



AMERICAN LEGION POST 46
NEWSLETTER
January, February, and March, 2014

"In Memory of Those Who Served and to Honor Those Who Are Serving."

To All Fellow Legionnaires of American Legion Post 46

Although this Post 46 periodical attempts to alert its veteran members to news items affecting veterans and labels itself as a "Newsletter", the entire news industry has been swallowed up and overwhelmed for the past three months by the unrolling (or unraveling?) of the Affordable Care Act (ACA) so that, if any attempt were made to give guidance to or describe some of the difficulties encountered by people trying to purchase health care as mandated by the government or tried to interpret some of the terms and conditions of the Affordable Care Act itself, this newsletter would be hundreds of pages long and have no room for other news or events. Depending upon the size of the pages and the size of the print, the ACA is about 1500 pages long and some 11,000 pages of regulations regarding the enforcement and interpretation of the Act have already been issued.

Therefore, this newsletter essentially ignores the confusion and chaos caused by the ACA and hopes that none of its readers have been individually disadvantaged and instead focuses on other news items: the conflict in Syria, the Soledad Cross in San Diego, the brief dispute on what Marines should wear on their heads, a tribute to veterans on Veterans' Day, the "new" parachutes to be used by the Army while it reduces the size and number of airborne units, and the costs which veterans and active military personnel might have to incur under the proposed budget cuts. After you have taken the time to review these various items, and would like this newsletter to focus on any other issues or concerns regarding veterans or active military, please send in your emails or letters identifying your interests.

Post 46 and its members continued to be involved in a number of activities this fall. Many Post 46 members participated in Veterans Day ceremonies throughout Washtenaw County and beyond. Members and their guests again enjoyed the annual Post 46 Christmas party which was organized as always by Commander Duncan at Webers on December 7th. Robert McDivitt, Director of the Ann Arbor VA Hospital was the guest speaker. Since the date also coincided with the 72nd anniversary of Pearl Harbor (yes, 72 years ago!), the program included a replaying of the brief radio announcement on that day which informed the American public that the country was going to war. A number of Post 46 members present remembered the day of the announcement. It was a happy holiday event to welcome the Christmas season and to exchange stories and renew friendships with Post 46 members, guests, ROTC cadets, midshipmen and cadre and Post 46 baseball team members and families.

At many of our meetings, we have discussed how to encourage members to become more involved in Post 46 activities and to increase our membership with new younger veterans. We also would particularly appreciate your suggestions as to how we can become more relevant to younger veterans and our community. None of us are getting any younger and many of our officers have served for five years or more and need a break. On behalf of our Commander, Steve Duncan, Post 46 extends to all its members and friends best wishes for a peaceful and healthy 2014.

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Judge Advocate.

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CALENDAR OF EVENTS

- January 6 Regular Post Meeting, 7:00 P.M.
Directors Room, Weber's Inn
- January 12 2nd District Meeting, 2:00 P.M.
American Legion Post 282, Ypsilanti
- January 19 Packing Party - VVA Chapter 310 - 2:30 P.M.
3230 S. Wagner Road, Ann Arbor. All veterans invited to assist.
- January 15 Luncheon Meeting
Classic Cup Café, Jackson Road, 11:45 a.m.
- January 17 Bingo, Ann Arbor Veterans Administration Hospital at 7:00 p.m.
- January 20 Washtenaw County Council of Veterans, 7:30 P.M.
VFW Post 4076, Chelsea
- February 3 Regular Post Meeting, 7:00 P.M.
Directors Room, Weber's Inn
- February 19 Luncheon Meeting
Classic Cup Café, Jackson Road, 11:45 a.m.
- March 3 Regular Post Meeting, 7:00 P.M.
Directors Room, Weber's Inn.
- March 9 2nd District Meeting, 2:00 P.M.
American Legion Post 34, Tecumseh
- March 19 Luncheon Meeting
Classic Cup Café, Jackson Road, 11:45 a.m.

REGULAR POST MEETINGS

Our regular post meetings continue to be held on the first Monday of each month at Weber's on Jackson Road, Ann Arbor. This schedule might vary from time to time so be sure to check the schedule in your newsletter. These meetings are operated in an informal manner with a minimum of ceremony and members are urged to participate to express their views, voice their opinions, and vote on any business matters on the agenda.

MT. SOLEDAD REVISITED

Readers might recall that our March, 2012, issue contained an article regarding the continuing legal battle to save the Mt. Soledad Veterans Memorial cross, a monument that has stood in San Diego honoring American servicemen and women for more than 58 years. After 24 years of litigation, a federal court recently ruled in an emotional hearing that it has ordered the famous Mount Soledad Cross be removed from a veterans' memorial holding that it is a violation of the U.S. Constitution.

Since 1913, a cross has been the centerpiece of the Mt. Soledad Veterans Memorial in San Diego amidst some 3,000 granite markers which individually honor war heroes through the ages from the Revolutionary War to Iraq and Afghanistan. The current cross is about 29 feet high and was erected in 1954. In 1989, the ACLU filed a lawsuit arguing that the cross is on government land and, therefore, violates the establishment clause of the first amendment to the U.S. Constitution. The issue of whether or not the cross is to be removed has been involved in contentious litigation ever since and, joining the American Legion and other veterans' organizations in defending the cross, the Thomas Law Center here in Ann Arbor has filed briefs with the U.S. Supreme Court representing a number of service members who have markers commemorating their military service at the foot of the cross. You might recall from our previous newsletter that the U.S. Court of Appeals in 2011 held that the cross "projects a government endorsement of Christianity" and that it be removed. At that time, we also reported that the U.S. Supreme Court denied review but sent a message to the lower courts to consider whether or not the memorial could be modified in some way that could preserve its character but allow it to remain.

It now appears that time has finally run out for the Mt. Soledad Cross. After two more years of additional proceedings, the U.S. District Court on December 12th reluctantly ruled that, under controlling precedent from the appellate courts, the district court judge has no choice but to declare that the cross was, indeed, an endorsement of Christianity and that it must be removed within 90 days. It was reported that the district judge, Larry Alan Burns, appeared to choke up as he read his opinion and issued a stay of his decision to allow further appeals all the way to the U.S. Supreme Court if necessary.

One of the lawyers involved in the fight to retain the cross, Hiram Sasser, issued the following statement: "We will continue to fight for this memorial and the selfless sacrifice and service of the millions of veterans it represents, it is the least we can do for those who gave so much to us all". We hope to be able to report a satisfactory settlement to this extended dispute in a future newsletter but time and tide are running against any conclusion which will be acceptable to most veterans.

CONTINING SAGA OF SYRIA

In the last issue of this newsletter, the problems concerning the war being waged in Syria were discussed together with the different positions which the U.S. administration took from time to time toward the combatants. You might remember that the administration eventually surrendered the field to the Russians to attempt to defuse the situation and to supposedly supervise the destruction of Assad's supply of chemical weapons. This newsletter then posed a number of questions which needed to be answered before any such settlement or resolution could take place. A brief update is in order but, unfortunately, most of the questions remain unanswered.

As various deadlines were established for the removal of Syrian's chemical weapons from the country, international inspectors employed by The Organization for the Prohibition of Chemical Weapons (OPCW) expressed growing concerns about establishing sufficient security for these weapons and the difficulty in finding a country willing to accept and destroy them. At one point, the U.S. attempted to remain involved in the resolution of the situation and floated a proposal to destroy the most lethal chemical weapons at sea but nothing concrete has come from this proposal. Not unexpectedly, OPCW has stated that it is having considerable problems actually travelling to some of the chemical weapons sites in order to verify that certain munitions and structures have been destroyed as represented because the roads leading to these sites are often closed for long periods due to the continued fighting. One recent OPCW announcement does not give much assurance that much will be accomplished: "With the security situation in Syria becoming more complex, the implementation of the program to remove chemical weapons from the territory of Syria to locations elsewhere poses increasing challenges". If you believe that this statement promises any progress toward the accomplishment of the proposed mission whatsoever, you might even believe that the sun will rise in the west tomorrow morning. Simply stated, a nation's entire chemical

arsenal has never before been removed from its borders (except, perhaps, for the removal of such weapons from Iraq by Hussein?) and the challenges in doing so have been, or should have been, obvious at all times by all involved. The chemicals must first be detected and assembled; they must then be protected from accidents, theft or sabotage; they must then be packaged and transported to ports and then shipped to who knows where. Few, if any countries, have stepped forward willing to accept the chemical weapons. It is quite certain that Syria's stockpile includes weapons of mass destruction such as sarin, mustard gas and VX but inspections at the storage sites have been delayed again and again due to the fighting. And so the "Merry Go Round" continues. Do not hold your breath for a definitive conclusion.

UNISEX HATS FOR THE MARINES?

The title to this section is off to the side because, as an Army veteran, I have always held the Marine Corps uniform, reputation and history in high regard. The recent proposal that all marines were to wear the new "unisex hat" did, however, bring a smile to the faces of many veterans of other branches and it was too difficult to resist sending copies of the "unisex hat" story to many of our Post 46 Marine Corps members when it first made news. Most, if not all of our Marine Corps veterans vowed that they would "rather fight than switch". Initially, the fashion debate apparently came from an Obama directive to create a more unisex uniform for members of the armed forces. Currently, men and women wear gender specific uniforms and hats. The sticker price for converting to the "unisex" headgear was reputed to be over \$8 million which might have been a large part of the reason why the proposal has apparently since been allowed to die.



Marine Corps Commandant Gen. James Amos has tried to put an end to the matter: "The survey was incorrect when published and has been pulled. The Marine Corps has zero intention of changing the male cover". We understand that the current women's cap has since been redesigned because many women complained it was not as "spiffy" as the male version. It was an entertaining story for Army veterans while it lasted and might still yet raise its ugly head in the future so all you Marines better stay alert. Semper Fi!

A TRIBUTE TO OUR VETERANS

As many Legionnaires know, both the Adjutant and Judge Advocate of Post 46 are lawyers and we recognize that the legal community is sometimes not always viewed with the greatest of respect by our fellow veterans; however, the November 2013 issue of the Michigan Bar Journal contained an article entitled "Today and Every Day, A Call to Duty" which was a complimentary tribute made to all veterans and which might, therefore, change the attitude of some of our members toward the legal profession. This issue of the newsletter has taken the liberty to quote a few sentences from this Bar Journal article as a reminder that your military service is honored and respected by many other members of the public: "Veterans deserve our respect and gratitude. Veterans from the last 12 years of conflict are unique: first, they are all volunteers; second, they answered their nation's call knowing they would go to war.They surrendered their privacy and the comforts of everyday living for cramped military housing - many times living in tents or worse. Each took a solemn oath to protect and defend our nation, even if it cost his or her life or physical well- being".

The article also reminded us that returning veterans have some troublesome issues with PTSD, unemployment and a high suicide rate. "The price they (veterans) pay is high, and they deserve our recognition. Thousands of patriots gave their lives and tens of thousands shed blood for their country. They do not want, nor need, a handout; they want and need a hand up. We owe them the assistance they need to rejoin the society they left to serve our interests. They need help in overcoming very real disabilities and finding meaningful employment". The article also asked that tributes and respect for veterans should not just be restricted to Veterans Day but should continue throughout the year:

"Let this Veterans Day serve as a call to duty for all of us to extend a hand to those who served. We owe them the help they need to regain what they surrendered in service to our country. This must be an everyday challenge, not just on Veterans Day."

It is difficult to think of any other language which could convey this message any more forcefully. Thanks to the Michigan State Bar Association for including this tribute in its journal.

THE MILITARY CONTINUES TO BEAR AN UNFAIR PORTION OF THE BUDGET CUTS

The American public seemed generally to have a favorable reaction to the proposed "budget plan" settlement which was recently announced by Congress. It was assumed that the draconian "across the boards" cuts required by the dreaded "sequestration" could be avoided or at least applied in a more rational and fair manner under the proposed budget plan. Upon closer examination, however, this favorable opinion has not been shared by military personnel or its veterans.

In November, Secretary of Defense, Chuck Hagel, warned that troops and their families will be asked to sacrifice both pay and benefits in an era of tighter budgets. In our last Post 46 newsletter, we listed a number of the military budget cuts which Hagel proposed to make. Now, Secretary Hagel is becoming more specific and said that the budget axe would be aimed directly at pay increases, retirement benefits and trimming TRICARE. Hagel stressed that unless these budget cuts were made, budget cuts in other areas would leave the military without modern weapons, cyber technologies and cutting edge capabilities.

"Without serious attempts to achieve significant savings in this area (pay, retirement benefits and TRICARE), which consumes roughly half of the DoD budget and is increasing every year, we risk becoming an unbalanced force" Hagel said. He added that the alternative would be to have a military that is "well compensated" but poorly trained and inadequately equipped, with limited readiness and capability. A former director of the House Appropriations Committee, Jim Dyer, was quick to note the political fall- out of such budget cuts and reminded us all of the potential influence of veterans

organizations when he commented that members of Congress were not ready to approve of these military budget cut issues and thereby hurt their chances for reelection.

This newsletter obviously cannot list all of the effects which the proposed budget plan will have on the military but a few examples might prompt our readers to investigate these issues further. One newspaper reported that under the proposed budget plan, military retirees younger than 62 will receive one percentage point less in their annual cost-of-living adjustment (COLA). Such a loss of one percentage point does not sound like a large reduction but it can translate into thousands of dollars in lost retirement income and particularly hurts those who retire after 20 years of service. For example, a 42-year-old who retires as an enlisted E-7 could lose a minimum of \$72,000. A 42-year-old Lieutenant Colonel could lose a minimum of \$109,000 over a 20-year period. Many US Senators are saying the right words opposing these cuts but we will wait to see if their words translate into action. "I do not support paying for increased federal spending on the back of our men and women who have volunteered for a military career" said Senator Wiker (R, Miss.) "Our men and women in uniform have served admirably during some of our nation's most troubling times. They deserve more from us in their retirement than this agreement provides" said Senator Graham (R, S.C.) Senator Inhofe of Oklahoma also stated that he could not vote for the "Budget Plan" unless the military pay and retirement benefits reductions were removed from it. As is true of so many events which occur during our lifetimes, many of us generally ignore them or certainly do not get outraged by them unless they have a direct effect or impact upon us directly or upon our loved ones or upon our close friends. In the legal profession, we often ask the question "whose ox is being gored"? This passive approach can, however, turn around to bite each one of us in the hindquarters. As veterans we should cast a wider net, take an interest in what is happening to our fellow veterans even if we are not directly affected and get involved one way or the other to help preserve the benefits which they earned through service to their country.

If these budget cuts to the benefits of veterans do not outrage you or wake you up and take notice, please note that the original copy of the summary of the budget agreement explicitly stated that disabled veterans would be exempt from these reductions in pay and benefits. The latest version of the budget agreement, however, removes the sentence regarding the exception for disabled retirees. This issue has become a significant topic of discussion in the halls of Congress. So get involved – contact your politicians and tell them to balance the budget on the backs of those receiving entitlements who did not earn them.

The latest press release received before this newsletter went to press reported that the "new budget" cut \$6 billion (yes, billion) from military pensions over the next ten years. Senator Sessions from Alabama introduced an amendment to preserve military pensions and to pay for it by cutting back on child tax credits given to unqualified individuals (mostly undocumented immigrants) by requiring that a Social Security number accompany any request to claim the refundable portion of the child tax credit. Breitbart News reported that Session's motion failed on a 46-54 party line vote. Senator Sessions spoke at length in favor of his proposal and criticized the final vote which "kept the pension cut for vets instead of cutting welfare payments to illegal aliens." Difficult choices everywhere you look.

ARMY LOGIC(?)

Two news articles recently came to the attention of this newsletter on the same day in early December. The first article was entitled "Army to Field New Type of Parachute" and the second carried the title "Army Dropping Number of Paratrooper Units". OK – so these two new announcements by the Army are not totally at odds but it does remind some of us about the questions we raised about the "logic" of Army rules and regulations when we were in military service.

For those of us who enjoyed or endured a couple of weeks at Fort Benning in "jump school", the introduction of a new parachute after all of these years is a welcome surprise. The new parachute is

known as the Military Free Fall Advanced Ram-Air Parachute or, in military lingo, RA-1. Consisting of a main parachute, reserve parachute, harness and container, it is designed to give the jumper more maneuverability. "This parachute allows you to land everybody within a 25 to 30 meter circle instead of having all your guys spread out wherever the wind carried them along the drop zone" said Sgt. 1st Class Nicholas Ford. The RA-1 also can safely deploy from up to 25,000 feet although, as graduates of Fort Benning so well know, you are lucky if you are not dropped from 1250 feet or less. . As one might expect, there are a few drawbacks to the new parachute for general airborne purposes. In the first place, during a large air drop of many troops, the jumpers are so close together that maneuverability can actually be a drawback and could cause parachutes to become entangled with one another. Secondly, the parachute is designed to give troops more carrying capacity. The RA-1 can carry upwards of 450 pounds - 100 pounds more than its predecessor. Guess who will then be carrying that extra weight?

At the same time as the new parachute was announced, the Army announced that two paratrooper units- 5th Battalion, 101st Combat Aviation Brigade of the 101st Airborne Division and the 508th Infantry Regiment - will no longer operate as airborne units as a result of the U.S. Army's reconfiguration and budget cutting. The budget cuts result in a reduction in the number of parachute positions across the board. The military is capping them at 49,000 and the forward plan also calls for some units, including paratrooper units, to change their focus. One airborne veteran expressed the following regret: "My big concern is ...I just wonder how long they're going to keep the 82nd Airborne on airborne status. I'm wondering if some day, somebody's going to get the bright idea and the 82nd Airborne is going back to the 82nd Infantry". Follow Me!

IN BRIEF - NEWS FROM THE MILITARY BAG

Too Pretty to Fight?: Pentagon officials recently reported that an Army colonel who wrote an internal email suggesting that photographs of attractive women should be avoided in promotional materials has "stepped down" from her duties. Col. Lynette Amhart has agreed to step aside "in order to protect the integrity of the ongoing work on gender integration of the Army". Evidently, Col. Amhart had stated that "average looking women" should be used in Army materials used to attract women in combat roles. In addition, a public affairs officer also with the Army's Training and Doctrine Command (Were any of our Post 46 veterans members of this elite, sinister sounding unit?) was suspended for his involvement in the offending email. According to reports, the military is trying to implement policy changes to move women into battlefield jobs, including infantry, armor and elite commando positions. Updated physical and mental standards that are equal for both men and women are being devised for thousands of combat positions and the military has until January 1, 2016, to open as many positions as possible to women or have an explanation if any such positions remain closed to women.

Purge of Military Brass?: Nine generals and flag officers have been relieved of duty just in the past year and it has been reported that some 200 senior officers have been relieved of command during the past five years of the current administration. Depending upon who has been directly affected by these dismissals, some view them as a social experiment gone astray which has cost us some of the brightest and best of our military officer corps and senior enlisted ranks while other see the movement as an effort to move out "dead wood" and change the cultural attitudes and long range goals of the military. Obviously, the military has a long history of acknowledging civilian direction and control but tensions between them do arise from time to time; the unprecedented number of four-star generals who have been relieved of duty during the past three years, and not relieved for cause, suggests that the tensions caused by both politics and budget considerations are at work.

Property Tax Relief for Michigan Disabled Veterans: Michigan Governor Snyder recently signed into law P.A. 161 of 2013. This Act provides that real property in Michigan used as a homestead by a disabled veteran who was discharged from the armed forces of the United States under honorable conditions (or his or her unremarried surviving spouse) is exempt from the collection of property taxes on his or her homestead property. The definitions of a "disabled veteran" include a veteran who has been determined by the Veterans Administration to be "permanently and totally disabled as a result of military service and entitled to veterans' benefits at the 100% rate". To obtain this exemption from real estate property taxes, a qualified veteran must file an Affidavit as outlined by the Act with the appropriate assessing officer or office. The Affidavit for exemption should obviously be filed without delay so as to become effective as soon as possible. At this time, no formal Affidavit form has been developed by the State of Michigan but it should necessarily contain the information required by the Act. Some welcome relief for some of our disabled veterans right here in Michigan.

BINGO NIGHT AT THE VA HOSPITAL

By the time you read this newsletter, Post 46 will have entertained hospitalized veterans at the Ann Arbor VA Hospital on the night of December 26th with a Bingo session. The continuing policy of Post 46, at the suggestion of our Adjutant, Elmer White, is to reward the winners with prizes of \$2 bills because the hospital gift shop booklets are not easily available. So far, this policy has been popular with our hospitalized veterans - cold (?) hard (?) cash is obviously the preferred prize. If you can help us on Bingo night either to assist with bingo cards, hand out prizes or simply chat with the veterans, please let us know. You will be glad you did. Also, please note that another bingo session at the VA Hospital is scheduled for January 17, 2014.

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