Protected for a reason

Since 1919, The American Legion's emblem has been a symbol of the organization's principles and goals. Because of that, the emblem is closely protected by the national organization, though Legion departments and posts are allowed reasonable use. "The American Legion emblem is covered by letters patent, the federal criminal law - which makes it a crime to use The American Legion emblem without permission - and registered service marks and service names," National Judge Advocate Phil Onderdonk said. "It's the service mark and trademark law that require constant and continuous control by The American Legion to ensure the emblem does not end up in the public domain."

The rules are enforced. "We have had to sue over these, and we can collect damages and attorney fees," Onderdonk said. "We're not trying to be nasty. We're just trying to protect the emblem. It represents us and all that we stand for."

In a letter to department commanders in 2007, then-National Adjutant and Past National Commander Robert W. Spanogle clarified the rules for use of the emblem by subsidiary corporations, the Sons of The American Legion and The American Legion Riders. They are:

All positions in the subsidiary corporation must be filled by the department (usually nominated by the department commander and confirmed by the department executive committee).

All vacancies must be filled the same way.

The subsidiary corporation/program must report to the department no less frequently than monthly. The reports must include financial statements.

The department treasurer, finance officer or department fiscal officer must be a signatory on all accounts.

All amendments to articles of incorporation or bylaws must be approved by the department. If the current text has not been approved by the department, it also must be so approved.

Posts are also subject to the federal law in the same manner as departments.

Through the Legion's Emblem Sales Division, Legionnaires can purchase the booklet "Name and Emblem Identification System Manual and Style Guide." Most emblem usage questions can usually be answered by the booklet.