

# Louisiana



# Legionnaire

## Supplemental Issue for Department Convention

Official Publication of The American Legion, Department of Louisiana

May 2008



NATIONAL COMMANDER  
MARTIN CONATSER

Leading the nation's largest veterans advocacy organization entails rubbing elbows with the President, Members of Congress, the nation's news media, senior military leaders, cabinet secretaries and VA officials. Most importantly it requires personal sacrifice and a relentless commitment to the idea of "veterans helping veterans" and National Commander Martin Conatser is deeply devoted to the task. On any given day, he's working for the veterans of America, their families, and the finest group of young men and women fighting the Global War on Terrorism today. You can find him talking with blue cap Legionnaires, taking a stand against VA budget cuts, promoting children and youth programs, reaffirming the Legion's position on a strong national defense or leading the charge to enhance our advocacy programs in Americanism. And, he gets results. The American Legion, Department of Louisiana was pleased and honored to host National Commander Martin Conatser during a recent visit on February 27-March 2, 2008 to boost membership in our state and recognize those Posts who have worked hard to gather 100% in membership. After arriving at the airport in Monroe and being met by representatives from the Department of Louisiana, the agenda continued with a visit to Post 13 Monroe in the 5th District and breakfast at Northeast Louisiana War Veterans Home in Monroe, then on to Post 14 Shreveport in the 4th District. While on his visit to Post 145 Leesville and Post 387 New Llano, the National Commander was presented during a breakfast at Fort Polk with the special and meaningful gift of a soldier's field mess kit.



The National Commander's trip continued with visits to Post 179 Sulphur in the 7th District, a luncheon at Southwest Louisiana War Veterans Home in Jennings, then to Post 38 Baton Rouge and Post 16 Covington, both in the 6th District. The remaining schedule consisted of a visit to the 1st District, highlighted by a trip to the World War II Museum in New Orleans, hosted by Past National Commander Bill Detweiler of Louisiana and then on to Post 64 Gretna in the 2nd District and finally to Post 242 Patterson in the 3rd District.

The American Legion, Department of Louisiana wishes to express its appreciation to National Commander Martin Conatser for his time, his insight, and help in boosting our membership in the state and to all who made this event a great success.

Bio Notes: Marty Conaster of Champaign, Illinois was elected National Commander of The American Legion on August 30, 2007 in Reno, Nevada during the 89th National Convention. He is an Army veteran of the Vietnam Era with 26 years of distinguished service. He retired as Sergeant Major in 1996 and is an active member of the Lincoln American Legion Post 102 in DeLand, Illinois. He has served as Department Commander and as chairman of the National Legislative and Membership and Post Activities Commissions. Conatser resides in Champaign, Illinois with his wife and is the father of three sons. Two daughters-in-law, a grandson, and two granddaughters are all members of The American Legion Family, illustrating that they are truly an American Legion Family.

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### From the National Commander;

Dear Commander Grow and Fellow Legionnaires:

It was great to share some time with you, David and Charles, as well as other fellow Legionnaires and Auxiliary of the Department of Louisiana. I appreciated everyone taking time out from busy schedules to visit. Overall, the visit was very memorable in many ways.

I thoroughly enjoyed the visit to the National WWII Museum, the two veteran's homes, as well as many Post visits. Thank you for your time and effort to make the visit such a wonderful success.

I wish to express my sincere appreciation for the great gifts and wonderful hospitality; it will be long remembered.

In addition, as we continue serving our nations veterans, let's remember it is not the cost of the membership, but the value.

Sincerely,

MARTIN "MARTY" CONATSER  
National Commander

# THE AMERICAN LEGION LOUISIANA DEPARTMENT CONVENTION

## RULES AND PROCEDURE

The Committee on Rules and Procedure met January 18, 2008, at Alexandria, Louisiana, with S. G. "Bubbe" Messina Chairman presiding and agreed on the following:

1. Posts must comply with Article V, Section 3 and Article IX of the Department Constitution in order for their delegation to be eligible to vote on any matter during the Department Convention. **EACH POST MUST HAVE A CERTIFIED COPY OF ITS CONSTITUTION AND BY LAWS ON FILE IN DEPARTMENT HEADQUARTERS OR THE CREDENTIALS FROM THAT POST WILL NOT BE ACCEPTED AND THEIR DELEGATION WILL NOT BE ALLOWED TO VOTE.**
2. Resolutions that propose to amend the Department Constitution, Bylaws, or the Fiscal Code must be submitted to the Department Adjutant no less than sixty (60) days prior to the Department Convention. The Department Adjutant will circulate a copy of the proposed amendment(s) to all posts of the Department and to all members of the Department Executive Committee no later than thirty (30) days prior to the Department Convention. All other resolutions must be presented to the Chairman of the Resolutions Committee or Department Headquarters Convention Office before **9:00 a.m., Saturday, June 7, 2008**. Resolutions and proposed amendments to the Department Constitution, Bylaws, and the Fiscal Code must be read at a general assembly of the convention at least twenty-four (24) hours prior to a vote thereon. An amendment or modification of the Fiscal Code shall refer to the section to be affected by number and title, a new section added shall be numbered in proper sequence and shall have generally a title indicative of the provisions thereof.
3. No one will be allowed to speak more than once on the same question, excepting the proponent.
4. No one will be allowed to speak for more than three (3) minutes on any subject. Any further time required may be granted at the discretion of the presiding officer.
5. The order of election of officers shall be as follows:
  - A. Alternate National Executive Committeeman (1) when scheduled
  - B. National Executive Committeeman (1) when scheduled
  - C. Sergeant at Arms (1)
  - D. Color Bearer (2)
  - E. Vice Commander (2)
  - F. Commander (1)
6. Nominating speeches are to be limited to three (3) minutes.
7. Seconding speeches are to be limited to two (2) minutes and only one seconding speech will

be allowed for each nomination.

8. Roll call votes will be by post in numerically paired order.
9. Tally clerks selected by candidates shall report to the Department Adjutant prior to the beginning of the balloting. The Department Commander will appoint a *neutral* tally clerk who will act as the special recorder of a Tally Committee composed of a minimum of three (3) members.
10. Tally clerks will each be given a tally sheet on which they will record the number of votes for each candidate as they are voted from the floor and repeated by the Department Adjutant. The signature of the respective tally clerk will verify the authenticity of the tally sheet.
11. The Chairman of the respective Post Delegation, or another person so designated, will cast the post vote by speaking into a microphone (if available) provided for that purpose and:
  - A. State the post name and number
  - B. State his name and title
  - C. Specify the votes cast for each candidate.The total vote cast shall not exceed the total votes authorized and specified by the Department Adjutant. Delegates must be certified as paid by the Registration Chairman to be allowed to vote. Delegates listed on the Credentials Certificate must be certified as being duly registered by the Credentials Committee and further that they are physically present or properly represented by written signed proxies. Ex officio delegates must be duly registered and physically present to cast a vote.
12. Candidates receiving a majority of the votes cast shall be declared elected. In the event there are three (3) or more candidates for a single office and no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes shall engage in runoff elections until one candidate receives a majority of the votes cast.
13. In elections for plural offices, each delegate shall possess as many votes as there are offices to be filled. Voting delegates shall cast no more than one (1) vote per candidate and must cast their entire vote. During balloting, a voting post must cast its entire vote. A post may divide its vote, but the total vote cast shall be in the aggregate of the required multiple of its delegate strength. Candidates receiving a majority of votes cast shall be declared elected. The candidate receiving the least amount of votes shall be removed from the ballot. Run off elections shall be held between candidates not having received a majority vote until the proper number of candidates are elected to the offices to be filled.
14. Upon completion of the balloting and the results properly recorded, a post may be recognized for the purpose of changing its vote. Prior to the tally committee beginning to tally the votes, the Department Adjutant will call three (3) times requesting posts desiring to change their vote to announce their changes. If

there are no changes the tally clerks will compare their sheets with each of the others. When all sheets have been tallied and agree, the tally clerks will sign their name on each page of their respective copy. (It is recommended that at least three (3) printing adding machines be available for the tabulating process.)

15. When the total vote for each candidate is certified correct, the *neutral* tally clerk will deliver all tally sheets to the Department Commander for the official announcement of the election.
16. After the results of the election are so announced, the Department Adjutant will ask if any candidate wishes to enter a protest. In the event a protest is made, the Department Commander will appoint a committee to verify the tally sheets. If the committee certifies that the announced results are correct, an election will be declared and no further protests will be entertained.
17. At the conclusion of the election process the Department Adjutant will present one copy of the official tally sheet, signed by all members of the tally committee, to the recorder of the Convention Proceedings. The Department Adjutant is hereby instructed to destroy the remaining tally sheets within twenty-four (24) hours after the adjournment of their associated Department Convention.
18. Delegates and Alternates to the National Convention shall be elected as follows:
  - A. The Department Commander, the Junior Past Department Commander, the National Executive Committeeman and the Department Adjutant shall be Delegates-at-Large
  - B. Ten (10) Delegates-at-Large and five (5) Alternates-at-Large shall be elected from the Convention floor.
  - C. Five (5) Delegates-at-Large and Six (6) Alternates-at-Large from each district shall be elected during the respective District Spring Conference.

## **Proposed Resolutions for Department Convention**

Legionnaires;

Following this article, you will find four (4) proposed resolutions to be presented at the Department Convention.

The first three (3) are proposed resolutions being submitted by Michael Roach of the Constitution & Bylaws; Rules and Procedures Committee, to amend the current Fiscal Code. These proposed resolutions are being circulated in advance per established procedures set forth in the Fiscal Code.

The fourth proposed resolution is submitted by Roy Kirkham of the Commission on Internal Affairs. This proposed resolution is also being circulated in advance per established procedures set forth in the Department Constitution & Bylaws.

Please review these and be prepared to discuss and vote on them at the Department Convention.

**Resolution 08-001:**

***RESOLUTION TO CHANGE  
THE LOUISIANA  
DEPARTMENT OF THE  
AMERICAN LEGION  
FISCAL CODE***

WHEREAS, the first paragraph of Section 1 of the Louisiana Department of The American Legion Fiscal Code provides that "The Department of The American Legion dues and budget will be fixed at each Department Convention for the ensuing fiscal year and;

WHEREAS, The word "budget" is used in three different sections of the Fiscal Code with three different meanings and;

WHEREAS, the use of the word "budget" to describe the "proposed budget" is a misnomer and is the cause of some confusion, and;

WHEREAS, the wording of the first paragraph of Section 1 should be changed to reflect and define the action that is taken by a Department Convention with regards to the development of the budget for the ensuing year, to wit:

"The dues for The American Legion and the limit of available income for the proposed budget for the ensuing year shall be fixed at each Department Convention."

NOW THEREFORE BE IT RESOLVED by The Louisiana Department of The American Legion in Convention assembled at Alexandria, Louisiana, June 5-8, 2008, that it does hereby amend the first paragraph of Section 1 of the Louisiana Department of The American Legion Fiscal Code to read:

"The dues for The American Legion and the limit of available income for the proposed budget for the ensuing year shall be fixed at each Department Convention."

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**Resolution 08-002:**

***RESOLUTION TO CHANGE  
THE LOUISIANA  
DEPARTMENT OF THE  
AMERICAN LEGION  
FISCAL CODE***

WHEREAS, paragraph 7 of Section 1 of the Fiscal Code of The American Legion, Department of Louisiana, provides, "It will be the duty of the Commission on Finance to fix the amount of the budget for the ensuing year by resolution to the

Convention for adoption. The budget may not be predicated on a membership greater than that of the previous year, except that the amount of the budget as adopted by the Department Convention shall include any supplementary funds that have been earned the previous year. Earned supplementary funds shall be interest from investments, recurring programs and other activities. The amount of supplementary funds used shall not be greater than that of the previous year. The use of nonrecurring income must be approved and recommended by the Commission on Finance in accordance with Section 12 of this Code" and;

WHEREAS, at present, the only the revenue portion of the budget is presented through the report of the Finance Commission Chairman through the report to the Convention and not in the form of a resolution, and;

WHEREAS, the word "budget" is used in three different sections of the Fiscal Code, with three different meanings, and;

WHEREAS, the use of the "budget" to describe the "proposed budget" is a misnomer and is the cause for some confusion, and;

WHEREAS, paragraph 7 of Section 1 of the Fiscal Code of the Department of Louisiana of The American Legion should be amended to reflect and define the action that is taken by a Department Convention with regards to the setting of the revenue portion of the budget for the ensuing year, to wit;

"It will be the duty of the Commission on Finance to fix the limit of available income for the proposed budget for the ensuing year by adoption of the report of the Finance Commission to the Convention. The revenue for the budget for the ensuing year shall not be predicated on a membership greater than that of the previous year, except that the amount of available revenue for the proposed budget, as adopted by the Department Convention, shall include any supplementary funds that have been earned the previous year. Earned supplementary funds are defined as interest from investments, recurring programs and other activities. The amount of supplementary funds used may be greater than that of the previous year. However, the use of nonrecurring income must be approved and recommended by the Commission on Finance in accordance with Section 12 of this Code."

NOW THEREFORE BE IT RESOLVED by the Department of Louisiana of The American Legion in Convention assembled at Alexandria, Louisiana, June 5-8, 2008, does hereby amend paragraph 7 of Section 1 of the Louisiana Department

of The American Legion Fiscal Code to read:

"It will be the duty of the Commission on Finance to fix the limit of available income for the proposed budget for the ensuing year by adoption of the report of the Finance Commission to the Convention. The revenue for the budget for the ensuing year shall not be predicated on a membership greater than that of the previous year, except that the amount of available revenue for the proposed budget, as adopted by the Department Convention, shall include any supplementary funds that have been earned the previous year. Earned supplementary funds are defined as interest from investments, recurring programs and other activities. The amount of supplementary funds used may be greater than that of the previous year. However, the use of nonrecurring income must be approved and recommended by the Commission on Finance in accordance with Section 12 of this Code."

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**Resolution 08-003:**

***RESOLUTION TO CHANGE  
THE LOUISIANA  
DEPARTMENT OF THE  
AMERICAN LEGION  
FISCAL CODE***

WHEREAS, paragraph 8 of Section 1 of the Fiscal Code of the Louisiana Department of The American Legion, provides that "It will be the duty of the Commission on Finance to prepare and present the budget to the Department Executive Committee at its regular meeting subsequent to the Department Convention for final adoption and approval. The amount of the budget as adopted by the convention shall be and is the maximum amount to be expended for the fiscal year except as herein provided in Section 12 and the budget for THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be based on the budget items as set up in the Fiscal Code."; and,

WHEREAS, the word "budget" is used in three different sections of the Fiscal Code with three different meanings; and,

WHEREAS, the use of the "budget" to describe the "proposed budget" is a misnomer and is the cause for some confusion; and,

WHEREAS, the wording of the paragraph 8 of Section 1 should be changed to reflect and define the action that is taken by a Department Convention with regards to

the development of the budget for the ensuing year, to wit:

"It will be the duty of the Commission on Finance to prepare and present the budget to the Department Executive Committee at its regular meeting subsequent to the Department Convention for final adoption and approval. The limit of available revenue for the proposed budget, as adopted by the convention, shall be and is the maximum amount to be expended for the fiscal year, except as herein provided in Section 12 of this Code. The budget for THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be based on the budget items as set up in the Fiscal Code."

**NOW THEREFORE BE IT**

**RESOLVED** by the Louisiana Department of The American Legion in Convention assembled at Alexandria, Louisiana, June 5 -8, 2008 that it does hereby amend paragraph 8 of Section 1 of the Louisiana Department of The American Legion Fiscal Code to read:

"It will be the duty of the Commission on Finance to prepare and present the budget to the Department Executive Committee at its regular meeting subsequent to the Department Convention for final adoption and approval. The limit of available revenue for the proposed budget, as adopted by the convention, shall be and is the maximum amount to be expended for the fiscal year, except as herein provided in Section 12 of this Code. The budget for THE LOUISIANA DEPARTMENT OF THE AMERICAN LEGION shall be based on the budget items as set up in the Fiscal Code."

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**Resolution 08-004:**

***RESOLUTION TO CHANGE  
THE LOUISIANA  
DEPARTMENT OF THE  
AMERICAN LEGION  
CONSTITUTION***

**WHEREAS**, the Internal Affairs Commission under the Constitution and By-Laws of the Louisiana Department of the American Legion is charged with periodically studying the office proceedings, accounting systems, the general functioning and operation of various committees and commissions and of the Department Headquarters; and, **WHEREAS**, an Ad Hoc Committee of senior Legionnaires, Past Department Commanders and National Officers

studied the Department Credentials procedures in 2004 and recommended the Department Credentials Committee be eliminated; and,

**WHEREAS**, a 2007 Ad Hoc Committee appointed in by the Department Commander has specifically recommended eliminating the Department Convention Credentials Committee; and,

**WHEREAS**, the 2004 and 2007 Ad Hoc Committee pointed out the cost inefficiencies of the current system, the long registration wait sometimes encountered with the existing procedures, the complexity of a three part registration form, the demeaning requirement of having to display current membership cards to register after the registrants have already been named and verified on the rosters; and,

**WHEREAS**, the Internal Affairs Commission does concur with the Ad Hoc Committees as witnessed by its vote at its regular convened meeting at Baton Rouge, Louisiana on the 27th day of July 2007; and

**NOW THEREFORE BE IT**

**RESOLVED** by the Louisiana Department of the American Legion in regular meeting assembled at Alexandria, Louisiana, this \_\_\_\_\_ day of June, 2008 that the Constitution of the Louisiana Department of the American Legion be amended in the following particulars, to wit:

**ARTICLE V**

**Department Convention**

Section 3, Paragraph 1: Delete the part that reads "Upon receipt of the Delegate list and the registration fees as aforesaid, the Chairman of the Convention Registration Committee and/or Department Adjutant shall forthwith so certify and transmit to the Chairman of the Department Convention Credentials Committee the post delegation list" and insert instead the following: "Upon receipt of the Delegate list and the registration fees as aforesaid, the Department Adjutant shall forthwith so certify and prepare a roster of compliant Posts. The Department Adjutant will then make such roster available at the Convention Registration Desk where the various Post delegation chairpersons would register their Convention presence and verify same on the roster. The Department Adjutant will then utilize the roster for roll call purposes and to establish voting eligibility and strengths for each Post.

**BE IT FURTHER RESOLVED**, that a copy of these changes be circulated and provided to each Post of the Department within thirty (30) days of their adoption.

**LISTING OF UPCOMING  
EVENTS**

National Spring Meetings:

May 2 – 8, 2008, Indianapolis, IN

Membership Cutoff for Department Convention

May 6, 2008

Law & Order Judging:

May 15, 2008, Department Hqtrs

Boys State Citizen Fees Cutoff:

May 15, 2008, Department Hqtrs

Public Information Judging:

May 17, 2008, Department Hqtrs

Consolidated Post Reports:

May 30, 2008, Department Hqtrs

Credentials:

June 2, 2008, Department Hqtrs

Department Convention:

June 5-8, 2008, Best Western, Alexandria

Boys State/Girls State:

June 29- July 5, 2008, NSU, Natchitoches

Nat'l Membership Workshop:

July 31 – Aug 2, 2008, Indianapolis,

Department Executive Committee

Meeting:

August 8 - 10, 2008, Holiday Inn South, Baton Rouge

National Convention:

August 22 – 28, 2008, Phoenix, AZ

National Fall Meetings:

October 11- 16, 2008, Indianapolis

Commander & Adjutant Conf.:

October 13 – 14, 2008, Indianapolis

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**AMERICAN LEGION POST  
TAX EXEMPT STATUS**

On July 1, 2007, the Internal Revenue Service began notifying American Legion Posts, the gross receipts of which were normally less than \$25,000 a year, that with the passage of the Pension Protection Act of 2006, American Legion Posts that fall into that category are now required to file an annual electronic notice for tax periods beginning January 1, 2007.

Although the smaller American Legion Posts whose gross receipts are less than \$25,000 per year were not required to file Form 990 or 990-EZ, it is now mandatory that such smaller Posts file. The new Form 990-N, otherwise known as the e-Postcard, is due by the 15<sup>th</sup> day of the fifth month after the close of the taxable year. If your Post operates on a calendar year, the e-Postcard is due by May 15, 2008.

The question that I am sure at least some of you have in mind is, "So what happens if we don't file?" From the Internal Revenue Service website ([www.irs.gov/eo](http://www.irs.gov/eo)), "The Pension Protection (continued on Page 6)