

Response to Your Cease-and-Desist Notice dated Friday November 1 2024 emailed at 4:27 PM
November 4, 2024

Mr. Engstrom

I was traveling this weekend and did not have the opportunity to read or review your Cease-and-Desist letter. I did hear about it, however, from members of the Bloomington American Legion who notified us that you had informed and discussed your Cease-and-Desist letter with them on Saturday. I think the term was "bragged". The understanding given to me second hand was that you were ending all-stars.

First off, we certainly understand the importance of trademark integrity and have sought to respect the trademarks and requisite badges. Any perceived violations of the trademark were inadvertent. I have scrubbed the website to find and remove offensive materials to comply with this Notice.

As you know, the origins of the all-star program extend back to the fall of 2019 where the all-star concept was presented to Legion Baseball leadership. All Stars was to be an effort in coordination with the Minnesota State American Legion Baseball Board. The sole purpose was to promote American Legion baseball in Minnesota to benefit players, coaches, families and American Legion baseball across the state. This period coincided with Tim Engstrom's new employment at the state American Legion as well as his membership on the baseball board of directors. We were notified that the All-Star effort was approved and received modest funding. The project was always referred to as the Minnesota Legion All Star and the Minnesota Legion Prospect series. At no time then or now has the project operated without visibility if not coordination with the Minnesota State Legion Baseball Board, its leadership, and the Minnesota State American Legion Communications officer.

- Annual reviews, invitations, and reports were provided to the State Board in reports to the Director and eventually directly to the Board of Directors in 2021, 2022, 2023 and in 2024. Included in all reports was information and links to materials and the all-star website. Whether anyone chose to review such materials and links, we do not know.
- The Minnesota State Legion Board has continuously approved Legion All Stars and has provided modest funding which was listed as sponsorship on our website.
- Your State Legion baseball website listed the 'Minnesota Legion Prospect All Stars' link on its site, which appears to have been recently removed. Such a deletion certainly would tell us a great deal.
- Your Minnesota Legion app currently links to the 'Minnesota Legion Prospect Series'.
- State Communications Director Tim Engstrom personally reviewed the website in 2024 with us and offered his assistance to help identify Legion post numbers for the all-star player rosters. Engstrom seemed quite familiar with the website. His input was appreciated.
- Director Engstrom further offered his email communications assistance in contacting Minnesota Legion baseball coaches to solicit nominations for the all-star program informing us that he did so at least once. Mr. Engstrom stated he would be taking our email template and using his journalism background to improve our template. We have no reason to believe that Mr. Engstrom failed to follow through with his promise. We were never copied with his version.
- Mr. Engstrom volunteered to assist in garnering an American Legion honor guard to present flags during opening ceremonies to further support the Minnesota Legion Prospect All Star series and provide visibility for the American Legion while allowing us and our fans to honor our American Legion history. No honor guard was provided.

- Mr. Engstrom was asked to provide some American Legion brand visibility with banners that could be displayed at our event sites. Several of our sponsors provided such identity materials and we believed it was appropriate for the State Legion to have visibility as the Baseball Board was an official event sponsor. Mr. Engstrom informed us that he could not find any materials or banners. We did not create, produce, or display any American Legion brand material which many noticed as being conspicuously absent.
- The website URL: www.mnlegionprospects.com . We invite each of you to look at this site. Look at the photos of Legion kids. Look at the list of communities. Look at the list of our field coaches. Look at the opening ceremony photographs. The stands were packed. No baseball event ever drew the crowds to Northwestern University like Legion All Stars. Kids and coaches and players loved it. And we loved watching them play. We took satisfaction in watching parents taking proud photos of their players and their families.

Point: At no time in nearly five years has any material been withheld from or not available to the Legion Board or Mr. Engstrom. Nothing was withheld. Everything was subject to Legion review of content, wording, or depiction.

Point: At no time was any deficiency spotted or brought to anyone's attention for correction.

Point: We had every reason to believe that board members had viewed and reviewed our website and materials. Several Board members have submitted All-Star nominations for players on their team or in their community. No complaints were ever received.

Point: The Communications Director had continuous and full access to all materials including the website for 2021, 2022, 2023, and 2024. As a cooperative venture, we had every reason to expect and believe that this individual was reviewing materials as would be his responsibility.

Point: We made an annual request for sponsorship funding which by its very nature is a request for your consent and approval. We assumed that such consent and approval covered our operations and materials. No one advised us that we should make a separate request concerning any trademark or copyright matters or that written approvals needed to be obtained. The onus on notification would most certainly reside with the Legion Board and the Communications Director. Never was one word or issue raised.

Point: We had the apparent mistaken belief that the Minnesota State Legion Board and the Minnesota Communications Director were ensuring that all applicable standards were being met. Your approval was assumed by your annual support over several years.

Point: We had experience with outside counsel for Legion and the Legion Hub (2017) that discussed in detail what was or what was not covered by trademark. We sought to respect the brand, a brand that we sought to promote. There are limits to copyright and trademark.

Point: To the best of our ability, we believe that we are in compliance with your demands as of November 4, 2024 well in advance of your January 1, 2025 deadline.

Cease and Desist

When all is said and done, these are words that are clear as a bell. Logos and language are likely items that fit within a larger context. That context seems clear in this sentence: "Further, you are unauthorized to represent yourself as a registrar of our American Legion Baseball teams. Doing so could be viewed as deceit or trickery and, thus, an act of fraud." None of us is a trickster or a fraud. Such an inference is frankly insulting. We have not misrepresented anything including the support of the Minnesota American Legion Baseball Board. We have not claimed to be registering an American Legion Baseball team. Every team formed was a weekend exhibition team which we had discussed at the outset with the National American Legion Baseball Director when that very question was raised by one of your Board members who sought to disqualify Legion All Stars before a pitch was ever thrown.

Clearly now your support for the Legion All Star program has vanished. As a result, we will comply, and All Stars will 'cease and desist' operations and cancel commitments for 2025 effective Veterans Day November 11, 2024. We will post notice on our website. We will also provide communication to our followers, which would be our obligation.

Many coaches, players, families and college coaches have joined us and participated in our Legion Prospect All Star journey over the past four years. Many are excited about opportunities for 2025 and beyond. There may be some disappointment. These are the people that deserve consideration.

Apparent Retaliation?

Many voices were raised to us over the past several years that were eye openers, at least for me and us. Many things were on the good or things that could be improved. There are many voices out there that have never been heard. Virtually every other state around us provides open coaches meetings. They are openly structured, often with elected board members that say they have direct accountability. Agendas and minutes are available online. In Minnesota, it is simply different. The Communications Director claimed transparency telling us to ask for minutes and financial. He is the apparent gatekeeper. His statement in the Notice now says I or we are not "authorized" to receive minutes, notices, or financials. The door slammed shut, didn't it. That is what angry people do. Every year, coaches, parents and program directors talked to us in what must have been hundreds of interactions. Not everything was rosy. The "not rosy" level increased as we went along.

I took the chance and shared information and viewpoints with you and the Board of Directors. Most of the information and viewpoints were those expressed to me from people that had no voice. Several viewpoints were mine or were conclusions I had arrived at based on the input from others. I full well knew that the risk was that you and the Minnesota State Legion Baseball Board would respond with anger toward me rather than openly explore issues that ought to be of concern. Do they say - shoot the messenger not the message? I often speak from the heart, and I speak with passion for Legion baseball. That style can offend some folks, obviously.

Along this All Star journey, I think we have been right to advocate for increasing fairness and opportunity In Minnesota Legion baseball offending some who prefer the status quo. Other states have been far more progressive as has the State High School League. We have been right to challenge old habits that seem to violate Legion rules such as the apparent conflict between giving meal money and the Legion Amateur rule. We apparently were correct in advocating a change from the D1 pool play format established post Covid. That appears to have been now scrapped in favor of a format used by high school wrestlers (or so we hear). We have been right on with our commitment and belief that families, coaches and players want more opportunities than are currently supplied. We believe discussions should ensue concerning issues, problems and possible solutions. You disagree.

- Be angry that club baseball is sharply eroding the Legion talent base especially in the metro. You should care. Or blame it on me for bringing it up.
- Be angry that a common perception exists that Minnesota Legion is non-democratic and operates as a private club. Or blame it on me.
- Be angry that coaches believe they have no voice or if a voice is raised, they may face retaliation or would simply be ignored. Or blame it on me.
- Be angry that many voices across the state want more Legion based playing opportunities. Or blame it on me.

- I know that there are dedicated baseball people serving on the Board of Directors. Yet many view the Board of Directors, whom they may not have even met, as defenders of the past. Some people think that some Board members pursue their own personal agendas. Whether that is true or not, such perceptions exist. Be angry with me or blame it on me.

You did not like what you heard or read. Maybe some items or comments were disagreeable. Maybe some expressed viewpoints are uncomfortable to some. I accept your anger. So much has been said out there to us over the past four years that I chose to share some of it with you. Frankly, I would share the information and collective viewpoints again in the same circumstance. I would still hope that your Board of Directors and your leadership would expand its conversations and openly engage a broader range of folks committed to Legion Baseball. Certainly, my hope or optimism also risked becoming your poster boy to direct your anger toward. Legion baseball and the message are worth the risk. Some advised me against speaking up.

Conclusion

We had a good run with Legion All Stars. Families have benefited. Players have benefited. Coaches have benefited. Despite your unwillingness to attend or join hands together with this project, American Legion Baseball in Minnesota has benefited. It has been a labor of love for American Legion Baseball even as it consumed so many hours.

2024 results were very positive:

- 1) 85 kids from 58 communities played in the Senior tournament. 70% came from outstate Minnesota.
- 2) 70 kids came from 52 communities for the Junior tournament, 70% also coming from outstate.
- 3) We were unable to place the additional 160 kids that were nominated as we had no space. Demand for Legion All Stars simply exploded.
- 4) Kids and families came from all corners of the state, from big cities to tiny towns. Kids came from Division 1 Senior, Division 2 Senior, Division 1 Junior and Division 2 Junior. Kids want to play baseball.
- 5) Everyone came to celebrate the end of baseball season and to celebrate American Legion Baseball. Even one board member came for an hour or so.
- 6) Our website had over 34,000 visits, far and away a record for us. We live stream broadcasted ten games that now boast nearly 4,000 views.
- 7) Over 32 college coaches (the most we have ever heard of for a Legion event) watched Legion baseball players.

Some will mourn the loss of Legion All Stars. Maybe a few will be angry. We thank you for your support in creating and sustaining Minnesota Legion All Stars these few years even as we accept your demand that we 'Cease and Desist'. We are proud in our belief that we went above and beyond anyone's expectations in developing and producing the All-Star showcase on behalf of Minnesota Legion Baseball and the Minnesota American Legion. We had fun! Because American Legion Baseball is fun!

Michael D. Perry – member of the Minnesota American Legion – Hopkins Post

Bruce D. Barron – member of the Minnesota American Legion SAL – Chesterbird Post

