

THE AMERICAN LEGION RIDERS

DEPARTMENT OF CALIFORNIA

1601 7th St, Sanger, California 93657

THIS FORM MUST BE FILLED OUT IN TRIPLICATE

Resolution No. 21-001

Subject: Re-designation of
American Legion Riders Program Leadership Titles

(DO NOT FILL IN ABOVE THIS LINE)

RESOLUTION

WHEREAS, The American Legion National Executive Committee passed Resolution 19 dated 14 October 2020 directing all American Legion Rider (ALR) Program President, Vice-President, and Past President titles cease in use of said titles, and be re-titled as Chairman, Vice Chairman, Director, or Assistant Director in an effort the ALR Program not be viewed by the general public as a Motorcycle, or Biker Club; and

WHEREAS, Resolution 19's final preamble statement provides no statements of fact as required (Rule 10 Section A of The Rules of the National Executive Committee of The American Legion) to justify the changing of ALR program titles, but states conjectures in the decision to change titles; and

WHEREAS, The Charter of the American Legion National Constitution and By-laws states under United States Code Title 36, Chapter 217, Section 21704 Powers, subsection (5), "The corporation may- provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters"; and

WHEREAS, The Charter of the American Legion National Constitution and By-laws states under United States Code Title 36, Chapter 217, Section 21705 Exclusive right to name, emblems, and badges, "The corporation and its State and local subdivisions have the right to use the name 'The American Legion' or 'American Legion'. The corporation has the right to use, manufacture, emblems and badges the corporation adapts"; and

WHEREAS, The Charter of the American Legion National Constitution and By-laws states under Constitution of The American Legion Article VIII Sec. 4, "The Department Executive Committee shall define the powers of such intermediary groups, but in no event shall such powers invade the prerogatives now vested in either the Post or Department or National Organization"; and

WHEREAS, Resolutions passed by executive committees for a corporation are legal binding actions for the corporation; and any changes to California based State, Post or Chapter By-laws require a 2/3rds membership approval as stated in current National, State, Post, and Chapter By-Laws; and

Below space is for use when resolution originates with a
Dept Committee/Commission or Convention Committee.

This is to certify that the above resolution was Adopted

Chairman

Dept Committee/Commission or Convention Committee

Date

Department/Area/Chapter Secretary

595
Chapter Number

Department/Area/Chapter/ (V) President

Area No. Date

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WHEREAS, The American Legion Department of California, and California based American Legion Posts are separate corporations; and

WHEREAS, Resolution 19 is an authority from the National American Legion Corporation, and a guidance to State, territorial, chapters, or Posts, Resolution 19 does not provide facts to support any benefit, or solution with changing ALR leadership titles; and

WHEREAS, The American Legion Riders Department of California and The American Legion Department of California have no formal grievance, or charges against any California ALR Chapter, or member in regards to guidelines outlined in American Legion National Resolution 19; and

WHEREAS, American Legion Rider Chapter Presidents in California are viewed, trusted, and recognized by California local communities and government officials for epitomizing honor, courage, and commitment, in addition as a highly respected leader defined by the title of an American Legion Rider Chapter President elected and supported by Post Members; now, therefore, be it

RESOLVED, By the members of American Legion Post 595 in Perris Ca. during the regular members meeting on November 14th, 2020, that the titles of President, and Vice President do not conflict with National, State, or Post By-Laws, and Resolution 19 should be viewed as an advisory guidance to State, territorial, chapters, or Posts, and any changes to ALR By-Laws shall be approved by 2/3rds vote of all members present during any members meeting or State Convention; and be it further

RESOLVED, That if any formal grievance is filed against any California ALR organization or ALR member, all proceedings shall be conducted in accordance with the American Legion Trial Manual; and, be it finally

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Chairman

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Date

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RESOLVED, That the American Legion Riders Department of California By-Laws Article IV Officers, Article V Organization-Chapters, Article VII Areas, and Article XII Past President's Club should not change titles of the officer designations as written, and all said titles referenced in other articles of the American Legion Riders Department of California By-Laws, and ALR Chapter By-Laws should remain as identified by said articles mentioned unless amended by membership vote during any future American Legion Riders Department of California, American Legion Department of California Convention or Chapter meeting.

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Chairman

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Date

Department/Area/Chapter Secretary

595
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