

## General Questions/Concerns

(11/3/2025)

Question. Who authorized or approved these new rules?

**Answer: The American Legion adopts resolutions as a way to update how it operates. These resolutions are drafted at the department (state) level, approved there and sent up to the national level for consideration. Each year, the national organization holds meetings by their National Executive Committee (NEC) who represent each department (state) with two members to speak for the membership of their departments. In May 2005, the NEC adopted Resolution 11, “Rules and Regulations Governing Use of the Name and Emblems of The American Legion”. Then National Adjutant stated, that “The American Legion has no choice or room to maneuver in the area of trademark law, which requires constant and continuous control over all programs wearing our trademarks and using our name.” In May 2018, the NEC adopted Resolution 1: Rules and Regulations Governing use of the Name and Emblems of The American Legion which rescinded Resolution 11 and provided The American Legion with the set of rules and regulations to follow and refers further information to the National Judge Advocate.**

(11/3/2025)

Question. Have they been adopted through an official Legion member vote?

**Answer: Yes, through the vote of the National Executive Committee (NEC).**

(11/3/2025)

Question. If they did not result from a statewide or national vote what is the process for determining such governance?

**Answer: With the National Executive Committee vote, it was officially adopted for all departments (States).**

(11/3/2025)

Statement. Our position has always been that local baseball programs operate as independent entities, paying registration fees to participate under the American Legion’s umbrella. We comply fully with Legion baseball requirements — including player registration, insurance, and background checks — but we have never operated as subsidiaries under Legion control. These distinctions are important for maintaining both organizational integrity and compliance with applicable regulations. Many Lincoln teams participate under various umbrella organizations throughout the summer. For example, these umbrella organizations vary but have included Perfect Game, PBR, Five Tool, etc. To

date, none of those organizations has requested any financial information, as American Legion is planning to do so this upcoming season.

**Answer: While the Lincoln baseball teams may feel they are independent entities, an American Legion baseball team is still considered a program under the parent organization which has traditionally been the Post. When Lincoln Baseball teams originally began, they would have been supported and managed by Post 3. Over the years, as leadership changed and as Post 3 membership aged, there became a loss of that structure and eventually the baseball programs found ways to support themselves financially and with an organization of a baseball board. During this transition, Post 3 should have maintained their oversight on the baseball teams as they are ultimately responsible for the baseball program to the department and national headquarters. The other organizations that you listed (Perfect Game, PBR, Five Tool etc) appear to be organizations that you participate in through tournaments and skill camps but are not organizations that you are registered under and I would not expect them to require your teams with the same requirements.**

(11/3/2025)

Statement. The NALB recognizes its responsibility to comply with all rules of the American Legion Baseball Program. However, clarification from the Nebraska American Legion is needed to ensure consistent and fair application of these policies.

**Answer: Something to assist parent organization and teams with consistency is development of a new Nebraska Form with a more detailed acknowledgement for the Four Rules. It will allow both sides to list a plan to comply with each of the four rules that both sides will agree to and sign. It would act as a contract of sorts to ensure that each side would abide to the signed acknowledgement. While it may look slightly different for each parent organization and team, it will allow for a general consistency for all parent organizations and teams to have an agreement to protect each side during the baseball season.**

(11/3/2025)

Statement. Last season, for example, a team was disqualified from the Mid Atlantic super regional due to a deadline issue for the players over 18 not completing the abuse training that all adults involved are required to take. A rule established in 2023. Another example is when local programs were informed last year that players could participate in showcases. However, the guidance had not been cleared at the national level, resulting in a program losing its eligibility for the National Tournament.

**Answer: Teams that qualify for a regional tournament are reviewed and I will contact that team and scheduled training to complete the Abuse Training requirement**

**and that paperwork is sent to the Regional TD and the Manager/Head Coach also has a copy of that paperwork. Nebraska has not to my knowledge had a player disqualified due to paperwork. The example you gave for a program losing eligibility in a regional was not due to the approval of players being approved to attend PBR showcases specific, a player was not at an approved PBR showcase, but at a Perfect Game Tournament that ultimately resulted in a disqualification.**

(11/3/2025)

Statement. We are deeply committed to the success and integrity of American Legion baseball. Many of us have dedicated decades of service as coaches, parents, and administrators to ensure that young athletes continue to benefit from the tradition and structure of Legion play.

**Answer: My office and our Athletic Committee thank you all for your years of supporting our baseball program and we hope that we can continue to work together providing opportunities for our players.**

(11/3/2025)

Statement. However, these new rules, as written, raise serious questions about organizational overreach, legal compliance, and program sustainability. Implementing them without clarification could unintentionally discourage participation and undermine the very programs that have kept Legion baseball strong, even during challenging times like the COVID-19 pandemic.

We respectfully request detailed, written clarification of these four rules and their intended enforcement process before any required compliance. Our goal is not to resist oversight, but to ensure transparency, fairness, and consistency across all participating programs in Nebraska.

Thank you for your attention and for considering our perspective. We look forward to collaborating constructively toward solutions that preserve the best interests of Legion baseball and the student-athletes it serves.

**Answer: I hope the responses provided give more clarification to your questions and concerns. We are committed to having additional conversations and meetings until all questions have been answered.**

## Questions on the Four Rules

### **Rule #1 - "Leadership" -All elected and appointed leaders must be confirmed by the parent organization after each selection, or as needed.**

(11/3/2025)

Statement. The term “parent organization” is undefined, and the scope of who requires confirmation is unclear. Does this rule apply only to program officers and directors, or does it also include coaches?

**Answer: Under Rule 1. Leadership, the term parent organization has been defined as follows. “Parent Organization” denotes an American Legion organization level as it relates to the program at the post, district, department and/or the national organization. The national rulebook also defines a sponsorship as The American Legion post is always recognized as the primary and exclusive sponsor, regardless of financial support of the team. A support group, booster club, company, private association or corporation is recognized as a financial supporter for a local ALB team. Those teams that do not have a post sponsorship shall come under the sponsorship of the department or district baseball committee having jurisdiction over team discipline. An outside supporter or co-sponsor has no legal jurisdiction over a team. The American Legion post or department baseball committee that sponsors any team retains the exclusive legal sponsorship of the team.**

**Answer: Also under Rule 1, it states that “leadership” would be all elected and appointed leaders. In my opinion, I consider a coach a leader, wouldn’t you? It would also consider any board members being elected or appointed to be listed for the parent organization to confirm.**

(11/3/2025)

Statement. Additionally, what is the process for confirmation and for appealing a decision, if necessary?

**Answer: The process for confirmation of leadership to the parent organization could be done in person at a meeting with the parent organization or could be submitted to them in the form of a letter or email. Any appeal process would be requested by the parent organization. If it would be an appeal to the national**

**headquarters, it would start at the parent organization and move through the department headquarters to the national headquarters.**

(11/3/2025)

Statement. Clarifying these points will help ensure consistent implementation and prevent unintended administrative burdens. As the NALB operates as a subsidiary of the American Legion Baseball Program, we hope that all members of the NALB are confirmed by—and ultimately answerable to—the Nebraska American Legion.

**Answer: All Athletic Committee members are nominated for a position on the committee and then approved by our Department Executive Committee.**

(11/5/2025)

Question. If in Rule #1, it includes elected officers/directors and hired independent contractor coaches - What are possibilities that would cause any of them to specifically not be confirmed?,

**Answer: This is not as easy to answer as I can't speculate for a Post Commander. I can better reply how a coach can ensure they are confirmed: develop a relationship with the Post, be respectful, support the Purpose and Scope that is in the front cover of the NALB Rulebook, be a positive role model for the players both on and off the field, support the Post and its members (having players volunteer for the Post during any events).**

**Rule #2 - "Rules" - All bylaws, amendments and/or standing rules must be presented to the parent organization for confirmation and approval prior to use.**

(11/3/2025)

Statement. Many local programs do not maintain formal bylaws, and the term “standing rules” is ambiguous.

**A: If a program does not have bylaws or standing rules, how are they operating? All programs must have some type of written rules to operate under.**

(11/3/2025)

Additionally, it has been suggested that all financial benefits must inure directly to the American Legion. This interpretation could create significant challenges for multi-sport

organizations that operate under a single account (e.g., Legion baseball teams, high school summer teams, or softball programs). Excluding such organizations from Legion participation would significantly reduce access and opportunity for many community-based programs and athletes.

**A: I did contact the IRS Office (Tax Law Office) and they said that as long as the donations are received by the same FEIN, they can be kept under the same account. Looking at the IRS website, there are restrictions that can be placed on a donation. How would each baseball team plan to manage their donations if they are earmarked for a senior or junior team sponsorship, player fees for each level and gate cash collected for home games? We use QuickBooks and we are able to earmark money that comes in for each account, selecting accounts for the funds to be deposited into and which to have them taken from for expenses. We also share monthly statements with our Department Executive Committee for each of these accounts.**

(11/10/2025)

Question. We understand that reserve baseball needs to be independent of the legion funds. That's not a problem, but we don't have that now. All our money is in an account that not only pays for all 3 teams in the summer, but things we need throughout the year for miscellaneous items. We could technically start a new account this year with whatever amount in it and keep our other funds separate - is that right? I mean the purpose of a 501c3 is to provide a deduction for a donation and be a nonprofit. If the legion account has funds which are more than the starting funds, can't those be donated back to the miscellaneous baseball account?

**Answer: I did contact the IRS last week and was able to speak to the Tax Law Office and I was told that if donations were received under the same FEIN, they can be kept in the same bank account. I would recommend that your board also look at the IRS laws when it comes to receiving a donation that would be earmarked for a specific team (Seniors or Juniors) and any restrictions that would be required to be followed. Using something like QuickBooks would allow for easy management of revenue and expenses for all teams and could provide the required financial reports under Rule 3. If your 501c3 will be used for multiple teams, I would not include the words "American Legion" or "Legion" since the funds received will not solely be used for the American Legion Baseball Program.**

(11/5/2025)

Question. How would the following be handled:

A) A program has NO bylaws because it is not incorporated and only has a checkbook account with the coach having control of the account?

**Answer: If there are no bylaws, can it be assumed that there is no 501c3? If yes, how are the teams in this example providing their financial sponsors with a tax-exempt letter for the donation to be a tax-deductible donation? If a baseball program is operating with only a checkbook, we can offer them to use our FEIN so that the donation can be considered tax-deductible. I would suggest that the program in this case also create standing rules on how it will operate, make financial and operational decisions.**

B) A program is incorporated with bylaws, but the bylaws do NOT mention ALB. They are written for "Summer Baseball",

**Answer: Can one of these bylaws be provided to the Athletic Committee and me to review and provide a response to this question?**

C) Same as B and the entity provides support for and gathers income for other athletics such as spring HS baseball, summer reserve baseball and possibly girls' softball?

**Answer: I spoke to the IRS Office (Tax Law Office) and I was told that donations that are made/received under the same FEIN can be kept in the same bank account. Currently, I do not see where this is against any policy, resolution, bylaw for The American Legion. If it is not against any federal, state or other law, it may be legal. I did see on the IRS website that there can be restrictions placed on donations, so having the ability to keep the funds separate (through QuickBooks or separate checking accounts) might be a safe practice to follow.**

**Rule #3 - "Reports" - The program will provide to the parent organization: (a) monthly activities reports; (b) quarterly financial reports; (c) an annual financial statement; and (d) any additional report(s) requested by the parent organization.**

(11/3/2025)

Statement. The rule requires monthly activity reports, quarterly financial reports, and annual financial statements. Given that Legion baseball operations typically span only about 10–12 weeks each year—and that no Legion funds are distributed to local programs—this reporting requirement appears disproportionate to the actual scope of activity. We respectfully request clarification on the following points:

(11/3/2025)

Question. Rationale: What is the purpose of requiring reports at this frequency for a program with limited seasonal activity?

**Answer: Remember this letter for the Four Rules of an American Legion Program are not solely developed for baseball. They also cover Sons of the American Legion and American Legion Rides which are also programs of a Post. These types of programs do hold monthly meetings and can provide the reports listed.**

**When it comes to baseball programs, it can provide activities report when available such as when it has the schedule completed or at least completed enough to share to the parent organization. That could be in January if ready and again in May when the season is getting ready to start. A quarterly financial statement and the annual financial statement can be provided easily with QuickBooks and can be sent to the parent organization as designated.**

(11/3/2025)

Question. Access: Who will have access to these reports, and how will the information be used?

**Answer: The reports would stay within the parent organization. If a Post is the parent organization, the reports will stay within the parent organization. If Post 500 is the parent organization, then the reports will be privy to members that are authorized.**

(11/3/2025)

Question. Confidentiality: How will the confidentiality of independently raised funds (e.g., through sponsors, player fees, or local fundraising) be maintained?

**Answer: Any confidentiality requirements will follow state and federal laws. We do not share any that type of information unless required by law.**

(11/3/2025)

Question. Additionally, will there be transparency regarding the funds local programs pay to the American Legion Baseball Program for participation? If the NALB begins helping to cover financial hardships for local teams, those transactions should also be documented and reported transparently. Does a team's registration fee contribute to anything? Where does that money go? Where does the 1000 fee go when a team hosts a state tournament?

**Answer: The registration fees that are paid are split between the national baseball program and the department program. The money collected from our team registration is put into the Department baseball program. We provide all the plaques for the 42 Area Tournaments, medals for champion and runner-up for 8 state tournaments, plaques for champion and runner-up for those 8 state tournaments,**

**medals for 2 Playoff games for champion and runner-up and championship banners for 8 state champions. The \$1,000 for a team to host a state tournament (which is now 8 hosts) helps pay for all umpire checks (6 per host sight), umpire travel and lodging and also for a \$500 check to the non-host for the two playoff games. The NALB has not stated they would provide any money for teams with hardships.**

(11/5/2025)

Question: Reports:

A) Program provides an annual report detailing all cash receipts and disbursements and reconciles from beginning cash to ending cash. Also provided is a copy of the ending bank statement. Getting this should allow the signatory requirement to be waived as most teams will put into effect 3)B) below.

**Answer: In the letter for the Four Rules under Rule 4 – Controls – it states, “All program financial accounts must have a minimum of two (2) signatories appointed by the parent organization.” Speaking to many Post Commanders, they seem satisfied that if they receive the required financial reports and annual financial statement, that they would approve signatories that are outside of the Post.**

**Rule #4- "Controls" -The parent organization may provide the program with the employer identification number (EIN) and the tax-exemption status, with the necessary financial controls over their usage. All program financial accounts must have a minimum of two (2) signatories appointed by the parent organization.**

(11/3/2025)

Statement. This rule indicates that the parent organization “may provide the program with its EIN and tax-exempt status” and that “all accounts must have at least two signatories by the parent organization.”

**Answer: Yes, the parent organization may provide a program with their FEIN. Remember that these Four Rules are not only for baseball but also Sons of the American Legion which would need the parental organizations FEIN. Also, under this rule it states the following: All program financial accounts must have a minimum of**

**two (2) signatories appointed by the parent organization (has been updated from saying two (2) parental signatories appointed by the parent organization. This is where we stated that the parent organization may determine who it approves as signatories.**

(11/3/2025)

Statement: This rule appears inconsistent with IRS regulations, which prohibit one entity from using another's EIN or tax-exempt status. Additionally, allowing external signatories on locally maintained accounts would compromise the financial independence of community programs whose funds are raised through player fees, sponsorships, and donations. These funds are used exclusively for baseball operations, including facility rentals, umpire fees, and coaching stipends — all of which are managed responsibly at the local level.

**Answer: With the IRS offices closed for appointments, I would defer this question to a later date until it can be asked and answered.**

(11/3/2025)

Statement. The NALB should have more than one person handling its accounts. It makes sense that the Nebraska American Legion shares its EIN with the NABL.

**Answer: The NALB does have more than one person handling its accounts. It has a Department Finance Committee, a Finance Officer and it has signatories on our accounts. What question are you really trying to ask? The NALB is a committee appointed to manage the baseball program. If a team needs a FEIN, that can be provided by the parent organization.**

(11/5/2025)

Question. Signatories:

A) The program allows only ONE ALB signatory,

**Answer: I would recommend against only having one signatory. A quick google search lists the following: potential for fraud or theft, difficulty with business continuity, can make unauthorized decisions and create other problems. It goes further to list a lack of oversight and liability by exceeding their authority.**

B) The program allows TWO ALB signatories, BUT the account will require for any withdrawal to mandate TWO signatures and ONE of them is required to be the programs President, Vice President, Secretary or Treasurer?

**Answer: This example would be better to follow the Four Rules with respect to signatories. Having one signatory from the baseball board and one from the Post would be a great step toward the goal of program oversight. Having a requirement to**

**have one signatory from the baseball board and one from the Post to withdraw money would be a good protection and provide a check and balance.**

(11/10/2025)

Question. Do we need 2 signers on our account that are from the post? I thought that when Creighton Prep spoke last night, he mentioned we just need to have 2 signers which can be anyone. You didn't dispute that at the time.

**Answer: Our position at the Department level is that there are two types of programs. One is a subsidiary of the parent organization and is dependent on the parent organization. The second is a participating program that supports our American Legion Programs and is a 501c3 and operates under a non-profit status. Here is an example:**

- 1. Must have two (2) signatories from the parent organization (Post): Subsidiary Program.
  - a. The Post will manage the finances of the baseball team.
  - b. The baseball program may or may not have non-Legion “board” members that will assist the parent organization (Post) with daily operations.
  - c. The baseball program will use the Post FEIN for any tax-free donations.**
  
- 2. Must have two (2) signatories appointed by the parent organization: 501c3 Non-Profits
  - a. The 501c3 will have their own bank account to manage the finances of the baseball team.
  - b. The “board” members of the baseball program must be confirmed by the parent organization (Post) under Rule 1.
  - c. The 501c3 non-profit will provide the bylaws/standing rules to the parent organization (Post) to be approved under Rule 2.
  - d. The 501c3 will provide the required reports under Rule 3 for proper oversight.**