

Color guard. An organization formed by citizens of a community to promote civic pride in the community, the state, and the country by providing a color guard and conducting flag-rising and other ceremonies at patriotic and community functions is promoting patriotism, a recognized charitable objective, and qualifies for exemption under section 501(c)(3) of the Code.

Advice has been requested whether the nonprofit organization described below, which otherwise qualifies for exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954, is operated exclusively for charitable purposes.

The organization was formed by the citizens of a community for the purpose of promoting civic pride in the community, the state, and the country.

The organization carries out its purpose by providing a color guard and conducting ceremonies at various patriotic and community functions. It conducts flag-raising ceremonies on holidays and at dedications of newly installed flag poles in the community. It conducts military funerals for deceased veterans and participates in community parades.

Membership in the organization is open to anyone in the community of good character upon payment of a nominal membership fee. Funds are also obtained by contributions and by an annual fund-raising dinner. Expenditures are for uniforms and other necessary equipment. A business meeting is held annually, otherwise members meet only for color guard ceremonies.

Section 501(c)(3) of the Code provides for the exemption from Federal income tax of organizations organized and operated exclusively for charitable purposes.

Section 1.501(c)(3)-1(d)(2) of the Income Tax Regulations provides that the term 'charitable' is used in section 501(c)(3) of the Code in its generally accepted legal sense and is, therefore, not to be construed as limited by the separate enumeration in section 501(c)(3) of other tax-exempt purposes which may fall within the broad outlines of 'charity' as developed by judicial decisions.

Trusts created for the purpose of inculcating patriotic emotions have been upheld as charitable, as have trusts for the purchase and display of a flag, and for the celebration of a patriotic holiday. *Iv Scott on Trusts* (3rd ed. 1967), section 374.3; *Bogert, Trusts and Trustees* (2d ed. 1964), section 378.

By providing a color guard and conducting ceremonies at patriotic celebrations and other important community events, the organization is promoting patriotism, a recognized charitable objective in the law of charity.

Accordingly, the organization is operated exclusively for charitable purposes and thus qualifies for exemption under section 501(c)(3) of the Code.

Even though an organization considers itself within the scope of this Revenue Ruling, it must file an application on Form 1023, Application for Recognition of Exemption, in order to be recognized by the Service as exempt under section 501(c)(3) of the Code. The application should be filed with the District Director of Internal Revenue for the key District indicated in the instructions to Form 1023. See sections 1.501(a)-1 and 1.508-1(a) of the regulations.