

**MINUTES OF THE
WV CONSOLIDATED PUBLIC RETIREMENT BOARD
BOARD OF TRUSTEES MEETING
MEETING OF DECEMBER 14, 2011**

A meeting of the West Virginia Consolidated Public Retirement Board (CPRB) of Trustees was held at the Board Conference Room, 4101 MacCorkle Avenue, SE, Charleston, West Virginia 25304, and was called to order at 10:01 a.m. by Chairman David Wyant.

Roll Call was taken and trustees present were:

David Wyant, Esquire, Chairman
Jeffrey Shawver, Esquire, *representing Governor Earl Ray Tomblin*
Mack Parsons, *representing Auditor Glen Gainer*
Diana Stout, *representing Treasurer John Perdue*
Donna Lipscomb, *representing Cabinet Secretary Robert Ferguson*
Thomas Bradley
Captain Michael Corsaro
Drema Evans
David Fletcher
Joe Lynch
Andrew Richardson, Esquire

Trustees not present:

Joseph Bunn, Esquire
Todd Murray
Sergeant Tony Payne

A quorum was present. Due notice had been posted.

Also in attendance were:

Jeffrey E. Fleck, CPRB Executive Director
Terasa L. Miller, CPRB Deputy Director
Candi Moore, CPRB Executive Assistant
Jeaneen Legato, Esquire, CPRB General Counsel
Lenna Chambers, Esquire, Bowles Rice McDavid Graff and Love
Jack DeBolt, Esquire, Hearing Officer
Kris Morton, Great West Regional Manager
Andrew Wyne, Great West Outreach Officer
Craig Slaughter, Executive Director WVIMB
Eric Stringer, CPRB IT Specialist
Harry Mandel, CPRB Board Actuary
Melody Bailey, CPRB Actuarial Analyst
Annamarie Short, CPRB Internal Auditor
Lisa Trump, CPRB PERS Manager
Caroline Brady, CPRB PERS Assistant Manager
Brittany Smith, CPRB TRS Staff
Darden Greene, CPRB Chief Financial Officer
Deana Gose, CPRB Uniform Services Manager

Alysia Miller, CPRB Paralegal
Keith Wood, Appellant
Lonnie Simmons, Esquire, representing Keith Wood
Arnold Hutchinson, with Keith Wood
Tommy Hayes, with Keith Wood
Brian Christenson, with Keith Wood
Don Young, with Keith Wood
Mike Lyons, with Keith Wood
William L. Turner, Appellant
Roger A. Decanio, Esquire, representing William Turner

Tab #1: Approval of the November 9, 2011 Meeting Minutes

Mr. Richardson made a motion to approve the November 9, 2011 minutes of the CPRB. The motion was seconded by Captain Corsaro. The motion carried unanimously. The minutes are located behind Tab #1.

Mr. Bunn arrived at 10:03 a.m.

Tab# 2: Reports of the Chairman and Executive Director

The Board heard the report from Executive Director Jeffrey Fleck which included the following information:

1. Director Fleck reviewed with the Board the November 2011 Teachers' Retirement System (TRS) and Public Employees Retirement System (PERS) retirement numbers and estimates for the CPRB.
2. Director Fleck announced to the Board that CPRB's employee Shawna Carson of our Imaging Department was chosen as the January 2012 Employee of the Month for the Department of Administration.
3. Director Fleck informed the Board we have a new employee in our Teachers' Defined Contribution (TDC) section – Robert Sheff.
4. Director Fleck informed the Board the TRS Statements will be going out to members on December 19th and 20th along with a TRS Pension Press.
5. Director Fleck informed the Board the TRS brochure is in your Board Books for review.

Mr. Shawver arrived at 10:04 a.m.

6. Director Fleck reported to the Board on the TDC Educational Meetings that were held throughout the state from October through December 2011.

7. Director Fleck reviewed with the Board the TDC Annual Plan Review for October 1, 2010 through September 30, 2011 provided by Great West. He announced the TDC plan assets grew by \$7.14 million and were \$249.25 million as of September 30, 2011. There were 5,524 TDC participants from October 1, 2010 to September 30, 2011.
8. Director Fleck reviewed the trip report for Darden Greene, CFO, who attended the International Foundation's CAPP courses in New Orleans, Louisiana, October 29 and 30, 2011.
9. Director Fleck announced the annual evaluations of staff will be completed by the end of December.
10. Executive Director Fleck updated the Board regarding the Computer System RFP and that staff is awaiting the cost opening. Chairman Wyant asked Director Fleck to check with the Purchasing Division on the costs to see when we can expect it back to the CPRB.

Sergeant Payne arrived at 10:06 a.m.

11. Executive Director Fleck reviewed with the Board the CPRB November 2011 Financials. Currently we are at 23.1% of budget.
12. Executive Director Fleck reported the Retired Public Safety Officer Authorization for Insurance Premium Deduction form or PSOA 2012 Form was in their Board book.
13. Executive Director Fleck reviewed the TRS Retirees by Counties insert. This information was requested by the Joint Pension Committee of the Legislature. Executive Director Fleck's report is located behind Tab #2.

Tab #3: Plans Investment Data

West Virginia Investment Management Board (WVIMB) Executive Director Craig Slaughter reviewed with the Board the Plans Investment Returns as of October 31, 2011.

Kris Morton of Great West commented on the TDC Fund change. The WVIMB investment return report is behind Tab #3.

Tab #4: Consideration of Current Disability Retirement Applications

Ms. Evans reported the Disability Committee met on December 13, 2011 and makes the following recommendations to the full Board:

System	Approved	Denied	Total
PERS	10	1	11
TDC	4	0	4
TRS	3	0	3
TDC/TRS Transfers	8	0	8
TOTAL	25	1	26

Mr. Lynch made a motion the Board accept the Disability Committee's recommendations concerning the disability retirement applications. The motion was seconded by Mr. Parsons. The motion carried unanimously. The disability list is behind Tab #4.

Tab #5: Consideration of Appeals to Hearing Officer – Jack DeBolt

Hearing Officer DeBolt addressed the appeal of James Joseph Fuller on whether or not the Applicant is entitled to retain service credit in the Teachers' Retirement System from 2004 to 2011. It is recommended that the request of James Joseph Fuller to retain his 2004 to 2011 service credit in the Teachers' Retirement System be approved and that he be paid any annuity benefits lost as a result of Boards staff's previous determination.

Sergeant Payne made a motion to accept the recommendation of the Hearing Officer and approve the request of James Joseph Fuller to retain his 2004 to 2011 service credit in the Teachers' Retirement System and that he be paid any annuity benefits lost as a result of Boards staff's previous determination. The motion was seconded by Mr. Fletcher. There was discussion on the motion. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of State Police Plan A member John R. Giacalone on whether or not the Applicant is entitled to retain service credit obtained by the conversion of unused sick-leave and, if not, whether or not he must reimburse the fund for an asserted overpayment of benefits. It is recommended the request of John R. Giacalone that his sick-leave conversion be continued be approved and that he be paid any sums lost in the interim.

Sergeant Payne made a motion to accept the recommendation of the Hearing Officer and approve the appeal of John R. Giacalone. The motion was seconded by Captain Corsaro. There was discussion on the motion. The motion carried unanimously.

Mr. Shawver departed the meeting at 10:23 a.m.

Hearing Officer DeBolt addressed the appeal of William L. Turner on whether or not the Applicant is entitled to service credit for the period from 2001 to 2005 for which he was awarded partial back pay. It is recommended that the request of William L. Turner to acquire service credit in the Teachers' Retirement System be denied.

Ms. Evans made a motion the Board accept the recommendation of the Hearing Officer and deny the appeal of William L. Turner. The motion was seconded by Captain Corsaro. The motion carried unanimously.

Mr. Shawver returned to the meeting at 10:25 a.m.

Hearing Officer DeBolt addressed the appeal of Keith A. Wood on whether or not the Applicant is entitled to additional military service credit in Public Employees Retirement System under the provisions of §5-10-15 of the West Virginia Code. Mr. Wood is receiving military service credit during a period of the Persian Gulf War. It is recommended that the request of Keith A. Wood for additional military service credit in the Public Employees Retirement System be denied.

Ms. Stout announced she was General Counsel for the Department of Administration during this time and would need to recuse herself.

Ms. Stout departed the meeting at 10:30 a.m.

Chairman Wyant asked the Board what action they wanted to take on the Appeal of Keith A. Wood and none was heard. Chairman Wyant asked the CPRB General Counsel for advice and she announced that no motion either way by the Board means the decision stands.

Chairman Wyant announced that Cabinet Secretary Ferguson sent a written statement with

additional documents through his representative Donna Lipscomb and would like to make it a part of the record. Chairman Wyant said such documents would be made a part of the record.

There was discussion by the Board. The Appeals are located behind Tab # 5.

Ms. Stout returned to the meeting at 10:40 a.m.

Tab #6: Work in Progress Reports from Legal Counsel

Mr. Shawver made a motion the Board go into Executive Session to discuss legal matters as allowed by West Virginia Code §6-9A-4. The motion was seconded by Captain Corsaro. The motion carried unanimously. The Board went into Executive Session at 10:40 a.m.

The Chairman reconvened the Public Session of the December 14, 2011 meeting of the Consolidated Public Retirement Board from Executive Session at 11:12 p.m. Chairman Wyant stated the Board was in Executive Session to discuss legal matters. He announced there were no decisions made during Executive Session. The Board will return to Tab #6, Work in Progress Reports from Legal Counsel.

Mr. Bunn made a motion to reconsider the Boards approval or disapproval of Mr. Wood's appeal. Mr. Fletcher seconded the motion. Ms. Stout requested recusal.

Ms. Stout and Mr. Richardson departed the meeting at 11:13 a.m.

There was discussion on the motion. The motion carried unanimously.

Mr. Richardson returned to the meeting at 11:15 a.m.

Chairman Wyant announced we will now reconsider the appeal of Keith A. Wood. Mr. Bunn made a motion to adopt the recommendation of the Hearing Officer and deny the appeal of Keith A. Wood. The motion was seconded by Captain Corsaro. Ms. Lipscomb stated she would abstain as a representative of Secretary Ferguson. There was discussion on the motion. The motion carried unanimously.

Ms. Stout returned to the meeting at 11:20 a.m.

In-House Legal Counsel Presentation – Jeaneen Legato, Board Counsel:

General Counsel Jeaneen Legato reviewed her report with the Board on all pending legal matters. She reported on Administrative, Circuit Court, Supreme Court and LTHS cases.

Ms. Legato reported on the LTHS case of Judy Gonzales for disqualification. Ms. Gonzales is a PERS member and was convicted in Harrison County for the felony offence of embezzlement of approximately \$250,000. It is recommended by Legal Counsel to file a petition to disqualify Judy Gonzales for Less Than Honorable Service.

Captain Corsaro made a motion for General Counsel to file a petition to disqualify Judy Gonzales for Less Than Honorable Service. The motion was seconded by Mr. Fletcher. The motion carried unanimously. The report of the In-House Legal Counsel is behind Tab #6.

Outside Legal Counsel Presentation – Lenna Chambers, Bowles Rice:

Outside Legal Counsel, Lenna Chambers reported to the Board on all pending legal matters before the Circuit Court, Supreme Court, U.S. District Court, U.S. Bankruptcy Courts and Administrative and QDRO matters. The report of the Outside Legal Counsel is behind Tab #6.

Chairman Wyant announced there are also reports behind Tab# 6 from MacCorkle, Lavender & Sweeney on the case of Dawn Colette Bland v. State of West Virginia; and from Pullin, Fowler, Flanagan, Brown & Poe on the case of Cheryl Dougherty v. Ramona Cerra, et al.

Mr. Bunn departed the meeting at 11:29 a.m.

Tab #7: Committee Updates

A & I Committee:

Mr. Fletcher reviewed the report from the A & I Committee with the Board. Mr. Fletcher asked Kris Morton to give an overview of the Great West Annual Plan Review for TDC. Mr. Morton went over the TDC Annual Pan Review with the full Board.

Mr. Bunn returned to the meeting at 11:32 a.m.

Internal Audit Committee:

Director Fleck reported on the Internal Audit Committee meeting of November 8, 2011.

At that meeting, Annamarie Short reported on an audit of the TDC Outside Bank Accounts and made some recommendations requiring two authorized signatures, imaging bank statements and having TDC bank statements be reviewed by the CFO. Director Fleck announced he plans to implement this by January 1, 2012. Director Fleck's response to the audit is attached for the Board to review

Investment Policy Review Committee:

Chairman Stout reported on the Investment Policy Review Committee meeting of November 18, 2011. The Committee adopted an Investment Policy for the TDC plan. Input was received from Great West.

Chairman Stout moved for the adoption of the Investment Policy Statement for the TDC Plan. Mr. Fletcher seconded the motion. There was discussion on the motion. The motion carried unanimously.

Tab #8: DSRS Actuarial Valuation Results – Harry Mandel

Mr. Mandel, Board Actuary, reviewed his recommendations of the Deputy Sheriff Retirement System (DSRS) Actuarial Valuation Results with the Board. As of July 1, 2011, DSRS was 76.0% funded. Mr. Mandel recommended the Board's acceptance of the July 1, 2011 Actuarial Valuation for DSRS and continuation of the current 13.0% employer contribution rate.

Mr. Richardson made a motion the Board accept the recommendation of the Board Actuary and accept the July 1, 2011 Actuarial Valuation for DSRS and continue the current employer contribution rate at 13.0%. The motion was seconded by Mr. Fletcher. The motion carried unanimously.

Tab #9: Other, Old Business

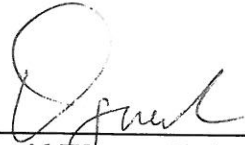
Chairman Wyant asked if there was any old business to bring before the Board and none was heard.

Tab #10: Other, New Business

Chairman Wyant announced the schedule for the 2012 Board Meetings is located behind Tab# 10.

Chairman Wyant asked if there was any other new business to bring before the Board and none was heard. Chairman Wyant then announced the next Board Meeting will be Wednesday, January 18, 2012.

Chairman Wyant adjourned the public meeting of the West Virginia Consolidated Public Retirement Board at 11:44 a.m.



David Wyant, Chairman
Consolidated Public Retirement Board



Jeffrey E. Fleck, Executive Director
Consolidated Public Retirement Board

STATEMENT OF CABINET SECRETARY FERGUSON:
IN THE APPEAL CASE OF MR. KEITH A. WOOD DECIDED ON 14 DECEMBER 2011

Mr. Chairman,

I regret that I am unable to attend today's board meeting. I am involved with a multi-million dollar claim involving a vendor and the General Services Division and will be in mediation all day today. I have appointed Ms. Lipscomb to be my representative for today's meeting. I have directed Ms. Lipscomb to abstain from voting on Mr. Keith Wood's appeal for additional service credit for two reasons: First, Mr. Wood is a direct report of mine within the Department of Administration and in order to avoid any appearance of bias I will abstain from the vote; and second, is that a decision in the affirmative in Mr. Wood's appeal could potentially benefit me personally. Out of an abundance of caution I must abstain.

That said I again am troubled by both the findings of fact and conclusions of the hearing examiner in this case as well as previous case(s) denied by the board but ultimately overturned by circuit court (one case only).

Specifically on page 3 of the hearing examiners report (paragraph 4) it indicates that "***No evidence has been introduced relating to the scope and breadth of these events***". I take exception to the statement and counter with the previously provided Secretary of Defense letter to Congresswoman Capito dated March 17th, 2006 and a letter from the Chairman of the Senate Armed Services Committee to me (the board) dated December 16th 2005. The information in these letters and their attachments provide similar language outlined in our state code regarding the period of armed conflicts. Our code does not offer any scope or breadth to the enumerated armed conflict periods. The code simply lists the dates. The aforementioned letters do the same. These documents were requested by Mr. McGinley when he was chairman of the Veterans Service Credit committee of which I was a member. I have provided them again and ask that they be made part of the record for today's meeting.

Also in paragraph 4 he states that "***There is no evidence presented, however, which would permit a finding that these events constituted periods of armed***

STATEMENT OF CABINET SECRETARY FERGUSON:
IN THE APPEAL CASE OF MR. KEITH A. WOOD DECIDED ON 14 DECEMBER 2011

conflicts as contemplated by the statute...” I take exception to this statement and in my view the statement does not pass the reasonable person approach. This statement is also incongruous with the 14th and 17th amendments to the WV constitution. These amendments (voted by the citizens of the state) and passed by the Governor and the legislature recognize veterans of Panama, Grenada, Lebanon, the Persian Gulf, and Kosovo and provide them with a bonus. The dates of these conflicts are specifically listed in the amendments. Further it is important to note the following:

1. There were 241 Americans killed in action in Lebanon.
2. There were 23 Americans killed in action in Panama.
3. There two Americans awarded the Medal of Honor by President Clinton for actions in Somalia. It is important to note that these were the first Medals of Honor awarded since the Vietnam War in 1973.

My point Mr. Chairman is that the premise in which the hearing examiner makes this statement is entirely subjective and not based on any logical parity between these conflicts.

The hearing examiner’s statement on page 9 that ***“It is apparent from the statutorily defined events of periods of armed conflict that the listed events are characterized by full-scale military operations of significant duration, unlike the events for which the applicant asserts entitlement”*** is an opinion not based in any fact or point of law that I can discern. I think the hearing examiner has taken literary license having opined his personal view of military conflicts. To the best of my knowledge the hearing examiner is neither a professional historian nor a military expert; as such I believe that this specific statement has no value and should not have been included in his findings.

Finally, I fully accept and agree with the hearing examiner’s paragraph 5 on page 4 as true and should be the focus of the board’s future action. In my view this is solely a board action to decide. The legislature has had seven years to correct or clarify the code and has decided not to do so. Senate bill 95 of January 2008 attempted to clarify the code. It never made it out of committee. Additionally the General counsel under Governor Manchin (Jonathan Deem), the governor himself, and I attempted in a separate action to correct the code. It failed in the legislature. I believe it is time for the board to address this issue alone. Again I

STATEMENT OF CABINET SECRETARY FERGUSON:
IN THE APPEAL CASE OF MR. KEITH A. WOOD DECIDED ON 14 DECEMBER 2011

wish to remind the board that we adopted Director Ireland's Oct 3, 2001 e-mail to grant service credit for the war on terror. We made that decision on August 29th, 2007. We did this because the code allows us to make such decisions. We did this, I believe, because it was the right thing to do even though the code does not specifically enumerate this conflict. The decision of the board was appropriate based on the last phrase in 5-10-15: "**... and any other period of armed conflict by the united States, including, but not limited to, those periods sanctioned by a declaration of war by the United States Congress or by executive or other order of the president.**" I believe this is the benchmark that we should be obligated to follow when deciding any period of armed conflict not enumerated in the code.

It is also important to note that on February 13th, 2008 we unanimously granted service credit to a member for the Grenada Operation. He was the only one granted service credit for this conflict. The hearing examiner latter indicated that he should not have recommended approval in that case. Nonetheless we have granted to one but denied it for others? My point is that neither of these conflicts is enumerated in the code but under 5-10-15 we correctly made the decision to grant. I think we have the authority and the will to address this issue once and for all. Regardless of the outcome, the board deciding this issue this year is doable and the right thing to do. As always, I stand ready to assist.

Very Respectfully

Rob Ferguson

Secretary of Administration

Administration, Secretary

From: Brewster, Anita F
Sent: Friday, March 21, 2008 1:19 PM
To: Administration, Secretary
Cc: Lambright, Anne W; Goodwin, Carte; 'David Wyant'; Abraham, Timothy M
Subject: RE: MINUTES FROM FEB 13 (page 5-6)

Cabinet Secretary Ferguson,

I reviewed the notes and with regard to Mr. Hubbard, in the Recommended Decision from Hearing Officer DeBolt it was recommended that Mr. Hubbard be awarded military services credit of thirteen days for his service during the invasion of Grenada. The Board voted to accept the recommendation of the Hearing Officer and you abstained from the vote due to the military issue involved in the appeal.

Sheriff Holcomb's appeal regarded his request to participate in the Deputy Sheriffs Retirement System (DSRS) while serving as Sheriff. The Recommended Decision recommended that his appeal be denied but the Board voted to not accept that recommendation but that he be allowed to participate in DSRS. General Counsel was directed by the Board to prepare an Order.

Please let me know if this helps answer your questions.

From: Administration, Secretary
Sent: Friday, March 21, 2008 1:02 PM
To: Lambright, Anne W; Brewster, Anita F; Goodwin, Carte
Cc: 'dwyant@baileywyant.com'
Subject: MINUTES FROM FEB 13 (page 5-6)

Ladies and gentlemen,

I am concerned that the TAB #5 Consideration of Appeals to Hearing Officer (J Debolt) in the case of Randy Holcomb and Archie Hubbard may not be accurate. Could someone please listen to the tapes and clarify what my position was?

As I recall it, one of these petitioners requested 11-days credit for being mobilized for the Grenada military campaign. I abstained from the vote because I too was mobilized for this operation and might benefit from any service credit. I also recall that Mr. Debolt recommended that he be given the 11-days credit. I abstained because I was of the belief that the board was not considering any conflicts not specifically enumerated in the code?

Did we give 11-days service credit to one of these gentlemen?

In advance, thanks for the clarification on this issue.

Montani Semper Liberi

Robert W. Ferguson Jr.
Cabinet Secretary
West Virginia Department of Administration
Phone 304-558-4331
Fax 304-558-2999

STOP & READ! Please note that I use e-mail as an information tool only. No decisions from my office are made electronically. Actions requiring decision must be sent via hard copy or discussed telephonically with me or my staff. My e-mail is opened, read, and disseminated by my staff and, therefore, there is no expectation of privacy. Due in part to frequent schedule changes, e-mail is often not opened until days after it has arrived. Again, my e-mail is an information tool only. It is not to be considered an official communiqué of this office.

MILITARY SERVICE CREDIT

Judge overturns 'armed conflict' retirement decision

By Andrew Clevenger
Staff writer

In a decision that may force the Consolidated Public Employees Retirement Board — and possibly the Legislature — to reconsider its definition of "armed conflict," a Kanawha Circuit judge on Friday awarded a state employee 27 additional months of credit for military service toward his pension.

In September, Daniel Olthaus, deputy director of the state's General Services Division, appealed the

retirement board's decision — later upheld by an administrative law judge — to give him only 33 months toward his pension for being in the military during the Persian Gulf War and the period following the Sept. 11 attacks.

Under state law, state employees who served in America's military during times of armed conflict are eligible for up to five years of military service credit toward their retirement.

Olthaus, who served as a nuclear engineer in the Navy between August

1983 and September 2003, wondered why he wasn't given credit for periods that included the invasions of Grenada and Panama and U.S. involvement in Somalia and Bosnia.

State law defines "armed conflict" as the Spanish American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War and any other period of armed conflict by the United States, including but not limited to those periods sanctioned by a declaration of war by the United States Con-

gress or by executive or other order of the President.

During Friday's hearing, Olthaus' attorney, Duane Simmons, argued that the Legislature intentionally left the law broad and inclusive to encourage veterans to work for the state.

The board's determination in Olthaus' case excluded the majority of conflicts during his time in the Navy and the board never explained how it made its decisions, he said.

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RETIREMENT

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"There's no rhyme or reason for how the board's determining a period of armed conflict," he said.

Board attorney Emma Chambers argued that the Legislature spelled out which armed conflicts should be included. The reason the statute includes language allowing for additional periods of conflict is so that lawmakers wouldn't have to rewrite state code every time the U.S. is in a new war, she said.

The board, and its military service committee, has considered whether or not to add any additional periods, she said.

Judge Ted Kaufman ruled that the board's determination was "inconsistent with the statute." He added that his ruling applies only to Olthaus' case.

After the hearing, Olthaus said he was extremely happy with Kaufman's decision, and he

hopes that it will encourage the retirement board to re-evaluate its position on armed conflicts.

"If they would just look at the history books, and talk to some soldiers and sailors, they'd know that when you have missiles and bullets going, it's pretty much an armed conflict," said Olthaus, who served on aircraft carriers, a guided missile cruiser and a submarine as a surface warfare specialist.

Anne Lambright, director of the retirement board, noted that the board has four months to decide whether or not to appeal Kaufman's ruling to the state Supreme Court.

"That gives the Legislature the amount of time to resolve the issue [during its upcoming session], should they choose to do it," she said.

If the issue remains unresolved after the end of the legislative session, the board will carefully examine it again, she said.

Reach Andrew Clevenger at aclevenger@wvgazette.com or 304-348-1723.

AMD-14. VETERANS BONUS AMENDMENT

(Persian Gulf, Lebanon, Grenada and Panama)

The Legislature shall provide by law, either for the appropriation from the general revenues of the State, or for the issuance and sale of state bonds, which shall be in addition to all other state bonds heretofore issued, or a combination of both as the Legislature may determine, for the purpose of paying a cash bonus to veterans of the armed forces of the United States who (1) served on active duty, or who were members of reserve components called to active duty by the President of the United States under Title 10, United States Code section 782(D), 783, or 783(B), during the Persian Gulf conflict, Operation Desert Shield/Desert Storm, between the first day of August, one thousand nine hundred ninety and the date determined by the president or congress of the United States as the end of the involvement of the United States armed forces in the Persian Gulf conflict, both dates inclusive; or (2) veterans, active service members, or members of reserve components, of the armed forces of the United States, who served on active duty in one of the military operations for which he or she received a campaign badge or expeditionary medal during the periods hereinafter described. For purposes of this amendment, periods of active duty in a campaign or expedition are designated as: The conflict in Panama, between the twentieth day of December, one thousand nine hundred eighty-nine, through the thirty-first day of January, one thousand nine hundred ninety, both dates inclusive; the conflict in Grenada between the twenty-third day of October, one thousand nine hundred eighty-three, and the twenty-first day of November, one thousand nine hundred eighty-three, both dates inclusive; and the conflict in Lebanon, between the twenty-fifth day of August, one thousand nine hundred eighty-two, and the twenty-sixth day of February, one thousand nine hundred eighty-four, both dates inclusive. For purposes of this amendment not more than one bonus shall be paid to or on behalf of the service of any one veteran. In order to be eligible to receive a bonus, such persons must have been bona fide residents of the State of West Virginia at the time of their entry into such active service and for a period of at least six months immediately prior thereto, who have not been separated from such service under conditions other than honorable. Such bonus shall also be paid to any veteran, otherwise qualified under the two sentences next preceding, who was discharged within ninety days after entering the armed forces because of a service-connected disability. The amount of such bonus shall be five hundred dollars per

eligible person who was in active service, inside the combat zone designated by the President or Congress of the United States at anytime during the dates specified hereinabove. In the case of the Persian Gulf conflict, the amount of bonus shall be three hundred dollars per eligible person who was in active service outside of the combat zone designated by the President or Congress of the United States during the dates specified hereinabove. The bonus to which any deceased veteran would have been entitled, if living, shall be paid to the following surviving relatives of such veterans, if such relatives are residents of the State when such application is made and if such relatives are living at the time payment is made: Any unmarried widow or widower, or, if none, all children, stepchildren and adopted children under the age of eighteen, or, if none, any parent, stepparent, adoptive parent or person standing in loco parentis. The categories of persons listed shall be treated as separate categories listed in order of entitlement and where there be more than one member of a class, the bonus shall be paid to each member according to his proportional share. Where a deceased veteran's death was connected with such service and resulted from such service during the time period specified, however, the surviving relatives shall be paid, in accordance with the same order of entitlement, the sum of one thousand dollars in lieu of any bonus to which the deceased might have been entitled if living.

The principal amount of any bonds issued for the purpose of paying the bonuses provided for in this amendment shall not exceed the principal amount of four million dollars, but may be funded or refunded either on the maturity dates of said bonds or on any date on which said bonds are callable prior to maturity, and if any of said bonds have not matured or are not then callable prior to maturity, the Legislature may nevertheless provide at any time for the issuance of refunding bonds to fund or refund such bonds on the dates when said bonds mature or on any date on which said bonds are callable prior to maturity and for the investment or reinvestment of the proceeds of such refunding bonds in direct obligations of the United States of America until the date or dates upon which such bonds mature or are callable prior to maturity. The principal amount of any refunding bonds issued under the provisions of this paragraph shall not exceed the principal amount of the bonds to be funded or refunded thereby.

The bonds may be issued from time to time for the purposes authorized by this amendment as separate issues or as combined issues.

Whenever the Legislature shall provide for the issuance of any bonds under the authority of this amendment, it shall at the same time provide for the levy, collection and dedication of an additional tax, or enhancement to such other tax as the Legislature may determine, in such amount as may be required to pay annually the interest on such bonds and the principal thereof within and not exceeding fifteen years, and all such taxes or charges so levied shall be irrevocably dedicated for the payment of the principal of and interest on such bonds until such principal of and interest on such bonds are finally paid and discharged and any of the covenants, agreements or provisions in the acts of the Legislature levying such taxes or charges shall be enforceable in any court of competent jurisdiction by any of the holders of said bonds. Any revenue generated in excess of that which is required to pay the bonuses provided herein and to pay any administrative cost associated with such payment shall be used to pay the principal and interest on any bonds issued as soon as is economically practicable. The Legislature shall have the power to enact legislation necessary and proper to implement the provisions of this amendment.

AMD-17. VETERANS BONUS AMENDMENT

(Kosovo, Afghanistan, and Iraq)

The Legislature shall provide by law, either for the appropriation from the general revenues of the State, or for the issuance and sale of state bonds, which shall be in addition to all other state bonds heretofore issued, or a combination of both as the Legislature may determine, for the purpose of paying a cash bonus to: (1) Veterans of the armed forces of the United States who served on active duty in areas of conflict in Iraq, or were members of reserve components called to active duty by the President of the United States under Title 10, United States Code section 12301, 12302, 12303 or 12304 during the Iraqi War, between the nineteenth day of March, two thousand three and the date determined by the President or Congress of the United States as the end of the involvement of the United States armed forces in Iraq, both dates inclusive; or (2) veterans, active service members, or members of reserve components of the armed forces of the United States, who served on active duty in one of the military operations for which he or she received a campaign badge or expeditionary medal during the periods hereinafter described. For purposes of this amendment, periods of active duty in a campaign or expedition are designated as: The conflict in Kosovo between the twentieth day of November, one thousand nine hundred ninety-five and the thirty-first day of December, two thousand, both dates inclusive; and the conflict in Afghanistan, between the seventh day of October, two thousand one and the date determined by the President or Congress of the United States as the end of the involvement of the United States armed forces in Afghanistan, both dates inclusive. For purposes of this amendment not more than one bonus shall be paid to or on behalf of the service of a veteran. In order to be eligible to receive a bonus, a veteran must have been a bona fide resident of the State of West Virginia at the time of his or her entry into active service and for a period of at least six months immediately prior thereto, and has not been separated from service under conditions other than honorable. The bonus shall also be paid to any veteran otherwise qualified pursuant to this amendment, who was discharged within ninety days after entering the armed forces because of a service-connected disability. The amount of the bonus shall be six hundred dollars per eligible veteran who was in active service, inside the combat zone in Kosovo, Afghanistan or Iraq as designated by the President or Congress of the United States at anytime during the dates specified hereinabove. In the case of the Iraqi War and the conflict in Afghanistan, the amount of

bonus shall be four hundred dollars per eligible veteran who was in active service outside the combat zone designated by the President or Congress of the United States during the dates specified hereinabove. The bonus to which any deceased veteran would have been entitled, if living, shall be paid to the following surviving relatives of the veteran, if the relatives are residents of the State when the application is made and if the relatives are living at the time payment is made: Any unmarried widow or widower, or, if none, all children, stepchildren and adopted children under the age of eighteen, or, if none, any parent, stepparent, adoptive parent or person standing in loco parentis. The categories of persons listed shall be treated as separate categories listed in order of entitlement and where there is more than one member of a class, the bonus shall be paid to each member according to his or her proportional share. Where a deceased veteran's death was connected with the service and resulted from the service during the time period specified, however, the surviving relatives shall be paid, in accordance with the same order of entitlement, the sum of two thousand dollars in lieu of any bonus to which the deceased might have been entitled if living. The person receiving the bonus shall not be required to include the bonus as income for state income tax purposes.

The principal amount of any bonds issued for the purpose of paying the bonuses provided for in this amendment shall not exceed the principal amount of eight million dollars, but may be funded or refunded either on the maturity dates of the bonds or on any date on which the bonds are callable prior to maturity, and if any of the bonds have not matured or are not then callable prior to maturity, the Legislature may nevertheless provide at any time for the issuance of refunding bonds to fund or refund the bonds on the dates when the bonds mature or on any date on which the bonds are callable prior to maturity and for the investment or reinvestment of the proceeds of the refunding bonds in direct obligations of the United States of America until the date or dates upon which the bonds mature or are callable prior to maturity. The principal amount of any refunding bonds issued under the provisions of this paragraph shall not exceed the principal amount of the bonds to be funded or refunded thereby.

The bonds may be issued from time to time for the purposes authorized by this amendment as separate issues or as combined issues.

Whenever the Legislature shall provide for the issuance of any bonds under the authority of this amendment, it shall at the same

time provide for the levy, collection and dedication of an additional tax, or enhancement to another tax as the Legislature may determine, in an amount as may be required to pay annually the interest on the bonds and the principal thereof within and not exceeding fifteen years, and all taxes or charges so levied shall be irrevocably dedicated for the payment of the principal of and interest on the bonds until the principal of and interest on the bonds are finally paid and discharged and any of the covenants, agreements or provisions in the acts of the Legislature levying the taxes or charges shall be enforceable in any court of competent jurisdiction by any of the holders of said bonds. Any revenue generated in excess of that which is required to pay the bonuses herein and to pay any administrative cost associated with the payment shall be used to pay the principal and interest on any bonds issued as soon as is economically practicable.

The Legislature shall have the power to enact legislation necessary and proper to implement the provisions of this amendment: *Provided*, That no bonus may be issued until the Governor certifies a list of veterans and relatives of deceased veterans eligible to receive such bonus to the Legislature at any regular or special session of the Legislature as the Legislature will provide by general law.

Administration, Secretary

From: Administration, Secretary
Sent: Monday, February 23, 2009 11:23 AM
To: Deem, Jonathan
Cc: Pitrolo, Jim; Kirby, James A; Mott Bentley, Rebecca J
Subject: RE: retirement bill

Importance: High

Jonathan,

Just came back from a road trip and have read (for the 1st time) the bill that my Department is responsible for introducing. I have concerns on page 8 line 17-22 and page 11 line 7-19.

Same issue we have discussed before. Because we now enumerate Noble Eagle, my gut tells me that not enumerating the "other" conflicts listed below MAY further exacerbate the argument from veterans. Again, at a minimum I would want to add those conflicts listed in the 14th and 17th amendments.

On the whole, the bill is solid going forward and is clearly the right thing to do. If for some reason the additions cannot be supported, I need to work with you and Jim Pitrolo on talking points to address this piece of the bill to legislators and veterans.

I had a surprise visit from Delegate Iaquina and Delegate Moye this morning who asked the following questions:

1. What about the reserves and the national guard?
2. How does the bill address the recent court case (Kaufman)?

I responded that I would have to get back to them but since the systems never addressed reserve and guard time before so it does not do it now. I told them that Senator Wells had some issue with this and referred them to him. On the Kaufman matter I told them that I did not know since we have not seen his official ruling.

Ready to meet and discuss further.

Montani Semper Liberi

Robert W. Ferguson Jr.
Cabinet Secretary
West Virginia Department of Administration
Phone 304-558-4331
Fax 304-558-2999

STOP & READ! Please note that I use e-mail as an information tool only. No decisions from my office are made electronically. Actions requiring decision must be sent via hard copy or discussed telephonically with me or my staff. My e-mail is opened, read, and disseminated by my staff and, therefore, there is no expectation of privacy. Due in part to frequent schedule changes, e-mail is often not opened until days after it has arrived. Again, my e-mail is an information tool only. It is not to be considered an official communiqué of this office.

From: Deem, Jonathan
Sent: Monday, February 09, 2009 3:11 PM
To: Administration, Secretary
Subject: RE: retirement bill

Rob,

Put his stuff on hold until I get a chance to let Anne and Harry brief the Gov on numbers.

Thanks

JSD

From: Administration, Secretary
Sent: Monday, February 09, 2009 3:07 PM
To: Deem, Jonathan
Subject: RE: retirement bill

Jonathan,

Based solely on what I read in the newspaper article I would recommend:

Option 1.

Have CPRB develop policy (similar to the way in which the board granted the war on terrorism) incorporating the dates of the conflicts listed in the 14th and 17th amendments and listed conflicts as stated by the U.S. Senate Armed Service Committee and The Secretary of Defense:

Lebanon Peacekeeping 8/25/1982 – 2/26/1984

Invasion of Grenada (Operation Urgent Fury) 10/24/1983 – 11/02/1983

Attack on Libya (Operation El Dorado Canyon) 4/14/1986 – 4/15/1986

Invasion of Panama (Operation just Cause) 12/20/1989 – 1/11/1990

Restore Democracy in Somalia (Operation Restore Hope) 12/09/1992 – 3/28/1994

Restore Democracy in Haiti (Operation Uphold Democracy) 1/01/1994 – 1/01/1996

Option 2:

Recommend the legislature add these to the code.

Lebanon Peacekeeping 8/25/1982 – 2/26/1984

Invasion of Grenada (Operation Urgent Fury) 10/24/1983 – 11/02/1983

Attack on Libya (Operation El Dorado Canyon) 4/14/1986 – 4/15/1986

Invasion of Panama (Operation just Cause) 12/20/1989 – 1/11/1990

Restore Democracy in Somalia (Operation Restore Hope) 12/09/1992 – 3/28/1994

Restore Democracy in Haiti (Operation Uphold Democracy) 1/01/1994 – 1/01/1996

I think option 1 would be the easiest to do as we have already used this method for the war on terror. It is important to note that board had previously granted a Grenada veteran service credit for the period listed above. Bottom line is we have not been consistent philosophically with these past conflicts in relation to the current conflict and Grenada. Going

forward the new legislation would, in my view, affect new hires only. Current employees would get credit for the above listed periods and they would have to apply for it.

Montani Semper Liberi

Robert W. Ferguson Jr.
Cabinet Secretary
West Virginia Department of Administration
Phone 304-558-4331
Fax 304-558-2999

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From: Deem, Jonathan
Sent: Saturday, February 07, 2009 10:00 AM
To: Administration, Secretary
Subject: retirement bill

Mr. Secretary,

Give me a shout next time you are in the office. We need to think about any revisions we need to make to the bill in light of Judge Kaufman's ruling yesterday.

JSD

Jonathan S. Deem, Esq.
General Counsel
Office of Governor Joe Manchin III
1900 Kanawha Boulevard, East
Charleston, WV 25305
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OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

17 2005

The Honorable Shelley Moore Capito
Representative in Congress
4815 MacCorkle Avenue, SE
Charleston, WV 25304

Dear Representative Capito:

This is in response to your letter on behalf of your constituent, Mr. Robert W. Ferguson. Mr. Ferguson has requested a listing of all armed conflicts, military actions, and combat operations since the Vietnam War.

The Defense Manpower Data Center maintains the Defense Casualty Analysis System (DCAS), an official Department of Defense database of U.S. military casualties as reported by the Military Services. A code structure within DCAS is used to identify military operations where the U.S. has sustained hostile military casualties. We have used the code set to compile the enclosed list containing the names and dates of all qualifying military encounters with a known enemy or unknown terrorist group that have occurred since the end of the Vietnam War.

If we may be of further assistance, please contact Mr. Tom Campbell of my staff at 703-604-4576.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne B. Fites".

Jeanne B. Fites
Deputy Under Secretary of Defense
Program Integration

Enclosure:
As stated

**US MILITARY OPERATIONS/CONFLICTS/WARS AND TERRORIST ATTACKS AGAINST THE UNITED STATES WITH
REPORTED CASUALTIES -- SINCE THE VIETNAM WAR**

OPERATION/INCIDENT NAME	MILITARY NAME	LOCATION	START	STOP	TYPE
USS MAYAGUEZ CAPTURE		CAMBODIA	19750512	19750515	COMBAT ACTION
IRAN SHOOTING		IRAN	19750521	19750521	TERRORISM
USA CH-47 TRANSPORT		NORTH KOREA	19770714	19770714	COMBAT ACTION
PAKISTAN TERRORISTS		PAKISTAN	19791121	19791121	TERRORISM
SAN JUAN PUERTO RICO AMBUSH		PUERTO RICO	19791203	19791203	TERRORISM
IRANIAN HOSTAGE RESCUE MISSION		IRAN	19800425	19800425	COMBAT ACTION
LEBANON PEACEKEEPING LANDMINE INCIDENT		LEBANON	19820925	19820925	TERRORISM
EL SALVADOR TERRORIST KILLING		EL SALVADOR	19830525	19830525	TERRORISM
LEBANON BARRACKS BOMBING		LEBANON	19831023	19831023	TERRORISM
INVASION OF GRENADA	URGENT FURY	GRENADA	19831024	19831102	COMBAT ACTION
ATHENS GREECE TERRORIST SHOOTING		GREECE	19831115	19831115	TERRORISM
HONDURAS TERRORISTS		HONDURAS	19840111	19840111	TERRORISM
GERMANY TERRORIST ATTACK		GERMANY	19840207	19840207	TERRORISM
US EMBASSY BEIRUT LEBANON		LEBANON	19840920	19840920	TERRORISM
US EMBASSY EAST BEIRUT LEBANON		LEBANON	19840920	19840920	TERRORISM
TWA FLT 847 ATHENS GREECE		GREECE	19850615	19850615	TERRORISM
EL SALVADOR TERRORIST ATTACK		EL SALVADOR	19850619	19850619	TERRORISM
ATTACK ON LIBYA	EL DORADO CANYON	LIBYA	19860414	19860415	COMBAT ACTION
EL SALVADOR GUERRILLA ATTACK		EL SALVADOR	19870331	19870331	TERRORISM
USO GRENADE ATTACK BARCELONA SPAIN		SPAIN	19871227	19871227	TERRORISM
LEBANON KIDNAPPING		LEBANON	19880217	19880217	TERRORISM
USO ATTACK NAPLES ITALY		ITALY	19880414	19880414	TERRORISM
CAR BOMBING ATHENS GREECE		GREECE	19880628	19880628	TERRORISM
LOCKERBIE SCOTLAND PAN AM BOMBING		SCOTLAND	19881221	19881221	TERRORISM
INVASION OF PANAMA	JUST CAUSE	PANAMA	19891220	19900111	COMBAT ACTION
INVASION OF PANAMA	PROMOTE LIBERTY	PANAMA	19900112	19900213	COMBAT ACTION
PERSIAN GULF WAR BUILDUP	DESERT SHIELD	IRAQ	19900807	19910116	COMBAT ACTION
PERSIAN GULF WAR HOSTILITIES	DESERT STORM	IRAQ	19910117	19910914	COMBAT ACTION
IRAQ NO-FLY ZONE	SOUTHERN WATCH	IRAQ	19910201	20020226	COMBAT ACTION
BALKANS	JOINT ENDEAVOR	FORMER YUGOSLAVIA	19920101		COMBAT ACTION
TERRORIST SHOOTING		PANAMA	19920610	19920610	TERRORISM
RESTORE DEMOCRACY IN SOMOLIA	RESTORE HOPE	SOMALIA	19921209	19940328	TERRORISM
RESTORE DEMOCRACY IN HAITI	UPHOLD DEMOCRACY	HAITI	19940101	19960101	COMBAT ACTION
OKLAHOMA CITY BOMBING		OKLAHOMA, US	19950419	19950419	TERRORISM
RIYADH BOMBING		SAUDI ARABIA	19951113	19951113	TERRORISM
DHAHRAN AB SAUDI ARABIA BOMBING		SAUDI ARABIA	19960625	19960625	TERRORISM
KENYA EMBASSY BOMBING		KENYA	19980807	19980807	TERRORISM
USS COLE BOMBING IN YEMEN		EGYPT	19991102	19991010	TERRORISM
PENTAGON ATTACK		ARLINGTON, VA, US	20010911	20010911	TERRORISM
OPERATION ENDURING FREEDOM, AFGHANISTAN	ANACONDA	AFGHANISTAN AREA	20011007		COMBAT ACTION
OPERATION ENDURING FREEDOM, PHILIPPINES	EXERCISE EAGER MACE	PHILIPPINES	20020221		COMBAT ACTION
OPERATION ENDURING FREEDOM, WORLDWIDE		DEF TROOPS	20020227		COMBAT ACTION
OPERATION ENDURING FREEDOM, HORN OF AFRICA		PORTIONS OF AFRICA	20020731		COMBAT ACTION
OPERATION IRAQI FREEDOM	IRAQI FREEDOM	SOUTHWEST ASIA	20030319		COMBAT ACTION
HAITI STABILITY (UN 1529)	SECURE TOMORROW	HAITI	20040229		COMBAT ACTION

JOHN ENSIGN
NEVADA

COMMITTEES
ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
HEALTH, EDUCATION, LABOR,
AND PENSIONS
BUDGET
VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510-2805

December 16, 2005

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Mr. Robert W. Ferguson, Jr.
Cabinet Secretary, Department of Administration
State Capitol, Room E-119
Charleston, West Virginia 25305

Dear Mr. Ferguson:

This is in response to your inquiry concerning recent military conflicts involving the United States.

For your information I obtained the enclosed chart from the Department of Defense. It lists all military incidents/conflicts with reported casualties since 1979. Military incidents are considered military conflicts and all military conflicts are sanctioned by a declaration of war by the United States Congress or by executive or other order of the President.

I trust this information satisfies your requirements. If I can be of further assistance, please feel free to contact me at (202) 224-6244.

Sincerely,

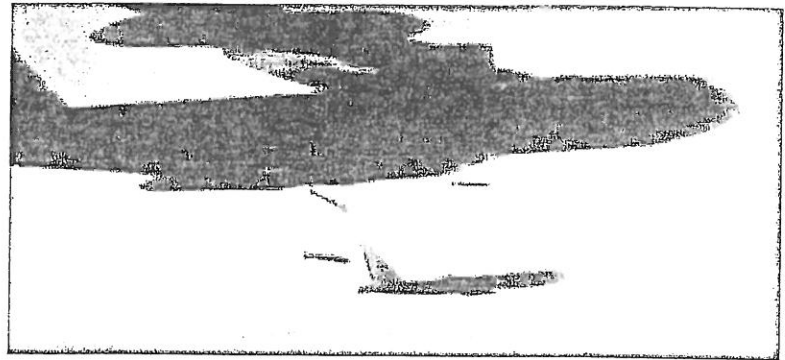


D'Arcy Grissier
Military Legislative Assistant
Office of Senator John Ensign

cc: Ms. Terasa Miller

RECENT MILITARY INCIDENTS/OPERATIONS/CONFLICTS/WARS WITH REPORTED CASUALTIES

Operation Incident Name	Military Name	Location Name	Start Date	Stop Date
HAITI STABILITY (UN 1529)	SECURE TOMORROW	HAITI	20040229	
OPERATION IRAQI FREEDOM	IRAQI FREEDOM	SOUTHWEST ASIA	20030319	
COLUMBIA SPACE SHUTTLE		OVER TEXAS, US	20030201	20030201
OPERATION ENDURING FREEDOM, HORN OF AFRICA		PORTIONS OF AFRICA	20020731	
OPERATION ENDURING FREEDOM, WORLDWIDE		OEI TROOPS	20020227	
OPERATION ENDURING FREEDOM, PHILIPPINES	EXERCISE EAGER MACE	PHILIPPINES	20020221	
OPERATION ENDURING FREEDOM, AFGHANISTAN	ANACONDA	AFGHANISTAN AREA	20011007	
PENTAGON ATTACK		ARLINGTON, VA, US	20010911	20010911
JFT-FA HELICOPTER VIETNAM		VIETNAM	20010407	20010407
USS COLE BOMBING IN YEMEN		EGYPT	19991102	19991010
KENYA EMBASSY BOMBING		KENYA	19980807	19980807
DHAHRAN AB SAUDI ARABIA BOMBING		SAUDI ARABIA	19960625	19960625
RIYADH BOMBING		SAUDI ARABIA	19951113	19951113
OKLAHOMA CITY BOMBING		OKLAHOMA, US	19950419	19950419
RESTORE DEMOCRACY IN HAITI	UPHOLD DEMOCRACY	HAITI	19940101	19960101
RESTORE DEMOCRACY IN SOMALIA	RESTORE HOPE	SOMALIA	19921209	19940328
IRAQ UNITED NATIONS		IRAQ	19921203	19930604
TERRORIST SHOOTING		PANAMA	19920610	19920610
BALKANS	JOINT ENDEAVOR	FORMER YUGOSLAVIA	19920101	
TURKISH REFUGEES	PROVIDE COMFORT	IRAQ	19910406	19910724
IRAQ NO-FLY ZONE	SOUTHERN WATCH	IRAQ	19910201	20020226
PERSIAN GULF WAR HOSTILITIES	DESERT STORM	IRAQ	19910117	19910914
PERSIAN GULF WAR BUILDUP	DESERT SHIELD	IRAQ	19900807	19910116
INVASION OF PANAMA	PROMOTE LIBERTY	PANAMA	19900112	19900213
INVASION OF PANAMA	JUST CAUSE	PANAMA	19891220	19900111
USS IOWA TURRET EXPLOSION		NORTH PACIFIC	19890419	19890419
LOCKERBIE SCOTLAND PAN AM BOMBING		SCOTLAND	19881221	19881221
CAR BOMBING ATHENS GREECE		GREECE	19880628	19880628
USO ATTACK NAPLES ITALY		ITALY	19880414	19880414
LEBANON KIDNAPPING		LEBANON	19880217	19880217
USO GRENADE ATTACK BARCELONA SPAIN		SPAIN	19871227	19871227
PERSIAN GULF TANKER ESCORT		PERSIAN GULF	19870701	19881231
USS STARK MISSILE ATTACK IN IRAQ		PERSIAN GULF	19870517	19870517
EL SALVADOR GUERRILLA ATTACK		EL SALVADOR	19870331	19870331
ATTACK ON LIBYA	EL DORADO CANYON	LIBYA	19860414	19860415
CHALLENGER SPACE SHUTTLE		FLORIDA	19860128	19860128
DC-8-63 AIRPLANE CRASH IN GANDER NEWFOUNDLAND		CANADA	19851212	19851212
EL SALVADOR TERRORIST ATTACK		EL SALVADOR	19850619	19850619
TWA FLT 847 ATHENS GREECE		GREECE	19850615	19850615
US EMBASSY BEIRUT LEBANON		LEBANON	19840920	19840920
US EMBASSY EAST BEIRUT LEBANON		LEBANON	19840920	19840920
GERMANY TERRORIST ATTACK		GERMANY	19840207	19840207
HONDURAS TERRORISTS		HONDURAS	19840111	19840111
ATHENS GREECE TERRORIST SHOOTING		GREECE	19831115	19831115
INVASION OF GRENADA	URGENT FURY	GRENADA	19831024	19831102
LEBANON BARRACKS BOMBING		LEBANON	19831023	19831023
EL SALVADOR TERRORIST KILLING		EL SALVADOR	19830525	19830525
LEBANON PEACEKEEPING LANDMINE INCIDENT		LEBANON	19820925	19820925
LEBANON PEACEKEEPING		LEBANON	19820825	19840226
IRANIAN HOSTAGE RESCUE MISSION		IRAN	19800425	19800425
SAN JUAN PUERTO RICO AMBUSH		PUERTO RICO	19791203	19791203
PAKISTAN TERRORISTS		PAKISTAN	19791121	19791121



GIVE WAR A CHANCE

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- lessons of vietnam

A Chronology of U.S. Military Interventions

FROM VIETNAM TO THE GULF WAR

1945-1975: THE VIETNAM WAR

The Vietnam conflict continues to be the touchstone for both the military and policy makers committed to avoiding future foreign military "quagmires." As the United States made the seemingly inexorable transition from being advisors to undertaking covert operations, bombing and deploying ground troops, the strategy of "incremental escalation" emerged as the military's bête noire. Military frustrations during the "war without fronts" were heightened by diplomatic and humanitarian constraints on operations in North Vietnam. Protest and resistance at home and abroad underlined the pitfalls of pursuing prolonged, costly and divisive wars alone. And the ultimate defeat of South Vietnam in 1975 strengthened the resolve of those who would avoid "unwinnable" limited wars in the future.

1979-1988: THE IRAN HOSTAGES

Sandstorms and equipment malfunctions caused the cancellation of the surprise attempt to rescue over sixty American hostages held by revolutionary students at the U.S. embassy in Tehran. Failure turned deadly when eight Americans were killed after a helicopter and a transport plane collided at a remote desert staging area. The disaster reflected military disarray and lack of preparedness and, after Ronald Reagan took office, helped launch the largest peacetime defense build-up in the nation's history.

1990-1991: THE GULF WAR

Twice during the early 1980s the United States deployed troops to Lebanon to deal with the fall-out from the Israeli invasion. In the first deployment, U.S. marines helped oversee the withdrawal of the PLO from Beirut. In the second deployment, 1,800 marines were sent as part of a multinational force after Israel's Lebanese allies massacred civilians in the Palestinian refugee camps. Given a vague mandate to restore order, support the weak Lebanese government, and work for the withdrawal of all foreign forces, the troops slowly became entangled in the Lebanese civil war. On October 23, 1983, a truck bomb exploded at the vulnerable marine headquarters, killing 241 marines -- the largest loss of life in a military operation since Vietnam. For the military, Beirut becomes a symbol of ill-considered political objectives and poorly-defined rules of engagement.

02/12/13 14:23:13 -0500 http://www.pbs.org/frontline/shows/military/etc/cron.html

Within days of the Beirut disaster, President Reagan ordered the invasion of Grenada, following the overthrow of Marxist President Maurice Bishop. Planners sought to protect 600 American students on the Caribbean island, and head off the possibility of another hostage scenario only two years after the freeing of the Iran hostages. In addition, the Reagan administration sought to use the invasion to eliminate Cuban and Soviet influence in Grenada. U.S. forces faced greater than expected resistance and took significant casualties. Though later cited as a model for similar actions, the operation also pointed up serious problems, including inadequate intelligence, poor communications, and inter-service rivalries.

02/12/13 14:23:13 -0500 http://www.pbs.org/frontline/shows/military/etc/cron.html

Following a bomb attack on a West Berlin discotheque frequented by American servicemen, the Reagan administration launched a punitive raid on Libya, the suspected sponsor of the bombing. Planes from aircraft carriers and Britain targeted sites allegedly associated with the training and support of terrorist activities. The raid was also part of a larger struggle with Libya throughout the 1980s over its support for international terrorism and its claims over the Gulf of Sidra. Though its long-term utility was debated, the attack was evidence of the Reagan administration's increasing willingness to use military force in pursuit of certain discrete, limited goals -- despite the Weinberger doctrine.

Involving over 27,000 U.S. troops, the Panama invasion was, up to that time, the largest American military operation since the Vietnam War. Dubbed "Operation Just Cause," the intervention's stated goals were the protection of the Panama Canal and the lives of 35,000 Americans in Panama, as well as the promotion of democracy and an end to drug trafficking. The powerful surprise attack quickly overwhelmed the Panamanian defense forces and resulted in the capture of its leader, Manuel Noriega.

To force Iraq out of Kuwait, George Bush formed a large and diverse international coalition and deployed over a half-million U.S. personnel to the Persian Gulf region as part of an allied force. The success of Operation Desert Storm set a new high-water mark for the military and underscored the principle of committing overwhelming force to clear and achievable objectives. Both allied and popular support was largely maintained throughout the campaign. In this way, the Gulf War appears to validate the military doctrine espoused by Joint Chiefs of Staff Chairman Colin Powell.

[More on the Persian Gulf War](#)

Toward the end of the Bush administration, the United States sent approximately 25,000 troops to Somalia to assist the United Nations with the distribution of famine relief supplies. By the time Bill Clinton took office in 1993, U.S. troop levels had been vastly reduced, largely replaced with forces operating under the UN flag. However as UN clashes with local "warlords" increased, American troops became engaged in policing and wider peacekeeping operations. After 18 U.S. Rangers were killed in a firefight in Mogadishu on October 3, 1993, the United States briefly reinforced its troops but retreated from the more ambitious "nation-building" agenda previously outlined by Secretary of Defense Les Aspin. Criticized for having made decisions that may have contributed to the disaster, Aspin resigned two months later.

[More on the firefight in Mogadishu](#)

RESTORING DEMOCRACY TO HAITI

After negotiations and sanctions failed, Clinton sent U.S. troops to Haiti to restore ousted President Jean-Bertrand Aristide to power and to head off a potential wave of Haitian refugees. A last-minute deal, brokered by former President Jimmy Carter, allowed the troops to go ashore unopposed by the Haitian military and police. Most U.S. troops withdrew within a year, though several hundred remained to pursue a wide agenda of peacekeeping, humanitarian and engineering activities. While Clinton administration officials consistently hailed the intervention as a model effort to restore democracy and promote stability abroad, political, economic and social conditions gradually eroded. In March 1999, the U.S. commander responsible for the remaining military personnel reportedly recommended ending the five-year military presence on the island due to continuing instability.

RESTORING PEACE TO BOSNIA AND HERZEGOVINA

Following the deadly bombing of a Sarajevo marketplace, NATO forces launched the largest military action in the alliance's history. Two weeks of NATO air strikes, combined with a strong Croat-Muslim offensive on the ground, pushed Bosnian Serbs to the negotiating table. In November, all the warring parties met in Dayton, Ohio and agreed to a peace settlement. The airstrikes, painstakingly approved after years of negotiations with allies and the military, appear to support the position that limited military attacks can be useful diplomatic tools.

APPLYING AIR POWER TO KOSOVO

Citing Serb atrocities and ethnic cleansing in Kosovo, the U.S. and NATO unleashed air attacks on Serbia after the failure of the "mini-Dayton" peace talks held in Rambouillet, France. President Clinton outlines no "exit strategies" and warns that air strikes will continue as long as necessary. From the start, the Clinton administration ruled out sending U.S. ground troops to the Balkans, though debate over the utility of air power alone repeatedly revives the issue. Vast floods of refugees spill into neighboring countries, threatening to enlarge the crisis and sparking criticism of the lack of contingency planning by NATO.



Medal of Honor Recipients

Somalia



*GORDON, GARY I.

Rank and organization: Master Sergeant, U.S. Army. Place and date: 3 October 1993, Mogadishu, Somalia. Entered service at: ----- Born: Lincoln, Maine. Citation: Master Sergeant Gordon, United States Army, distinguished himself by actions above and beyond the call of duty on 3 October 1993, while serving as Sniper Team Leader, United States Army Special Operations Command with Task Force Ranger in Mogadishu, Somalia. Master Sergeant Gordon's sniper team provided precision fires from the lead helicopter during an assault and at two helicopter crash sites, while subjected to intense automatic weapons and rocket propelled grenade fires. When Master Sergeant Gordon learned that ground forces were not immediately available to secure the second crash site, he and another sniper unhesitatingly volunteered to be inserted to protect the four critically wounded personnel, despite being well aware of the growing number of enemy personnel closing in on the site. After his third request to be inserted, Master Sergeant Gordon received permission to perform his volunteer mission. When debris and enemy ground fires at the site caused them to abort the first attempt, Master Sergeant Gordon was inserted one hundred meters south of the crash site. Equipped with only his sniper rifle and a pistol, Master Sergeant Gordon and his fellow sniper, while under intense small arms fire from the enemy, fought their way through a dense maze of shanties and shacks to reach the critically injured crew members. Master Sergeant Gordon immediately pulled the pilot and the other crew members from the aircraft, establishing a perimeter which placed him and his fellow sniper in the most vulnerable position. Master Sergeant Gordon used his long range rifle and side arm to kill an undetermined number of attackers until he depleted his ammunition. Master Sergeant Gordon then went back to the wreckage, recovering some of the crew's weapons and ammunition. Despite the fact that he was critically low on ammunition, he provided some of it to the dazed pilot and then radioed for help. Master Sergeant Gordon continued to travel the perimeter, protecting the downed crew. After his team member was fatally wounded and his own rifle ammunition exhausted, Master Sergeant Gordon returned to the wreckage, recovering a rifle with the last five rounds of ammunition and gave it to the pilot with the words, "good luck." Then, armed only with his pistol, Master Sergeant Gordon continued to fight until he was fatally wounded. His actions saved the pilot's life. Master Sergeant Gordon's extraordinary heroism and devotion to duty were in keeping with the highest standards of military service and reflect great credit upon him, his unit and the United States Army.

*SHUGHART, RANDALL D.

Rank and organization: Sergeant First Class, U.S. Army. Place and date: 3 October 1993, Mogadishu, Somalia. Entered service at: ----- Born: Newville, Pennsylvania. Citation: Sergeant First Class Shughart, United States Army, distinguished himself by actions above and beyond the call of duty on 3 October 1993, while serving as a Sniper Team Member, United States Army Special Operations Command with Task Force Ranger in Mogadishu, Somalia. Sergeant First Class Shughart provided precision sniper fires from the lead helicopter during an assault on a building and at two helicopter crash sites, while subjected to intense automatic weapons and rocket propelled grenade fires. While providing critical suppressive fires at the second crash site, Sergeant First Class Shughart and his team leader learned that ground forces were not immediately available to secure the site. Sergeant First Class Shughart and his team leader unhesitatingly volunteered to be inserted to protect the four critically wounded personnel, despite being well aware of the growing number of enemy personnel closing in on the site. After their third request to be inserted, Sergeant First Class Shughart and his team leader received permission to perform this volunteer mission. When debris and enemy ground fires at the site caused them to abort the first attempt, Sergeant First Class Shughart and his team leader were inserted one hundred meters south of the crash site. Equipped with only his sniper rifle and a pistol, Sergeant First Class Shughart and his team leader, while under intense small arms fire from the enemy, fought their way through a dense maze of shanties and shacks to reach the critically injured crew members. Sergeant First Class Shughart pulled the pilot and the other crew members from the aircraft, establishing a perimeter which placed him and his fellow sniper in the most vulnerable position. Sergeant First Class Shughart used his long range rifle and side arm to kill an undetermined number of attackers while traveling the perimeter, protecting the downed crew. Sergeant First Class Shughart continued his protective fire until he depleted his ammunition and was fatally wounded. His actions saved the pilot's life. Sergeant First Class Shughart's extraordinary heroism and devotion to duty were in keeping with the highest standards of military service and reflect great credit upon him, his unit and the United States Army.