

"The Sea Chant," Contra Costa Council

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NAVY LEAGUE of the UNITED STATES



President's Message

As I approach my last month as Council President, and my last message to you, our wonderful Navy League members, I look back over the past years with great fondness as I recall the many activities we've shared and, I hope, the positive effect we've had on our active duty personnel.

I am so proud and so grateful for the strong support of your Board of Directors. A more dedicated group of men and women I have never had the pleasure or privilege to work with and for. When I tell our Navy League colleagues around the country about our Board of 35 members I have been asked many times, "With that many people how do you get anything done?" I always wish I could drop them into our Council and show them what a dedicated conscientious group can do to accomplish our mission. *Incredible* best describes the results. I know that same effort will continue as my successor, Jim Harbuck, assumes the job in January at our installation.

I know I speak for both Bill (the Duty Driver) and myself when I tell you that the most gratifying and 'fun' times in our 30 years of membership have been the most recent years with enthusiastic new members with good ideas and the willingness to be creative in what we can do.....and do it!

Now, more than ever, we need the support we can provide for our men and women, and their families, who serve this wonderful nation. They are the defenders of freedom!

We send you all our best wishes for the Christmas season and the coming New Year. May God bless our nation as it struggles through some very difficult times.

Jeanne Sharkey



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Welcome New Members

Members

Kenneth G. Heinz (Wife) Patricia B.

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NLSAC

Welcome to the Contra Costa Council! The mission of the Navy League of the United States is to inform the American people and their government that the United States of America is a maritime nation and that its national defense and economic well being are dependent upon strong sea services — The United States Navy, United States Marine Corps, United States Coast Guard, and the United States Merchant Marine. **Our Goals are:**

- Educate National Leaders and the Nation
- Support the Men and Women of the Sea Services
- Provide Assistance to the Sea Services
- Support Youth Programs

Our Council has activities to meet these objectives, and we welcome your participation and assistance — a few hours a month. We look forward to meeting you in the near future.



Naval Aviation to the Rescue

Pacific Ocean Nov. 9, 2010

An HH-60H Sea Hawk helicopter from the Black Knights of Helicopter Anti-Submarine Squadron (HS) 4 embarked aboard the aircraft carrier USS Ronald Reagan (CVN 76) delivers pallets of supplies to the Carnival cruise ship C/V Splendor. Ronald Reagan was diverted from its training maneuvers at the direction of Commander, U.S. 3rd Fleet, and at the request of the U.S. Coast Guard, to a position near the Carnival Cruise ship C/V Splendor. Ronald Reagan is facilitating the delivery of supplies to Carnival Splendor after the cruise ship became stranded 150 nautical miles southwest of San Diego. (U.S. Navy photo by Mass Communication Specialist Seaman Mikesa R. Ponder/Released)

Captain Cynthia L. Stowe

Prior to being assigned to Sector San Francisco, Captain Stowe served as the Deputy Sector commander in Miami Florida from July 2009 to July 2010. In this capacity, she oversaw 5 deepwater ports, 6 Search and Rescue Stations, and 8 coast guard Cutters spanning over 200 miles of southwest Florida coastline and 250,000 square miles of ocean, including the waters adjacent to and surrounding the Bahamas.

Captain Stowe previously served as the White House Director for Maritime Security Policy and a Special Assistant to the President for Homeland Security from 2006 to 2009 for President George W. Bush and for President Barack Obama. At the White House, Captain Stowe oversaw policy development for Aviation Security, Maritime Security, Land Border Security, and all matters related to the identification and screening of persons entering and leaving the United States.

From 2003 to 2006 she served at Coast Guard Headquarters where she was responsible for Port and Facility Security Regulations and Policy. During this tour, Captain Stowe had the honor of leading the U.S. delegation to the International Maritime Organization's Marine Security Working Group that developed guidance on the implementation of the International Ship and Port Facility Security Code and developed new regulations for Long Range Identification

and Tracking.

Captain Stowe also served on the Senate Appropriations Committee staff where she assisted with drafting the Department's 2001, 2002, and 2003 Annual Appropriations Acts and the myriad of Supplemental Acts that were necessary in the aftermath of September 11, 2001.

Captain Stowe is a Marine Safety, Security, and environmental Protection Specialist, who served as Chief of Port Operations in Tampa, Florida and Assistant Chief of Port Operations in Baltimore, Maryland. Captain Stowe was responsible for all environmental protection policy and response to incidents occurring on the west coast of Florida and the Chesapeake Bay respectively.

Captain Stowe is a prior licensed U.S. Merchant Marine Officer for commercial shipping and a graduate of Texas A&M University. Her military awards include the Department of Homeland Security Distinguished Service Medal, Coast Guard Meritorious Service Medal, (2 awards), Coast Guard Commendation Medal, (3 awards), and Coast guard Achievement Medal.

Captain Stowe is a native of Wheeling, West Virginia, She is married to Christopher Rodenhurst of Kauai, Hawaii. They have three children; Elika, Andrew, and Shannon. ©



**Navy League Cadet Corps
Training Ship Concord
Unit Commissioning Ceremony
September 26th 2010
Martinez, Ca.**



↑
Jim Harbuck, Lorraine Hughey & Brian Luttrell
⇐ **Cadet Austin Gomez speaking to Mickey Ganitch,**
Pearl Harbor Survivor
Photos by Shannon Gomez



*NSCC Diablo Squadron & NLCC T.S. Concord
Young Eagles Flight Training
October 16th 2010*



Cadet Austin Gomez



As universally respected as true heroes are, men and women in uniform equally revile those who would diminish heroic military sacrifices, the combat-decorated impostor. They are despicable scum. With a bold liar's cunning, they understand that many civilians lack the knowledge to unmask their combat-award deceptions, although most civilians do appreciate the significance of those prestigious awards.

Bogus heroes are hardly a new phenomenon. The practice drew national attention with the 1998 publication of the book *Stolen Valor*, which exposed many false claims of personal combat awards.¹ It was the Stolen Valor Act, however, that "to protect the reputation and meaning of such decorations and medals" makes it a federal offense to make fraudulent claims regarding the receipt of military honors.² The 2005 act applies to such claims regarding the Medal of Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Purple Heart, "and other decorations and medals awarded by the President or the Armed Forces of the United States."³ Conviction of the offense requires no evidence of an effort to profit financially. The penalty for violation includes a monetary fine specified in earlier law regarding the wrongful wearing of each award, or imprisonment for not more than one year, or both.

Since its enactment, dozens of arrests have been made, and several convictions have been handed down, most often involving phony Marines claiming phony combat awards, including the Medal of Honor. Penalties have usually been in the range of a hundred hours of community service. Imprisonment, even for brief periods, has been rare. Given the act's already low sentencing parameters, viewed by most service members as insultingly inadequate, mere community service in any amount adds fresh insult to injury. But at least the result is a federal criminal conviction.

Now, rulings in a California federal appellate court and a Colorado District Court have effectively killed the Stolen Valor Act.

Reversed and Dismissed

In 2007, at a public water district board meeting in Claremont, California, Xavier Alvarez claimed to be a retired Marine with 25 years' service, wounded multiple times and awarded the Medal of Honor. In fact, he never served a day in any military branch. "Apparently, Alvarez makes a

hobby of lying about himself to make people think he is 'a psycho from the mental ward with Rambo stories. . . .' In addition to his lies about military service, Alvarez has claimed to have played hockey for the Detroit Red Wings, to have worked as a police officer (who was fired for using excessive force), and to have been secretly married to a Mexican starlet. His federal conviction for violation of the Stolen Valor Act was reversed in a 2-1 decision in August.

In Colorado, Rick Strandlof, aka Rick Duncan, restricted his lies to military matters, claiming to be a U.S. Naval Academy graduate who served two and a half tours in Iraq as a Marine Corps captain, earning a Purple Heart, and being awarded the Silver Star. Strandlof's case was dismissed at trial in July.

The written opinions in both cases rest on similar legal grounds. While neither court had sympathy for the conduct of either individual, they were in agreement regarding the constitutional issue involved: First Amendment-protected speech.

"The sad fact is," the Alvarez court wrote, "most people lie about some aspects of their lives from time to time. . . . But the government cannot decide that some lies may not be told without a reviewing court's undertaking a thoughtful analysis of the constitutional concerns raised.

Government prosecutors argued that, while some falsehoods may be constitutionally protected in the context of encouraging public debate and political discourse, the lies of Alvarez and Strandlof did not promote what lawyers refer to as the uninhibited marketplace of ideas. Prosecutors argued that the speech targeted by the act—lies about having received military honors—fits within the well-defined and narrowly limited classes of speech that are historically unprotected by the First Amendment.

A Lie is Just a Lie

In California, the 9th U.S. Circuit Court of Appeals responded that this was not like a case of constitutionally unprotected obscene speech, or defamation, or fraud, impersonation, perjury, or even fraudulent administrative filings, all of which (except obscenity) require at a minimum that the lie be willful and designed to cause some injury. Shouting "Fire!" in a crowded theater is speech of such a nature as to create a clear and present danger that Congress has a right to legislate to prevent it. The 9th Circuit

found, however, that Alvarez was not prosecuted for impersonating a military officer, or lying under oath, or making false statements in order to unlawfully obtain benefits. There was not even a requirement the government prove he intended to mislead. He was prosecuted simply for saying something that was not true. Without . . . requiring the speech to be related to criminal conduct, this historical exception from the First Amendment [that constitutionally unprotected speech be related to some criminal conduct or goal] does not apply to the [Stolen Valor] Act as drafted.

That argument is difficult to counter. Both courts agreed that such a restriction on speech required "strict scrutiny," lawyer-speak for the most stringent level of judicial review, necessary because the constitutional interest involved—usually restrictions based on race or national origin, or on fundamental rights or, in these cases, on free speech—is among the most significant in our system of rights and freedoms. The Supreme Court has said, "strict scrutiny leaves few survivors. That is, very few laws subjected to strict scrutiny will pass constitutional muster. So it was with the Alvarez and Strandlof cases. The Stolen Valor Act's failure to sufficiently tailor its limitation on speech in a narrow manner to serve a compelling government interest led to findings of unconstitutionality in both cases.

The dissenting judge in the Alvarez case offered a lengthy dissent that unfortunately strikes one as more stirring than legally compelling. In the closing paragraph of its opinion, the Strandlof court wrote, "Imposters such as defendant abase themselves. Fortunately, their disingenuousness is insufficient to undermine the stalwart and unswerving dignity and honor of our true military heroes, and of the military awards that recognize their sacrifices on behalf of a grateful nation. This was cold comfort to Soldiers, Sailors, Marines, and Airmen.

On enlistment or commissioning, every member of the Armed Forces swears an oath to support and defend the Constitution. That includes protecting the unquestioned right of scabrous individuals to demean the flag, to preach hate, and apparently to steal the valor of true warfighter heroes. The Stolen Valor Act, still on the books but legally defunct in Colorado and the 9th Judicial District and effectively everywhere in the United States, is a valiant but apparently failed effort to deal with the lies of impostors.

What Next?

Just as this issue was going to press, government lawyers in California asked the 9th Circuit to reconsider its ruling, and Colorado prosecutors were expected to appeal the 10th Circuit's ruling in early November. One never knows what a higher court might decide, but the two verdicts seem well-supported by prior case law. Rather than further fruitless prosecutions, a better fix would be a re-drafted Stolen Valor Act that takes into account and meets the objections of the Alvarez and Strandlof courts. That, however, is easier said than done. Drafting a new law that articulates a "compelling government interest" in criminally prosecuting those who lie about claimed awards for valor, while narrowly tailoring the prohibition, would be quite tricky.

So, can we pad our temporary-duty claims and call it free speech? Can you lie to military crimi-

nal investigators? Can one claim to be a police officer and call it protected speech under the First Amendment? Can I apply for veterans' benefits with a false claim of Agent Orange exposure? Of course not. The state has the power to assign police officer status and, in some jurisdictions, tax auditor status. The state also has the power to defend those statuses against impostors. How does that differ from the state granting awards for valor and protecting those grants from impostors? The difference is in the constitutional right involved, and the care with which the defending laws are drafted. False representations by word or conduct made to gain something of tangible value from another constitutes fraud. Under definitions that vary from jurisdiction to jurisdiction, fraud is a crime.

Rick Strandlof raised funds for a veterans' organization he formed. Why wasn't he prosecuted for fraud? His fundraising undoubtedly

crossed state lines. Why wasn't he prosecuted under federal mail- and wire-fraud statutes?

That may be a matter of poorly exercised prosecutorial discretion, but it has little bearing on the constitutionality of the Stolen Valor Act. One hopes, however, that future prosecutors will closely examine bogus "heroes" for instances of criminal fraud that usually accompany their verbal misrepresentations.

For some of us, in uniform or retired, who take pride in the heroism of Bobo, Gordon, Shugart, Brown, and hundreds like them, the outcome of the Alvarez and Strandlof cases and the apparent demise of the Stolen Valor Act are painful and infuriating. Many, however, will reluctantly agree that those cases are the price of requiring our government to be most careful in attempting to decide what speech is and is not permissible

Naval Institute Proceedings November 2010 ©.

POEM WORTH READING AND SHARING! (AUTHOR UNKNOWN)

He was getting old and paunchy, and his hair was falling fast,
and he sat around the Legion, Telling stories of the past.

Of a war that he once fought in, and the deeds that he had done, in
his exploits with his buddies; They were heroes, every one.

And 'tho sometimes to his neighbors, his tales became a joke, all
his buddies listened quietly, for they knew whereof he spoke.

But we'll hear his tales no longer, for old Bob has passed away, and
the world's a little poorer for a Soldier died today.

He won't be mourned by many, Just his children and his wife. For
he lived an ordinary, Very quiet sort of life.

He held a job and raised a family, going quietly on his way; and the
world won't note his passing, 'Tho a Soldier died today.

When politicians leave this earth, their bodies lie in state, while
thousands note their passing, and proclaim that they were great.

Papers tell of their life stories, from the time that they were young
but the passing of a Soldier Goes unnoticed, and unsung.

Is the greatest contribution, to the welfare of our land, someone
who breaks his promise and cons his fellow man?

Or the ordinary fellow who in times of war and strife, goes off to
serve his country and offers up his life?

The politician's stipend, and the style in which he lives, are often
disproportionate, to the service that he gives.

While the ordinary Soldier, who offered up his all, is paid off with a
medal, and perhaps a pension, small.

It is not the politicians, with their compromise and ploys, who won
for us the freedom that our country now enjoys.

Should you find yourself in danger, with your enemies at hand,
would you really want some cop-out, with his ever waffling stand?

Or would you want a Soldier--For his home, his country, and his kin,
just a common Soldier, who would fight until they win.

He was just a common Soldier, and his ranks are growing thin, but
his presence should remind us, we may need his like again.

For when countries are in conflict, we find the Soldier's part, is to
clean up all the troubles that the politicians start.

If we cannot do him honor, while he's here to hear the praise, then
at least let's give him homage At the ending of his days.

Perhaps just a simple headline in the paper that might say: "OUR
COUNTRY IS IN MOURNING, A SOLDIER DIED TODAY."

The Infamous Floating Alcatraz story written by Gary Mull in 1990

*(Over the years I have been asked about a fabled article relating to "Floating Alcatraz") well here it is!.....
George C. Knies, Maritime Historian & Tall Tales Advocate*

Here now is the story the true story, of Alcatraz.— In the early 1700s, when the Spanish first began exploring what is now Northern California, they came upon San Francisco Bay and were stunned by its beauty and obvious advantages as a safe harbor as tourists are still stunned today. That it would make a fabulous harbor for a settlement was clear even at first glance. A small Spanish settlement was begun, and western civilization had come to San Francisco Bay.

Father Junipero Serra and others began preaching their wares and the settlement prospered. The Spanish were concerned about protecting their settlements and trading posts, and began looking around for a suitable place to install a small garrison. A large promontory in the area that is now Baker Beach was selected as the best place to build a fort to protect the entrance to the Bay.

It was in the great storm of 1772 that the Spanish discovered that the promontory on which they had built their fort was not attached to the mainland, but actually seemed to be what is called now in geological circles a floating island. In fact, they had built their fort on what apparently was a large pumice plug, blown loose at some time from a volcano in some gigantic eruption. There are theories that the volcano in question is Mount Rainier, which was certainly far more active in prehistoric times than it is today.

Pumice, as everyone knows, is a fairly light, very porous rock having a density of just about 58 pounds per cubic foot, or a little more than 10 percent lighter than seawater. In other words, this stone can actually float, as is usually demonstrated in high school physics class. In fact, as it turns out, what we call Alcatraz Island is not an island at all, but a very large hunk of some prehistoric eruption which is composed mainly of pumice at its core but, of course, with crusts of heavier igneous rocks in its shell. It isn't as buoyant as a ping-pong ball, but it is buoyant enough, as the Spaniards discovered in the 1772 storm, when the waves washed what we now call Alcatraz Island off the beach and moved it farther east, even closer to the Bay entrance.

Luckily, for some reason, it seems fairly stable in its present "upright" position, and the Spanish fort was not damaged, although the garrison

was pretty shaken psychologically to find themselves winding up six miles further east at the end of the storm.

It was in the mid-1800s when California became a state that the U.S. federal government decided to move the fort and garrison from China Beach further into the Bay to what is now called Fort Point.

Very few people realize that Fort Point derived its name from the original fort built on the pumice plug rather than the fort that was built on solid land later on.

The fort was rebuilt and expanded, I think, in about 1865 or so, at which time the old fort was completely torn down to make way for the new one. The U.S. Army took advantage of an extremely high tide and decided to move the fort even further into the Bay and anchored it offshore. It served as a perfect blocking fort for the San Francisco Bay entrance, but as there became less and less need for a fort, it was moved to its present location, using the original Spanish anchor chains and anchors to secure it.

Anchoring

The original Spanish anchoring array was a group of three anchors at approximately equal angles from the island, which served until the famous attempted escape from Alcatraz prison portrayed in the movie with Clint Eastwood.

It is interesting to note that, at that time, even though Alcatraz was no longer used by the Federal Bureau of Corrections, they still had a secrecy blanket on the fact that the basic constituent of the island was pumice. The reason for this, of course, is that they thought they might very well need the prison later on and didn't want this fact to be known. Frank Morris, the con who escaped from the island apparently had done his homework, and in the movie where you see him digging through supposedly rotting concrete, in fact he actually dug through pumice, which is quite soft. The Hollywood filmmakers had to rewrite those details to keep the secret.

Apparently he thought this was just the margin he needed to assure his ability to swim to shore. Most sailors here in the Bay have had similar experiences with the island moving somewhat in tidal currents. Who hasn't had the experience of feeling certain that they could sail to weather of the island without a tack, only to find at the

last minute that the island had moved just enough to force a tack offshore?

This attempted escape gave the prison authorities serious worries and led them to request that the Army Corps of Engineers do a more careful survey of the area around Alcatraz in which they found that one of the old Spanish anchors had dragged considerably. The drift, together with the wearing between the links, had added this approximately 200-yard slack in the anchoring system. It is not known for certain, but there was some suspicion that the anchor chain might very well have been snagged by a Japanese midget submarine, however, that is a totally unsubstantiated rumor.

As is usual with anything federal, the original budget for replacing the anchoring array with more modern equipment began at an estimated cost of \$32 million, and wound up costing you and me, the taxpayers, nearly \$182 million, including the casting of four stainless steel anchors, each weighing about 26 tons, and connected to the island with stainless steel cables and a rather sophisticated water cylinder damping system.

The future of Alcatraz is somewhat uncertain. Although not made broadly public, there was apparently some talk a few years back about moving Alcatraz once again, either somewhere into the South Bay or perhaps up in the shoals near San Rafael, or even as far up as Carquinez to serve as a place on which the federal or state government, it was never clear which, would build low-cost housing.

Unfortunately, as it turned out, owing to the silting upon the Bay from soils carried down from the rivers, Alcatraz seems to be firmly aground at present and the next tide high enough to float it once again will come in the year 2014.

By that time, it is hoped that we will have found some other way to deal with the problems of the homeless and the need for low-cost housing, but it certainly would be grand to see the Bay once again open as it was when the Spanish explorers first came here.

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This article has received many replays over the years. Several years ago I featured it in an international magazine...I was attending a luncheon in N.Y. and a woman said I gave it to my grandson to take to school as a report— she has yet to forgive me.....Geo Knies

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