

THE AMERICAN LEGION, DEPARTMENT OF MICHIGAN

RESOLUTION: #21-20
SUBMITTED BY: Department Judge Advocate
SUBJECT: Insurance Requirements

RESOLUTION

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 consist of assets requiring legal and financial protections through insurance coverage; and

WHEREAS, The National Executive Committee of The American Legion, in regular meeting assembled virtually on October 14-15, 2020, passed Resolution 35 that mandates inclusion of a hold harmless statement on all American Legion insurance policies, and also 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

WHEREAS, 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

WHEREAS, 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; now, therefore, be it

RESOLVED, By The American Legion, Department of Michigan, in annual Department Convention assembled in Sault Ste. Marie, Michigan, July 9-11, 2021, 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 of Michigan district, 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, Department of Michigan harmless and named as an additional insured on any, and all, insurance policies; and, be it

FINALLY RESOLVED, That The American Legion, Department of Michigan Department 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 of Michigan district, department, department-chartered intermediate body, post organization shall specify that The American Legion and The American Legion Department of Michigan is held harmless and named as an additional insured on any, and all, insurance policies.

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FOR COMMITTEE USE

APPROVED REJECTED REFERRED TO _____ APPROVED w/AMEND _____

SIGNATURE: _____ DATE: _____
(Chairman)

SIGNATURE: _____ DATE: _____
(Chairman)