

My name is Don Lotter

I am the Commander of American Legion Post No. 7

Submitted for your information are six pages of testimony plus an appendix you may refer to.

## **Why I support changes in Michigan Act 190 of 1965 “Uniformity of Service Dates”**

There are three reasons:

- First, the “War Time Clause” in Act 190 does not include the honorable service of men and women who served during the Cold War.
- Second, Act 190 does not account for all conflicts Michigan men and women participated in throughout the State’s history.
- And third, amending Act 190 would establish parity for the 194,000 Michigan Cold War Veterans not currently defined in State Law.

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### First Point

The Cold War ended 19 years ago. The Department of Defense defines the Cold War as the period beginning on September 2, 1945 and ending on December 26, 1991. During that period many hostile acts against the United States of America occurred, resulting in an estimated 100,000 deaths of men and women of the Armed Forces of the United States (Korean and Vietnam included.) Act 190 defines those that served and/or died during WW II, Korea and Vietnam as veterans. But, the men

and women who served during the Cold War (excepting the Korean and Vietnam) and survived are not recognized as veterans in Michigan Law because of the "War Time Clause." The Cold War was the umbrella conflict that included the Korean and Vietnam wars. Yet in Europe the Cold War was played out on both sides on a permanent war footing. No one should be under any illusion that forces on both sides of the Inner German Border were entirely ready for immediate committal to combat. US forces lived with the necessary levels of operational readiness and training to engage Soviet and German forces throughout that 45 year period. No official NATO medal was struck by its member states to mark the end of the Cold War. But the United States Congress did authorize in Statute 1920 Public Law 105-85-dated November 18, 1997 a certificate, and directed the Secretary of Defense to prepare the certificate recognizing Cold War service of qualifying members of the Armed Forces and recognizing their participation in the Cold War.

U.S. Department of State doctrines that supported United States Foreign Policy were Deterrence and Containment, articulated in the Truman doctrine, and Mutual Assured Destruction acknowledged by both the Communists Nations and NATO. Cold War Veterans prevented the annihilation of the United States of America through a constant state of readiness that deterred a Soviet attack on our Nation and Western Europe. There were casualties during the Cold War not directly related to Korea and Vietnam numbering almost 1,000, and many other members of the US Armed Forces were exposed to constant danger. Because victory in the Cold War was declared by President Bush at a West Point Graduation Speech on June 1, 2002, and further evidenced by the disintegration of the Soviet Union in 1991, I am advocating the Cold War be included in Act 190. The Department of Defense acknowledges the Cold War as a 'period of war' and so does Congress in Public Law 104-106 dated February 10<sup>th</sup>, 1996. Therefore, the State of Michigan should also acknowledge this fact in its Laws.

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Second Point

Michigan Public Act 190 of 1965 "Uniformity of Service Dates" is not historically accurate. There is no mention of the War of 1812, the Black Hawk War 1832, the Toledo War 1835, the Patriot War 1838-1839 or the Mexican War 1846~1848. These antebellum wars are described in the book "Michigan's Early Military Forces," compiled by Le Roy Barnett, retired head of reference at the State Archives of Michigan, and Roger Rosentreter, editor of Michigan History Magazine. The forward in their study was written by E. Gordon Stump, Major General MIANG, and former Adjutant General of Michigan. These wars should be mentioned in Act 190 to make it historically accurate. If the Mexican Incursion into the United States, 1910~1917 rises to the level of inclusion in Act 190, the Cold War should be included too. Therefore, if Act 190 is to be historically accurate the Cold War must be a part of the accounting of the State's military History. If our progeny is to know, then Act 190 must be updated to acknowledge these hostile incidents Michigan men and women participated in.

An accessory to this point is the meaning of codified law. The 21 Public Acts in Michigan's laws pertaining to veterans is supposed to insure impartial treatment. By excluding conflicts, the credibility of codified law is diminished. The Cold War deserves a status in the States military history every bit as much as the five World Wars that preceded it.

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Third Point

Finally, there were several times in our Nation's History when segments of our population felt their situation so unjust, because there was a significant difference between the conditions in their lives and their expectations, they reacted with social movements. These reactions had great consequences for our Nation. Sociologists describe this as relative

deprivation. For example: African Americans felt this way after the Civil War. They had the rights of citizenship but they had many restrictions placed upon them e.g. segregation and the right to vote. This was not resolved until the Civil Rights Movement of the 60s.

The women's suffrage movement was not resolved until 1920 with the adoption of the Twentieth Amendment to the United States Constitution.

And now in Michigan we have 190,000 Cold War veterans not included in State Law. Their relative deprivation is reflected in statements like "I never felt my service contributed to anything or was appreciated by our Society, Government, or Nation." The Department of Veterans Affairs and Michigan's Department of Military and Veterans Affairs call these veterans 'Peace Time' veterans. I would like to believe this is an oversight, but it's not. It's an undervaluing of their contribution in the Cold War. It is a term not appropriate for Cold War veterans. I urge Act 190 be amended as an amicable way to include the Cold War veterans into our veteran community. The Cold War veterans should be included in Act 190 because their service directly prevented the nuclear annihilation of our Country. Their service was just as intense and as important as the service of any hot war veteran. The Cold War victory was a glorious victory and it preserved our Nation. Most people are oblivious to this. The Cold War should be included in our State Law so Cold War veteran's deeds and service will never be forgotten and future generations will know the significance of the Cold War.

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In summary

I realize there is skepticism about revising this Act. The skepticism comes from the notion that making this proposed change; would have an adverse impact on 20 other State Laws pertaining to veterans. Veteran's laws in Michigan were developed over a period of 138 years. Thus to think changes have to be made immediately is not reasonable. As conditions change the appropriate amendments can easily be incorporated.

My advocacy is not intended to diminish the service of anyone who served during the hot wars, Korea or Vietnam. The Cold War was the Umbrella period: covering both hot Wars and the many other military incidents during that period. Any one who served from 2 Sep 1945 to 26 Dec 1991 is a Cold War Veteran. For the sake of accuracy the Cold War should be included in Act 190 along with the other wars. The US Congress acknowledged the Cold War by proclaiming "The Congress hereby commends the members of the Armed Forces and civilian personnel of the Government who Contributed to the historic victory in the Cold War, and expresses its gratitude and appreciation for their service and sacrifices," 104<sup>th</sup> Congress 2<sup>nd</sup> Session, Concurrent Resolution 180. And The U.S. House of Representatives on March 21, 2010 in H. Res. 900 resolved and honors the sacrifices and contributions made by members of the Armed Forces during the Cold War.<sup>1</sup> The Cold War began with President Harry Truman's containment of communism doctrine that pledged unequivocal U.S. support for countries resisting attempted subjugation by outside pressures. "The Soviet Union successfully subverted the governments of 26 countries and attempted to do so to 56 others"<sup>2</sup>

Today where foreign policy guides this Country's use of military force the term war is not used to describe military intervention. (In our Country's history we have declared war only five times. The last time war was declared was December 8<sup>th</sup>, 1941.) Code names are now used to describe campaigns, e.g., Cuban Missile Crises, Urgent Fury (Grenada), Just Cause (Panama). This creative use of language lessens the cultural impact when military force is required, and it tends to break up the 1945 to 1991 period into segments so that the Cold War is viewed as a non-

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<sup>1</sup> House Resolution 900, March 21, 2010.

<sup>2</sup> Richard K. Kolb, Cold War Clashes: Confronting Communism, 1945-1991, VFW Publications, 2004, p.6.

contiguous period. But whatever euphemism is used, the Cold War was real and should be a part of the chronology in our State's law.

And furthermore include the veterans who served during that period so that their rightful place is insured in our State's history

I am advocating the definition of a veteran outlined in Act 190 be revised to include any person who served in the Armed Forces of the United States during the Cold War so that benefits other veterans enjoy accrue to them also. **Better yet define a veteran as anyone who honorably served in the Armed Forces of the United States of America past, present and future.**

Thank you

## **Appendix:**

**The Berlin Airlift, June 12 1948 through May 12, 1949. There were 29,926 flights into Berlin, 24 crashes and 48 deaths of military personnel. And, thousands of military personnel supported the massive mission.**

**More than 200 airmen were killed by communist air defenses during the Cold War.**

**For 24 years the Fulda Gap was patrolled by the US Army's 14<sup>th</sup> Armored Cavalry Regiment. And there were many undocumented fire fights in the early years after WW II.**

**40 intelligence aircraft were shot down.**

**There were many unacknowledged firefights on the 38<sup>th</sup> Parallel in Korea.**

**SAC missions flew 24 hours a day year round for 40 years.**

**President John F. Kennedy signed Executive Order 11016 in 1962 authorizing the award of the Purple Heart without a declaration of War.**

**President Ronald W. Reagan followed in 1984 by signing Executive Order 12464 authorizing the award of the Purple Heart without a declaration of War following the Lebanon crisis where 241 Marines died.**

**Certificates of Recognition are authorized for Cold War veterans in Public Law 105-85, November 18, 1997.**

**Several Veteran Service organizations passed resolutions supporting legislation awarding of a Cold War Victory Medal e.g. American Legion, AMVETS, VFW et al.**

Why I become interested in Michigan Act 190 of 1965 “Uniformity of Service Dates”

William Phillipson: (disclaimer granted in May 2008)

- He applied for an emergency grant from the Office of Veterans Affairs in Tuscola County.
- He was denied benefits because he was a Cold War veteran, having served in the US Marine Corps from 1982-1986.
- Michigan Law does not provide for Cold War service in Act 190.
  - He has a wife and 3 children.
  - Cannot work, diagnosed with Non-Hodgkins Lymphoma.
  - He is being treated by the VA.
  - He filed a VA claim for disability in May of 2008 (not yet resolved).
  - SSI was denied because he is not off work for one full year.
  - He lives on food stamps and \$400 stipend from DHS.
  - His bills are \$2700 per month.
  - His income is \$1100 per month.
  - American Legion Post No. 7 paid his rent/electric/propane bills winter 2008~2009. (Amounting to over \$4,600.)
  - His VA Claim has not been adjudicated yet.
  - Further, He served during the Lebanon Crisis and in the Philippines with the 4<sup>th</sup> Marine Division. Just recently it was found that Camp Lejeune had water had a contamination problem from 1950 to 1988. And two elements in the water are linked to Lymphoma.
  - On Christmas Eve he was declared bankrupt.
  - His house has been sold at a sheriff’s sale.
  - He has sold everything he owned.

- This family is indigent, depending on community fund raisers and local VSO support.
- He has received \$800 from the American Legion Family Assistance trust.

These facts cannot possibly describe the family distress during the two years. He is not responding well to his VA Hospital treatment. Yet, his wish is that a change in Act 190 will give recognition to others who served during the Cold War.

William Phillipson died in May 2010, age 44.

Adherent Support  
For  
An amendment to Public Act 190 of 1965  
“Uniformity of Service Dates”

The American Legion, Department of Michigan

American Legion, Algot Johnson Post No. 69

Veterans of Foreign Wars, Department of Michigan

AMVETS, Department of Michigan



Algot Johnson Post No. 69

Department of Michigan

Meetings On the Second  
Monday Of Each Month

803 E. Colby Street, Whitehall, Michigan

Phone: (231)894-5991

Don Lotter, Commander  
110 W. Frank Street  
Caro, Michigan 48727

June 8, 2009

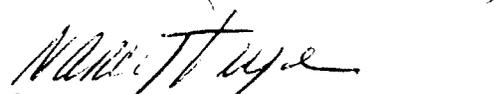
Re: Resolution 5-09-C

Dear Commander Lotter:

Thank you for your letter of June 5, 2009. At the Algot Johnson Post 69 membership meeting held last evening our membership voted to support Resolution 5-09-C. We were pleased to read that the 7<sup>th</sup> District has taken the initiative to move the American Legion Department of Michigan in this direction.

As the 9<sup>th</sup> District Commander for the Department of Michigan I have heard many members of the twenty-five posts I represent ask why our American Legion does not include Cold War Veterans. I will be voting in favor of Resolution 5-09-C at the American Legion annual Convention Meeting to be held in June 2009.

Sincerely,

  
Nancy Frye, Commander  
9<sup>th</sup> District of the Department of Michigan  
Past Commander Post No. 69  
American Legion



DEPARTMENT OF MICHIGAN  
VETERANS OF FOREIGN WARS OF THE UNITED STATES

Telephone 517 485-9456 924 N. Washington Avenue, Lansing, Michigan 48906

January 30, 2010

Honoring all Veterans

The Department of Michigan Veterans of Foreign Wars in 2008 at our fall conference passed a motion to support a changing State laws dealing with veterans. As State Commander I am confirming our commitment in these changes to the following laws.

1. The VFW is in support of changing Act 190 of 1965 (Uniformity of Service Dates) to eliminate language in this Act that defines that only war time service qualify as person as a veterans. We believe that all honorable discharge veterans who served our country in war or peace and during the period of time known as the Cold War to be classify as a veterans. This Act 190 of 1965 should be an historical record of these Country military activities (war or peace).
2. The VFW is in support of changing Act 214 of 1899 (Veterans' Relief Fund) and Act 192 of 1953(County Department of Veterans' Affair) to eliminate the war time service requirement from these Act's. We believe that all honorable discharge veterans should be allow the benefits of their County Veteran's relief programs.
3. The VFW is in support of Act 9 (Michigan Veterans Trust Fund), and that Act 9 remains in force as written and is exempt from any changes. We believe that this Act was established for honorable discharge veterans of war time service and eligibility requirements and should not be changed.

On behalf of  
Department of Michigan  
Veterans of Foreign Wars

A handwritten signature in black ink, appearing to read "D. Hutson".

David L. Hutson  
State Commander



## AMVETS Department of Michigan

Robert Downer  
Commander  
5489 Main St, P.O. Box 254  
Dryden, MI 48428-0254

Glenda F. Cogswell  
Executive Director  
Phone: (810) 796-3876  
Fax: (810) 796-3896  
E-mail: [miamvet2008@yahoo.com](mailto:miamvet2008@yahoo.com)

November 5, 2009

Mr. Don Lotter  
5140 English Rd.  
Clifford, MI 48727

REF: Support of Cold War Veterans

Don,

As Veterans we are all aware of the importance of being recognized as such, even though some of our Veterans service was not during a period when most consider as a time of war or conflict. But soldiers lost their lives in service to their country none the less and should be recognized accordingly.

During the 2009 AMVETS State Convention the issue of support for the Veterans from the Cold War eras identified in the resolution presented by Post 1072 was put to a vote of the General Membership.

The results of that vote reflected an overwhelming support for this cause.

It is with great pleasure I inform you that the entire membership of the AMVETS State of Michigan organization is in full support of your most honorable and worthy endeavor to amend ACT 190 for the inclusion of Cold War Veterans and would like to offer any support you feel is necessary.

If we can be of any further assistance please feel free to contact us at the AMVETS Department of Michigan Headquarters.

Sincerely,

Robert Downer  
State Commander  
AMVETS Department of MI.

Constituent Support  
For  
An amendment to Public Act 190 of 1965  
“Uniformity of Service Dates”

Forgotten Eagles of Michigan

ABATE of Michigan, Inc.

Tuscola County Democratic Committee

Tuscola County Board of Commissioners

Op-Ed “Cold War Veterans are veterans too”

Time-Line Cold War

Cold War Veteran William Phillipson

**FORGOTTEN EAGLES**  
**OF MICHIGAN**



**To whom this may concern;**

**At a regular State Board meeting held on November 01, 2009, the Forgotten Eagles of Michigan learned of Michigan war time act clause excluding those who served. Act 190 of 1965 uniformity of service date excludes those who served during the Cold War during the period of September 2, 1945 to December 26, 1991.**

**The Forgotten Eagles of Michigan feels this is discriminating against the 200,000 Cold War veterans residing in Michigan and we have unanimously decided to support the American Legion Department of Michigan and Don Lotter Post Commander Post # 7 in their efforts to amend Act 190 of 1965 to include the Cold War veterans.**

**Sincerely,**

A handwritten signature in cursive script that reads "Willie Nelson".

**Willie Nelson  
State Secretary  
Forgotten Eagles of Michigan**

"DEDICATED TO FREEDOM OF THE ROAD"



**ABATE of Michigan, Inc.**

P.O. Box 70 • New Baltimore, MI 48047

Dear Terry:

We Abate Members of Region 7 - would like you to support the Cold War Veterans Resolution as defined by American Legion in Convention June 2009.

Thank you  
VP Abate of Michigan  
Butel Brown  
Nov 11 - 2009

P.O. Box 105  
Caro, Michigan 48723  
September 9, 2009

Representative Terry Brown  
S1188 House Office Building  
P.O. Box 30014  
Lansing, Michigan 48909-7514

Dear Representative Brown:

The Tuscola County Democratic Committee, at its July 20, 2009 monthly meeting, unanimously passed the following motion:

The Tuscola County Democratic supports the American Legion, Department of Michigan Resolution Number 5-09-C, submitted by the seventh District of the American Legion, Department of Michigan and approved by the annual Convention meeting in Lansing, Michigan, June 18-21. And we request that our State Senator, James Barcia and State Representative, Terry Brown support work to include the recommended changes in the State of Michigan Act 190 of 1965 titled *Uniformity of Service Dates*.

I am certain that you already have a copy of the resolution, but for convenience I am also enclosing a copy of the resolution as presented for action. It is my understanding that it was passed as presented.

Thank you for your time and attention given to this request, and if you have any questions about this request, please feel free to call or email me. 989 693-6063 [jwhunter@mail.com](mailto:jwhunter@mail.com)

Sincerely yours,



John Hunter  
Chairman,

Tuscola, County Democratic Committee

cc: American Legion, Department of Michigan  
Post # 7  
110 West Frank Street  
Caro, Michigan 48723

# **TUSCOLA COUNTY BOARD OF COMMISSIONERS**

207 E. Grant Street  
Caro, MI 48723

Telephone: 989-672-3700  
Fax: 989-672-4011

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**To:** Governor Jennifer Granholm  
Senator Jim Barcia  
State Representative Terry Brown  
Senator Jason Allen  
Senator Raymond Basham  
Senator Valde Garcia  
Senator Dennis Olshove  
Senator John Pappageorge

**From:** Tuscola County Board of Commissioners

**Date:** March 31, 2009

**Re:** Act 214 of 1899 and Act 192 of 1953

It has been brought to the attention of the Tuscola County Board of Commissioners that Act 214 of 1899 (better known as the County Soldier's and Sailor's Relief Fund) and Act 192 of 1953 (County Soldier's and Sailor's Relief Commission) in conjunction with Act 190 of 1965 Sec 1 (a) which defines veteran as a person, who served in the active military forces, during a period of war or received the armed forces expeditionary or other campaign service medal during an emergency condition or a person who dies on active duty.

At our board meeting on March 24, 2009, the members of the board were in full support to change state veteran laws and stop this discrimination of our honorable discharge veterans. The removal of specific service eligibility dates (Act 190 of 1965) from Acts 214 and 192. Therefore allowing all honorably discharge veterans access to the County Soldier's and Sailor's Relief Fund.

**Cc:** Ron Amend, Tuscola County Veteran's Affairs Director  
Don Lotter, American Legion Commander, Post 7 Caro, Michigan



## Cold War Veterans are veterans too . . .

*For those who fought for it LIFE & FREEDOM have  
a Favor the Protected will Never Know . . . -anonymous*

The “war time” clause in Michigan’s Law excludes 200,000 Cold War veterans from benefits other veterans receive. Their service and sacrifice should be acknowledged by changes in the state statute. This requires our legislators to amend one important Act that defines a veteran living in Michigan.

The statute is Public Act 190 of 1965 “Uniformity of Service Dates.” This law does not recognize the service of veterans involved in the Cold War. Act 190 says “Veteran means a person, who served in the active military forces, during a period of war . . .” and goes on to mention WW II, Korea, and the Vietnam Era, and et al. Excluded are veterans who served during the Cold War unless they were awarded the Armed Forces Expeditionary Medal.

The Cold War ended 18 years ago. It was the longest period of conflict, 46.4 years, of the 20<sup>th</sup> Century. The Armed Forces of the United States were on high alert from September 2, 1945 to December 26, 1991. It was a period of heightened military, economic and political tension between the United States and the Soviet Union. Communist expansion was held in check by our strategic doctrine of Containment and Deterrence. The Cold War veterans were an important part of this doctrine. For example, the Berlin Air Lift, the Cuban Missile Crisis, incidents in Grenada, Panama, Lebanon, and Nicaragua were all a part of the Cold War. In addition Cold War veterans performed hazardous duty in reconnaissance missions where over 200 airmen were killed by communist air defenses. The Fulda Gap in Germany was patrolled for 24 years by U.S. Army units. And the Strategic Air Command flew 24 hours a day in a state of high alert. Also there were many unacknowledged firefights on the 38<sup>th</sup> Parallel in Korea.

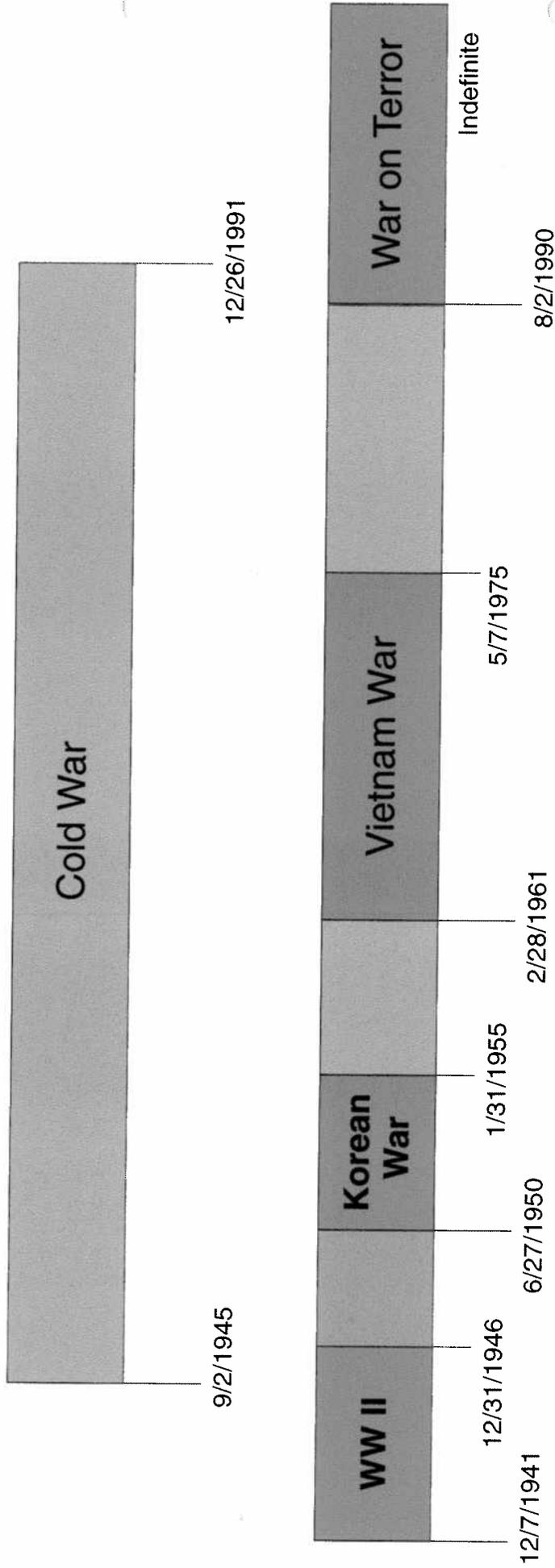
Of the 382 deaths caused by hostile acts, most occurred before 1962. President John F. Kennedy signed an Executive Order authorizing the award of the Purple Heart without a formal declaration of war. And likewise, President Ronald W. Reagan followed with an Executive Order authorizing the award of the Purple Heart following the Lebanon bombing where 241 U.S. Marines died. The Cold War, including its hot conflicts, claimed well over 100,000 American lives.

I am suggesting the “war time” clause in Michigan Law be redefined to mean any person who served honorably in the Armed Forces of the United States. Accordingly, Cold War veterans should be afforded the same privileges and recognition no matter how intense or inconsiderable was their service. In an egalitarian society this is not only right but also the proper thing to do.

It is our duty to include the State’s 200,000 Cold War veterans in our veteran community and further acknowledge that their service directly prevented the nuclear annihilation of our Country. The benefits other veterans enjoy should accrue to them also.

It is time to correct a long overdue condition that has, up to now, diminished the service of the men and women who sacrificed a portion of their lives to keep this Country a free and democratic nation. Our society owes them more than mere recognition; we owe them the benefits all other veterans receive, perhaps more. By amending the above mentioned Law veterans will have an equal claim under all State Laws that are relevant in today’s nation security environment. — Don Lotter, Commander, American Legion Post No. 7

# “War-Time Clause” prevents Cold War Veteran's Recognition



- Berlin Air Lift
- Cuban Missile Crisis
- Iranian Hostage rescue Mission
- Lebanon
- Grenada
- Panama
- Nicaragua
- El Salvador

Veterans from these episodes are not included in Michigan Law e.g. Act 190 of 1965 “Uniformity of Service Dates.”

# Cold War Veteran William Phillipson



**US Marine Corps 1982-1986**

**Served at Camp Lejeune and the Philippine Islands**

**Age 42, married, three teenage children**

**Diagnosed with Non Hodgkins Lymphoma in May 2008**

**Treated at the VA Hospital in Ann Arbor**

**Died May 2010**

Mr. Phillipson, was diagnosed with Non Hodgkins Lymphoma from the alleged water contamination problem at Camp Lejeune that was known to exist from 1950 to 1988. He lost his truck driving job as a consequence of his illness. A Judge in Bay City ordered him and his family evicted from his home on Christmas Eve 2008 for non-payment of the mortgage. He applied for emergency relief from the Michigan Veterans Trust Fund and the Tuscola County Soldiers & Sailors Relief Fund. He was denied from both Funds. In addition other assistance applied for:

<b>Source</b>	<b>Date Applied</b>	<b>Status</b>	<b>Amount approved or explanation of ineligibility</b>
Salvation Army	May 22, 2008	Denied	
United Way	May 22, 2008	Denied	
Red Cross	May 22, 2008	Denied	
American Cancer Society	Mat 22, 2008	Denied	
Catholic Charities	May 28, 2008	Denied	
Good Samaritan Fund	July 16, 2008	Denied	
Homeless Coalition	June 2008	Denied	
Blue Water Center	June 2008	Denied	
Support Life	June 2008	Denied	
Cancer Care	June 2008	Denied	
Veterans Administration	June 2008	Pending	Not resolved at time of death
Victory Center	June 2008	Approved	Credit Counseling only
American Legion Post No. 7	Various Dates Sept. 2008 through January 2010	Approved	\$6,300 during period mentioned
Forgotten Eagles Chapter No. 3	October 2009	Approved	\$300
Various County VSO's	Various Dates Sept. 2008 through January 2010	Approved	Approximately \$1,000
American Legion Emergency Relief Fund	January 2010	Approved	\$800