



\* NATIONAL HEADQUARTERS \* PO BOX 1055 \* INDIANAPOLIS, INDIANA 46206 \*  
(317) 630-1200 \* FAX (317) 630-1223 \*



OFFICE OF THE  
NATIONAL JUDGE ADVOCATE

To: American Legion Leadership  
From: Kevin J. Bartlett and Daniel S. Wheeler  
Re: American Legion Membership Eligibility of Personnel in the Newly Created United States Space Force  
Date: May 20, 2020

### **American Legion Membership Eligibility of Personnel in the Newly Created United States Space Force.**

Per Title 36 of the US Code, Chapter 217, Section 21703,

An individual is eligible for membership in the corporation [The American Legion] only if the individual—

(1) has served in the Armed Forces of—

(A) the United States at any time during—

(i) the period from April 6, 1917, through November 11, 1918; or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States during a period or time referred to in subclause (A) of this clause and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time.

The United States Space Force was created by the National Defense Authorization Act of 2020, signed by the President on December 20, 2019. It became Public Law No: 116-92,

“§9081. The United States Space Force

“(a) ESTABLISHMENT.—There is established a United States Space Force as an armed force within the Department of the Air Force....

(c) SPACE FORCE AS AN ARMED FORCE.—Section 101(a)(4) of title 10, United States Code, is amended by inserting “Space Force,” after “Marine Corps,”.

Thus, as amended, Section 101(a)(4) of title 10, United States Code reads:

(4) The term “armed forces” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Therefore, as title 10 of the United States Code now includes Space Force as an “Armed Force” and our federally chartered membership criteria uses the same wording [“has served in the Armed Forces....any time after December 7, 1941”] there are no necessary acts required to extend membership to all who have served or continue to serve in the United States Space Force.