

## The American Legion Riders *Resolution 35 FAQ*

The following is presented to provide some guidance regarding Resolution 35 and its impact on existing ALR organizations. It will also clarify things for newly forming ALRs to be in conformance with this new program. Note that the By Laws Template still serves as guidance for the ALR. The main change in relation to the Template is that the things the Founders held as inviolate regarding the patch and membership requirements, The Legion now confirms and enforces.

In general, the intent of the resolution is to recognize the ALR as a national program, to define membership requirements for full ALR membership, define the "uniform" of the ALR in the form of the back patch, and to preserve the vision of the ALR as promulgated by the Founders and, to a lesser extent, the By Laws Template

### **Q: Where did Resolution 35 come from?**

**A:** Resolution 35 was written by ALR Founding Member and National Board of Advisors Director "Polka" Bill Kaledas . It was then extensively augmented by The American Legion Internal Affairs before being presented to the 2007 NEC for vote.

### **Q: What is the purpose of Resolution 35?**

**A:** Resolution 35 was written first, to achieve national recognition for the ALR as a program of the American Legion and, second, to make "absolute" certain requirements of the ALR - we'll delve into them below.  
By granting national program status to the ALR, The Legion now has the ability to also *invest* in the ALR, much as they're able to provide funding for The Legion, ALA, and SAL.

### **Q: What about requiring that the ALR be Post or Department supported?**

**A:** This is intended to hold true to the Post being the atomic unit of the ALR, while acknowledging the many Department programs out there.  
It does not preclude, at this time, any particular *structure* of the ALR, except, perhaps, those that present themselves as incorporated, legal entities as their existence is a violation of The Legion's intellectual property rights.  
For all intents and purposes, a Chapter of the ALR must still be sponsored by a Post in order to exist.

### **Q: OK, so what's with the requirement to be TAL, ALA, or SAL before being an ALR member? What about spouses? What about Supporting Members?**

**A:** *Whoa*, now! This is NOT a new requirement! The American Legion Internal Affairs Position on the ALR, which was superceded by Resolution 35, *also* required that all members of the ALR first be members of the Legion, Auxiliary, or Sons. This included spouses and supporting members! Let's be very, very clear here: the ALR never had the authority to allow anyone who is not qualified as a Legion Family (TAL, ALA, SAL) member to wear The Legion emblem (*the fact that anyone on the planet can purchase merchandise having said emblem from Emblem Sales notwithstanding*). Allowing a non-qualified individual to wear the ALR patch, implying that they are a bonafide Legion family member, effectively does just that!  
To be crystal clear: you must first be a Legion, Auxiliary, or SAL member to be an ALR member in any capacity!

**Q: Let's talk about motorcycle ownership? What's up with that?**

**A:** Yes, we acknowledge that this passage was poorly written. The intent of this is that ALL ALR memberships are based on motorcycle ownership. No-one can be a full member of the ALR without a motorcycle somewhere in the family, and that that "place" in the family is very specifically defined as with a SPOUSE. The Legion interprets this line to allow membership to the bike owner and his/her spouse, as it is their expectation that, within a recognized marriage, the bike is communal property; owned by both husband and wife. This passage was not intended to, nor does it preclude a motorcyclist's husband or wife from joining the ALR if they do not have a bike of their own. It *does* preclude a motorcyclist's girl/boyfriend, daughter, son, dog, aunt, uncle, grandmother, grandfather, sister, brother, etc. from becoming a member under the auspices of that rider's motorcycle - only the spouse is covered by this rule.

It is important, too, to point out that this does not preclude provisions in your local bylaws regarding supporting members (these are not full members, after all), and special class members based on prior ALR membership combined with a disability, or the death of a motorcyclist spouse. It does, however, preclude the membership of those who don't intend to ride and never rode as an ALR member, or are not married to an ALR member who rides.

Now, on the other hand, in its broadest interpretation, it will allow a non-riding, otherwise qualified spouse of an unqualified motorcyclist to join the ALR - after all: to The Legion's perspective, the non-riding spouse is part owner of the motorcycle, and therefor qualifies as a full member; HOWEVER, the nonqualified, riding spouse *still* cannot be an ALR member (trust me: that was almost as difficult to write as it is to read...)

**Q: But doesn't the requirement that each ALR member be licensed and insured fly in the face of that interpretation?**

**A:** Depends on how liberal you want to be with it. Technically, a passenger requires no license or insurance, so they are automatically in compliance with this passage - if you interpret the previous passage as The Legion allegedly intended it.

**Q: How do we strive to maintain the image of The American Legion, yada, yada, yada?**

**A:** This one's easy: keep doing what you're doing. Behave as a civil, responsible adult. Carry yourself as a veteran of the Armed Forces of these United States, or as a proud relative of such a veteran (per ALA and SAL requirements). Do not descend to behave like the low elements of our society. Help out on Post, Unit, Squadron, and Chapter activities. Work in your community for the betterment of it and its citizens... ..all the stuff we're already doing!

**Q: What do they mean, that we should avoid the perception that we are an m/c?**

**A:** Basically, avoid practices used by m/cs. This would include probation periods or "probies" - after all, The Legion does not allow for this exclusion in their bylaws - you're either in, or you're out. No probation. Avoid requiring participation in Chapter activities, or participation metrics associated with their ability to renew their membership. Avoid "rank" within the Chapter - position riders in riding groups based on comfort level and ability; not on who was a member first. Things like that. Of course, do use road captains and the like in your events - don't eliminate practical, responsible behavior just because it is also practiced by m/cs.

Also note that this does not preclude "voting members in", as this is practiced by all of The Legion Family organizations - it just ensures that, once in the Chapter, members are equals.

**Q: Uh, oh! What about our patch? Can it be grandfathered in?**

**A:** The patch, as configured and sold by Legion Emblem Sales, has been in existence since 1993. No patch in the ALR is older than this patch. The *traditional requirement* of this patch was established in the Founding Chapter's bylaws in 1994, and in the bylaws template, based on the 1994 set, since its publication in 2002. No other set of ALR bylaws is older. To be "grandfathered" implies that the item was in existence before the requirement or any other version. This is simply not the case, so "grandfathering" is a misleading term. *(Sorry! The term "grandfathering" implies something that's just not true, and has been a pet peeve of mine since it was first brought up. I'm off my soapbox now. - Bobcat)*

To your intent, though: no, your patch cannot be allowed. This passage disallows the use of any other patch to designate the ALR - only the patch as sold by Emblem Sales can be used.

**Q: What is all this about rockers? What does it all mean?**

**A:** **IMPORTANT NOTE:** This subject is under discussion within The Legion. Please do not alter the vests of your current membership. That was not the intent of the guidance in the resolution. Please do advise new members to respect the desires and rights of The Legion when configuring their vests and leave some space between the American Legion Riders back patch and any rocker they might have. Until this is hashed out in full, there is no point in directing your membership to alter their patches - they would be mighty upset if, when the smoke clears, The Legion does not require them to do so. Patience, my friends!

Frankly, this is going to require further work on the part of The Legion as their statements do not jive with our understanding of trademark laws, nor our understanding of rocker systems.

For the time being, I take this to mean no rockers whatsoever are permitted. This is based on the following rationale:

- If The Legion trademarked the patch in full, including the "capsule" in which it is typically framed in artwork and on the accepted patch, anything placed *within* that configuration creates a competing variant and violates their trademark. (If they trademarked only the eagle, this likely would not stand as altering the surrounding area would not constitute alteration of their trademark, but I digress....)
- If a rocker does not touch the back patch, assuming a three-piece set, you are now configured as the system used by most m/cs, which we have agreed with the COCs in most areas not to do. Clearly, if you maintain your rocker off of the back patch, you will be in deep with any COCs where such an agreement was necessary. Also, this arrangement goes against Guideline #5 of Resolution 35 pertaining to the ALR appearing to be a m/c.
- In general, rocker systems are part and parcel of m/cs. The Legion expressly forbids the ALR from becoming or appearing to be a m/c.

Therefore, it stands to reason that they would like them eliminated in total.

Notwithstanding that rockers can be purchased through Emblem Sales, suffice it to say that, without further discussions and negotiations with National, their intent with this passage appears to be the elimination of rockers in total. We will look for clarification...

**Q: Uh-oh! What's this about insurance?**

**A:** The Advisors, through the NALRIC have always advised Chapters to consult with local authorities regarding the requirements and liability environment of their area. In most instances, a properly worded and signed "hold harmless" agreement (or, commonly: liability waiver) is sufficient. Some state and municipal laws do not respect waivers, which would require a sponsoring Post to obtain the necessary insurance to protect itself should something untoward occur.

In short, nothing has changed here. If your state and municipality respect waivers as an agreement that the signing adult is taking responsibility for their own actions, then you have all the insurance you need through the use of a waiver - do have your waiver reviewed by a lawyer familiar with the laws and judicial practices in your area, though. And, in our litigious society, even with a legally-acceptable waiver in place, it is possible that an incident may be deemed the responsibility of those organizing the group or event. Having insurance is not a bad idea.

The remainder of the resolution is as you would expect for a program of The American Legion: the Chapter, sponsored by a Post is beholden to that Post's rules and requirements - this is unchanged from before this Resolution. The Post is the atomic level of the ALR, and the Post holds sway over the existence of their Chapter. Added is the passage regarding the Department. Frankly, though poorly expressed, this was implied in the Internal Affairs Postition as well - simply put: the Chapters of the ALR within any Department are also subject to any rules and regulation put forth by the Department. Under the pre-Resolution ALR, this was exercised through the Posts; post-Resolution ALR allows the Department to direct the ALR Chapters operating within its borders directly.

So, does that help? If not, please feel free to write for further clarification. If the above does not answer your questions, then more work is required on it - and the only way we'll know that is if you tell us.

The National American Legion Riders Advisory Committee (NALRAC)

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