




OFFICE OF THE
NATIONAL JUDGE ADVOCATE

To: American Legion Leadership
From: National Judge Advocate Kevin J. Bartlett 
Re: Resolution 35 – American Legion Insurance Requirements
Date: 2 November 2020
Issue: How Departments and Posts comply with Resolution 35, Fall 2020

The American Legion National Organization (“The American Legion”) is the owner, protector and the organization that may grant the use of the names, emblems, trademarks and copyrights (“Tradenames”) of The American Legion. As owner and protector of the Tradenames, The American Legion utilizes a number of different protective insurance coverages. As owner, protector and grantor of the Tradenames, The American Legion, like all owners of trademarks or copyrights, is allowed to place restrictions upon the use of its Tradenames, including similar insurance requirements, reviewing Tradename usage prior to use, etc.

Resolution No. 35 (passed at the 2020 Fall Meetings of The American Legion National Executive Committee) places restrictions on the use of the Tradenames – namely that, if any organization would like to use the Tradenames of The American Legion and the Tradename-using organization has a situation whereby there is a need for liability insurance protection, then the Tradename-using organization will specify that The American Legion (and, if needed, the respective Department of The American Legion) is held harmless and named as an additional insured on any and all insurance liability policies.

In other words, any organization using the Tradenames of The American Legion, and needing liability insurance coverage, is required to specify that The American Legion (and, if needed, the respective Department of The American Legion) is held harmless and named as an additional insured on any and all insurance liability policies. This Tradename protection is a standard business practice and not viewed as a control of the insurance-purchasing organization.

This requirement brings up two areas for clarification: (1) what is liability insurance? and (2) what is an additional insured?

First, liability insurance is an insurance product that provides an insured party with protection against claims resulting from injuries and damage to other people or property. Liability insurance policies protect both the insured and third parties who may be injured as a result of the policyholder's unintentional negligence and therefore the liability insurance covers legal costs and payouts for which an insured party is responsible, if the insured party is found legally liable. Liability insurance policies pay these damaged parties and not the policyholders.

The different types of liability insurance include directors and officers insurance (D&O); commercial liability; general liability insurance; dram shop liability; special events insurance; employment practices liability (EPL); and criminal acts insurance.

Second, an "additional insured" is a type of insurance status associated with liability insurance policies that provides coverage to another group that is not initially named in the liability policy. With an additional insured endorsement, the additional insured is then protected under the named insurer's liability policy.

Therefore the Tradename-using group may obtain this additional insured endorsement coverage for The American Legion, and the respective Department of The American Legion as needed, by simply calling their insurance agent and requesting the addition of The American Legion, and the respective Department of The American Legion as needed, to their liability insurance coverage(s) as an additional insured endorsement. The majority of insurance agencies do not charge for this endorsement; therefore, if presented with an additional charge one should inquire why such additional fee.

Enforcement of this Tradename business requirement is also covered in Resolution No. 35. The American Legion's national adjutant, or designee, has been given authority to independently investigate, confirm and determine that organizations using the Tradenames are also naming The American Legion, and respected Department of The American Legion as needed, as additional insured on their respective liability insurance policies. Once a national adjutant's designee is determined and authorized, this designee's information will be made public.