



The American Legion Riders

The American Legion

Department of New York

Mid Winter Conference – Legion Rider Session

January 25, 2013



LEADERSHIP EDUCATION AND DEVELOPMENT



The American Legion Riders

LEAD Training—Hour 1





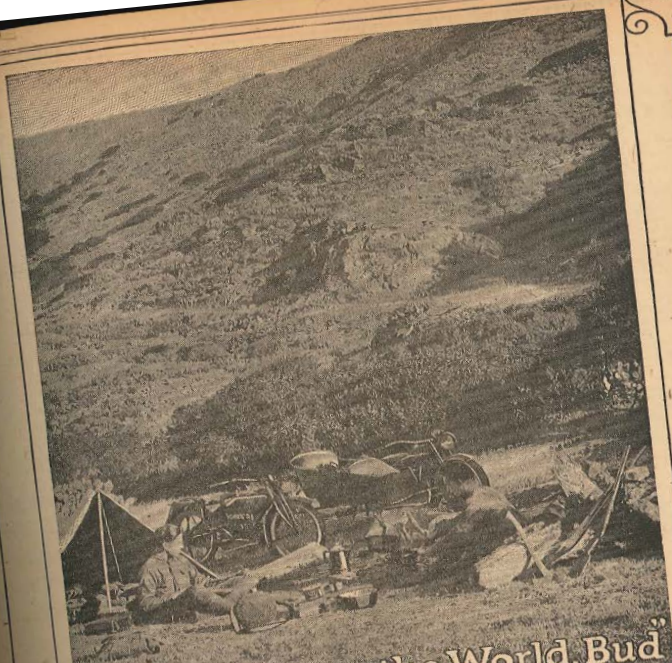
History

Legionnaires on motorcycles--?

Since our first days!

Advertising for
Harley-
Davidson® and
Indian®
motorcycles in
The American
Legion
Magazine, 1921.

PAGE 3



"We're Sittin' on the World, Bud"

"I'VE tried everything on wheels, Bud—from limousines on Fifth Avenue to caissons in France—but you've got to hand it to a motorcycle when you want real sport."

"You tell 'em, Jim. A Harley-Davidson is good enough for me any day. All she needs is a place to go and she'll get you there, road or no road. And you don't have to own a mint to ride a motorcycle, either."

"You're right, Bud. Fifty miles for a dollar sure listens good to me. And my side car carries enough grub and luggage for both of us. Gimme a match, Bud."

Motorcycling is cheaper than car fare—cheaper than shoe leather—and it's "the Greatest Sport in the World." Ask the Harley-Davidson dealer for a demonstration. Or write to us for literature. Attractive dealer propositions for unassigned territory. If interested, address Desk A-2.

HARLEY-DAVIDSON MOTOR CO.
Dept. A, Milwaukee, Wisconsin

Harley-Davidson
"World's Champion"
"THE MOTORCYCLE YOU KNOW"

20



You're invited

to join in the celebration of a custom we instituted a score of years ago, by visiting your nearest INDIAN MOTORCYCLE dealer on

Indian Day
FEBRUARY 22

Enjoy the special entertainment, get a souvenir, meet the boys.

See the complete line of 1922 INDIANS.

Two brand new models.
Numerous improvements.
Substantial price reductions.

Buy a motorcycle—cheapest means of motor transportation, lowest operating cost.

**Indian
Motorcycle**

Hendee Manufacturing Co
Dept. L
Largest Motorcycle Manufacturer in the World
Springfield, Massachusetts

WANTED!
RAILWAY MAIL-CLERKS
Examinations soon. Steady life-time job. \$1600 to \$2500 a year. No "pull" necessary. Common education sufficient. Mail coupon for Catalog.



Resolution 35

Resolution 35 (October 2007)

- Adopted the Riders is a national program to be administered by the posts and departments.
- Declares each ALR must be supported by a post or department-and uphold the declared principals of the organization.
- Provides recommended guidelines for operation.
- Instructs Riders to abide by The American Legion constitution and bylaws and directives of department and post.
- Provides for National and Department to maintain general oversight for proper use of name and emblem, compliance with national constitution and bylaws.



ALR Guidelines under Resolution 35

1. All members shall first be current AL/AUX/SAL members in good standing.
2. All members shall own a licensed and insured motorcycle (*amended October 2011*).
3. All members shall maintain the image and reputation of The American Legion.
4. All members shall avoid images and practices of motorcycle “gangs” and “clubs.”



ALR Guidelines under Resolution 35

5. The only authorized ALR marks/logos, if worn, are those owned by The American Legion.
6. All Riders will obey the motor vehicle laws of their state.
7. No use of rockers if such use is a violation of trademark.
8. The hosting department/post will review insurance and liability risks.



Resolution 32

Resolution 32 was approved by the NEC in October 2011.

- Amended Resolution 35 to allow current ALR members to remain full members if for medical or age reasons they could no longer ride.
- This remains at the discretion of the local chapters, which may continue to maintain stricter standards.



“Stricter Standards” Rule

Many posts may have stricter Rider SOPs.

- Post or chapter members might all belong to a certain profession or business group.
- A chapter (or department) may restrict minimum displacement to 650cc or make/model to BMWs.

Less strict standards than department or national SOPs or CB&Ls are not valid.

- Membership cannot be open to non-Legion Family.
- Less strict membership rules are never valid.



Accountability

- ALL ALR chapters and groups must be affiliated with a hosting post or other recognized department body.
- A CB&L is not required; a simpler SOP or other document is sufficient.
- Riders are a program of the post—not a separate organization.
 - Riders enjoy the same tax-exempt status as the hosting organization.



Chapter Responsibilities

ALR officers are named by the hosting post.

- Chapters are normally given the courtesy of holding elections. Duly elected officers are then named or installed by the post.
- ALR officers may be removed/changed at any time by the post commander, general membership, and/or executive committee.

ALR organizational documents, and any changes, must be approved by the post.



Chapter Responsibilities

ALR Finances:

- ALR may have a bank account.
- A post officer (usually the post treasurer) must be signatory on such an account.
 - Name on signature card at the bank.
 - Does not mean this person has authority to approve or disapprove expenditures.
- **Riders must render both a financial report and an activities report each month.**



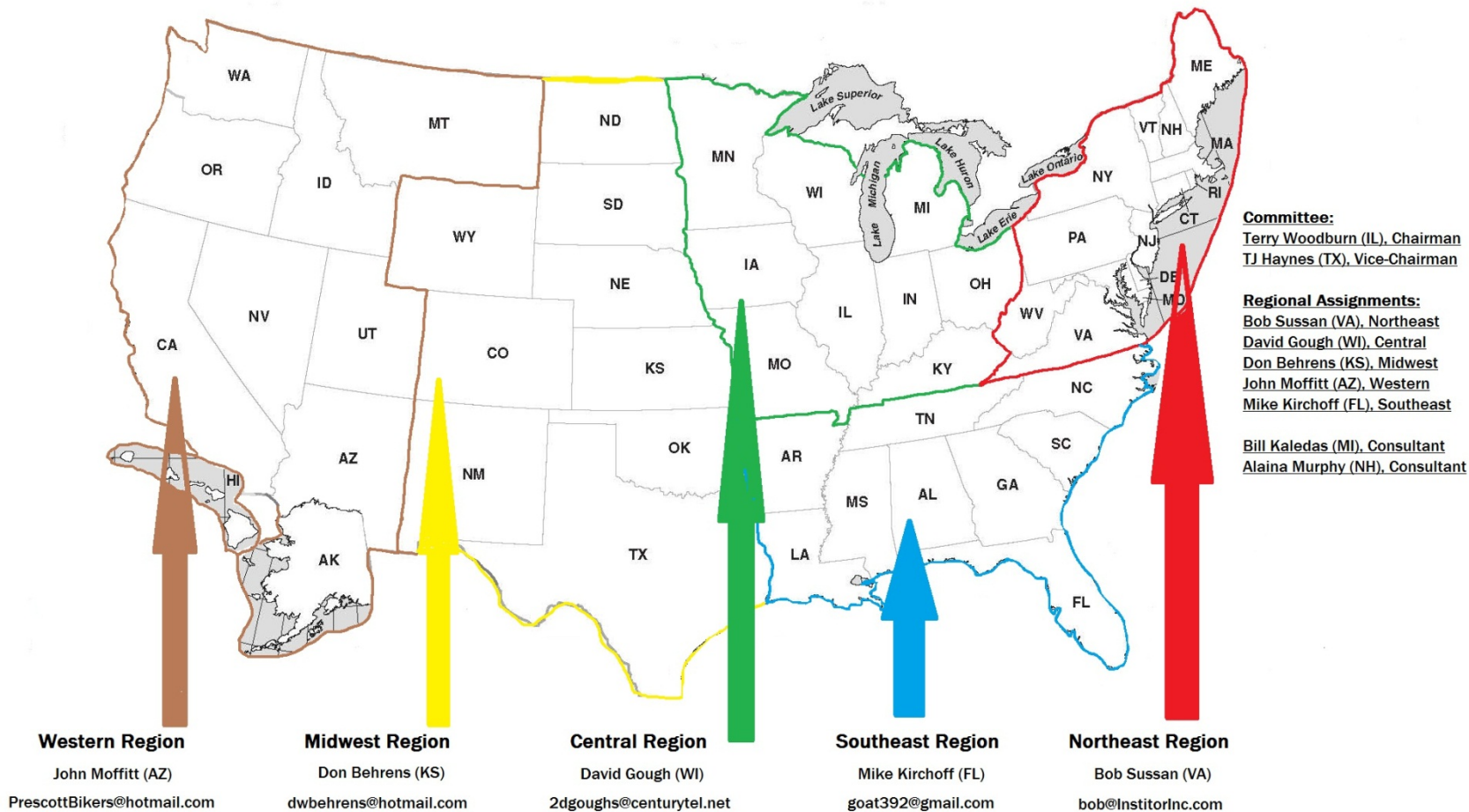
ALR National Committee

*The American Legion Riders
National Liaison
Committee to The Internal
Affairs Commission.*

- Terry Woodburn, IL
Chairman
- Thomas (TJ) Haynes, TX
Vice-Chairman
- Mike Kirchoff, FL
- Don Behrens, KS
- Bill Kaledas, MI
- Alaina Murphy, NH
- Bob Sussan, VA
- John Moffitt, AZ
- Dave Gough, WI



National Commander James E. Koutz's ALR Advisory Committee 2012-2013





Best Practices

Discussion



The American Legion Riders

Questions?



The American Legion Riders

LEAD Training—Hour 2



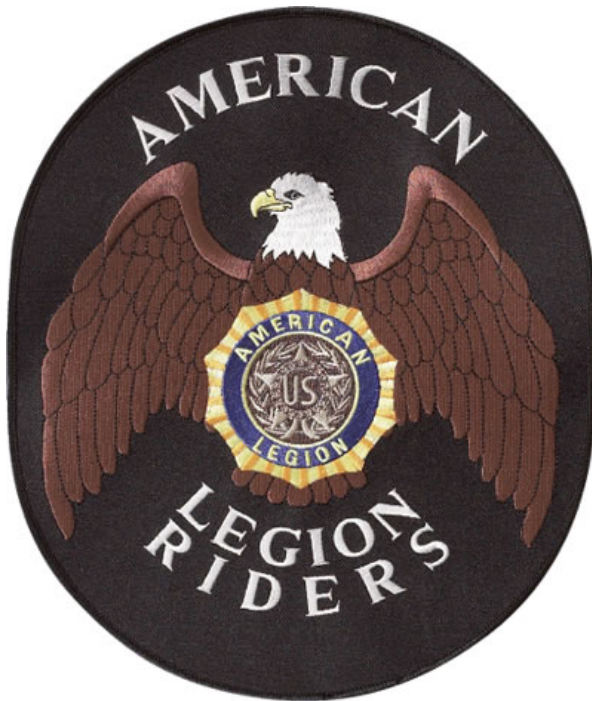


The American Legion Riders®

- Logo, patch, and words *The American Legion Riders®* are registered service marks of *The American Legion®*
- “Legion Riders” is also considered by the courts to be protected from use by other groups to describe motorcycle programs.



Patches





Patch Borders



Notice the border on the American Legion Baseball® emblem...since removed.



Permission

Permission to use the emblems or word marks will be granted by the National Adjutant for any legitimate purpose.

- Clothing
- Jewelry
- Specialty items (derby covers)
- Key chains
- Wallets
- Fundraising items



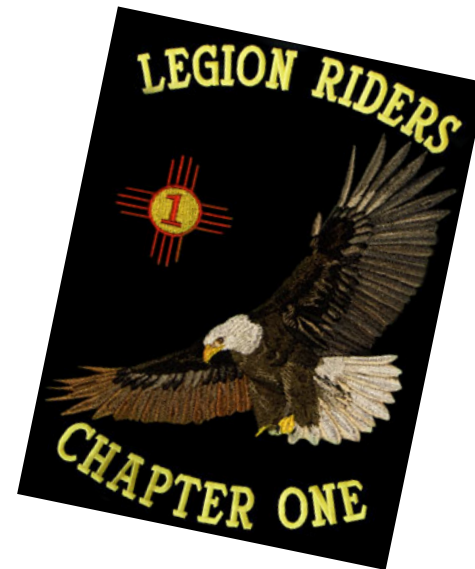
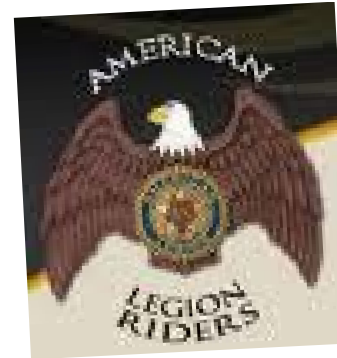


Penalties

- Congress gives The American Legion “sole and exclusive right...” Title 36, Sect. 48, United States Code
- “Whoever manufactures, sells, or purchases for resell...any article of merchandise bearing the...emblem...of a veteran’s organization...shall be fined...or imprisoned not more than 6 months, or both. Title 18, Sect. 705 U.S.C.

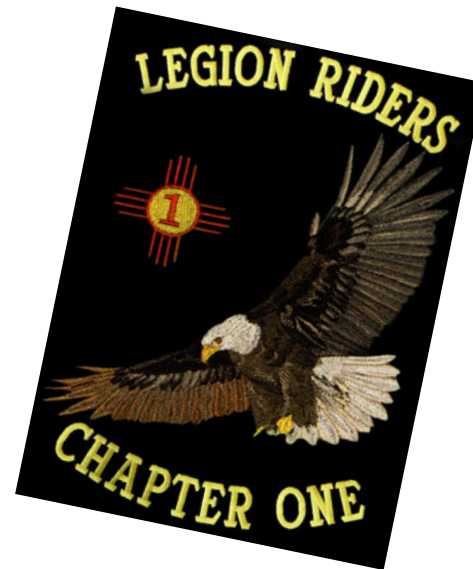
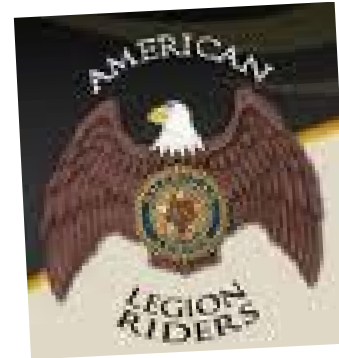


Improper Logos



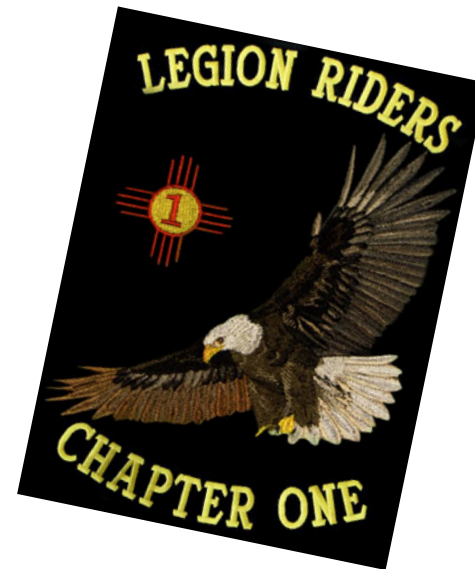
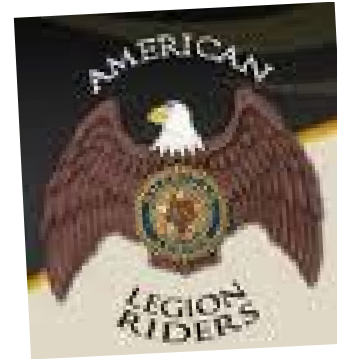


Improper Logos





Improper Logos





Other Penalties

Federal courts have established corrective actions for instances of theft of marks. Members of an unincorporated group, or their heirs, may be sued individually for:

- **Court costs**
- **Attorney fees**
- **Damages**
- **Personal property**
- **Recovery of all items**
- **Other legal remedies as court may direct**



Permission

Emblem Request form is
in the Officers Guide,
pages 153-154.

(or)

[http://www.legion.org/
emblem/request](http://www.legion.org/emblem/request)

- Clothing
- Jewelry
- Specialty items (derby covers, rifles, or custom art)
- Key chains
- Wallets
- Fundraising items

Permission is considered to be granted for routine post and department stationery, posters, or other daily needs—but should be obtained for any outside vendors preparing such letterhead, stationery, posters, and other goods—if they are good businesspersons they will know the risk.



US Trademark Law

- American Legion programs must satisfy the “*constant and continuous control requirement*” of US Trademark Law.
 - True whether or not a charter exists.
 - True whether or not the program forms a 501c entity of any sort.
- ALR programs must follow the five rules of subsidiary corporations.
 - This is true of all American Legion programs with trademarked logos or words. Ex: AL Baseball, Oratorical, Sons of The American Legion, Legacy Scholarship, NEF, etc.



US Trademark Law— “5 Rules”

1. All officers, directors, trustees, etc. must be named by the post.

- *SAL and Riders may be given the courtesy of holding elections— such elections are not valid until the report of elections is approved by vote at post meeting.*
- *The new officers might also be “installed” at a suitable ceremony.*
- *The post commander, members, and/or executive committee retain the right to remove/change SAL/ALR officers at any time for any reason.*
- *IAW post constitutions, the commander may replace or remove program chairmen or program officers for any reason.*



US Trademark Law— “5 Rules”

2. All officer/trustee vacancies in the subsidiary corporation must be filled by the post.

- *SAL and Riders are usually, but not always, given the freedom to nominate the replacement officers as needed*
- *Such nominations to be confirmed by the post commander, post executive committee, or by vote at a post meeting.)*



US Trademark Law— “5 Rules”

3. The subsidiary corporation must report to the post no less frequently than monthly.

- *Riders and SAL programs report to the post, typically with both an activities report and a financial report at regular post meetings.*
- *Post might ask for additional reports, or that the financial report be submitted in writing to the finance officer/treasurer with documentation.*



US Trademark Law— “5 Rules”

4. The Post treasurer or finance officer or post fiscal officer must be signatory on all accounts.

- *The post is responsible for funds maintained in all subordinate programs, and must account for all program finances on annual tax forms, 990 forms, and annual reports to their memberships.*
- *Having a post officer as signatory on the account allows access and maintains openness and accountability.*
- *This demonstrates the “constant and continuous control requirement” of US Trademark Law*



US Trademark Law— “5 Rules”

5. All amendments to articles of incorporation or by-laws must be approved by the post. If the current text has not been approved by the post, it too must be so approved.

- *Any words or phrases in conflict with post, department, or national SOPs, articles of incorporation, or bylaws are void.*
- *Approval is normally granted by the general membership or the post executive committee.*



ALR Constitutions and Bylaws

- Constitutions and Bylaws?
 - Nice, but not necessary– this is a NALRIC artifact.
 - Introduces difficulty in changing program.
 - Widespread use of C&BL does not mean it is necessarily the most efficient way to run a program.
- Other forms of organizational documents
 - SOPs (easier to change with member input)
 - Articles of Incorporation
 - “House rules”



Legal Issues

Should we form a separate nonprofit? Should we split into a charitable" organization?



501(c)19?...or 501(c)3?



...a complicated and dangerous area!



Nonprofit “legal entities”

501c(19) - organizations or posts of past military veterans

- Auxiliaries and subordinate programs of posts are already tax-exempt.
- Logos and naming permissions already granted as a program of The American Legion.

501c(3) - charitable organizations

- As separate legal entities:
 - Lose the right to wear the American Legion names/logos.
 - Must file forms 990 and other documents.
 - Are still subject to “5 Rules.”
 - Cannot lobby for veterans.
 - Status does not protect post.
 - May be sued.



Finances and Insurance

- Resolution 35:

“Sponsoring organization (Post and Department) will review liability insurance coverage to ensure that adequate coverage is available to cover the organization to include coverage for any specific special riding events; . . .”





The American Legion Riders

Questions?





LEADERSHIP EDUCATION AND DEVELOPMENT



LEADERSHIP EDUCATION AND DEVELOPMENT