



# 517<sup>th</sup> Parachute Regimental Combat Team



PARACHUTE REGIMENTAL COMBAT TEAM

**MailCall No. 2271**

May 17, 2015

*517th Parachute Infantry Regiment  
460th Parachute Field Artillery Battalion  
596th Parachute Combat Engineer Company*

## 517th PRCT 2015 Annual Reunion



**2015 National Reunion**

New Orleans, LA June 25-28, 2015

[Program Info](#) [Hotel Information](#)

[Event Registration](#) [Hotel Reservation](#)

**Registration Cut-off date: May 22**

I just spoke with Armed Forces Reunion this morning, Monday May 11th, and they told only 23 people have registered for the reunion. With only 15 signed up for the World War II Museum tour, and 12 for the City Tour. We need to have 35 people signed up to have buses take us to the museum and on the city tour. If we don't have those numbers then the buses will be cancelled and we will have to find our own way to those facilities. So please if you are coming to the reunion please register Today. Hope to see you in New Orleans.

**Lory Curtis**, 1st Vice President, 517th PRCT Association



### 10 Dishes You Must Try in New Orleans

Here are the iconic dishes you should try on your next trip (or three) to the Big Easy—and, more importantly, where to eat them.



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## *The Future of the 517<sup>th</sup> Association*

### **Message from Clerk Joanne Barrett**

With the passing of sweet, brilliant Howard Hensleigh the 517 lost another great hero as well as their counsel. He will be greatly missed. Howard put an enormous amount of work into the Association's legal matters. Howard incorporated the Association in Massachusetts years ago and recently succeeded in the fulfilling our obligations to the IRS in order to have the Associations tax exempt status reinstated. There are still many issues to resolve. With the passing of so many of the veterans the Association is at a crossroads and we need to make an educated decision regarding its future.

The 517th PRCT Association is fortunate to now have attorney Cody Thornton representing them. My brother Bob and I met with Cody at my home for several hours to discuss the Association's legal status and options for future plans. Cody is resourceful and responsive, a kind man and representing the 517th pro bono. I very much appreciate his enthusiasm and willingness to assist us. I also want to thank Rick Seitz, Pat Seitz and everyone in between who networked to locate a competent Massachusetts attorney.

Here is Cody's report after his initial assessment and research:

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Despite the organization's quiet transformation over the past decade as we have said good-bye to so many of our loved ones, we know that our demographics and the laws controlling our activities now require more abrupt changes. We have continued operating as closely to our founders' original intent as possible, but with the numbers of veterans dropping below required thresholds, we must, as a group, make some important decisions about the future that will honor those we have lost and keep memories of their accomplishments alive.

This letter is meant to give you an overview of the entity, charity, and tax issues that we face and to present ideas for discussion at the reunion next month. Our goal in New Orleans will be to refine our options and restate our goals so that we can put them to a vote if necessary sometime after the reunion. We face a critical decision about whether dissolving the organization is the right path forward, a decision we have been able to push back as long as possible. If we choose not to dissolve, we will need new leaders to step up to take on some of the substantial new bureaucratic hurdles we might face.

### **Corporate Structure**

As a Massachusetts non-profit corporation, we must not only abide by entity regulations of the Secretary of the Commonwealth, but must also be mindful of regulations placed on public charities, which the Attorney General's office monitors (these are organizations that benefit a more undefined group of people than what our organization does now). If we move from a simple veterans organization to one carrying out a more generally charitable purpose, we could face additional requirements, not just to maintain our non-profit corporation status at the state level, which requires annual filings and fees, but similar filings and fees with the Attorney General. We could become a public charity with or without a particular IRS non-profit designation, so we have to be careful how we structure our future activities.

### **Tax Exemption for Veterans Organizations Under Section 501(c)(19)**



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In the past, we have spent much of our time establishing and maintaining our tax-exempt non-profit status with the Internal Revenue Service. Many of you will have heard of 501(c)(3) organizations, which most charities fall under. We have been deemed tax exempt under a special part of the Internal Revenue Code under adjacent section 501(c)(19), which is just for veterans groups and their chartered auxiliaries. This exemption requires us to maintain our veterans-focused activities along with a particular make up of membership.

The purposes are primarily the following:

- (1) Promoting the social welfare of the community;
- (2) Assisting disabled and needy veterans, service members, and the families of deceased veterans;
- (3) Providing entertainment, care and assistance to hospitalized veterans or service members;
- (4) Carrying on programs to perpetuate the memory of deceased veterans and members of the Armed Forces, and to comfort their survivors;
- (5) Conducting programs for religious, charitable, scientific, literacy or educational purposes;
- (6) Sponsoring or participating in activities of a patriotic nature;
- (7) Providing insurance benefits for their members or dependents of their members, or both; or
- (8) Providing social and recreational activities for their members.

We could clearly continue operating to these aims, but our problem lies primarily in the 501(c)(19) membership requirements:

- (1) At least 75% of our members must be past or present members of the Armed Forces;
- (2) Beyond that, at least 97.5% of our members must be present or former members of the Armed Forces; cadets and ROTC students; and/or spouses, widows, widowers, ancestors or lineal descendants of those past and present service members; and
- (3) None of our earnings can benefit any private individual.

It is easy to see that we cannot continue as a 501(c)(19), unless we reduce our members to basically only living former service members, leaving a very small organization. We need and want too many other people involved to carry out the organization's mission.

### **Other Tax Exemption Possibilities**

If we choose to continue operating, we must find a different exemption. In order of relative importance, veterans groups can be categorized under any of the following sections depending on their purpose: 501(c)(19), (10), (4), (23), (7), (2), or (8). Only the 501(c)(19) provides us with the flexibility we need with some of the tax benefits that we want. We could try to become a 501(c)(3), but then our purpose will shift drastically; we would also then have to deal with the many regulations that come with being a public charity in Massachusetts. We would be better off supporting other veterans charities than attempting to sustain our own. If do continue as an organization, it is likely that we would probably request reclassification as a 501(c)(4), which is used by "social welfare organizations." The problem with this path is that we lose the right to conduct some of the activities that we can under 501(c)(19)—and with tax-deductible contributions.

### **Tax Exemption for Veterans Under the IRS Code Section 501(c)(4)**

This exemption is good because there are no membership requirements; you simply must promote the social welfare of the community. Social welfare activities do not include, with very few exceptions, social, business, or political activities. To prove that we are acting properly, we would need to keep accurate books and records to prove that all of our activities are permissible—showing the amount of time, money, and "peoplepower"



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spent, including for fundraising. Contributions to these organizations are generally not tax deductible. If we wanted to do more than "promote social welfare," we might need additional organizations and exemptions.

### **Tax Deductibility**

We have cautioned people in the past few years that our shifting membership numbers do not clearly permit contributions to the organization to be deducted on tax returns. Strangely, tax deductibility of contributions is completely separate from whether a veterans organization like ours is tax exempt. This is because Congress has created special tax deductibility privileges for veterans groups that it does not provide to others.

What is clear as we enter the territory of a 501(c)(4) because of our changes in the make up of our membership, we likely will not be able to maintain tax deductibility of contributions to the organization because we have to be made up of at least 90% "war veterans."

### **Achieving the Goals of the Organization Without the Bureaucracy**

As you can see all of these issues are piling up, and it is not clear that we have the administrative support or the legal authority to continue operating as we have for much longer. For that reason, some members of the leadership and I would like us to consider, as we started doing several years back, if we can achieve our goals without operating within all of this bureaucracy.

This discussion is especially important given that we will not be able to maintain receiving the benefits that have made it all worth it in the past. Most importantly, for those people who genuinely would like to maintain the organization in some form, we would like to have a clear plan for who would take on what roles. If we do not have the right organizational structures in place, we could end up losing our non-exempt status again, among other undesirable outcomes.

### **Dissolution by Vote**

To dissolve the corporation and distribute some of its assets, we might need to amend the articles of incorporation depending on our goals following winding it down. As of right now, all members must get notice if we are considering holding a vote to change the articles of incorporation, and we would need a super majority (two-thirds) of voting members to approve changes to the articles and a majority (>50%) for approval to submit a petition for dissolution. We would then need to file the petition with the Supreme Judicial Court; the process is basically a mini lawsuit with a hearing before one or more justices. These hurdles are not small, so we will want to be sure to discuss these issues in depth at the reunion so that we are all on the same page.

If we continued the organization, became a public charity, and later wanted to dissolve the organization, we would have to actually request permission to dissolve from not just the Massachusetts Supreme Judicial Court but also the the Attorney General. The Attorney General could have much more of a say in what happens after the dissolution.

### **Distribution of Assets (Organization Choice)**

As of right now, if we were to dissolve, our charter permits our assets to go only to a 501(c)(3) charity. We would need to vote and get a super majority (two-thirds) to change our articles of organization to allow distribution to a different type of non-profit or charity. Some of the assets could, of course, be used for ordinary business before we wind up the organization.



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### **Distribution of Assets (Taxation Issues)**

After we decide where we would like the organization's funds and other assets to go, we will need to analyze if there are lingering tax issues. For example, if we were to donate to a charitable trust (that would, for example, maintain the website) that does not have its own proper tax designations, the trust could end up paying taxes on the assets we give it. For these reasons, it is easiest if we find a 501(c)(3) charity to receive our assets while still carrying on some of our mission.

### **Ongoing Oversight of Organization History and Other Information**

I think you will agree with me that one of the most important things we can do is to carry on the memory of our veterans and their organization by keeping the substantial body of information that we have collected over the years available to everyone on the web. As of right now, my brother Bob Barrett has expressed an interest in monitoring and maintaining the website, as long as we can find some kind of financial support to pay for the online hosting fees. We should discuss how Bob and others can add to and change the information over time, including whether we want to continue regularly contributing news.

### **Conclusion**

I hope you all find this overview interesting and helpful as we ponder where we go next. I wish everybody well as we take the time this Memorial Day to remember everyone we have lost and their contributions to peace and prosperity for our country and the world.

Very truly yours,

Joanne Barrett

## *MailCall News*

RE: D Battery in Italy

Bob, thank you, it is still difficult to make out all of the faces and some troopers are obscured. I seemed to recall there was a reference in Mail Call that there might exist the Morning Reports for Headquarters Battery, if so can they be scanned?

**Joe Richardson**

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I will check with **Tom Finley**, who said he has some morning reports for the 460<sup>th</sup>, but mostly HQ Battery. If they're anything like what I have for parts of the 517<sup>th</sup>, it would be a lot of files to scan. I asked Tom if he might look for any that mention your father. I also asked him if he has a better copy of the D Battery Italy photo. We do have a clear copy of D Battery at Fort Benning:

[http://517prct.org/photos/byron\\_carroll/460th\\_d\\_battery\\_1943.htm](http://517prct.org/photos/byron_carroll/460th_d_battery_1943.htm)

Bob Barrett

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RE: **John H. Hosbach** 517th Company C

Hello,

This is in reference to Mail Call 2220, June 29, 2014 in which Angela & Robert Hosbach were looking for information regarding John Herman Hosbach who was a member of the 517th company C and was killed in action. My name is Tom Booth and my father was in the 517th and was wounded in action during the Battle of the Bulge. He married my mom, Margaret Cohan, after the war after promising John Hosbach he would look after John's wife (my mom, Margaret Cohan) if something happened to him. As it turned out, John Hosbach's sister Edna also married my mom's brother John (Bummy) Cohan.

If there is any way you could contact Angela Hosbach and give her my email ([tbooth32@comcast.net](mailto:tbooth32@comcast.net)) & phone number(248-755-2687). I believe I have some pictures of John.

Thank you,

**Tom Booth**

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Rob and Angie,

You contacted us last June 2014 looking for info about John Hosbach. I had little except the morning report when he was wounded in Italy.

Please meet Tom Booth, whose dad knew your dad. I'm a little confused on the genealogy, but looks like Tom might have some information about John Hosbach.

If you could, please copy me on any news or photos that you might uncover.

PS to Tom: I don't see a "Booth" on the 1944 Christmas roster. Was you dad also with C Company? What was his name?

Bob Barrett  
[MailCall@517prct.org](mailto:MailCall@517prct.org)

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Hi Bob,

His name was **Dale E. Booth** & I'm not sure if he was in C company. He was in the 517th, 1st Bat. After the war he married Margaret Hosbach, who was **John Hosbach's** wife. Dale & Margaret were my parents.

Could you send the Angela my email & Phone #?

Thanks,

**Tom Booth**

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**Dale Booth** was in HQ Company, 1<sup>st</sup> Battalion -- BB

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Will let you know how things work out! Thanks so very much!

**Rob and Angie Reagan**

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RE; D Battery photo in Italy

I saw the photo which was posted, I don't think it is the right one. Ret. **Col. George A. Schnebli** sent me a copy of one (its not a good copy) and it's in the same place but they all have NO tops on... I'll scan it in to show you...

**Jim Miller**

### *Administrivia*

If you miss any MailCalls, they are all available online at <http://www.517prct.org/mailcall/>

- At any time, if you want to be added or removed from the MailCall list, just let me know, or just click on the unsubscribe link on the email.
- Send any news, stories, or feedback to: [MailCall@517prct.org](mailto:MailCall@517prct.org)
- If you send me email that you do not want included in MailCall, just label it as FYEO.
- I now understand how Ben could get confused about what he already posted and what he didn't. If I miss something, please just send it again.
- Donations for any programs involving the 517th should be sent to our new Association Treasurer: Identify the purpose of any donation (Annual Donations, In Memory of... etc.) and make all checks payable to:

**517 PRCT Association, Inc.**  
c/o Miriam Boyle Kelly  
19 Oriole Court  
Saratoga Springs, NY 12866

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Website	<a href="http://www.517prct.org">www.517prct.org</a>
Send MailCall news to	<a href="mailto:MailCall@517prct.org">MailCall@517prct.org</a>
MailCall Archives	<a href="http://www.517prct.org/archives">www.517prct.org/archives</a>
2015 Roster (updated!)	<a href="http://www.517prct.org/roster.pdf">www.517prct.org/roster.pdf</a>
Thunderbolt (Winter 2014)	<a href="http://www.517prct.org/archives">www.517prct.org/archives</a>