

May 12, 2021

Richard W. Todd
Veteran Services Program Manager
El Dorado County Health & Human Services Agency
937 Spring Street
Placerville, CA 95667

Subj: Objection to Captain Paul Jacobs bronze plaque

Dear Mr. Todd:

As the founder of the El Dorado County Veterans Monument I object to the planned installation of a bronze plaque on the monument's "Honor Wall" in recognition of Captain Paul Jacobs, USN (Ret.) and his service aboard the USS Kirk (FF-1087) in the last days of the Vietnam War. While Captain Jacob's actions were commendable they do not fulfill the approved criteria for this recognition as sought by the El Dorado County Veteran's Alliance ("EDCVA").

The Monument is governed by County Ordinance 4743 (Code 1997, § 9.54.010; Ord. No. 4743, 9-11-2007). The Ordinance provides that the monument may not be used "for any organized activities other than the commemorative ceremonies to be held on Memorial Day and Veterans Day." Those ceremonies are to be "hosted by The Friends of the Veterans Monument" ("FOVM"). Otherwise, the ordinance does not authorize the FOVM or any other organization to approve or install memorial plaques, or make any changes to the monument.

The Board of Supervisors adopted ordinance 4743, along with amended criteria for "Military Honoraria and Civilian Recognition," on September 11, 2007. (Enclosures 1-2.) The criteria includes that "any issues that arise regarding inclusion, inscription, or location of honoraria in the monument are to be directed to the Veterans Service Officer," and describes the process of hearing and appealing such issues. Therefore, I am submitting this objection to you as the program manager for the County's Veteran Services office.

Bronze Plaque Criteria:

The EDCVA seeks to install a bronze plaque honoring Captain Jacobs as a "national hero who distinguished himself in action" and that his "deeds fulfill the *intent* of the guidance provided for placement of a bronze plaque." (Enclosure 3.)

The approved criteria do not describe *intent*, but conditions that "the honoree *must* meet." (Enclosure 2, page 2.) With no disrespect to Captain Jacobs or his crew, his actions as part of Operation Frequent Wind in 1975 do not meet these conditions.

First, the criteria defines "heros" as "recipients of the Medals of Honor, Distinguished Service Cross, Navy Cross, Air Force Cross or any person or unit who, while serving with the military,

distinguishes *himself* in action by extraordinary heroism.” The EDCVA’s description omits any mention of those medals being awarded to Captain Jacobs, and only superficially describes “heroic” actions by the USS Kirk, but not by Captain Jacobs personally or extraordinarily.

Second, “The action must take place under one of three circumstances: while engaged in action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or, while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party.”

Multiple sources, including interviews with Captain Jacobs, affirm that the USS Kirk engaged in “humanitarian” actions by recovering helicopters evacuating from Saigon on April 29, 1975, but did not engage in combat, and was not subject to enemy actions. On April 30, 1975, the final day of the Vietnam War, the USS Kirk rendezvoused with remnants of the Vietnamese Navy at Con Son Island, approximately 50 miles offshore, and then escorted those vessels and their evacuees without incident to the Philippines. Again, the USS Kirk engaged no enemy and its operations were entirely humanitarian. Apart from those actions, the USS Kirk only departed San Diego for Vietnam in March, 1975 and was not engaged in armed conflict with any enemy force. Captain Jacobs, as the Commanding Officer of the USS Kirk, did not personally engage any enemy of the United States.

Third, “The act to be commended must have been performed in the presence of great danger or at great personal risk and must be performed in such a manner as to render the individual highly conspicuous among others of equal grade, rate, experience, or position of responsibility.”

Operation Frequent Wind took place in the final two days of the Vietnam War. The USS Kirk was one of 25 U.S. Navy vessels comprising Task Force 76, which were situated approximately 17 miles from the Vung Tau peninsula. The USS Kirk was notable for landing 16 helicopters and pushing 15 of them overboard in order to keep its landing deck clear; in all, 250 people were evacuated from those helicopters and then transferred to other vessels.

Captain Jacobs is credited for making a command decision to land helicopters and care for evacuees, but his was not the only U.S. naval vessel to do so. Nor did he do so under “great danger or at great personal risk.” Pictures show him in short pants, without battle gear, amidst his crew on the flight deck as they unloaded evacuees and pushed helicopters overboard. The ship was not under enemy threat, and he performed his duties the same as other units of Task Force 76. On April 30, 1975 and afterwards, Captain Jacobs tended to evacuees and their humanitarian needs as they led a convoy of Vietnamese vessels to the Philippines without the danger of enemy combat.



Commander Paul Jacobs, USS Kirk (3rd from left)

Recommendation:

Captain Jacobs and the crew of the USS Kirk stood out because they were ordered to Con Son Island and led a convoy of evacuees that totaled approximately 30,000 Vietnamese. Those actions are notable and more suitable for recognition on Veterans Day, when the descendents of those Vietnamese refugees could speak to those actions and their subsequent relocation to the United States. The Asian Heritage Society of San Diego did so in 2017 when it “held ceremonies commemorating the largest humanitarian effort in U.S. naval history.” Another appropriate speaker would be from members of the USS Kirk Association. They can be reached at <https://www.kirk1087.org/>, or on Facebook at <https://www.facebook.com/UssKirkAssociation>.

The monument contains other means to recognize Captain Jacob’s service, but he does not meet the criteria for the placement of a bronze plaque in a place of reserved honor at the veterans monument. Therefore, I recommend the EDCVA’s action to place a plaque honoring Captain Jacobs be immediately denied. The Alliance does not have authority to approve or install a plaque, nor does Captain Jacobs meet the criteria for placement of a bronze plaque honoring him as a hero.

Respectfully,

Richard W. Buchanan, Navy Cross
Past National Commander, Board of Directors, Legion of Valor

Encl: (1) September 11, 2007 Board of Supervisors Agenda
(2) Amended Criteria for Military Honoraria
(3) John Poimiroo email dated May 12, 2021

END CONSENT CALENDAR**NOTICED HEARINGS****DEPARTMENT MATTERS**

29. [07-394](#) Adoption of Ordinance **4743** establishing regulations for the use of the Veterans Memorial Monument; and providing amendments to the Criteria for Military Honoraria and Civilian Recognition. (Introduced 8/28//07, Item 37)

Attachments: [Goldenrod for Veteran's Memorial Monument.pdf](#)
[Ltr rcvd from Sup. Briggs and Ord. 4188.pdf](#)
[Additional information for Veterans Monument.pdf](#)
[070403 Veterans Memorial Monument Management Issues.doc](#)
[070713 Veterans Memorial Monument Update.doc](#)
[Ordinance 4743 8-28-07.pdf](#)
[Board Letter - Veterans Memorial 8-28-07.pdf](#)
[Amended Criteria for Military Honoraria and Civilian Recognition.pdf](#)
[083007 FINAL Veterans Monument Criteria Amendments](#)
[Revised Ordinance 9-4-07](#)
[Phone Message by Jamie Beutler 9-7-07.pdf](#)

This matter was added to the Consent Calendar and adopted.

Yes: 4- Dupray, Baumann, Briggs and Santiago

Absent: 1- Sweeney

30. [07-1310](#) Public Health Department recommending Chairman be authorized to sign Amendment I to Agreement 200-S0811 with El Dorado County Regional Prehospital Emergency Services Operations Authority (JPA) to amend Section V, Article XI - Response Time Standards, Letter C. Maximum Response Times, to provide prehospital Advanced Life Support (ALS) services and dispatch services within County Service Area No. 7.

Attachments: [Blue Sheet](#)
[Amendment I](#)
[WS JPA Contract](#)
[Attachment A, Response Time Comparison.pdf](#)

This matter was added to the Consent Calendar and approved.

Yes: 4- Dupray, Baumann, Briggs and Santiago

Absent: 1- Sweeney

El Dorado County Veterans Monument
Criteria for Military Honoraria and Civilian Recognition
September 11, 2007

The El Dorado County Veterans Monument is intended to honor the in-service accomplishments of veterans and current members of the armed forces of the United States of America. All eligible veterans will be included proportional to their in-service contributions.

There will be two separate areas of recognition:

1. Recognition of veterans through military honoraria to be located in the veterans monument plaza (hereinafter referred as "plaza").
2. Recognition of civilian contributors to the monument to the left and right of the Monument's main (west) entrance adjacent to the parking lot.

As of November 11, 2006, no further integration of veterans honoraria and civilian recognition is permitted in the plaza.

Any issues that arise regarding inclusion, inscription, or location of honoraria in the monument are to be directed to the Veterans Service Officer, who will convene a committee including one representative commander from each of the federally chartered veterans organization in El Dorado County to hear and settle the issue (hereinafter referred as "committee"). The decision rendered by the committee may be appealed to the Board of Supervisors by submitting a request to the Veterans Services Officer, who will place the appeal on the Board's agenda. All decisions regarding inclusion, inscription, or location of honoraria in the monument will be made in a manner consistent with this policy.

Eligibility for Recognition through Military Honoraria

Eligibility for inclusion in the plaza is based upon discharge from active military service under other than dishonorable conditions.

1. Active service means full-time service, other than active duty for training, as a member of the Army, Navy, Air Force, Marine Corps, Merchant Marines or Coast Guard. Men and women veterans with similar service will be entitled to the same category of honoraria.
2. Dishonorable and bad conduct discharges issued by general courts-martial may bar inclusion in or cause removal from the plaza.
3. Veterans in prison and parolees must contact the El Dorado County Veterans Service Officer or Friends of the Veterans Monument to determine eligibility. Acceptance will not be provided to any veteran wanted for an outstanding felony warrant.

Those seeking honoraria in the plaza for the first time must complete and submit an application to the El Dorado County Veterans Services Officer that provides the following information:

1. Documentation that demonstrates service dates and type of discharge a copy of their service discharge form, such as DD-214, DD-215, or for WWII veterans, a WD form; or
2. Full name, military service number, and branch and dates of service.

Application forms are available from the Veterans Service Office, The Friends of the Veterans Monument, Inc. (hereinafter referred as "the Friends") , or the Pool Place on Missouri Flat Road, Placerville, or other such places as may be designated by the Chief Administrative Officer.

Types of Military Honoraria

The following types of military honoraria are available for purchase through The Pool Place at prices in effect at the time of purchase:

Special Bronze Plaques honoring events, units, or heroes. For plaques that honor heroes, the honoree must meet the following conditions:

- Heroes are defined as recipients of the Medals of Honor, Distinguished Service Cross, Navy Cross, Air Force Cross or any person or unit who, while serving with the military, distinguishes himself in action by extraordinary heroism.
- The action must take place under one of three circumstances: while engaged in action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or, while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party.
- The act to be commended must have been performed in the presence of great danger or at great personal risk and must be performed in such a manner as to render the individual highly conspicuous among others of equal grade, rate, experience, or position of responsibility.

Benches. Benches are intended to honor any veteran, unit or action. For benches included in the plaza, the inclusion of civilians in the inscriptions is specifically prohibited.

Bricks. Size 4x8 bricks may be purchased to honor any qualified veterans or current member of the armed forces of the United States. Each brick contains up to three lines and a maximum of 14 characters per line.

Modification and Maintenance of the Monument

The County shall be responsible for the maintenance and upkeep of the Monument, including installation of any bricks, plaques and the like that are provided by the Friends.

The County, through the General Services Department, will notify the Friends and the committee in writing of any ~~intended~~ or proposed changes in the design, configuration, or landscaping of the monument. The Friends will have the opportunity to discuss any such changes with representatives of the General Services Department. Private citizens, civic organizations, and military/veterans organizations are encouraged to communicate with the County and the Friends

regarding proposed improvements and additions to the monument that are consistent with this policy.

Any modifications must be consistent with the original purpose of the monument, which is to honor veterans.

The Friends will continue to purchase materials for the monument, such as bricks, tiles, plaques, and benches. The General Services Department is responsible for the installation of the materials within the monument.

----- Original Message -----

From: John Poimiroo <poimiroo@gmail.com>

To: Richard Todd <richard.todd@edcgov.us>

Cc: Gary Campbell <gacamb1@pacbell.net>, Jack Babbitt <jacbabbitt@msn.com>, Rich Buchanan <rbuchanan2680@comcast.net>, Ranell Brown <ranell.brown@edcgov.us>, Philip Houseworth <prhouseworth@gmail.com>

Date: 05/12/2021 9:15 AM

Subject: Re: Voice Message From: 5530

The El Dorado County Veterans Alliance, as the County-assigned overseer of the El Dorado County Veterans Monument determines the deeds of CAPT Jacobs fulfill the intent of the guidance provided for placement of a bronze plaque on the Honor Wall, namely that CAPT Paul Jacobs, USN is a national hero who distinguished himself in action.

As the sole US ship facing the entire North Vietnamese military, the USS Kirk, commanded by CAPT Jacobs performed heroically. There was great risk to the ship, its crew, its wards and to CAPT Jacobs personally, as has been dramatically presented in the historical record, the book *The Lucky Few* and in numerous highly acclaimed documentaries.

At the time, Kirk was serving with friendly foreign forces in an armed conflict. The act was performed in the presence of great danger and was performed in such a manner as to render CAPT Jacobs highly conspicuous among those of equal grade and position of responsibility. These are all conditions to be considered when placing a plaque on the Honor Wall.

There is no question in our mind that the plaque is deserved and honors one of El Dorado County's greatest heroes and that it fulfills the intent of both existing and previous guidance on placement of bronze plaques on the Honor Wall.

John Poimiroo, CAPT, USN-Ret
Secretary-Treasurer
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