

MINUTES
Fred E. Hayes Post 57
Department of Washington
The American Legion

December 16, 2021
Stevens-Young Room, Grandview Community Center, Grandview, WA

1. **Call to Order:** The meeting was called to order in regular form at 7:01 PM by Commander Gates. The Invocation was offered by Chaplain John Myers. The POW / MIA Empty Chair was recognized. The Pledge of Allegiance and Preamble was recited by all present.
2. **1900 Hour Toast:** The 1900 Hour Toast was offered by Mr. Davidson.
3. **Roll Call of Officers:**
☒ Robert Gates, Commander
☐ Dudley Brown, Vice Commander
☒ Ricard Zook, Vice Commander
☒ Jim Davidson, Adjutant / Finance
☐ Vicky Gates, Sgt-at-Arms
☒ John Myers, Chaplain
☒ Warren Barmore, PEC-man
☐ Curt Nealen, PEC-man
Guests:
☐ Auxiliary:
☐ Other Guests:
Members:
☒ **Excused:** Vicky Gates, Curt Nealen
☒ **Attended by Teleconference:** Richard Zook
☒ Quorum ☐ No Quorum
4. **Approve Minutes of November 18, 2021 Meeting:**
Dr. Barmore moved with second by Mr. Myers to approve the Minutes of the November 18, 2021 Meeting. The Motion was approved unanimously.
5. **Post Everlasting / Memorial to Departed Comrades:**
 - Ronald Bennett of Prosser (former member)
 - Post Everlasting Certificate approved.
 - Memorial Prayer offered by Chaplain Myers.
6. **Finance Report:** Adjutant Davidson reported the following:
 - Self Help Federal Credit Union Checking (General) account balance is \$991.80.
 - Self Help Federal Credit Union Savings (Programs) account balance is \$15,316.78.
 - Self Help Federal Credit Union CD (Investments) account balance is \$26,921.58.
 - Auxiliary Unit 57 Account Balance (in Savings): \$3,580.66.
 - The Budget / Profit-Loss statement was circulated. The current year-to-date balance is +\$2,461.66.
 - Auxiliary Budget / Profit/Loss – Current year-to-date balance; +\$3,580.66.
 - \$100.00 donation made to the Area IV Christmas Party Fund (as approved in the Budget).
 - At the recent special session of the Department Executive Committee, it was reported the IRS has audited seven Departments and may be looking at individual Posts to assess if they are operating by the four pillars of The American Legion. Post 57's "postcard" Form 990 is filed at the first of each year electronically (as is the Auxiliary Unit's 990).
 - The account registers were reviewed for income and expenditures. Vouchers were approved by the Commander.***Mr. Myers moved with second by Dr. Barmore to approve the Finance Report.***

The Motion was approved unanimously.

7. **Adjutant's Report:**

- **Membership:** The 2022 Goal is 80 members. Current paid membership is 58 (72.50% of Goal). Actual membership, including previously-paid transfers not counting for Goal is 58.
- **Communications:**
 - The Department Adjutant sent materials regarding the Mid-Winter Department Executive Committee Meeting on February 4, 2022 in Ellensburg as well as the Legion College on the following two days.

Mr. Myers moved with second by Dr. Barmore to approve the Adjutant's Report.
The Motion was approved unanimously.

8. **Unfinished (Old) Business:**

- There was no unfinished business to discuss.

9. **New Business:**

- **Penny-a-Day:** The annual Penny-a-Day campaign will be conducted during February. We will approach the schools for their participation and ask the City if we can do a street fundraising (like fill the boot) on Main Street.

10. **Balloting on New Applications / Renewal of Expired Members:**

- There were no membership actions at this meeting.

11. **Service Officer:** Chief Service Officer Davidson reported the following:

- **Claims:**
 - Two claims are in progress and in the hands of the VA.
 - Three claims pending completion of paperwork.
 - No Health care requests are pending.
- **Sick Call & Relief:**
 - Curt Nealen for continuing treatment; Richard Zook for illness.
- **Employment:**
 - No employment activities were conducted in the last month.

12. **Committee Reports:**

- **Rehabilitation** (includes Veterans Affairs and Volunteer Services):
 - **Area IV Christmas Party:** The annual party at Walla Walla was cancelled due to pandemic restrictions on campus and the lack of a suitable facility (the theater is going through remodeling). Christmas cards were taken to the Nursing Home. The Grandview Middle School has not yet prepared the letters for veterans.
 - **Holiday Toy Drive:** The Operation Homefront Holliday Toy Drive conducted through Dollar Tree Stores was negatively impacted by poor communication and lack of toys (supply chain issues). Eventually, the Post was able to transfer \$3,591.00 worth of toys to the 792nd Chemical Company at the Grandview Armory.
- **National Security (includes Homeland Security):**
 - **Blood Drive:** The December 8th drive was cancelled by the Red Cross due to "staffing issues." The March 2nd drive has 18 of 33 slots scheduled. The May 11th drive has no appointments scheduled yet.
- **Community Service and Post Activities** (includes Wreaths Across America):
 - **Wreaths Across America:** The ceremony will be held Saturday, December 18th at 9:00 AM at the Grandview Cemetery. The Post is assisting with a new ceremony at Bickleton that is part of an Eagle Scout Service Project. That will be held at 1:00 PM.

- **Graves Registration:** There are currently 534 veteran graves identified at Grandview Cemetery. Four Civil War era graves have been identified. One Confederate soldier needs to be located. One Spanish American War veteran has been identified.
 - **Graves Registration Team:** It may be desirable to name a formal Graves Registration team to facilitate timely identification of graves as well as significant graves, such as the Union, Confederate and Spanish American War graves.
- **Boys State:**
 - One Scout from the Boy's Troop has applied for Boy State and a second is expected.
- **Children and Youth:**
 - **Scouts:**
 - **Legal Opinion on Boy Scout Lawsuit & Settlement;** A subcommittee of Post Scouters reviewed materials received regarding the Boy Scout Lawsuit on abuse claims and the Settlement. The document presented three options for Chartered Organizations. It was determined to clarify the matter with a legal opinion and the committee met via Zoom call with Howard Schwartz of Yakima. He explained the options and confirmed the choice made by the committee. Mr. Davidson, as chairman of the Boy Scouts Committee for the Department, shared that information with other Legion Posts that charter Scouting units (Memo is attached).
 - **Eagle Scout Service Projects:** One Eagle Scout Service Project has been completed at Eastside Park and is awaiting paperwork completion. Another Project is nearing completion in Bickleton with a Wreaths Across America program.
 - **Annual Rechartering:** Rechartering has been delayed while waiting for adults to complete their mandatory Youth Protection Training.
- **Education:** Scholar programs will be resumed at Grandview High School.

13. **Good of the Legion:**

- The "Feed the Pig" piggy bank was circulated for the Child Welfare Foundation.
- The next Chamber of Commerce meeting is anticipated to be Thursday, January 13th at Noon at Casa Tequila and/or via Zoom. Members are welcome to attend. Lunch is not required.
- Mid-Winter DEC Meeting and Legion College, Ellensburg (Windrow Hotel), February 4 – 6, 2022. Registration required.

14. **Next Regular Meeting.** The next regular Post meeting will be Thursday, January 20, 2022 at 7:00 PM in-person and by phone.

15. **Adjournment:** With no other business before the Post, the Veterans Creed was recited, the POW / MIA Flag was retired, benediction was offered and the meeting was adjourned in regular form by Commander Gates at 8:15 PM.

James A. Davidson
Adjutant

Robert G. Gates
Commander

Date

Memo

To: Washington Posts, Squadrons and Auxiliary Units
From: James Davidson – Chairman, Boy Scouts Committee
cc: Department Commander, Department Adjutant
Date: December 1, 2021
Re: Boy Scout Lawsuit & Settlement

Recently, all organizations that are a Chartering Organization (sponsor) of one or more Scouting units, received a large packet of legal materials regarding the Boy Scout lawsuit and Settlement. This material was sent to all Chartered Organizations, past and present, including American Legion Posts, Sons of the American Legion Squadrons and American Legion Auxiliary Units. All were presented with three (3) options in this matter.

The document, written in legalese, was quite confusing and frankly worrisome for many organizations because they did not understand it. It noted that over 82,000 claims have been made, but I have not been able to determine if any American Legion-associate group in the Department has been named in the suit. I did receive several calls for advice and I told them I would try to get an opinion.

Because each Post, Squadron and Unit are autonomous organizations, our Department and National Judge Advocates cannot provide legal advice to us and recommends seeking their own legal opinion. This is not easy or practical for most groups.

National did provide me with a 4,700+ page document listing all chartered organizations where I was able to pick out some of our Posts, etc. However, I soon discovered that many Posts (and others) were listed by their Post name, not “American Legion,” for example. Since I have no other way to identify who is a Chartered Organization in our Department, this Memo is being sent to all Posts.

The documents listed three options: (1) participate in the settlement action as a protected or limited protected organization, (2) provide a (substantial) contribution to the settlement to be excused, or (3) opt out of the settlement.

My Home Post in Grandview had a subcommittee review the materials. We eventually came to the conclusion that option 1 was the best choice. We also decided to seek legal advice and sought an opinion with a lawyer with scouting experience.

He reviewed the three options with us. Option 2 really did not apply to small autonomous organizations like ours (we don't have enough money). For reference, National advised us the LDS Church has paid \$250,000 into the settlement. I presume other large organizations may take the same route since they do not represent autonomous churches, etc. Option 3 removes some protections and you would take your own chances in this matter.

He agreed that option 1 is the choice for us. The settlement documents indicate we need to take no action to be in that group. All organizations that do not respond with either option 2 or 3 will be automatically covered by option 1.

Therefore, based on what Post 57 in Grandview has learned through their legal review, but recognizing every Post, Squadron and Unit must make their own decision in this matter as an autonomous organization, I suggest you consider option 1. You do not need to take any other action unless you choose option 2 or 3.

Finally, National reminded us that Boy Scouts was the very first program adopted by the American Legion in 1919. They have confirmed that six times by resolution over the last 100+ years. They urge us to "stand firm" in support of Scouting in our communities, using strong vetting of every adult coming into the program and maintaining close support and supervision of the Scouting units chartered to you. We share nearly identical values and we are both good for America.