion assembled this 25<sup>th</sup> day of April, 2010, in Ripon, WI, request that the National Legislative Commission petition the Congress of the United States to further amend Section 5 of the Act entitled "An Act to Incorporate The American Legion," Public Law No. 47, 66th Congress, approved September 16, 1919, (c. 59, Sec. 5, 41 Stat. 285; October 29, 1942, c. 633, Sec. 2, 56 Stat. 1012; July 9, 1946, c. 546, 60 Stat. 524; December 28, 1950, c. 1177, 64 Stat. 1122; July 26, 1955, c. 386, Sec. 2, 69 Stat. 380; September 1, 1966, Public Law 89-550, Sec. 2, 80 Stat. 372; December 27, 1974, Public Law 93-557, 88 Stat. 1792; August 17, 1978, Public Law 95-346, 92 Stat. 485; December 21, 1979, Public Law 96-155, 93 Stat. 1165; October 30, 1990, Public Law 101-478, 104 Stat. 1157; Title 36 USC Sec. 45, as amended) to read when amended as follows:

"Section 5. No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to the date of cessation of hostilities as determined by the Government of the United States, all dates inclusive, or who being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities; Provided, however, That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates."; and, be it further

**RESOLVED** , That when and if the Congress of the United States enacts the above amendment, and the President of the United States shall have approved the same and it becomes law, then the National Constitution of The American Legion shall be deemed amended in conformance therewith, but subject to all consistent limitations and restrictions in the Constitution contained, all as provided for under Article XVII thereof, so that Article IV, Section 1, and Article XIII Insurance, Section 2 of the aforesaid National Constitution of The American Legion, shall read as follows:

"Article IV  
Eligibility

Section 1 be amended to read as follows: Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941, to the date of cessation of hostilities as determined by the U.S. Government; all dates inclusive, or who being a citizen of the United States at the time of entry therein served on active duty in the armed forces of any governments associated with the United States during said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of the said periods; refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service; and, be it further

**RESOLVED**, That when and if the Congress of the United States enacts the above amendment, and the President of the United States shall have approved the same and it becomes law, then the National Constitution of The American Legion shall be deemed amended in conformance therewith, but subject to all consistent limitations and restrictions in the Constitution contained, all as provided for under Article XVII thereof, so that Article IV, Section 1, and Article XIII Insurance, Section 2 of the aforesaid National Constitution of The American Legion, shall read as follows:

"Article XIII  
Auxiliaries

"Section 2. Membership in The American Legion Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters and great-granddaughters of members of The American Legion, and to the mothers, wives, daughters, sisters, granddaughters and great

granddaughters of all men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive, or who, being citizens 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 any of said periods, and died in line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion."; and, be it further

**RESOLVED**, This resolution be presented through the Wisconsin American Legion HDQ to the American Legion State Convention on 14 July through 18 July 2010, in Wausau, Wisconsin for consideration; and, be it finally

**RESOLVED**, that the following resolution be endorsed and presented to the National Convention in Milwaukee, Wisconsin on 27 August through 2 September 2010.