



**AMERICAN LEGION POST 46
NEWSLETTER**
July, August and September 2012

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

To All Fellow Legionnaires of American Legion Post 46

A common problem experienced by all but the very youngest of us is that the days and hours seems to fly by faster than we could ever have anticipated and that, as a consequence, we get fewer projects done each day because we run out of time to do them. This is all just a long winded excuse as to why your quarterly newsletter is late getting to you. Events just piled up - American Legion state convention; Post 46 baseball, meetings and lunches; family anniversaries, weddings, funerals; personal maintenance and nap times, etc. - so that, as time marched on, production of this newsletter failed to keep pace. We will try to do better!! The past few months have seen a number of events take place which are of particular interest to veterans (and also to many citizens who never had the honor of serving) and this newsletter attempts to highlight some of those events in which Post 46 is directly or indirectly involved, some of the national events which affect the lives of all veterans together with a couple of items in which Post 46 members are personally involved.

This is, of course, a Presidential election year so that almost everything we touch, feel, read, see or even eat is somehow involved in politics. As we now know, the United States Supreme Court has held that the Affordable Care Act is constitutional but that the Stolen Valor Act is not. We have been assured by literature from the Veterans Affairs Administration that services on behalf of veterans will continue to be improved but we know that the issue of "sequestration" of the budget still looms and that the defense budget faces some major reductions. Finally, we have some personal reports from Post 46 members regarding Vets Hiring Fair which took place in Detroit during the last week of June; the American Legion State Convention in Kalamazoo which also took place during the last week in June; the Post 46 American Legion baseball team and its latest tournaments; Veterans Courts which are being established across the country and here in Washtenaw County ; the American Legion retreat at Wilwin Lodge, Trout Lake, Michigan which is available at no charge to Iraq and Afghanistan veterans; and the continuing efforts to make sure your charitable donations to veterans organizations are actually spent for the benefit of veterans.

It seems that we are bombarded with news events from all directions so that it is obviously difficult to keep up with many of them. Thanks for you all you do for Post 46 and our veterans. If you have any news you want included in our newsletter, please forward it to my attention and, if it passes the censor, it will receive our thoughtful consideration. Have a healthy summer and we will visit you again in the fall.


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As is our regular custom, listed below are some of the events for the next three months in which all Post 46 members are invited to participate. Life and events slow down during the summer months which give you all time to enjoy the great Michigan outdoors. We will, however, pick up again in the fall. Although the American Legion is not a "political organization", it has in the past been able to influence legislation and politicians in favor of veterans through the sheer weight of its numbers. As all of you are painfully aware, our numbers are declining quite rapidly so that we now must rely more on active participation of veterans rather than just names on a roster. The moral of this brief outline should be obvious to all of you - please participate in the events of your local American Legion Post more than ever. We can no longer be just some sort of social club (although camaraderie among veterans is still to be treasured), but should try to become more active and participate in American Legion activities so as to support all veterans and our community.

CALENDAR OF EVENTS

July	No Regular Post Meeting in July
July 18	Luncheon Meeting Classic Cup Café, Jackson Road, 11:45 a.m.
August 6	Regular Post Meeting Directors Room, Weber's Inn, 7:00 p.m.
August 15	Luncheon Meeting Classic Cup Café, Jackson Road, 11:45 a.m.
August 17	Bingo, Veterans Hospital, Ann Arbor 7:00 P.M.
September 10	Regular Post Meeting Directors Room, Weber's Inn, 7:00 p.m.
September 19	Luncheon Meeting Classic Cup Café, Jackson Road, 11:45 a.m.

LUNCHEON MEETINGS

As always, our luncheon meetings are held each month at the Classic Cup Café on Jackson Road, Ann Arbor. This is usually just a social gathering and provides an opportunity for all members to get together, relax, enjoy a meal and get to know other members of Post 46 in an informal setting. At your request, we will invite guest speakers from time to time on various topical issues. Please suggest what type of speakers you would like - salesmen, investment advisors, athletic coaches, veterans, etc.

STOLEN VALOR ACT AND "AFFORDABLE" HEALTH CARE ACT

The United States Supreme Court justices, by design, tradition and oath of office, are required to put aside their political views and to apply the Constitution and the laws as they are written (subject, of course to the individual interpretation of each justice). Unfortunately, as the general public has become fully aware, politics have become firmly embedded in the United State Supreme Court just as they have in all other government operated or supported institutions and the opinions it releases painfully make the political biases patently obvious. How else can one explain opinions that are divided 5-4 or 6-3 (or even more fractured) when supposedly each individual justice is reading the very same language of the very same statute and Constitution as the other eight justices? In a presidential political year, this political influence simply intensifies.

This newsletter obviously cannot provide any detailed analysis of the two or three newsworthy opinions which were recently handed down by the U.S. Supreme Court. The opinions handed down involving the Affordable Health Care Act alone were, depending upon the size of each page, some 190 pages long; however, a brief overview of each case might prompt Post 46 members to do further research on their own (and maybe prepare an article for our next newsletter?)

In United States v. Alvarez, (2012), the U.S. Supreme Court struck down, in a 6-3 ruling, the Stolen Valor Act of 2005. As some of you may be aware, the case began when a California man, Xavier Alvarez, falsely and deliberately declared himself to be a retired Marine with 25 years of service and publicly proclaimed himself to be a Medal of Honor recipient. When it was exposed that Alvarez had never even served in the military, he was fined \$5,000 and sentenced to three years' probation plus community service. In defending the Stolen Valor Act, government lawyers argued that letting such lies go unpunished demeans the value of military honors and that this kind of "free speech" was not the type of speech which the First Amendment was designed to protect. Six justices disagreed with this argument and ruled that the First Amendment does not allow the government to "muzzle" those who lie in public. They suggested that the proper response is to confront such liars with the truth and even proposed that the government should instead maintain a public database of all honors so that any such claims could be verified or debunked. The proposed remedy for such false statements could indeed be worse than the disease itself. The pantheon of lies, distortions and half-truths to which we are all exposed from so many claiming military honors that are not earned (including, of course, politicians and those seeking welfare or charity) is particularly repugnant to veterans; however, even though this particular opinion has already been described as the "right to lie" verdict, the significant strength of the First Amendment to the protection of free speech cannot be denied but, like most rights, it remains strong only if it is exercised.

In National Federation of Independent Business v. Sebelius, (2012), the U.S. Supreme Court opinion regarding national healthcare overshadowed all other cases before it during its latest session. In a surprising 5-4 decision (I think?) authored by Chief Justice Roberts, the court essentially upheld the Affordable Care Act and its mandate that most individuals must buy health insurance that meets the statutory definition of minimum essential coverage. In doing so, the court took a previously unheard of approach and actually rewrote the plain text of the Act and ruled that it was really a tax and not a penalty as Congress had labeled it. Accordingly, the Act was deemed unconstitutional as a regulation of commerce but, as the court chose to interpret the language of the Act, it was deemed to be constitutional under the taxing powers of Congress. The Act's mandatory Medicaid expansion was, however, declared unconstitutional and the individual states were permitted to "opt out" of the expansion. Upholding the

individual mandate as a tax and not a penalty was the major surprise. No other lower court had ruled that the mandate was sustainable as a tax and all its primary supporters from President Obama to Harry Reid of the Senate and Nancy Pelosi of the House had repeatedly insisted the Act did not impose a tax and did not raise taxes.

Quite honestly, no one really can understand or even predict what the long term effects of the Act will be. As stated earlier, the various U.S. Supreme Court opinions covered some 190 pages and, to borrow a phrase from a baseball comedy routine, it is sometimes difficult to determine who is on first and what is on second (or is it the other way around?) The political fallout will reach its zenith between now and the November elections. For the present time, we seem to be saddled with a law that resembles a tattered quilt which few people can understand or enforce. It has already been interpreted to impose politically unpopular taxes, to cover only a fraction of the medically uninsured and to do little to lower health care costs. Can we count on our elected politicians to reasonably remedy the problems and fill in the gaps? (A rhetorical question – no responses necessary!)

Finally, some of the more politically sensitive members might have noted the U.S. Supreme Court summary in Mt. Soledad Memorial Association v Steve Trunk, (2012). Simply stated, the court refused to review the lower court decision by which the 29-foot veterans' memorial cross is in jeopardy. As we reported in our last newsletter, the Mr. Soledad Veterans Memorial Cross has stood since 1954 as a symbol of the sacrifice and service of our nation's veterans. Justice Alito issued a statement which offered some source of encouragement that the cross could be saved saying that the appeal to the court might have been premature and that the court might reconsider the case after the lower district court had issued a final order determining the fate of the memorial. Stay tuned.

BINGO NIGHT AT THE VA HOSPITAL

A Bingo night is scheduled at the VA Hospital on August 17, 2012. If you can join us and help hospitalized veterans with their bingo cards and hand out prizes, please let us know. The VA Hospital has installed a digital type of bingo device which displays the random numbers on a screen so that Steve Duncan no longer has to watch the balls and call the numbers on them. Do we really need such technical progress for our bingo games? Please volunteer your time and spend an evening with our hospitalized veterans – you will hear (but do not have to believe) some amazing stories.

CHARITABLE DONATIONS

Veterans are recognized to be very generous when donating to charitable organizations which provide services and benefits to our service man and women or to individual veterans themselves. Many of you have probably noticed that many of those people asking for money on our streets and highways proclaim themselves to be veterans and some even wear American Legion or VFW insignia. Past issues of this newsletter have cautioned you all to investigate the recipients of your charitable intent before making your donations.

As one recent example, Michigan Attorney General Bill Schuette and Jason Allen, Department of Military and Veterans' Affairs, recently announced that the Michigan Attorney General's Office has issued a "cease and desist" letter ordering the Veterans of America VOA Foundation to stop fund raising in Michigan and its registration to solicit has been denied. Evidently, Schuette's Office had received a

number of citizen complaints alleging that Veterans of America had attempted to deceive them during fundraising calls.

"The basic rule for charitable fundraising in Michigan is simple - be honest" said Schuette. "Deceptive fundraising tactics will not be tolerated." Allen also cautioned (and this newsletter has offered the same advice in past issues) "It is important for individuals to do the research to ensure their contributions are going to good, legitimate causes". Allen might also have added that you should contact the Michigan Attorney General's Office if you know of an organization that is using deceptive solicitation practices or is otherwise suspect.

AMERICAN LEGION - WILWIN LODGE

One of the best kept secrets, it seems, is that The American Legion has a veterans' retreat just north of the bridge near Trout Lake which is available for all veterans for a modest nightly charge and is available to Iraq and Afghanistan veterans at no charge whatever. Your Judge Advocate met with the Board of Directors of Wilwin Lodge this past weekend at The American Legion state convention in Kalamazoo and the directors are ready to spread the welcome mat to all Legionnaires who wish to visit this remarkable piece of property.

Wilwin Lodge sits on some 600 acres of wooded land which was once a major lumbering operation complete with a mill, railroad spur and its own village for workers and lumber buyers. It is now a peaceful retreat deep in the woods of Northern Michigan with five or six buildings including the main lodge, a "soldier's retreat" and a new assembly hall together with about ten miles of well-maintained trails winding throughout the property. The main lodge is truly a magnificent building which has been carefully updated and maintained to preserve its historic appearance. It can sleep fifteen people in a total of six bedrooms and is complemented by a two story atrium type balcony overlooking dual stone fireplaces at each end.

The property was donated to The American Legion by Bob Considine to be a place of hope, healing, recovery, education and support for returning veterans or to be simply used as a vacation retreat for rest and relaxation by all Legionnaires. Since acquiring the property, American Legion volunteers have spent countless hours painting the buildings, performing maintenance, landscaping, helping erect new buildings (handicapped accessible) for our veteran guests, and generally volunteering their time, sweat and pocket books to transform Wilwin into a truly nationally recognized retreat for veterans and their families (The American Legion National Commander, Fang Wong, will be making a formal visit to Wilwin from July 26th to July 28th.) It is virtually impossible to describe this remarkable property in words and give it its just due. Pictures are sometimes indeed worth a thousand words so I strongly urge you to visit the web site at [MichiganAmericanLegionWilwin Lodge](#) and view the slide show on Photobucket which is available.

If any of you know of any veterans who have served in Iraq or Afghanistan who would benefit from a vacation at Wilwin Lodge and would appreciate some time staying there while enjoying the peace and tranquility of 600 acres of woods and wildlife, please be sure to let me know. Further, if any Post 46 members would like to spend some time at Wilwin Lodge on their vacation, you are also welcome. Note that travel trailers or RVs can easily be parked on the grounds although at present there are no hook up facilities. So do not hesitate but take full advantage of this holiday opportunity and encourage any Iraq and Afghanistan veterans to do the same. It is possible that some of them will choose to join Post 46 and we can use the young blood. Let me hear from you!!

VETS HIRING FAIR, DETROIT, MICHIGAN

During the next five years, it has been reported that one million military service members will return from active duty. To sustain our current military community and to achieve its missions and objectives, we obviously need the military to continue to attract the best young people this country has to offer; however, when their service to this country in uniform is done, we must ensure that our returning veterans are warmly appreciated and recognized as assets to our companies, communities and schools. All members of Post 46 fully understand this connection. Simply stated, the best way to show appreciation to our service members is to hire them.

To help achieve this end, the Department of Veterans Affairs recently conducted a Vets Hiring Fair in Detroit during the last week in June. Note that this event was not just for recently returning veterans only but also included a new Veterans Retraining Assistance Program (VRAP) which allows qualifying veterans between the ages of 35 and 60 to receive up to 12 months of education assistance. Under this program, veterans apply on a first-come, first-served basis for programs that begin on or after July 1, 2012. More information about this program can be found at [National Veteran Small Business Conference](#) and is also available at the VA's VRAP web page.

A couple of our Post 46 members attended the Detroit Vets Hiring Fair. One was Bob McDivitt who heads up the Ann Arbor VA Hospital and was there "on business" and reported that the VA Hospital itself made some hires during the fair. The other was Bob Shannon who reported that the fair was busy with many veterans prepared to leave military service for the civilian world. Bob found that all the staff were very helpful, hoped that his new resume would be "what the doctor ordered" and advised that all direct hiring, except for the FAA and the VA hospitals, was done through USA Jobs.

Insofar as younger veterans are concerned, more and more companies are learning that they can benefit from the extraordinary reservoir of skill, leadership, work ethic and maturity of returning veterans. Even so, it has been reported that almost 200,000 post-9/11 veterans remain unemployed. These young men and women who have performed their duty to their country need and deserve the support and assistance of all veterans' organizations and each and every one of you should take every opportunity to convince employers that all businesses need the experience, skills and mindset that veterans have to offer. Please do not just sit on your hands and merely complain about the unfairness of the hiring situation for returning veterans but do something about it and help spread the word as best you can.

BASEBALL WRAP UP AND REPORT

Commander Steve Duncan has been following our Post 46 baseball team from state to state and from tournament to tournament. Steve reported that the team initially got off to a poor start. On June 26th, our Post 46 team hosted the Milford American Legion Post team on our Veterans Appreciation night at Eastern Michigan University. It was a memorable night for a number of veterans who stood on the baseline to receive an award for their service on a perfect baseball weather night at a first class stadium; however, unfortunately, we saw our Post 46 team go down to defeat to Milford for the first time during the competition between these two teams.

Commander Duncan reports that, last week, the team left for Ohio on Wednesday morning to play in the Midwest Classic Tournament against a field of some 38 teams. The weather was unbearably hot but, as they say in sports, it was just as hot for all the other teams. Post 46 played two back to back games on

Thursday morning – we lost our first game but came back to win the second. Post 46 played its next game on Friday but it was interrupted by bad weather in the third inning and was continued on Saturday evening. Meanwhile, Post 46 won its Saturday morning game but lost the game which had been continued from Friday. Because Post 46 had lost two games, it was not eligible for the play offs but, since all teams are guaranteed five games, Post 46 played another game on Sunday but again went down to defeat.

Post 46 plays its next game on Tuesday, July 3rd at Chelsea against Adrian and then, starting on Thursday at noon on the MSU field, it plays two more games. It plays yet another single game on the MSU field on Friday at 2:30 P.M. The following Saturday, the team will play at Dewitt High School at 2:30 P.M. and, depending upon its record in the games played from Thursday to Saturday, the team will play its last game on Sunday. Please keep your fingers crossed and wish the team **THE VERY BEST OF LUCK!!** By the time you snail mail readers receive this newsletter, we will already know if our crossed fingers had any beneficial effect.

VETERANS' COURT

The recent July issue of the American Legion magazine contained a lengthy article entitled "Restorative Justice" which provides an outline describing how some of the courts around the country have made adjustments in their efforts to deal with and to assist returning veterans who get into trouble with the law. Simply stated, it is indeed difficult for a twenty something who has been trained in the use of weapons to kill people and who has been in a combat zone where the enemy has been trying to kill him to simply be able to just shrug off his traumatic experiences and return to a quiet civilian life as if these events had never occurred. The returning combat veteran is not the same person as he was before deployment. Drugs and alcohol are readily available to reduce tensions and to help ease unpleasant memories.

Under the best case scenario, judges, enforcement officers , court personnel and VA staff work together in an attempt to help returning veterans adjust to civilian life and to resolve their legal issues in a specially designated "Veterans Court". In Buffalo New York, the Veterans Courts are a blend of mental health programs and drug treatment courts that have been able to reduce recidivism rates and have considerably lowered costs in the criminal justice system. According to the statistics, they reduce the social costs of post-traumatic stress, alcohol abuse and other consequences of combat. They also connect veterans to the benefits they have earned through their service, often with the help of American Legion service officers.

Your Judge Advocate and other veterans' advocates have already met earlier this year with local district court judges, Elisabeth Hines and Christopher Easthope, to explore the possibility of establishing a veterans court here in Washtenaw County. These judges have since continued to acquire training, visit other courts and hope to plan a Veterans Court for the 15th district court. Another meeting to continue this process is scheduled for July 17th at the 4th floor jury assembly room in the Ann Arbor district courthouse. The announced agenda for the meeting is:

"We will give an overview of the importance of these courts and why we want to do this, how they are commonly set up, your feedback, questions and suggestions, how we think you can help and when we get started"

If any Post 46 members are able to give any input or insight into this planning process, please do not hesitate to let me know. We need all the advice and support we can possibly obtain to achieve this important goal to establish a local Veterans Court which will have an awareness of the problems faced by our returning veterans and assist them in their transition to civilian life. Please become involved in this vital project and volunteer your time and expertise if you are able to do so.

SEQUESTRATION AND BUDGET CUTS

This final note is a very short reminder to stay abreast of the effects of "sequestration" on the defense budget and how it will affect veterans. A brief description of this process was contained in our last newsletter. Last summer, Congress approved sequestered budget cuts totaling about \$1 trillion (yes, trillion) in the next ten years – half of which will come from the defense budget – in an effort to force a bipartisan committee to produce an alternative deficit-reduction proposal. One congressman from California, Buck McKeon, who is the chairman of the House Armed Services Committee, believes the odds are slim that an agreement can be reached to avoid this draconian cut of the Defense budget:

"This election is going to be so bad, and then we're all going to come together for a Kumbaya moment on this? I don't see it. Let us get together now and say "We're not mature enough to handle this" and make some decision right away."

A very candid admission by an elected politician!! Let us hope he is wrong.

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Michael Malley, Jr. Vice Commander & Judge Advocate
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