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July 23, 2021

El Dorado County Board of Supervisors  
C/330 Fair Lane  
Placerville, CA95667

Subj: July 27 appeal hearing

Dear Board Members:

On July 27th, my representatives will present a comprehensive proposal to resolve my objection to the installation of a proposed plaque in honor of the late Captain Paul Jacobs, USN. The proposal will approve of the plaque's installation, and also address significant issues the installation has raised.

The proposal benefits Captain Jacobs and his legacy, fulfills an unrealized objective of the monument, offers new fundraising opportunities, completes long overdue recognition of other El Dorado County veterans, and resolves all these issues for the future. If those issues are not addressed now, they will recur with each new bronze plaque request.

The proposal has been heartily endorsed by the community, which has pledged to fund it in full provided you agree. Overall, the Veterans Monument criteria for military honoraria will not change, more veterans will be honored, and the monument will achieve its original design intent.

In order to make the most suitable presentation of this strategic proposal, I request that you amend the current agenda to allot 15 minutes for that presentation, plus time to answer your questions. Accordingly, I request the EL Dorado County Veterans Alliance be allotted equal time, but I believe the need for extensive public comment to rebut my original objection will be unnecessary, given that the proposal will approve of the plaque's installation.

I look forward to sharing this proposal with you and I look forward to your unanimous endorsement for the benefit of everyone concerned.

Sincerely,



For, Richard W. Buchanan, by direction



DISABLED AMERICAN VETERANS  
KILLIAN SCHROTH CHAPTER No. 63  
130 PLACERVILLE DRIVE  
PLACERVILLE, CALIFORNIA 95667

On 21 Jun 21 I was a voting member of the committee charged with examining whether Captain Paul Jacobs (USN, Ret.) is eligible for emplacement of a bronze plaque on the Wall of Honor at the El Dorado County Veterans Monument, pursuant to the eligibility conditions described in County Ordinance No. 4743. Unfortunately, though I tried repeatedly to access the meeting remotely by Zoom, I was not able to log in.

Subsequent to the meeting I read the amicus curiae submitted by Dr. Eric Nelson. Had I been provided this review of the law prior to the 21 June meeting, and had I been able to successfully log in, I would have voted to sustain the objection of Richard Buchanan. Captain Jacobs performed honorable humanitarian service; however, he does not fulfill the eligibility requirements described in Ordinance 4743.

I endorse all of Dr. Nelson's recommendations for resolution of this matter.

A handwritten signature in cursive script, appearing to read "A. Amaro".

A. AMARO  
COMMANDER  
16 Jul 21

A handwritten signature in cursive script, appearing to read "A. Amaro", with the date "7-19-21" written below it.

1                   **COMMITTEE OF FEDERALLY CHARTERED VETERAN ORGANIZATIONS**  
2                                   **EL DORADO COUNTY, CALIFORNIA**  
3   **JUNE 21, 2021**

- 4 **For El Dorado County:**       Mr. Daniel Del Monte, MPA  
5   Chief Assistant Director, HHSA  
6   Mr. Richard Todd, MBA  
7   Program Manager, HHSA  
8   Chief Warrant Officer, U.S. Coast Guard (Ret.)  
9   Ms. Kim Dawson  
10    Clerk of the Board of Supervisors  
11    Ms. Paula Frantz  
12    Senior Assistant County Counsel
- 13 **For Richard Buchanan:**     Mr. Kenneth Schoniger  
14    Chairman and CEO, Western Microwave, Inc.  
15    Petty Officer, U.S. Navy  
16    Mr. Joseph Connolly, MA  
17    Senior Chief Petty Officer, U.S. Coast Guard (Ret.)
- 18 **For the Veterans Alliance:**  Mr. John Poimiroo  
19    Captain, U.S. Navy (Ret.)  
20    Mr. Gary Cambell  
21    Technical Sergeant, U.S. Air Force (Ret.)  
22    Mr. Jack Babbitt  
23    Captain, U.S. Marine Corps (Ret.)
- 24 **For the Committee:**         Rep. Charles Sweet, Fleet Reserve Association  
25    Rep. Victor Mansfied, U.S. Marine Corps League  
26    Rep. Ken Thurman, Military Order of the Purple  
27    Heart  
28    Rep. John Brown, National Association of County  
  Veterans Service Officers, Inc.  
  Rep. Leonard "Mac" McAdams, Veterans of Foreign Wars
- 29 **For the Jacobs Family:**     Mr. Tyler Jacobs

1 **INTRODUCTION [09:12:51]**

2 MR. DEL MONTE: Good morning everybody. Thank you for your patience as we  
3 waited to establish a quorum for today's meeting. And let's call the meeting to order at  
4 9:13 a.m. Good morning. My name is Daniel Del Monte. I'm with El Dorado County  
5 Health and Human Services today. This meeting is now being recorded and by  
6 participating in today's meeting everyone present acknowledges to being recorded. Before  
7 we get started, I'd like to ask Rich Todd, our acting Veteran Services Officer, to lead us in  
8 the pledge of allegiance. Rich.

9 MR. TODD: Good morning. My name is Rich Todd. I am the, as Daniel indicated,  
10 the interim Veteran Service Officer and I'd like to start with the Pledge of Allegiance. So,  
11 I'm not going to ask everybody to stand, but please place your hand over your heart or  
12 salute. Ready, begin. "I pledge allegiance to the flag of the United States of America, and  
13 to the Republic for which it stands, one nation under God, indivisible, with liberty and  
14 justice for all." Thank you.

15 MR. DEL MONTE: Thank you Rich. As approved by the El Dorado County Board  
16 of Supervisors in 2007, County Ordinance number 4743 and the associated guideline  
17 document titled, "El Dorado County Veterans Monument Criteria for Military Honoraria  
18 and Civilian Recognition" outlined details regarding the El Dorado County Veterans  
19 Monument, its areas of recognition, the associated eligibility criteria for being recognized  
20 on the monument, and the subsequent process should any issues arise regarding  
21 inclusion, inscription, or location of honoraria in the monument. Those documents for  
22 reference are attached to today's agenda.

23 The El Dorado County Veterans Alliance, who's responsible for reviewing and  
24 approving the placement of memorials at the El Dorado County Veterans Monument,  
25 recently approved the placement of a bronze plaque on the Honor Wall of the Veterans  
26 Monument to honor Captain Paul Jacobs. The Veterans Alliance chose to honor Captain  
27 Jacobs due to his actions taken during the Vietnam War. Following this decision, an  
28 objection letter was submitted to Mr. Rich Todd, our acting Veteran Services Officer, on

1 May 12, 2021, indicating that though Captain Jacobs' actions were commendable, Captain  
2 Jacobs does not meet the eligibility criteria for placement of a bronze plaque, and the  
3 monument contains other means to recognize the Captain's service. This appeal letter  
4 was submitted by Mr. Rich Buchanan and is also attached to today's agenda.

5 In accordance with the El Dorado County Veterans Monument criteria for military  
6 honoraria and civilian recognition, quote, "Any issues that arise regarding inclusion,  
7 inscription, or location of honoraria in the monument are to be directed to the Veteran  
8 Service Officer, who will convene a committee including one representative commander  
9 from each of the federally chartered veterans organizations in El Dorado County to hear  
10 and settle the issue." End quote. As an appeal letter was received by the acting Veteran  
11 Service Officer, per County ordinance 4743, County staff were required to schedule the  
12 meeting of this committee today. The following steps were taken to establish this  
13 committee. A list of all Congressionally chartered veteran organizations was pulled from  
14 the House Committee on Veteran Affairs. A total of seven Congressionally chartered  
15 veteran organizations were identified in El Dorado County. The commanders of these  
16 seven organizations were contacted by our Veteran Service Officer and asked for their  
17 assistance in participating as a committee member.

18 Committee introductions will now take place. For each committee member, please  
19 state your name and title when I call the name of your organization. I'll be calling out  
20 your organizations in alphabetical order. Representing the American Legion. The member  
21 is not present yet. Representing the Association of County Veteran Service Officers.  
22 "Jonathan Brown." Representing Disabled American Veterans, Chapter 63. [No answer.]  
23 Representing Fleet Reserve Association. "Bud Sweet, President." Representing the  
24 Marine Corps League. "Commandant Victor Mansfield for the Marine Corps League."  
25 Representing the Military Order of the Purple Heart. "Ken Thurman, Past Commander."  
26 And representing the Veterans of Foreign Affairs. [No answer.] As mentioned prior, three  
27 members have not yet joined the meeting but we have a quorum of four. And so,  
28 committee members, thank you for your participation today.

1 The structure of your committee's meeting today will be as follows. First, you will  
2 hear from the appellant party, who will be provided ten minutes to speak, with an option  
3 to defer a portion of time as a response following the applicant party if they so choose.  
4 Second, you will hear from the applicant party, provided ten minutes to speak. Should the  
5 appellant party have chosen to defer any amount of their time, the remainder of their  
6 time will come next. After both parties have concluded their ten minute time allotment,  
7 your committee may ask any clarifying questions to the parties. And, once your questions  
8 are answered, you will move into the public comment portion of the meeting. Before  
9 members of the public will speak, should a family member of the proposed honoree be  
10 present, one family member will be offered an opportunity to speak for five minutes.  
11 Following this, the public will be offered an opportunity to speak for up to three minutes.  
12 However, your committee should be mindful of your time needed to deliberate at the end  
13 of the meeting. When we reach that point, our clerk and County staff will gauge how  
14 many speakers would like to make comment. And your committee will be given any  
15 relevant options for your consideration and approval, to balance the public comment  
16 portion with your time needed to deliberate.

17 As the first order of business this morning, your committee will be hearing from  
18 the appellant, Mr. Rich Buchanan. Mr. Buchanan is not present today and had initially  
19 submitted a written statement that was attached to today's agenda. However, on Friday  
20 afternoon, June 18th, Mr. Buchanan contacted staff and requested that he have two  
21 representatives present on his behalf for today's meeting. Those two representatives are  
22 Mr. Ken Schoniger and Mr. Joseph Connolly. Both are present today and will have the  
23 floor now. Gentlemen, you will have a total of ten minutes to speak. Should you choose,  
24 you may elect to defer some of your time for a response following the Veteran Alliance's  
25 time to speak. Madam Clerk.

26 **SPEAKING FOR MR. BUCHANAN [09:21:11]**

27 MS. DAWSON: Representatives for Mr. Buchanan using Zoom please press the  
28 raise your hand button and I can allow you to access the floor. If you are joining the

1 meeting by phone press 9 to indicate you will be accessing by phone. The ten minute clock  
2 will begin as you begin speaking and I will notify you at the end of your time. Please  
3 announce your name as you begin to speak. Thank you. Now taking comment from Ken  
4 Schoniger.

5 MR. CONNOLLY: Good morning. Can you see and hear us?

6 MS. DAWSON: We can hear you now.

7 MR. CONNOLLY: Okay. Thank you. I'm Joseph Connolly, and I have a brief  
8 introduction followed by Mr. Schoniger.

9 Good morning Mr. Del Monte, members of the Jacobs family, members of the  
10 veteran organizations committee, and members of the Veterans Alliance. On behalf of Mr.  
11 Buchanan, Ken and I appreciate your attendance to discuss whether a bronze plaque  
12 recognizing Captain Paul Jacobs meets the established criteria for placement on the El  
13 Dorado County Veterans Monument Wall of Honor.

14 We join in commending Captain Jacobs's naval service and his leadership,  
15 including his command of the USS Kirk and their evacuation of approximately 30,000  
16 Vietnamese refugees to the Philippines. Mr. Buchanan's objection is not a criticism of  
17 Captain Jacobs, the Kirk or its crew. He supports their recognition at the monument, but  
18 he does not agree that the criteria for placing the Jacobs plaque on the wall have been  
19 met.

20 MR. SCHONIGER: Good morning. This is Ken Schoniger. I'm really honored to  
21 speak on behalf of Richard Buchanan, the founder of the El Dorado County Veterans  
22 Monument. Richard is unavailable today because of the effects of Agent Orange and  
23 leukemia, his Vietnam legacy. I hope you will all join me in praying for his recovery.

24 I want to start by explaining the evolution of policy and procedure that brought us  
25 here today. The Veterans Monument was conceived by Richard after a fire in Quang  
26 Province, Vietnam, where he earned the Navy Cross. He flew back to the states and  
27 landed at El Toro Marine Base with blood spattered boots to a Jane Fonda era  
28 environment. Right then and there he decided to someday build a monument to those who

1 served the cause of freedom so that they would be honored rather than treated with  
2 disdain. Richard gathered a group of likeminded veterans and private funding for  
3 honoraria was raised but there was no affordable place to put it. When the county decided  
4 to provide public land, the Friends were merged with some members of the Board of  
5 Supervisors, a county counsel and a state senator who did not realize that they were our  
6 servants. The Friends were all former military who had forgotten that they were subject  
7 to civilian control. Fortunately, El Dorado County had a Chief Administrative officer who  
8 was mature beyond her years and well educated in the art of management. She knew that  
9 sustaining the principles of the monument required its subjugation to the rule of law, not  
10 the vagaries of complete individual discretion. So she advocated for the development of  
11 formal policy and procedure and Richard asked me to help with that process.

12 The Monument was founded in honor of those that served the cause of freedom but  
13 there are hundreds of millions of people who fit that definition. Attempting to honor all of  
14 them in El Dorado County would serve to honor essentially none of them. While the board  
15 wanted to include politicians and others, they eventually agreed to allow the "Friends" to  
16 focus on essentially El Dorado County veterans.

17 Richard did not want to reinvent any wheels or provide any policy inconsistent  
18 with national precedent so we communicated with the staff at the Vietnam Veterans  
19 Memorial and other monuments. One example; U.S. Code defines what a veteran is and  
20 that definition was adopted by the original Friends of the Veterans Monument. Adoption  
21 of the Federal Code resulted in civilian honoraria being removed from the plaza, along  
22 with one individual who thought he was a veteran but was not - a very emotional process.

23 There were other policy development problems. The degree of contribution to the  
24 cause of freedom is a huge variable. For example, Captain Jacobs saving 33,000 people is  
25 a larger contribution than Audie Murphy saving a few dozen but the capability, the needs  
26 and the requirements process for Audie was very different. Perhaps Captain Jacobs and  
27 Audie could both have performed either task but we cannot know. And only one of them  
28 had an opportunity unique to them. Accordingly, there is a place to honor each category in



1 the Monument. The separation of categories policy was an evolving process. The original  
2 “Friends” did not determine the definition of a hero. The definition was provided by the  
3 Department of Defense and adopted as policy by the Friends through a cut and paste  
4 process.

5 We have researched Operation Frequent Wind and a variety of narratives  
6 including a dissertation in Captain Jacobs’ own words. Richard Buchanan has always  
7 honored Captain Jacobs’ contribution to the cause of freedom, and in fact proposed a  
8 relatively large obelisk for such purposes. Richard's objection was about location on the  
9 wall reserved for individuals consistent with the County's policy, not about inclusion in  
10 the monument or degree of honoraria. It should be noted that the obelisk was rejected by  
11 the Veterans Alliance as too costly. Perhaps a fund raiser would be appropriate.

12 We owe respect to the Jacobs family, the founders of the Monument and its  
13 current management team. To me, this is a very clear issue based on adherence to  
14 established policy and the rule of law that we all served to guarantee that no one is above.

15 MR. CONNOLLY: Thank you Ken. I have some concluding remarks for the  
16 committee. The committee, and thank you again for your time, has been assembled in  
17 accordance with the same criteria as has been included in your packet. It states that all  
18 decisions regarding inclusion, inscription, or location of honoraria in the monument will  
19 be made in a manner consistent with that policy. And as the agenda notes, the committee  
20 does not have authority in this hearing today to change the criteria, which were  
21 established in 2007.

22 As Ken said, the criteria for the monument’s military honoraria were based on  
23 national standards for United States military awards. For the Jacob plaque to be placed  
24 on the wall it must meet three specified conditions. All three must be met, not just one or  
25 two, and if any of the conditions are not satisfied the plaque may not be placed on the  
26 wall. The policy is clear that the standards are mandatory: “the honoree *must meet* the  
27 following conditions,” which are spelled out on page 2 of the policy.

28 As to the first condition, a military honoree must be the recipient of very specific

1 military awards. In Captain Jacobs' case he did not receive those required awards and so  
2 the condition cannot be met. And because that condition is not met the plaque does not  
3 meet the established criteria for placement on the wall.

4 As to the second and third conditions, they are also unmet, as reflected by  
5 descriptions of the relevant events. In a 2017 film to accompany the Asian Heritage  
6 Society of San Diego's recognition of Captain Jacobs, he explained in a film, quote, "This  
7 was the largest humanitarian effort ever undertaken by the United States Navy. I'm  
8 emotional about the crew because they never expected to do what they did. I just think  
9 America needs to know what they did." Unquote. Captain Jacob's obituary said, in part,  
10 quote, "The ship's officers and sailors--trained as warriors--then transformed a man-of-  
11 war, which had been designed to destroy Soviet submarines, into a humanitarian  
12 assistance ship." Unquote. The Jacobs plaque is inscribed, quote, "In memory of Captain  
13 Paul H. Jacobs, United States Navy, C.O. of the USS Kirk, who rescued 30,000  
14 Vietnamese sailors and refugees in one of the most significant humanitarian missions in  
15 U.S. military history." Unquote. And in the Congressional Record, Representative Tom  
16 McClintock called Captain Jacobs, quote, "the United States Navy's most revered  
17 humanitarian." Unquote.

18 In conclusion, Mr. Buchanan asked us to convey to the committee members that  
19 your vote is on behalf of, and in accordance with your respective organizations, to  
20 upholding the national standards for military awards.

21 By upholding the established criteria in this case you uphold fidelity to the  
22 constitution, the laws of the United States, and the mission of a very remarkable  
23 monument. Mr. Buchanan wishes to see Captain Jacobs and his actions recognized, and  
24 to foster cooperation to do that appropriately. He looks forward to an outcome that  
25 upholds the highest regard for Captain Jacobs and to the monument.

26 Thank you for considering our comments. We look forward to your questions and  
27 another opportunity to expand on them. Thank you. And we reserve our remaining time  
28 please.

1 MR. DEL MONTE: Thank you gentlemen.

2 **SPEAKING FOR THE VETERANS ALLIANCE [09:31:21]**

3 MR. DEL MONTE: As the second order of business we'll be hearing from the  
4 applicant, the El Dorado County Veterans Alliance or their representatives. The Alliance  
5 will be given ten minutes to respond. Madam Clerk.

6 MS. DAWSON: Representatives of the Veterans Alliance using Zoom should please  
7 raise the hand button and I can allow you to speak. If you are joining the meeting by  
8 phone press 9 to indicate you will be accessing by phone. The ten minute clock will begin  
9 as soon as you begin speaking and I will notify you at the end of your timeframe. Please  
10 announce your name as you begin to speak. Now taking ... John Poimiroo, I have  
11 unmuted you.

12 MR. POIMIROO: Well, actually, Gary Campbell was going to speak first. Is Gary  
13 there?

14 MS. DAWSON: Yes he is. Let me transfer it here.

15 MR. CAMPBELL: Good morning. I'm Gary Campbell, former United States Air  
16 Force, the California Air National Guard, and President of the El Dorado County  
17 Veterans Monument. You have seen County ordinance number 4743, which names the El  
18 Dorado County Veterans Alliance, previously known as Friends of the Veterans  
19 Monument, as responsible for conducting ceremonies at the Veterans Monument.  
20 Additionally, we have a contract with the County, number 4715, that assigns the El  
21 Dorado County Veterans Alliance to honor veterans. Specifically, it charges us to honor  
22 veterans and/or to celebrate their contributions to their country and to the people of El  
23 Dorado County. That includes reviewing and approving the placement of memorials at  
24 the El Dorado County Veterans Monument. We are the only individual organization  
25 assigned this responsibility.

26 When we learned of Captain Paul Jacobs' deeds, we concluded that he was among  
27 the County's greatest heroes and deserving of recognition on the honor wall. In recent  
28 years we placed a bronze plaque on the honor wall, recognizing the crew of a Mitchell B-

1 25D that crashed in El Dorado County during World War II. We have placed benches  
2 commemorating County residents who died during the Vietnam War, and memorializing  
3 the wars of the late 20th and 21st centuries, installed innumerable memorial bricks and  
4 stones, and are planning placement of the memorial statuary to embody every veteran's  
5 welcome home.

6 Not on any of those memorials has anyone questioned our authority to conceive or  
7 place memorials. It is our assigned role to do so for the County. We have always welcomed  
8 input and comments to all of our actions and all vets have been welcome to our meetings,  
9 which are announced and open to all.

10 The criteria being discussed today was not revealed to the Veterans Alliance until  
11 an objection was raised to the Jacobs plaque. We have used the same approach to  
12 approving memorials and improvements at the veterans monument since it was founded.  
13 On the honor wall are bronze plaques. Bronze plaques recognizing individuals with  
14 Distinguished Flying Crosses and Silver Stars, neither of which are mentioned in the  
15 criteria. So considering the fame of Captain Jacobs' actions, it did not even occur to us  
16 that the plaque should be anywhere other than on the wall.

17 It is clear that the criteria is out of date, flawed, and open to interpretation. It  
18 omits mention of the Coast Guard Cross, which is equal to the Navy Cross in stature, and  
19 there are plaques honoring persons with Silver Stars and Distinguished Flying Crosses.  
20 In Captain Jacobs' case he was awarded the Bronze Star valorously while serving in  
21 Vietnam, which shall be described later.

22 Even though we did not know the criteria, after reviewing it, we believed the  
23 placement of the plaque honoring Captain Jacobs remains justified. To analyze the  
24 criteria, I've asked our Secretary/Treasurer to respond and thank you for your  
25 consideration.

26 MR. POIMIROO: Good morning. I'm Captain John Poimiroo, U.S. Navy, retired.  
27 The criteria for special bronze plaques specifies that they honor events, units or heroes.  
28 There are some 31 bronze plaques at the Veterans Monument, but only sixteen fit this

1 description. Further, nowhere within the criteria is the honor wall specified.

2 Nevertheless, the Veterans Alliance treats the honor wall as reserved for our County's  
3 greatest heroes.

4 The first condition for approval of bronze plaques is that the deed be heroic. We  
5 believe the public record clearly establishes Captain Jacobs' and the USS Kirk's actions  
6 as heroic, a word that was used to describe them in the preface to "The Lucky Few," the  
7 U.S. Navy's account of the mission. Captain Jacobs showed physical courage, but also  
8 moral courage by refusing a direct order to refuel his ship so that he would not abandon  
9 the desperate refugees seeking his protection. To us, moral courage is a special type of  
10 heroism that is deserving of recognition on the honor wall in this instance.

11 The second condition specifies three circumstances under any one of which an  
12 action must take place. The third of these circumstances reads, quote, "while serving with  
13 friendly forces engaged in armed conflict in which the U.S. was not a belligerent party."  
14 End quote. This is precisely what happened during Operation Frequent Wind. The U.S.  
15 had signed a peace treaty with North Vietnam and was no longer at war with them.  
16 However, on Captain Jacobs' own initiative, Kirk began assisting fleeing South  
17 Vietnamese military helicopters loaded with refugees, and later under orders, proceeded  
18 south to rescue the remaining South Vietnam Navy, which was still at war with North  
19 Vietnamese forces.

20 The third and last condition calls for the act to be performed in the presence of  
21 great danger, or at great personal risk. Captain Jacobs ordered that fleeing helicopters,  
22 flown by pilots who had never landed previously on a moving ship, be encouraged to fly to,  
23 and land on the small flight deck of Kirk. That put himself, his crew, and his ship at great  
24 risk. He then personally pushed the empty choppers over the side to make room for more  
25 helicopters arriving with refugees. This was, by itself, extremely dangerous. And, before  
26 steaming south to rescue the Vietnamese Navy, Captain Jacobs had been warned by  
27 Admiral Whitfield that his ship was heading towards great danger, and that if Kirk didn't  
28 rescue the Vietnamese, they would likely all be killed.

1 Each of the criteria for a bronze plaque was satisfied. What Captain Jacobs did  
2 was exceptional, and heroic. It was done while serving with friendly forces during an  
3 armed conflict in which the U.S. was no longer a belligerent party and it was performed  
4 in the presence of great danger and at great personal risk. Further, the book “The Lucky  
5 Few” inspired an Oscar nominated documentary and an Emmy nominated television  
6 program. Those each established that what Captain Jacobs did set him apart from all  
7 others of equal grade, rate, experience, and position of responsibility as quoted in the  
8 criteria. But the greatest reason for honoring him is that Captain Jacobs and the crew of  
9 USS Kirk rescued 32,000 refugees in what is the greatest humanitarian mission in U.S.  
10 military history. Today, 550,000 Americans are alive because of what he did. 550,000  
11 Americans.

12 We all remember the hero of the Hudson, Captain Sully Sullenberger, who saved  
13 155 lives. Then there’s the German industrialist Oskar Schindler, who saved 1, 200 lives.  
14 Both are remembered rightly as heroes, and so should Captain Jacobs, who saved 32,000  
15 souls. In the closing moments of an ugly war that tore our Country apart, there was one  
16 bright shining moment, where human decency mattered more than anything else. It  
17 would not have happened without an extraordinary hero. Captain Paul Jacobs was that  
18 hero. In those moments, in those days, by his actions, leadership, and courage, he earned  
19 the right for a plaque honoring what he did to be mounted on his County’s honor wall.

20 Here to describe what happened is former Deputy Secretary of State Richard  
21 Armitage. Mr. Armitage was the Defense Department official who orchestrated the rescue  
22 of the South Vietnamese Navy. He is a renowned diplomat with extensive Defense  
23 Department and State Department credentials. I now introduce Secretary Armitage if  
24 he’s on the line.

25 [Mr. Armitage was not present at that time.]

26 However, there is one more feat of bravery to describe and I’m going to ask Jack  
27 Babbit, U.S. Marine Corps, retired, and President of the Veterans Alliance, to address.  
28 Jack, will you please raise your hand and speak?

1 MR. BABBITT: I'm Jack Babbitt and I'd like to talk quickly about Paul Jacobs the  
2 man. During his at least six combat tours in Vietnam he was awarded the Bronze Star  
3 with combat "V" for heroism under fire. This is separate from USS Kirk's humanitarian  
4 action, but gives us an idea of what the man was like. It's our understanding that it  
5 occurred while on his second command of USS Esteem, an ocean going minesweeper.  
6 Those of you who are not aware, a minesweeper is made mostly of wood. It has a shallow  
7 draft, ten feet, and it's only 172 feet long. It is not a formidable machine of war. I know  
8 this. I flew helicopters, minesweeping, and worked with these ships.

9 In earning the Bronze Star, Paul Jacobs, as a young CO, brought his wooden ship  
10 close in to shallow waters for gunfire support to an Army unit. The ship only had a 40  
11 millimeter gun and was shooting north of the DMZ, in hostile waters. He was so close  
12 enemy tracer fire buzzed over his head. The question is, would you steam a wooden ship  
13 meant for slowly patrolling mined waters? Paul Jacobs did. This was the sort of man he  
14 was. Tyler Jacobs describes his father as someone who never backed away from a fight.  
15 He took it to the limit and got the job done. After reading the book "The Lucky Few," and  
16 watching many interviews, I have been proud to serve with him. Those who did say he  
17 was the finest naval officer they ever knew. I'm sorry I was not able to meet him prior to  
18 his departure.

19 Following me will be some heartfelt testimony. Some will be emotional; some will  
20 give you firsthand views of his heroics. But all of it changed the life of some 32,000.

21 Thank you.

22 MR. POIMIROO: I would ask that we take any remaining time and pass that on to  
23 the family so they can speak as long as they'd like.

24 MS. DAWSON: We have Richard Armitage on the line now. Go ahead. [There was  
25 no connection.]

26 MR. POIMIROO: May I ask Mr. Del Monte if Mr. Armitage, if he's able to come on,  
27 be allowed to speak separately because of his stature as Deputy Secretary of State and his  
28 previous seniority.

1 MR. ARMITAGE: This is Rich Armitage. Can you hear me now?

2 MS. DAWSON: Yes.

3 MR. ARMITAGE: If you can hear me, should I go ahead?

4 MR. DEL MONTE: Yes. Madam Clerk, please allow Mr. Armitage to speak for  
5 whatever time was remaining in the ten minutes, at the point in which he popped up on  
6 the screen. Thank you.

7 MS. DAWSON: It's 30 seconds.

8 MR. ARMITAGE: Alright. Thank you. You know, it's ironic, isn't it, that this war  
9 that nearly tore our nation apart is still, in a way, being fought through this struggle we  
10 have today. Now I think it's clear that all parties to the issue thinks that Captain Paul  
11 Jacobs' activities were above and beyond the call of duty.

12 You know, heroes come in a lot of shapes and sizes. There's the heroism of the  
13 foxhole, there's the heroism that was referred to in Captain Sullenberger in the Hudson  
14 River, there are sea captains who take the welfare of their crew before their own welfare  
15 and become heroes that way. Many of us describe our parents as heroes because they  
16 sacrificed everything for their children. As far as I'm concerned, anyone who puts the  
17 welfare of others above his own ...

18 MS. DAWSON: Time.

19 MR. ARMITAGE: ... and anyone who can do that is heroic and is deserving of note.

20 MR. DEL MONTE: Thank you Alliance representatives.

21 **SPEAKING FOR MR. BUCHANAN – TIME REMAINING [09:46:50]**

22 MR. DEL MONTE: Representatives for Mr. Buchanan, there was 12 seconds  
23 remaining in your ten minute time allotment. You're welcome to take those 12 seconds.  
24 Madam Clerk.

25 MR. SCHONIGER: You know, this is Ken Schoniger. This has never been about  
26 the quality of Captain Jacobs' contributions, his heroism, or any of those things. It's only  
27 about the placement of his honoraria in the monument, in the plaza. Contractors like the  
28 Veterans Alliance ...



1 MS. DAWSON: Time.

2 MR. SCHONIGER: ... do not have unilateral prerogative of fulfilling their  
3 contracts arbitrarily. They're required to follow plans, specifications, rules, and the rule of  
4 law. And that's what this is about.

5 MR. DEL MONTE: Thank you. Thank you for your comments. Thank you. The  
6 time has expired. We have to move forward to the next phase for our committee members.  
7 And thank you, all the representatives of both parties.

8 **VETERAN COMMITTEE QUESTIONS [09:47:58]**

9 MR. DEL MONTE: Committee members, this is your meeting. If necessary, please  
10 ask the representatives of Mr. Buchanan and the Veterans Alliance any clarifying  
11 questions you might have. Thank you. Please.

12 REP. THURMAN: I've raised my hand.

13 MR. DEL MONTE: Please. As you're ready to ask your questions, feel welcome to.

14 REP. THURMAN: So it's a go for Thurman? I'm not understanding.

15 MR. DEL MONTE: Yes. Please ask your question.

16 REP. THURMAN: I'm not intimately familiar with all the details of the  
17 monument, other than the fact that it's extraordinary, particularly for a community the  
18 size of El Dorado County. What I was not aware of, and I think it's pertinent to this  
19 decision, is there are already plaques placed on the monument wall that, to me, do not  
20 meet that criteria, the most obvious of which is the crashed B-25 crew. Which that ... and  
21 I forgot what the other exception was ... Why wasn't this issue brought up, or something  
22 like that? To me, the fact that a crew crashed a plane in our county doesn't even come  
23 close to the definition of a hero. And, yet, Mr. Buchanan has brought up this issue now.  
24 Where was he, or anyone else, that objected when these other plaques were put up, which  
25 to me have already established a precedent, despite the criteria. I'm all for the letter of  
26 the law, but we seem to have two exceptions to the criteria that are already mounted. So  
27 my question would be, where were the objections when the other two plaques were put  
28 up? In particular, a bomber who just happened to crash in our county?

1 MR. CONNOLLY: Thank you. We will respond to that. I think Mr. Schoniger has a  
2 response, and then I'd like to add to that when he's completed his response.

3 MR. SCHONIGER: I think there are 15 plaques on the wall. I don't want to go  
4 through the details in the interest of time, but more than half of them were installed as  
5 part of the original construction. Others were installed before the policy was generated.  
6 And I think only one, the one honoring the aircrew, the last one, was done inconsistent  
7 with policy. With respect to whether or not Mr. Buchanan objected at the time that that  
8 was installed, I really don't know his history about that, but I would say that perhaps he  
9 should have. Anyway, the installation of that plaque was clearly a mistake. And  
10 mistakes, you know, when people make mistakes they should stand up for them and not  
11 make them again. There's no reason to continue a process that's inconsistent with policy  
12 and law just because you violated it in the past, in my opinion.

13 MR. CONNOLLY: And, Sir, this is Joseph Connolly. Since you mentioned that  
14 you're not familiar with all of the details, there are some that are very relevant to  
15 answering your question. The monument was dedicated in 2006. It was Mr. Buchanan's  
16 vow that he made in 1968 to remember his fallen Marines and all other veterans. And he  
17 did that with very specific intent. And the intent of what we're calling the "Honor Wall"  
18 was to honor people with specific criteria that exhibited a specific level of heroism, since  
19 that's the issue that seems to be here.

20 As Mr. Schoniger mentioned, many of these plaques were installed before the  
21 criteria came about as the monument was forming. It was a work in progress. One of the  
22 concerns about using up the remaining space on the wall is that you have a finite amount  
23 of space left to give respect and honor to those heroes that do meet the criteria. And,  
24 although that's hard to maybe understand, when you look at the monument and see the  
25 space that was reserved under specific criteria, if we don't follow those criteria, those that  
26 do meet the criteria that have not yet been recognized, and need to be recognized, there  
27 will not be a place for them. And so that's some context behind some of what the  
28

1 monument stands for, and what it was designed for, and why we're having this  
2 discussion.

3 But, the objection again is not about whether Captain Jacobs ... it's not about his  
4 service, or what he did. We honor his service, and we recognize it, and we've tried to make  
5 that clear. It's about meeting the criteria. The criteria are very clear. Although his medal  
6 is recognizable, commendable, it doesn't meet the criteria. And if we don't follow the  
7 criteria, we won't have an ability to honor those that do. Thank you.

8 MS. FRANTZ: Mr. Commissioner, if I could speak for a second, this is Paula  
9 Frantz, who is senior deputy County counsel, and your question somewhat went to a legal  
10 question, so I did want to step in and answer that.

11 The mere fact ... the only question before your committee today is the question of  
12 whether this application meets the criteria. The way the process works, and I understand  
13 that some of the people involved in the process may not have always known exactly how it  
14 worked, but it's that the Veterans Alliance—formerly “Friends”—acts somewhat like a  
15 trial court. And, if no one objects to their findings, then they're final and that happens.  
16 And your tribunal acts more as an appellate court if somebody objects. And then you look  
17 at it de novo and you render your decision based on your view of the facts. If either party  
18 disagrees with your determination, they also have the ability to take it to the Board of  
19 Supervisors, which in this case acts more like the Supreme Court.

20 So the mere fact that the Friends, or Alliance, may have made a ruling that, had  
21 you looked at it, you would have reached a different conclusion about the meeting of the  
22 criteria, and I don't think you're wrong, but nobody appealed it. And the fact that a  
23 member of the public did not appeal one decision in no way limits their ability to appeal  
24 future decisions. So the fact that Mr. Buchanan chose not to, wasn't aware, was out of  
25 town, anything else, or was even on the ... because he used to be on the Friends, whether  
26 he was even on it at the time they made that prior decision, does not in any way affect his  
27 ability to challenge this.

28 And, you're not being asked to look at whether any of the other plaques that are

1 there meet the criteria, or whether there have been mistakes made in the past. You're  
2 asked to look at it today. And, with things like this, just like with land use ruling stuff,  
3 there is no such thing as precedent that is binding. Because the reality is, multiple parts  
4 of case law show that, ultimately, as long as they're not doing it in an arbitrary and  
5 capricious manner, the Board ultimately has ultimate authority to interpret its own rules.  
6 And, as you know, Board members change. So in the 30 years that I have worked in  
7 County counsel offices, I have frequently seen where one Board interpreted their rules  
8 more strictly and the next Board might be a little more lenient, or vice versa, and that is  
9 OK as long as they don't do it, as I said, arbitrarily or capriciously. They get to interpret  
10 their own rules.

11 So what you're tasked with here today is already a difficult enough task, I think,  
12 hearing from the two different presentations of whether this conduct meets the criteria  
13 that the Board voted on back in 2006 and 2008. It was later that they actually added their  
14 appeal. It used to just end with you guys, and they added their appellate process a bit  
15 later because there have been controversies in the past. There was a controversy about a  
16 bench from a former CAO. There was controversy about a bench from a Board member.  
17 So they added their ability to be the final arbiters a little bit later.

18 So you should be looking at the criteria. Other tasks you are not charged with  
19 today is to rule on whether the criteria are appropriate. I've heard some discussion of  
20 maybe different medals should be added in as well. That is certainly something that the  
21 Friends could work on for future applications, and propose to change it, and if the Board  
22 wished they could do so. But today, your job is to apply the criteria as they are written  
23 and adopted by the legislature of the County, the Board of Supervisors, and apply them to  
24 these facts. And it doesn't matter what happened in the past.

25 MR. POIMIROO: If I might speak for the Alliance? This is John Poimiroo. Do I  
26 have your permission Mr. Del Monte?

27 MS. FRANTZ: Only if...John, if you can speak to answering his question. I'm  
28 probably going to step in sometimes. I think that even the appellant went a little afield on

1 adding different things other than the question. So the question is, you know, why should  
2 we apply the criteria now when we didn't apply it in the past? And if your answer is to  
3 that, you know, or why they shouldn't, then yes, go ahead and answer.

4 MR. POIMIROO: Well, I was going to speak about the criteria specifically Ms.  
5 Frantz. The criteria was approved in 2008, then filed away and never seen again. Only  
6 when a protest came in to this plaque did we even know that it existed. So all of the  
7 decisions being made, from 2008 until now, including those when Mr. Buchanan was a  
8 member of Friends, were made in the same process. Nothing had changed. The only  
9 difference is, this particular plaque was approved compared to others that were up there  
10 that did not meet the criteria, and there was a protest filed. You know, we stand by all  
11 the plaques that are up there. We don't believe any should be taken down. We think there  
12 are great reasons for each one of them. And so, from the standpoint ... we think it's  
13 important for the committee to know that the Alliance always worked in good faith, that  
14 it always followed the same procedures established previously, and this protest arose  
15 completely out of the blue with no contact. No one made an effort to call us and say, "Hey,  
16 I don't think that should go up there," well before we had announced we would place it.  
17 And so that's our concern about it.

18 MS. DAWSON: We also have another committee member with a question.  
19 McAdams, I see your hand is up, but you are muted. Please unmute yourself. Go ahead  
20 Mr. McAdams.

21 REP. MCADAMS: [Upon connecting.] I've upheld the standard for 41 years, 8  
22 months and 11 days for the military, on federal service, from Vietnam to Iraq. And,  
23 oftentimes, individuals who are deserving of medals don't always receive them. I feel that  
24 in this time, we need to move forward and hear from the rest of the committee in regards  
25 to how they feel. I mean, this is a real dilemma. I feel that El Dorado County, as a  
26 resident myself for 28 years, would definitely ... because this is an individual that was  
27 significant during our time in Vietnam. I feel that it's important that we not have to go  
28 backwards, or take anyone off the wall. Our history is our history. It should move forward

1 and I'd like to hear from the rest of the delegates, from the federal recognized military  
2 organizations. Thank you.

3 MR. DEL MONTE: So, committee members, this is a time to ask any questions  
4 that you may have of the parties. There will be a time to deliberate at the end of the  
5 meeting following public comment. So before we move on to the next phase of the meeting,  
6 are there any remaining questions that you committee members might have for either  
7 party?

8 MR. SWEET: Yes.

9 MR. DEL MONTE: Go ahead Sir.

10 MR. SWEET: My name is Bud Sweet. It seems like all of a sudden we've come up  
11 with this one objection here, whether it's a personal one or not, I don't know. But the  
12 people, like Mr. McAdams said, there was a lot of people that deserved credit and never  
13 received it. And to deserve medals and never received it. Now, you want to make a  
14 decision whether to put them on the wall now, or you want to put them on later, or you  
15 just want to disregard them, and throw them away like the millions of others who have  
16 been sacrificed during all these conflicts that we've been in. That's my only question now.

17 MR. CONNOLLY: Mr. Sweet, I'm not sure what your question is, if you could be a  
18 little more clear for me please?

19 MR. SWEET: Yeah, you brought the opposition to this Captain Jacobs and the  
20 reason I don't quite understand why is because it appears as if what was put on the wall  
21 originally was done by consent of, not even of a party. Who consented to the wall, the  
22 names on the wall now, the plaques, and all of a sudden we have a protest against this  
23 one man who did serve honorably as it is?

24 MR. CONNOLLY: Mr. Schoniger will address that. Thank you.

25 MR. SCHONIGER: I think that we didn't make a very clear presentation because  
26 there is no protest against one man. The idea is that the man should be honored in the  
27 plaza, to a higher degree actually, than a brass plaque on the wall because of the degree  
28 of his contributions. And the policy provides for that in the plaza, and the

1 recommendation by Mr. Buchanan has been an obelisk that I think is like 12 feet tall,  
2 contains the names of his crew, himself, and so on. It's a much better situation than the  
3 plaque. And there has never been, in spite of all the narratives and rhetoric and  
4 newspaper articles about this, there has never been any lack of desire or recognition of  
5 Captain Jacobs' contributions, and his crew, and Ambassador Armitage, or anybody else.  
6 That's not the issue.

7         The only issue is, there is a separate set of criteria that you can change, or modify,  
8 or whatever if it's not adequate. But that criteria was not followed, and it should be  
9 followed. The Veterans Alliance was advised of that before, long before now, by Mr.  
10 Buchanan. I've talked to people personally, I think Joseph has. There's been all kind of  
11 communications, as you can read in the Mountain Democrat. Those kinds of things should  
12 not be happening in our community. We should not be dragging our laundry through the  
13 public that way.

14         The simple, simple fact is that the plaque does not meet the criteria for being  
15 mounted on the wall. If anybody goes on to the internet and looks up Medal of Honor  
16 winners, or Navy Cross winners, or Bronze Star winners, or anything like that, they find  
17 those answers in a segregated way. The monument was intended to be segregated in the  
18 same way. So if you go to the wall, you should see what you expect on the wall. And if you  
19 go through the rest of the monument you should see what's scheduled to be positioned in  
20 those places on the monument.

21         If you look at the entry to the monument there are two benches that originally  
22 violated policy by going into the plaza, and those benches were not totally represented as  
23 strictly veterans so they were moved out. Anytime you do something like that it's a very  
24 emotional process, but we're a country ruled by the rule of law, and veterans and all of us  
25 fought to defend our freedom, and our freedom is guaranteed by the rule of law, and the  
26 law is the law. And to not be aware of it, or not look for it, or not ask about it, and make  
27 an arbitrary decision, to me, is very dangerous with respect to the future of the  
28 monument and its intent, and the way we go about the honoring process.

1           So we need to have rules. Rules can always be changed if they're not adequate or  
2 appropriate, but they need to be followed and they should not be discarded arbitrarily on  
3 somebody's personal preference. It's a difficult process. It was very difficult for me to  
4 write a lot of this policy, and I'm not omnipotent.

5           The government defines what a hero is in the context of the wall. I don't think it's  
6 El Dorado's responsibility, nor would it be appropriate for any County to unilaterally  
7 change the Department of Defense's definition of medal honorees, of what a hero is, or  
8 what they aren't, or anything like that. If a County can go about changing that process  
9 then the meaning of awards become arbitrary. For example, if somebody says ...

10          MR. POIMIROO: Mr. Del Monte, I've got to protest. This is taking way too long.  
11 It's another speech, and it's ridiculous. You should cut these short. Either to respond to a  
12 question and then get off of it.

13          MR. DEL MONTE: Mr. Schoniger, I believe you did speak to Mr. Sweet's question,  
14 so thank you.

15          MR. SCHONIGER: Thank you.

16          MR. CONNOLLY: Can I just ask if Mr. Sweet feels his question was answered or if  
17 he has a follow up question please?

18          MR. SWEET: [Garbled] ...did respond good but ... the part I still think ... it should  
19 never have reached the newspapers. It should never have been dragged through the  
20 community like it has been. We've never had anything like this before, trying to discredit  
21 one person. And that's basically what it seems to be doing here.

22          MR. SCHONIGER: Is that Mr. Buchanan?

23          MR. POIMIROO: Can we move on to family comments? This is taking way too long  
24 for nothing constructive.

25          MR. DEL MONTE: Are there any remaining questions from committee members  
26 before we move on to public comment? Hearing none.

27                 So before members of the public will speak, the family member of the proposed  
28 honoree be present, that family member will be offered an opportunity to speak for 5



1 minutes. Madam Clerk.

2 **SPEAKING FOR THE JACOBS FAMILY [10:11:44]**

3 MS. DAWSON: If one family member of Captain Paul Jacobs would like to speak  
4 for 5 minutes and is using Zoom please press the raise your hand button now and I can  
5 allow you to access the floor. If you are joining the meeting by phone press \*9 to indicate  
6 you will be accessing by phone. The five minute clock will begin as you begin speaking  
7 and I will notify you when your time expires. Please announce your name as you begin to  
8 speak. I will see you there. I will allow you to talk. Go ahead. Go ahead Tyler.

9 MR. JACOBS: Hi. My name is Tyler Jacobs, the son of Captain Paul Jacobs. I find  
10 this whole process extremely stressful and I honestly feel so sorry for this County. The  
11 amount of disrespect this County has shown my father, it is not right. This is an  
12 embarrassment for the County that could have been avoided just by doing the right thing.  
13 It's hard to have good days when this is how my father is being treated.

14 My father is a hero. This has already been determined by the accomplishments of  
15 the USS Kirk and recognized by the United States Navy, the Department of Defense, the  
16 United States Congress and a Navy historian. It doesn't take a bunch of people to decide  
17 what has already been decided. It is not your right to define what has already been  
18 determined. There is a lot of support and love for my father because what he did made  
19 him a hero. My father was a hero to the Vietnamese Americans he saved. The  
20 relationship he had with them was incredibly strong and loving. My father loved these  
21 people and would be fighting for them if he was alive today.

22 So I ask you. What do you define as a hero? Because in so many important people's  
23 eyes, my father is a hero, and if he was alive today, there would be hell to pay, and he  
24 wouldn't stop until all of you understood that what you're doing is wrong. You will never  
25 take what he has already earned. I wish to hand off the remaining time I have to Joe  
26 Coca.

27 MR. COCA: Hi everybody. This is Joe Coca. I am a veterans advocate here in El  
28 Dorado County and at one point had signed a 1099 with the County working for only

1 kindness. This is my third case. Captain Paul Jacobs and I have been involved in this  
2 from the very beginning. There are a couple of matters that I want to talk about. As my  
3 speech has gone out the window I want to hurry up and tell the story that I was told by  
4 Chief Engineer Hugh Doyle of the USS Kirk.

5 This Captain, yes, what he did is accurate. But at the same time, he's also a  
6 Captain who left his ship and boarded a Piper Cub, otherwise known as a bird dog. And  
7 he flew over Vietnam, into battle, to direct his own artillery fire directly on the enemy as  
8 the United States Marine unit was in combat with them. Ken Thurman asked the  
9 question, why were the criteria brought up previously? Sixteen mistakes were made, not  
10 just some, and they're not mistakes. They're the way we make decisions to honor our  
11 people in this military. I appreciate what Bill Sweet has mentioned, or Bud Sweet has  
12 mentioned.

13 I spoke to Mr. Buchanan personally. I'm the reason why McClintock is involved in  
14 this. He refused to listen to that. He's also contacted Tyler Jacobs, and made him  
15 alternative offers, which he has no authority to do so. There are many things going on on  
16 the back end of this, and the reason why so many people are involved, and newspapers,  
17 and national news being involved, is because that's the support that this Captain has.  
18 The remaining time I'd like to move over to the executive officer of the USS Kirk, Captain  
19 Dick McKenna.

20 MS. DAWSON: Joe, is he there with you?

21 MR. COCA: No he is not. He is online.

22 MS. DAWSON: I don't see him here with his hand up, unless he is using an  
23 acronym. There's a minute, forty two left.

24 MR. COCA: Is Mr. Herman on the line?

25 MS. DAWSON: Mr. Herman? Jan Herman?

26 MR. COCA: Yes ma'am.

27 MS. DAWSON: Yes, just raised their hand. Is that who you're referring to?

28 MR. COCA: Yes ma'am.

1 MS. DAWSON: All right. Herman, you are now on.

2 MR. HERMAN: I'll identify myself. My name is Jan Herman. I'm the former chief  
3 medical historian of the Navy, the author of "The Lucky Few" that has been mentioned  
4 today, and also a documentary of the same name. I don't know if I really have to say much  
5 more than has already been said about the heroism of Paul Jacobs.

6 I can tell you this. In writing the book and making the film, I interviewed many  
7 Vietnamese former refugees, now American citizens. I've gone through ship's logs, I've  
8 interviewed members of the crew, and I've interviewed Mr. Armitage, who you've already  
9 heard from, and I can honestly say that Captain Jacobs did not follow his orders  
10 necessarily in rescuing these people. His orders were very specific. He was to run a picket  
11 line to defend the larger ships of the 7th Fleet from attack from the North Vietnamese.  
12 But when the situation changed, and there were incoming helicopters packed with  
13 refugees, he made an instant decision. He didn't take into consideration that if any of  
14 those helicopters crashed on his vessel and took the lives of his crew or the refugees  
15 aboard, that his career would have ended at that point. He would have been court-  
16 martialed, and he would have been cashiered from the Navy. He never considered that.

17 His only consideration was to save human life, and that's what he did.  
18 Unquestionably, what he did in saving the first set of refugees, never mind the ones he  
19 saved by going back to Vietnam with his ship and rescuing the other 30,000. He's a hero  
20 in my view, and what I've heard today ...

21 MS. DAWSON: Time.

22 MR. HERMAN: ... what irks me, what I've heard is, I don't know what the problem  
23 is Mr. Buchanan has. Why, suddenly, Mr. Buchanan has a problem with this, where he  
24 didn't have a problem with the other veterans who went up on the wall. I have no idea.  
25 I'm not involved in any of that, but I can say and I'll end my comment right here, that no  
26 one is more of a hero than Paul Jacobs for saving human life and not taking it. I'll finish  
27 right there.

28 ///

1 **PUBLIC COMMENT [10:19:28]**

2 MR. DEL MONTE: Thank you. So now we will move on to public comment from  
3 members of the public. Committee representatives, or representatives of the family who  
4 have spoken, this time will be given to members of the public who have not yet been given  
5 an opportunity to speak. Thank you.

6 REP. THURMAN: Can I raise a minor administrative issue? Bud [Sweet], can you  
7 mute yourself? We're getting some feedback from some on the radio. Down the lower left.  
8 You should see a little microphone. You click on that, we won't get feedback from the  
9 phone calls.

10 MR. DEL MONTE: Madam Clerk.

11 MS. DAWSON: Ok, Bud, you've been muted. So, we're now taking public comment.  
12 Members of the public who wish to speak please press the raise the hand button now if  
13 you're on Zoom, or if you are joining the meeting by phone, press \*9 to indicate you will be  
14 accessing by phone.

15 MR. DEL MONTE: Madam Clerk, as folks begin to raise their hand, or press \*9,  
16 do you have any indication how many members of the public are wishing to make a  
17 comment?

18 MS. DAWSON: At this point I only have one person from the public who has raised  
19 their hand. No, I'm sorry, I have two from the public that have raised their hand. Three,  
20 four...there's more coming now.

21 MR. DEL MONTE: Ok. Members of the public will be given up to three minutes to  
22 speak, and Madam Clerk, please check in should this number change and we can check in  
23 with the committee regarding any next step that's necessary to allow them time to  
24 deliberate. Thank you.

25 MS. DAWSON: Now taking public comment from Hugh Doyle. Go ahead.

26 MR. DOYLE: Thank you for the opportunity to speak on behalf of Captain Jacobs.  
27 I was a 30 year old Lieutenant in the spring of 1975 and the Chief Engineer in USS Kirk.  
28 Commander Paul Jacobs, at that time, was my Captain. My comments are brief and

1 pointed.

2           What is the purpose of this Wall of Honor? Is the wall meant to honor just one  
3 man, or is it a way for the good people of the County of El Dorado to honor the bravery  
4 and sacrifice of all her citizens in the service of our Country? I read the rules you have  
5 enacted, the criteria for being honored on your wall. In essence, you intend to honor only  
6 your heroes at the Medal of Honor and Navy Cross level. Am I reading this correctly?  
7 Who drew up these rules? Who is responsible for etching a hard demarcation line beneath  
8 the Navy Cross level of award? Was it just one man, alone, who made that decision? Is it  
9 coincidental that he is a recipient of the Navy Cross?

10           Do the good people of the County of El Dorado realize that there are actually four  
11 medals that recognize personal valor in combat? The Medal of Honor and the Navy Cross,  
12 plus the Silver Star and the Bronze Star with the combat "V." What are your local County  
13 statistics? How many citizens of El Dorado County have earned either the Medal of Honor  
14 or the Navy Cross throughout the years? I would venture to guess very few.

15           I would think that El Dorado would want to honor all of her brave citizens who  
16 distinguished themselves in combat? And shouldn't that public honor also include Purple  
17 Heart recipients, men and women who have bled and sacrificed limbs, sight, and even  
18 their sanity? What about returned prisoners of war, Gold Star mothers and fathers? By  
19 the way, Captain Jacobs was awarded the Bronze Star with a combat "V" for his service  
20 as executive officer in a destroyer while on the gun line in Vietnam, providing naval  
21 gunfire support to Mr. Buchanan and his fellow Marines. Thank you. I yield the balance  
22 of my time.

23           MS. DAWSON: Now taking public comment from Daniel Lucero. Go ahead.

24           MR. LUCERO: My name is Dan Lucero. I was a crewmember aboard the Kirk  
25 during the 1975 deployment for the fall of Vietnam. Listening to today's comments, I  
26 might mention that the heroics by Captain Jacobs just did not start on April the 29th  
27 during the fall of Vietnam. It really started from the time we left 32nd Street and rushed  
28 to get to Southeast Asia. When we met up with the USS Hornet, we frequently refueled at

1 much faster speeds, and Hugh Doyle being the Chief Engineer can attest to this, we were  
2 refueling at 20 to 25 knots. We also participated in three operations during this evolution.  
3 It was Operation Eagle Pull, pulling out 300 American evacuees from Cambodia. We  
4 participated in Operation Frequent Wind, which everybody is talking about, and we also  
5 participated in Operation New Life, which was the escorting of the 30,000 Vietnamese  
6 from the Con Son islands. I would mention that Mr. Armitage, who previously spoke, had  
7 a very significant part with that latter Operation New Life. He himself served in  
8 Vietnam, in Special Forces, and with the Vietnamese Blue Water Navy. He was very  
9 familiar with them, and that's why he was sent by the Department of Defense at the time  
10 of the fall.

11           When we talk about personal danger, at any moment because of the collapse of  
12 Vietnam, the VC could have attacked the USS Kirk, which was the closest unit to Saigon  
13 at the time. Any one of those H-1 Hueys, as previously mentioned, who had never landed  
14 on a rocking ship, could have easily have taken out the Kirk, and also during this  
15 timeframe there was a CH-47 Chinook, a twin rotor much larger than a Huey, that  
16 approached the Kirk, and we were able to take their evacuees. All told in that first couple  
17 of days, around April the 29th, 1975, the Kirk took on over 200 refugees. And when we  
18 talk about personal danger, the plaque that is being mentioned, actually shows Captain  
19 Jacobs participating in pushing helos over the side.

20           I was also one of the shipriders that rode the various Vietnamese ships and we  
21 were in contact with the Kirk and talking about our needs in terms of water and food and  
22 medical issues. And Captain Jacobs again was coordinating all those efforts. His efforts  
23 were highly documented by the Navy's video documentary, "The Lucky Few," as Jan  
24 Herman had already spoke, and also by the PBS documentary, "The Last Days in  
25 Vietnam," which was produced by Roy Kennedy, who was the last child of Bobby and  
26 Ethel Kennedy.

27           Captain Jacobs, as previously mentioned, had six combat tours in Vietnam, and  
28 this is just but one. Finally, as we all know, from those that participated in Vietnam, we

1 didn't come back to a very receptive country. And the action that's happening now is kind  
2 of reflective of that. And I would have thought that we would have been beyond this a  
3 long time ago. Thank you.

4 MS. DAWSON: Now taking public comment from Jim Cahill.

5 MR. CAHILL: My name is James Cahill. I'm a Vietnam combat veteran. I've lived  
6 in this county for 44 years, 30 years as a teacher at El Dorado High School. I met Rich  
7 Buchanan in 2007, and became a Friend of the Monument. Rich's friendship to the  
8 monument stands for all El Dorado County veterans. The privatization of the monument  
9 itself is a reflection of the determination of keeping politics out of this monument.

10 I'm not arguing about Paul Jacobs' service to our Country at all. I think there are  
11 heroic actions, yet the whole issue has been brought to this point by a politician standing  
12 on the floor of the U.S. House of Representatives saying that Paul is a hero. That, to me,  
13 means it was manipulated for political purposes.

14 I'd like to thank you for your time. I also stand behind Rich Buchanan and his  
15 decision to oppose the plaque being placed at that location. There's already a plaque for  
16 Paul Jacobs at the monument now. It's not a plaque, it's a big brick, in case you didn't  
17 know. Thank you for your time. I appreciate all the things that you people have done.

18 MS. DAWSON: Now taking public comment from F.A.P.A.C. Please identify  
19 yourself for the record. Go ahead.

20 CALLER: Hello. Good afternoon everyone. Make sure you can you hear me OK?

21 MS. DAWSON: Yes we can.

22 MR. NGUYEN: Thank you. So my name is Freedom Nguyen. Thank you for the  
23 opportunity to talk. I actually live in Northern Virginia and I represent, I guess.... I spent  
24 several years, the last several years with Captain Jacobs until he moved to the West. And  
25 I am also a federal employee, still I am, for over 30 years. I am also representing the  
26 Vietnamese Americans that we are always talking about. It was started from 30,000 to  
27 about 300,000 and now to probably three million people strong, which is more Vietnamese  
28

1 American but we are all Asian American. We are American and in [garbled] to Captain  
2 Jacobs' heroic action.

3 I was a young boy back then but now, of course, I'm an adult and so are my other 3  
4 million people. We are all accomplished, you know, years federal government employee,  
5 state and local. We are all even at the Congress level, like Congresswoman Stephanie  
6 [Murphy] from Florida. So, basically what I am saying, and also I am representing the  
7 federal Asian Pacific Americans, which represent all federal employees who are Asian-  
8 Pacific Islanders. In the Northern Virginia and the east coast, Captain Jacobs and his  
9 crew, the USS Kirk, was recognized by nationwide from even Washington, DC, Maryland,  
10 Virginia, as a hero. There are, as you know, several documentaries, several awards,  
11 several ceremonies representing him. So we all have no doubt. There is no question about  
12 what happened back then, long time ago.

13 I guess, from the perspective of El Dorado County. I'm not familiar with the  
14 county. On the west coast, I do have a lot of family and friends who live on the west coast  
15 themselves. But I would think, I don't want to use the word embarrassed, but it would be  
16 inconsistent for one county, or one man to oppose to put the plaque as awarded action by  
17 Captain Jacobs when the rest of the country recognized it. And I think there's plan for the  
18 future for other counties. I believe San Diego County and others. I think it's appropriate  
19 and it is an honor for Captain Jacobs to decide to spend his last few precious months at El  
20 Dorado County and make it his final home on resting earth. So the least that the County  
21 should recognize and honor what we are asking for today. It's not about politically. It's  
22 just about, I think, do the right thing and be consistent. And I think heroic is really not at  
23 that time. It continued to happen, heroically, for 30, 40 years after. And that's what  
24 Captain Jacobs did for all of us. So with that, thank you for all of us. Thank you for your  
25 time and I think there are other people here representing us. I'm just trying to speak for  
26 them. Thank you.

27 MS. DAWSON: Mr. Nguyen, are you also logged in as Peter Nguyen?

28 MR. NGUYEN: I'm sorry. What did you say?



1 MS. DAWSON: Are you logged in more than once?

2 MR. NGUYEN: Oh no. That was my other counsel. I was the same person so thank  
3 you.

4 MS. DAWSON: Ok, thank you. Now taking public comment from Richard  
5 McKenna.

6 MR. MCKENNA: Good morning everyone. I'm Captain Dick McKenna, U.S. Navy,  
7 retired, and former executive officer of USS Kirk under the Captain during Operations  
8 Frequent Wind and New Life. Sorry about the raised hand button there before. In any  
9 event, I just wanted to mention that you know, you have before you a unique saga,  
10 incomparable to other military operations that can reside in your veteran's pantheon,  
11 honoring a veteran special to El Dorado County. How this is not a win for your  
12 community is hard for me to understand.

13 I believe ... recently, I read a claim that the Captain was only following orders.  
14 Nothing could be further from the truth. As events began to unfold with the developing  
15 sight of fleeing Vietnamese Hueys, we unexpectedly received orders from the screen  
16 commander to depart station and proceed to refuel. Captain Jacobs, recognizing the  
17 potential seriousness of the situation, immediately responded, quote, "We are in the  
18 process of recovering aircraft." Not so. We were certainly trying, offering our deck in  
19 Vietnamese over the distress circuit, but it wasn't until shortly after that that we  
20 successfully recovered the first of a dozen plus helos with their almost two hundred  
21 passengers and crew. Who knows the fate had we not remained on station? Captain  
22 Jacobs' defiance of that order was his, quote, "profiles in courage" moment and set in  
23 motion the ensuing story of the Kirk. As a note of interest, that evening, we recovered  
24 what was likely the last Marines out of Vietnam—two Cobra gunship pilots who ran out  
25 of fuel and ditched, the last returning from covering the embassy in Saigon.

26 Because of these and other exploits we were ordered alongside the task force  
27 flagship to receive and transport Mr. Armitage, the DOD liaison to the Vietnamese Navy  
28 ships assembled at Con Son Island. That was the only order. We were expected to depart

1 and return to the group thereafter. Once on scene, however, Captain Jacobs was so taken  
2 with the plight of the ships and their passengers, decided that our place was with these  
3 refugees, ensuring constant attention to their protection and support with food, medical  
4 attention and engineering support would have been late in coming had we not taken that  
5 initiative.

6 The details of this support are well documented and are a matter of record. Our  
7 provision storerooms were drawn down, several significant mechanical problems were  
8 solved, and medical issues were discovered and attended to. A potential maternity ward  
9 was even set up with nine near term pregnant women. Imagine the effort required to  
10 solve these issues in a thirty ship convoy on a daily basis for almost a week. The Captain  
11 and our crew were flat out addressing and solving a wide range of issues, the end result  
12 being the rescue of 30,000 plus refugees, now respected, productive American citizens,  
13 demonstrably grateful to Captain Jacobs and his crew.

14 Heroism is commonly thought of as an act of valor and a defining moment. Captain  
15 Jacobs certainly qualifies in that [?] our defining moment when he cast aside a  
16 questionable order to remain on station, thereby saving the lives of almost 200 in one  
17 action and affecting the lives of over 30,000 in another. It was done in the face of the  
18 unknown—his career, an enemy threat, the potential operational dangers, i.e., a valorous  
19 act. I sincerely hope the committee can recognize what you have here, a fearless, decisive  
20 leader with an epic tale. Because of his actions he's offering you a single opportunity to  
21 display a singular achievement by one of your county's citizens. I hope you'll take  
22 advantage of that and thank you.

23 MS. DAWSON: Now taking public comment from Jack Frame.

24 MR. FRAME: I'm Jack Frame. I'm a resident of El Dorado County and have been  
25 since 1999. I was a Marine Captain in the Republic of Vietnam in 1967 and 1968. I am  
26 subsequently retired as a Colonel in the Marine Corps Reserve. I'd just like to say that I  
27 appreciate Mr. Buchanan's service, both in Vietnam and in getting the Veterans  
28 Memorial erected. It was certainly worth his efforts and greatly appreciated from those

1 who came back to the insults of our dear friend Ms. Fonda. However, and I understand  
2 his objections to the political interference that has occurred. However, as a fellow Marine,  
3 and a double recipient of the Purple Heart, I respectfully request Mr. Buchanan withdraw  
4 his objections to the erection of a plaque honoring Captain Jacobs and the crew of the  
5 Kirk. Thank you very much.

6 MS. DAWSON: There are no further public comments.

7 **COMMITTEE DELIBERATIONS [10:39:55]**

8 MR. DEL MONTE: Thank you Madam Clerk. So, committee members, now we  
9 bring it back to your committee. There is approximately 21 minutes remaining in the  
10 meeting and the floor is yours. Is there anything further you need before making a final  
11 vote of whether the recommendation to place a bronze plaque on the veterans monument  
12 meets the established criteria, or if you support to uphold the appeal of the placing of the  
13 bronze plaque on the veterans monument? The floor is yours for any final discussion and  
14 once you're ready, one of your committee members can make a motion and once seconded,  
15 I'll conduct a final roll call vote of your organizations in alphabetical order. Thank you.

16 REP. THURMAN: Do we speak up?

17 MR. DEL MONTE: Please, yes.

18 REP. THURMAN: Say again?

19 MR. DEL MONTE: [Nodding affirmatively.]

20 REP. THURMAN: This is Ken Thurman. I'm sorry. I guess it's just the four of us.  
21 I've somewhat expressed my thoughts before. This has been very enlightening, the  
22 discussion. I'm personally leaning towards allowing this to be put up, where the  
23 committee or the counsel, or whatever the term is, nomenclature is. Based on what was  
24 said, in some of the plaques that are already up there, despite what the attorney said, I  
25 think precedence does make a difference. And, being combat wounded, and through the  
26 whole bit myself, I think it's extraordinarily commendable what this person did, along  
27 with his crew. I can take a bunch of lives. I've got medals for it. He, in fact, saved a lot of  
28 lives and did it despite higher ups. I think also, that because it has become a national

1 issue, certainly an issue in this region, it would credit the whole community, particularly  
2 us in the veteran community, to not deny the placement of this plaque. I think it speaks  
3 well about this community, and its support for veterans, which is one of the reasons that  
4 I, and the other Purple Heart members decided to honor El Dorado County as a Purple  
5 Heart community, as part of the Purple Heart trail that starts out in Mount Vernon, from  
6 Washington's place all the way to the west coast, honoring extraordinary communities,  
7 and I think this is really an example. I think it's been brought forward also, that  
8 depending upon the definition of the criteria, this man and his actions qualify. My two  
9 cents worth, twenty five cents worth.

10 MR. DEL MONTE: Committee members, just to speak up and inform you that  
11 there are five committee members present that will be on this final decision. Thank you.

12 MR. MCADAMS: I'll concur with the Purple Heart. It seems as though it's more  
13 political than it should be in that aspect of it all. I think the overall El Dorado County  
14 benefits from all of this. I mean, you know, this is a local individual who exceeded, and I  
15 understand that when you start coloring outside the lines and you disobey orders, maybe  
16 you don't get that promotion or you don't get recognition for your actions. So, based on  
17 that, and aside from precedent or past practice. However, I think we should move  
18 forward, and I'll relinquish the rest of my time to Bud Sweet.

19 MR. SWEET: Everything that I've heard here, I think that [garbled] should never  
20 have gone this far, and no disrespect to Richard Buchanan, because he worked himself off  
21 very hard to get the memorial set up. They set up a set of rules. We should abide by the  
22 rules, but there is also exception to every rules. And, consequently, we can't lower the  
23 rules so if we put down for every Purple Heart or everything else, that wall would be filled  
24 up in nothing flat. We have a lot of heroes in El Dorado County. I think if Richard  
25 Buchanan, as suggested, would withdraw his objection, so we could move on in the  
26 County and get rid of this public notice that we have, showing that we're kind of a  
27 screwed up County, and won't allow a plaque to be put up. I think it's an embarrassment  
28 to the god damn County. That's all.

1 MR. DEL MONTE: Are there are any remaining comments from committee  
2 members? And, once the deliberation is completed, I will entertain a motion and a second  
3 from committee members before we do a role call vote.

4 REP. MANSFIELD: Yeah, I'll speak. You know, to be honest, initially I had some  
5 skepticism only in the fact that I think he deserved more than just a bronze plaque. You  
6 know, when I first read the three definitions I was a little skeptical. Maybe three, the  
7 third one I could consider it, but what's done is done. I think we need to move on. But,  
8 look, what I've heard today is that he deserves more than just a brass plaque. And, you  
9 know, we start getting technical, well, that's more than what I think we need, you know.  
10 We just need to move on. Thank you.

11 REP. THURMAN: Anything from the Airborne? John, I assume Airborne, given  
12 the "AA" in the background? Do you have any thoughts?

13 REP. BROWN: No, fine.

14 REP THURMAN: I'm a little confused on how ... Richard, I guess you're the  
15 person, or our attorney. How to word a motion, I guess it's a negative motion? We're  
16 making a motion to deny the petition, or? Could you enlighten us on how to word it?

17 MS. FRANTZ: Yes, that's no problem. If you believe that this plaque meets the  
18 criteria to be placed on the Honor Wall, then you would make a motion to deny the appeal  
19 and uphold the decision of the Veterans Alliance, finding that Captain Jacobs' plaque  
20 does meet the criteria set forth in the attachment that was approved by the Board in  
21 2008.

22 REP. THURMAN: Ok. I'll try to make a motion. That's a bit of a lawyer's response.

23 MS. FRANTZ: Sometimes they just say, sometimes because there's minutes, the  
24 Board has been known to just say, "I move counsel to set," but anyway, what you would  
25 say is, "We find the plaque meets the criteria, and therefore, we deny the appeal and  
26 uphold the decision by the Veterans Alliance."

27 REP. THURMAN: Ok. I'd like to make a motion that we deny the petition and that  
28 we support the Veterans Alliance decision to put the Jacobs and Kirk plaque on the

1 memorial wall.

2 REP. BROWN: I second it.

3 MR. DEL MONTE: All right. A roll call vote. Representing the Association of  
4 County Veteran Service Officers?

5 REP. BROWN: Deny the appeal.

6 MR. DEL MONTE: Representing Disabled American Veterans, Chapter 63? [Not  
7 present.] Representing the Marine Corps League?

8 REP. MANSFIELD: Deny the appeal.

9 MR. DEL MONTE: Representing the Military Order of the Purple Heart?

10 REP. THURMAN: Deny the appeal.

11 MR. DEL MONTE: Representing the Veterans of Foreign Affairs?

12 MR. MCADAMS: Deny the appeal.

13 MR. DEL MONTE: And, Madam Clerk, I believe that is a 5-0 vote.

14 MS. DAWSON: It is. 5-0.

15 [NOTE: REP. SWEET, representing the Fleet Reserve Association, was not polled  
16 and did not vote.]

17 MR. DEL MONTE: Thank you. As the committee has made its decision, there is no  
18 further action or decision to be made today. The public hearing is adjourned at 10:50.

19 MS. FRANTZ: I'm sorry. This is Paula. I just wanted to note that either party has  
20 the right to appeal within 10 days to the Board of Supervisors, and that hearing would  
21 occur within 30 days after the appeal was filed.

22 MR. DEL MONTE: Thank you. The meeting is adjourned. Thank you committee  
23 members. Appreciate your time this morning.

24 REP. THURMAN: Thank you everybody involved.

25 MS. FRANTZ: Thank you very much committee members for coming.

26 **CONCLUSION [10:51:00]**