

The American Legion
National Executive Committee

35

Held on
October 14-15, 2020

Resolution

Page 1 of 2

No.: 35

Title: Insurance Requirements

Origin: Finance Commission

WHEREAS, The American Legion's charter is codified in 36 USC 21701 et seq and under this statutory code, The American Legion may: (a) establish and maintain offices to conduct its activities, (b) sue and be sued, (c) establish state, territorial and post organizations, and (d) have the exclusive right to use, manufacture and control the adopted organization emblems; and

WHEREAS, The American Legion, its state, territorial and post organizations have the exclusive rights to use the name "The American Legion" or "American Legion" (collectively "Name"); and

WHEREAS, The names, emblems, trademarks and copyrights of The American Legion comprise The American Legion intellectual property (collectively "Tradenames"); and

WHEREAS, The American Legion's Tradenames consists of assets requiring legal and financial protections through insurance coverage, and

WHEREAS, It is recommended that The American Legion's state, territorial and post organizations have their own protective insurance coverage; now, therefore, be it

RESOLVED, By The National Executive Committee of The American Legion in regular meeting assembled virtually on October 14-15, 2020, That because The American Legion owns, controls, protects and defends The American Legion's Tradenames, this resolution is necessary to dictate protective standards over the Tradenames; and, be it further

RESOLVED, That The American Legion, via insurance policies, protect itself, and its Tradenames, from liability and subsequently strongly urges all American Legion departments, department-chartered intermediate bodies and posts do the same; and, be it further

Subcommittee on Resolutions Recommendation

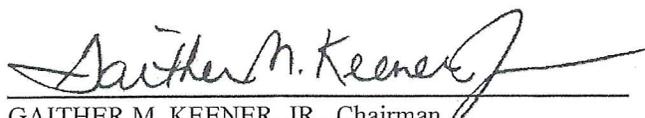
Approved

Rejected

Referred to:

Other Action

Committee/Commission, Chairman Name, and Signature



GAITHER M. KEENER, JR., Chairman
Finance Commission

Signature Chairman, Subcommittee on Resolutions



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Page 2 of 2

No.: 35

Title: Insurance Requirements

Origin: Finance Commission

RESOLVED, That due to the need to protect The American Legion's Tradenames from liability it shall be required forthwith that when any American Legion department, department-chartered intermediate body, post or organization use The American Legion's Name or Tradenames and an insurance policy is obtained, the group utilizing this insurance policy shall specifically in the insurance policy hold The American Legion harmless and named as an additional insured on any, and all, insurance policies; and, be it further

RESOLVED, That The American Legion's national adjutant, or designee, has complete authority to independently investigate, confirm and report that any, and all, insurance policy(ies) purchased by an American Legion department, department-chartered intermediate body, post or organization shall specify that The American Legion is held harmless and named as an additional insured on any, and all, insurance policies; and, be it finally

RESOLVED, That The American Legion's National Executive Committee strongly urges that all American Legion departments follow similar courses of protective action, to wit: (1) require all of the department's own intermediate chartered bodies and posts that obtain insurance policies hold their respective American Legion departments harmless and also named as an additional insured on any, and all, insurance policy(ies) and (2) that the department adjutant, or said designee, have the complete authority to independently investigate, confirm and report that any insurance policy(ies) purchased by the department's intermediate body or post shall hold its respective department also harmless and named as an additional insured on any, and all, insurance policies.

Subcommittee on Resolutions Recommendation

Approved

Rejected

Referred to:

Other Action

Signature Chairman, Subcommittee on Resolutions

William W. Kite

Committee/Commission, Chairman Name, and Signature

Gaither M. Keener, Jr.

GAITHER M. KEENER, JR., Chairman

Finance Commission