To: SAL National Commander <sonscdbolt@aol.com>; SAL National Adjutant <salnationaladjutant@gmail.com>
Subject: FW: Response to kneeling or other protests during National Anthem

All Concerned,

Please read the following comments and official positions as dispersed by our media division and The American Legion.

All national officers, NEC, PNC's, commission, and committee members have been bcc'd on this email. Please disseminate to your squadrons and members. Thank you.

Regards,

Ken A. George
Member Engagement Coordinator
National SAL & ALR Liaison
NALC Alumni – Class of 2016

> **www.legion.org**

Ladies, Gentlemen,
Thank you all for the valuable input that you have provided. As a result, this is a much better document. The final is attached and should be used when crafting responses to Legion members or other emails/calls etc. of concern about the protests. It is not intended to be an official statement from the National Commander and should not be posted on social media or Legion media as one. If you receive a media query about this, please forward to Paul Harris or myself for handling. Thanks again.
V/R,
John Raughter

ResponsetoNationalAnthemProtestsFinal.docx

John B. Raughter
Deputy Director, Media Relations

Response to public queriesregarding protestors   **July 1, 2020**

Americans from all backgrounds have been moved and concerned by the serious threat that inequality represents in this great and diverse country. The American Legion certainly shares this concern and has been on record about this since our founding in 1919.

Many in professional sports have chosen to demonstrate their concern by kneeling or protesting during the national anthem. While The American Legion fully supports the U.S. Constitution and the rights enshrined in the First Amendment, we also support the U.S. Flag Code. The American Legion played a pivotal role in the code's adoption, which was originally a 1923 collaboration of 68 patriotic organizations. While there are no criminal or civil penalties for violating the code, Title 36, Subtitle I, Part A, section 301 states:

- (1) when the flag is displayed—(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;
  (B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and
  (C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and

- (2) when the flag is not displayed, all present should face toward the music and act in the same manner they would if the flag were displayed…'

The American Legion realizes that there are many difficult and complex issues when it comes to protesting during the national anthem. Individuals have many constitutionallyprotected reasons to engage in such protests. In cases where the Constitution seems to contradict the Flag Code, the Constitution must win. For instance, The Supreme Court ruled in Texas vs. Johnson that desecration of the U.S. Flag was free speech. As a result, The American Legion has worked tirelessly to amend the U.S. Constitution and restore the right of Congress to protect the Flag. While The American Legion continues to believe that flag desecration is wrong, it is legal and, in most cases, professional athletes are not engaging in this behavior.

Those who choose to follow the Flag Code should also not have their motives questioned. As such, the best source of inquiry for the reasons behind any protests would be the actual individual and the league or host sponsoring the event (NBA/NFL/MLB/NASCAR/Other). Therefore, The American Legion will not comment on specific instances or individuals.

Whether you choose to take a knee or stand with your hand over your heart, or some other expression, The American Legion and our members have served this nation to protect the freedoms granted to us by the Constitution.