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151 12/29

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: December 30

December 24, 1974

MEMORANDUM FOR: THE PRESIDENT  
 FROM: KEN COLE  
 SUBJECT: Enrolled Bill S. 4013 - Membership in the American Legion

Attached for your consideration is S. 4013, sponsored by Senator Eastland and three others, which would redefine eligibility for membership in the American Legion.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 4013 (Tab B).



APPROVED  
DEC 27 1974



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 20 1974

Postel and  
Colorado  
12/27

To Archives  
12/31

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 4013 - Membership in the  
American Legion  
Sponsor - Sen. Eastland (D) Mississippi and 3  
others

Last Day for Action

December 30, 1974 - Monday

Purpose

Redefines eligibility for membership in the American Legion.

Agency Recommendations

Office of Management and Budget	Approval
Veterans Administration	Approval
Department of Defense	No objection

Discussion

Membership in the American Legion is currently limited by its Federal Charter to persons who have served honorably in the military or naval forces of the United States or its allies during certain defined periods of time which correspond generally to the periods of U.S. participation in World War I, World War II, the Korean War and the Vietnam conflict. The enrolled bill, which incorporates changes requested by the American Legion, would establish a specific cut-off date of August 15, 1973, for membership eligibility based on honorable service during the Vietnam era. The charter currently defines the Vietnam period as extending



from "August 5, 1964, to the date of cessation of hostilities as determined by the Government of the United States." The new termination date is apparently based on P.L. 93-50, a supplemental appropriations Act, which resulted in a cut-off of funds to support U.S. combat activities in Vietnam after August 15, 1973.

The enrolled bill also extends the periods for determining membership eligibility in the American Legion based on service during World War II and the Korean War. The new dates are the same as those established by the Veterans Administration for the purpose of determining entitlement to wartime veterans' benefits.



Assistant Director for  
Legislative Reference

Enclosures





**VETERANS ADMINISTRATION**  
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS  
WASHINGTON, D.C. 20420

December 18, 1974

The Honorable  
Roy L. Ash  
Director, Office of  
Management and Budget  
Washington, D. C. 20503

Dear Mr. Ash:

This is in reply to the request of W. H. Rommel, Assistant Director for Legislative Reference, for the views and recommendations of the Veterans Administration on the enrolled enactment of S. 4013, 93rd Congress, "An Act to amend the Act incorporating the American Legion so as to redefine eligibility for membership therein." As indicated by the title, the purpose of the bill is to redefine the eligibility for membership in the American Legion.

Under existing law, the charter of the American Legion limits membership to those persons who served in the military or naval forces of the United States or its allies in time of war or during a period of armed conflict.

Now that the combat activities for the United States forces have ended in Southeast Asia, the American Legion desires to establish a cut-off date for membership eligibility for the Vietnam era veterans and to conform the periods of eligibility for veterans of World War II and Korea to those established by the Veterans Administration for the purpose of determining wartime veterans' benefits.



While the American Legion is an organization recognized for the preparation, presentation and prosecution of claims under laws administered by this agency, the Veterans Administration would not be affected to any material extent by approval of this bill. The proposed amendment appears to be consistent with prior legislation establishing eligibility for membership in service organizations to those who served during periods of hostility.

It is recommended that the bill be approved by the President.

Sincerely,

  
RICHARD L. ROUDEBUSH  
Administrator



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
WASHINGTON, D. C. 20301

20 December 1974

Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C. 20503

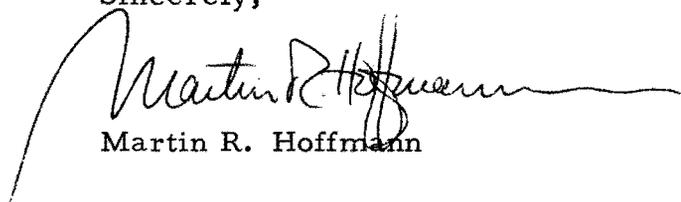
Dear Mr. Ash:

Reference is made to your request for the views of the Department of Defense with respect to the enrolled bill S. 4013, 93d Congress, an act "To amend the Act incorporating the American Legion so as to redefine eligibility for membership therein."

Membership in the American Legion is limited by its Federal charter to those who served in the military or naval forces of the United States or its allies in time of war or during a period of armed conflict. The American Legion desires enactment of this bill, S. 4013, to establish a cut-off date for membership eligibility for Vietnam era veterans and to conform the periods of eligibility for veterans of World War II and Korea to those periods established by the Veterans Administration for the purpose of determining wartime veterans' benefits.

The Department of Defense interposes no objection to the approval of this enrolled bill, S. 4013.

Sincerely,

  
Martin R. Hoffmann



THE WHITE HOUSE  
WASHINGTON  
December 23, 1974

MEMORANDUM FOR: WARREN HENDRIKS  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: Action Memorandum - Log No. 818  
Enrolled Bill S. 4013 - Membership in the  
American Legion

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

To -  
Hansen  
12-20-74  
4:30 p.m.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 4013 - Membership in the  
American Legion  
Sponsor - Sen. Eastland (D) Mississippi and 3  
others

Last Day for Action

December 30, 1974 - Monday

Purpose

Redefines eligibility for membership in the American Legion.

Agency Recommendations

Office of Management and Budget

Approval

Veterans Administration  
Department of Defense

Approval  
No objection

Discussion

Membership in the American Legion is currently limited by its Federal Charter to persons who have served honorably in the military or naval forces of the United States or its allies during certain defined periods of time which correspond generally to the periods of U.S. participation in World War I, World War II, the Korean War and the Vietnam conflict. The enrolled bill, which incorporates changes requested by the American Legion, would establish a specific cut-off date of August 15, 1973, for membership eligibility based on honorable service during the Vietnam era. The charter currently defines the Vietnam period as extending



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 818

Date: December 21, 1974

Time: 4:00 p.m.

FOR ACTION: Roger Semerad *ok*  
Max Friedersdorf *ok*  
Phil Areeda *ok*

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill S. 4013 - Membership in the American Legion

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 818

Date: December 21, 1974

Time: 4:00 p.m.

FOR ACTION: Roger Semerad  
Max Friedersdorf  
Phil Areeda

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill S. 4013 - Membership in the American Legion

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston Ground Floor West Wing

*Recommend Signing 12/23/74*

*[Signature]*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 818

736

Date: December 21, 1974

Time: 4:00 p.m.

FOR ACTION: Roger Semerad  
Max Friedersdorf  
Phil Areeda

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill S. 4013 - Membership in the American Legion

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston Ground Floor West Wing

*to Spitzer  
Phil Areeda  
12/23*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

## AMENDING THE ACT INCORPORATING THE AMERICAN LEGION SO AS TO REDEFINE ELIGIBILITY FOR MEMBERSHIP THEREIN

OCTOBER 2, 1974.—Ordered to be printed

MR. HRUSKA, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany S. 4013]

The Committee on the Judiciary, to which was referred the bill (S. 4013) to amend the Act incorporating the American Legion so as to redefine eligibility for membership therein, having considered the same, reports favorably thereon, without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to amend the Act incorporating the American Legion so as to redefine eligibility for membership in that organization.

#### STATEMENT

The American Legion was chartered by Congress on September 16, 1919.

Membership in the American Legion is limited by its Federal charter to those persons who served in the military or naval forces of the United States or its allies in time of war or during a period of armed conflict. Now that combat activity by the U.S. forces has ended in Southeast Asia, the Legion desires to establish a cut-off date for membership eligibility for the Vietnam era veterans and to conform the periods of eligibility for veterans of World War II and Korea to those established by the Veterans' Administration for the purpose of determining wartime veterans' benefits.

At its National Convention last month, the American Legion adopted a resolution asking the Congress to amend that section of its charter pertaining to membership eligibility (Section 5) 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 December 31, 1946; June 25, 1950, to January 31, 1955; August 5, 1964, to August 15, 1973; 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 of the 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.

The proposed amendment would make eligible for membership in the American Legion those veterans of the Vietnam era who served honorably in the military or naval forces of the United States or its allies during the period August 5, 1964, to August 15, 1973. The cut-off date is in accordance with Public Law 93-50, a supplemental appropriations bill, approved July 1, 1973, wherein the Congress directed that none of the funds appropriated under said Act or, after August 15, 1973, no funds appropriated under any other Act may be expended to support combat activities by U.S. forces in or over Cambodia, Laos, North Vietnam and South Vietnam. Enactment of Public Law 93-50 resulted in a termination of U.S. Combat activities in Vietnam and August 15, 1973 is an appropriate date for terminating eligibility for membership in the American Legion.

The Committee is of the opinion that it is important for the American Legion and the American Legion Auxiliary and to thousands of veterans and their families who want to join the legion but are unable to do so until the American Legion charter is amended so as to make these veterans eligible for membership.

Accordingly, the Committee recommends favorable consideration of S. 4013, without amendment.

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### THE ACT OF SEPTEMBER 16, 1919, 41 STAT. 284

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 [September 2, 1945;] *December 31, 1946;* June 25, 1950, to [July 27, 1953;] *January 31, 1955;* August 5, 1964, [to the date of cessation of hostilities as determined by the Government of the United States,] *August 15, 1973,* 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 of the 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.



AMENDING THE ACT INCORPORATING THE AMERICAN  
LEGION SO AS TO REDEFINE ELIGIBILITY FOR MEM-  
BERSHIP THEREIN

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DECEMBER 11, 1974.—Referred to the House Calendar and ordered to be printed

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Mr. EDWARDS of California, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany S. 4013]

The Committee on the Judiciary, to whom was referred the bill (S. 4013) to redefine eligibility requirements for membership in the American Legion, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to amend the Act incorporating the American Legion so as to redefine eligibility for membership in that organization.

STATEMENT

The eligibility for membership in the American Legion is determined in its Federal charter, which was received in September, 1919.

Membership in the American Legion is limited by its Federal charter to those persons who served in the military or naval forces of the United States or its allies in time of war or during a period of armed conflict. Now that combat activity by the U.S. forces has ended in Southeast Asia, the Legion desires to establish a cut-off date for membership eligibility for the Vietnam era veterans and to conform the periods of eligibility for veterans of World War II and Korea to those established by the Veterans' Administration.

The American Legion has, itself, recommended these changes and has petitioned Congress to allow this amendment.

The Committee feels that it is of great importance to assist those veterans who desire membership in the American Legion but who now do not meet its eligibility requirements.

## COST OF LEGISLATION

Pursuant to the requirements of clause 7 of rule XII of the Rules of the House of Representatives, the committee concludes that no Federal costs will be incurred by the enactment of this legislation.

## COMMITTEE APPROVAL

On December 10, 1974, the House Committee on the Judiciary, by a voice vote with no dissenting votes, ordered the bill favorably reported to the House.

## CONCLUSION

The Committee has concluded that the bill effectively redefines the eligibility requirements for membership in the American Legion.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## THE ACT OF SEPTEMBER 16, 1919, 41 STAT. 284

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○

AMENDING THE ACT INCORPORATING THE AMERICAN  
LEGION SO AS TO REDEFINE ELIGIBILITY FOR MEM-  
BERSHIP THEREIN

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[To accompany S. 4013]

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The American Legion has, itself, recommended these changes and has petitioned Congress to allow this amendment.

The Committee feels that it is of great importance to assist those veterans who desire membership in the American Legion but who now do not meet its eligibility requirements.

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○



# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

To amend the Act incorporating the American Legion so as to redefine eligibility for membership therein.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to incorporate the American Legion", approved September 16, 1919 (41 Stat. 285; 36 U.S.C. 45), is hereby amended to read as follows:*

"SEC. 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 December 31, 1946; June 25, 1950, to January 31, 1955; August 5, 1964, to August 15, 1973; 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 of the 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."

---

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

December 18, 1974

Dear Mr. Director:

The following bills were received at the White House on December 18th:

H.J. Res. 224 ✓*	S. 3191 ✓*
H.J. Res. 260 ✓*	S. 4013 ✓*
S. 425 ✓*	H.R. 7978 ✓*
S. 939 ✓*	H.R. 8193 ✓*
S. 2343 ✓*	H.R. 8864 ✓*

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.