

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS**

January 27, 2015

1:05 p.m.

**MEMBERS PRESENT**

Representative Bob Herron, Chair  
Representative Jim Colver  
Representative Gabrielle LeDoux  
Representative Bob Lynn  
Representative Max Gruenberg  
Representative Chris Tuck

**MEMBERS ABSENT**

Representative Shelley Hughes

**COMMITTEE CALENDAR**

OVERVIEW(S): DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

BRIGADIER GENERAL LEON M. "MIKE" BRIDGES  
Acting Adjutant General/Commissioner  
Department of Military and Veterans Affairs  
Joint Base Elmendorf-Richardson, Alaska

**POSITION STATEMENT:** As acting Adjutant General/Commissioner, presented an overview of the Department of Military and Veterans Affairs.

MIKE O'HARE, Acting Deputy Commissioner  
Office of the Commissioner/Adjutant General  
Department of Military & Veterans Affairs  
Joint Base Elmendorf-Richardson, Alaska

**POSITION STATEMENT:** As acting Deputy Commissioner, participated in the overview of the Department of Military & Veterans Affairs.

**ACTION NARRATIVE**

1:05:24 PM

**CHAIR BOB HERRON** called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:05 p.m. Representatives LeDoux, Tuck, Lynn, Gruenberg, and Herron were present at the call to order. Representative Colver arrived as the meeting was in progress.

**OVERVIEW(S): DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

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CHAIR HERRON announced that the only order of business would be an overview of the Department of Military and Veterans Affairs.

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BRIGADIER GENERAL LEON M. "MIKE" BRIDGES, Acting Adjutant General/Commissioner, Department of Military and Veterans Affairs (DMVA), introduced a PowerPoint presentation entitled, "Department of Military and Veterans Affairs" and dated January, 2014 [sic]. Brigadier General Bridges noted his presentation would be an in-depth combination of slides and descriptions of the critical mission components of DMVA, which are the uniformed and civilian divisions. He informed the committee DMVA consists of nearly 4,300 personnel, the majority of which are the uniformed components of the Alaska Army National Guard (Guard), the Air National Guard (Guard), a small militia, and the Alaska State Defense Force. The militia is composed of volunteers and is available for use by the governor for homeland emergency response preparation and response to emergencies. He turned to the dual mission of the National Guard, noting the majority of its funding is from the federal government and the U.S. Department of Defense (DOD). Topics included in the presentation include: the Division of Homeland Security & Emergency Management (DHS&EM), the Alaska Military Youth Academy, and the Office of Veteran Affairs; and at the request of the governor, the Alaska Aerospace Corporation will provide a separate overview at a later date. The DMVA Organization Chart depicted its top level consisting of the Commissioner/Adjutant General, Deputy Commissioner, and the U.S. Property & Fiscal Officer, who is the agent that ensures the state uses federal funds correctly [slide 3]. Primary components of DMVA are: Alaska Army National Guard, composed of 1,900 soldiers; Alaska Air National Guard, composed of 2,100 airman; Homeland Security

& Emergency Management, a civilian division to train communities in disaster preparedness; Alaska Military Youth Academy, which is not a statutory component of DMVA, but is a 20-year-old military-based training program established by Congress to re-direct high school students to obtain a high school diploma or general equivalency diploma (GED); and a Veterans Affairs office working to connect veterans with federal veterans' programs and benefits, and continuing to register Alaska veterans. Brigadier General Bridges returned to the dual mission of the National Guard, and explained that the federal mission of the Army and Air National Guard is to prepare and fight wars. Missions are resourced and directed primarily by federal agencies; however, when not mobilized under federal orders, the governor is the commander-in-chief. This dual responsibility provides the governor with a military first-response force for homeland emergency response, preparation, or other allowed activities. He presented an illustration of the state and federal relationships under the President and governors [slide 5]. National Guard members swear simultaneous oaths to both the national and the state constitutions. States, territories, and the District of Columbia have an adjutant general to serve as the commander of the Guard. He advised that without the hometown National Guard, "The federal military forces would be very separated from its citizens that it's there to protect." The National Guard is a link because it is military and also a hometown response force for states and communities. The National Guard has been deployed in military missions across the world since [the terrorist attacks of September 11, 2001]; in fact, the Guard has been serving in direct conflicts for over 13 years. There are new enlistments ready to deploy and approximately 50 percent of the members in the Alaska National Guard have active duty experience. He provided a list of several domestic operations and noted that some governors use the Guard's uniform presence to calm the population in an event [slide 8]. In Alaska, orders go first to local services, then to regional, state, and federal agencies when needed, although local leaders remain in charge. The National Guard is also the conduit to federal Title 10 U.S. Code military resources such as the Federal Emergency Management Agency (FEMA) and other federal programs in times of emergency response.

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BRIGADIER GENERAL BRIDGES turned to the two wings of the Alaska Air National Guard [slide 9]. The 168th Air Refueling Wing (ARW), based at Eielson Air Force Base near North Pole, and with a unit at Clear Air Force Station, is the Pacific theatre

commander's primary air-refueling capability located at Eielson Air Force Base. Personnel at Clear and one-half of the personnel at the 168th ARW are full-time National Guard members. The 176th Wing (WG), the most complex and biggest National Guard air wing in the nation, is based with C-17 aircraft, C-130 aircraft, the Rescue Coordination Center, HC-130 rescue helicopters, and the Air Defense Squadron, which defends the nation's airspace sovereignty of North America. Alaska Air National Guard members typically deploy from thirty days to six or nine months, and sometimes multiple times within one or two years. The deployment includes aircraft, and members report to a mission theatre somewhere in the world. The following is a list of operations deployed in support of overseas contingency operations [slide 10]:

- ADS: 24/7 Mission for Air Sovereignty - the air defense mission
- Rescue Forces: 24/7 Alert for 11 AF & CSAR - currently deployed
- KC-135: Alert for NORAD and 11 AF
- Clear AFS: 24/7 - mission for national strategic security
- C-17: Associate fully integrated with USAF - USAF cargo jets that will be retired soon will be replaced with the C-17 fleet
- State emergency response asset

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BRIGADIER GENERAL BRIDGES presented the major units of the Alaska Army National Guard, consisting of approximately 1,900 members, and Joint Forces Headquarters, consisting of the command group and primary senior staff of 100 [slide 11]. He advised that the 297th Battlefield Surveillance Brigade has been terminated by the Army chief of staff which means a loss of 760 in manpower and some equipment stationed in Alaska. Resistance to this loss has been offered to the Army and the National Guard Bureau (NGB), and there is an effort to offset the loss through a dual-capable structure with the Army. At this time, the cavalry squadron would be replaced with a light infantry battalion, which would be a disadvantage for Alaska in that there would be less equipment for use by the homeland security mission. Within the 38th Troop Command are:

- Black Hawk helicopter aviation battalion
- Military Police (MP) battalion, which is being downsized to a company without local headquarters

- Civil Support Team, which is currently deployed in Guam
- Training Regiment, which is the officer and enlisted training academy
- 49th Ground-based Missile Defense Battalion at Fort Greely, which is part of the national security strategy

BRIGADIER GENERAL BRIDGES pointed out that Fort Greely is due for major upgrades of its missile systems and related infrastructure, and growth is expected in its national mission. He noted that the big unit deployments are gone; in fact, the only deployments are two Army Guardsmen in Afghanistan and the Mongolian partnership unit. However, U. S. Army Pacific Command (PACOM) and others in the Lower 48 and Europe are asking Alaska's units to participate in training rotations, and these exercise activities will offset the lack of combat and equivalent deployments. The Guard continues to provide the governor with ground resources and helicopter capabilities during local emergencies; for example, firefighting last summer - supplying Black Hawk helicopters and pilots to local responders - was the most recent large ground emergency. Also, Alaska National Guard forces are nested in PACOM to provide additional resources to the Army, Marine Forces, Pacific Fleet, and Pacific Air Forces in the Pacific Rim and Korea. At this time, the Battlefield Surveillance Brigade partnership with First Corps continues. Turning to the civilian side of DMVA, he said DHS&EM is the civilian team that prepares local communities and statewide emergency responders to respond to a catastrophic disaster [slide 13]. Included in this mission are infrastructure evaluations and replacement equipment. Other agencies, such as the Red Cross, are organized and managed by DHS&EM, and he mentioned ongoing training and relationships in this regard. Also, local community planning committees link into the state emergency response commission for a coordinated civilian response: the Alaska Partnership for Infrastructure Protection (APIP) relates to critical infrastructure that supports life, economic activity, public safety, and public health, and how to assess and mitigate potential damage to power plants, docks, water systems and other critical systems. The Guard has been a participant in exercises to prepare for disruptions to critical infrastructure. He related his experience in 2012 providing support to Cordova during a snow emergency. The 50th anniversary of the 1964 Alaska earthquake was commemorated with an exercise to replicate a massive earthquake and tsunami; there were 10,000 people involved, including many military and naval components, FEMA, and civilian agencies. The exercise reopened airports, established fuel supplies, replicated a

field hospital with mass casualties, and other services. A future exercise in 2016 will stage a cyberattack.

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BRIGADIER GENERAL BRIDGES turned to the Alaska Military Youth Academy, noting its 20th anniversary. The academy has graduated nearly 4,500 cadets. The academy accepts 16- to 18-year-olds who have left high school and he described the educational and physical activities of the youth academy. Cadets are also required to complete an extensive public service component. There are two classes per year with the goal of graduating 144 cadets Veteran Affairs per course [slides 16-17]. Regarding the Office of, he said a small staff works to attend to the needs of 77,000 veterans in Alaska to ensure they are registered with the federal office and receive their earned benefits. The outreach program is locating many Vietnam-era veterans in rural areas who need services. The office received a three-year \$750,000 transportation grant to enable veterans who live on the road system to travel for care on a regular basis. He commended the staff of the Office of Veterans Affairs.

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BRIGADIER GENERAL BRIDGES addressed the National Guard Bureau (NGB) Office of Complex Investigations (OCI) report on sexual assault [slide 21]. He remarked:

This is the stuff that's been in the media the last several months - it has shaken us to our core. A handful of folks joined our ranks while we were deploying. They came to us from active duty ... and a few of them proved that they're predators. And over time, some folks who could [have] and should [have] done something about that did not do so sufficiently, and some of our folks paid a dear price for that. This is what we call an insider attack, this is not just unique to the Alaska National Guard, it's a [U.S. Department of Defense]-wide issue.

BRIGADIER GENERAL BRIDGES continued to explain that prior to three years ago DOD training for sexual assault prevention and response was a briefing once per year. There was no method for in-depth training of forces or education on how to prevent, intervene, and respond to a sexual assault of any kind. He compared DOD's definition of sexual assault to that of civilian law enforcement, and opined the difference led to confusion for

many. The Alaska National Guard now has a very strong, competent, and well-regarded sexual assault response coordination office, prevention program, training program, and victim advocate program, and capabilities with other agencies in Alaska to respond to sexual assaults, including direct coordination with law enforcement. Previously, this was informal and coincidental. Because of the education and training of the last two years there are now people in the Guard, or other service components in Alaska, coming to the team and asking for help due to prior sexual assaults. He pointed out that people are now willing to trust the Guard program to help with their recovery. Turning to other areas of concern in the report - command climate, lack of transparency in promotions, reprisal - he said over the last several months the Guard has received assistance from experts of the NGB and other states on topics such as equal opportunity for employment. The Guard's human resources office has never had an established equal employment opportunity program; however, the office now has a full-time equal employment manager and a deputy, and has trained 40 equal employment advisors, or liaisons, within its ranks over the last three months. The ongoing education and training of each member of the Guard includes training for civilian employees against "frat house shenanigans ... it's inappropriate in the workplace. It can be bullying, hazing, sexual harassment - it matters not. It's still an insider attack and it's wrong." Full-time staffing resources have changed to trained and vetted professionals to ensure they belong in their positions. In the past, employees have not had the education or demeanor to be an equal employment advisor or liaison, or a sexual assault victim advocate. Further indicated in the OCI report was the potential for fraud. Last month, a brief was received from a special assessment office in internal review and audit at NGB related to Alaska National Guard federal funds for facilities maintenance and management, and the state facilities management division. Federal funds are the primary source for the Guard's facility maintenance and construction funds. In the past, state employees working as contractors have taken charge of the use of federal funds in contradiction to the guidance rules on restrictions for the use of federal funds. As a result of the audit, there is now openness and a coordination between NGB and the state budget team.

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BRIGADIER GENERAL BRIDGES turned to the finding of command climate and stated the following simple open-door policy: Any member of the department can approach senior leadership, without

fear of reprisal or retribution, to report wrongdoing. It was determined that the existing military format open-door policy was "a non-starter in the current era of communications, and people just didn't want to use it because it said you must go to your chain of command first." Research led to a new open-door policy which is now in use at DMVA and which means one can go straight to the top to be heard, and one is protected from reprisals by supervisors. Brigadier General Bridges stated that the aforementioned were the key parts of the OCI findings and recommendations. He assured the committee assistance was received by experts to assess and create programs for the Alaska National Guard. Junior members were included in advisory teams that were formed from the Army Guard, the Air Guard, retirees, and civilians, representing every section of DMVA. There are six primary areas of concern identified by the OCI report: sexual assault; equal opportunity; coordination with law enforcement; command climate; application of military justice; fraud [slide 24]. He addressed the application of military justice and advised that the discipline of one in the Guard follows the federal path of the Army regulations on personnel discipline, and the Air Force instruction on personnel discipline, which are complex but effective. If a Guardsman is suspected of committing a crime, the case would be referred to civil law enforcement at the local and state level, and on a federal military installation cases can be referred to the Criminal Investigation Division (CID) of the Federal Bureau of Investigation (FBI). This is because the Guard does not have the tools to prosecute in Alaska; in fact, there is only a territorial military code written in 1955 that has "no teeth." He described the military codes used by the National Guard in Washington and Oregon. Brigadier General Bridges advised the Alaska military code has never been implemented, and urged that the state develop a code and the capacity to prosecute by the military militia under state government. He remarked:

Even with calling the cops, and having a [district attorney] pursue a potential prosecution, because it's a federal uniformed military member, we're going to do a parallel action, with the Army regulation or the Air Force instruction, to penalize a miscreant on the military side. And that can be as little as a letter of concern, all the way to the most extreme, which is an other than honorable discharge - dishonorable discharge if it was a federal Title 10 member. ... That's what we're doing with a lot of these folks who have made the media recently and have been part of the recent chaos .... ... These cases are as difficult

to prosecute via that as they are through civil court or through a state [Uniform Code of Military Justice], they cannot be talked about in the open because they're personnel administrative actions, they're protected by the federal privacy act and so forth.

BRIGADIER GENERAL BRIDGES stressed that other than honorable (OTH) discharges cannot legally be revealed. Another action taken by the Guard for the first time is the establishment of a provost marshal's office to coordinate with local and state law enforcement; memorandums of agreement with local and state law enforcement, and the Department of Law (DOL), will be developed to direct how crimes that have been committed by members of the Guard will be handled. He referred to a current situation in Kake that involved a Guardsman at work in his civilian capacity.

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BRIGADIER GENERAL BRIDGES displayed a timeline that concluded with a feedback assessment from Alaska National Guard troops [slide 25]. He said his command philosophy is as follows: The Alaska National Guard is a premier force; driven by core values; empowered by trust, dignity, respect; ready and relevant for service to the state and the nation.

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CHAIR HERRON recalled that representatives of DOD will hold "listening sessions" on 2/23-24/15. He acknowledged that the Alaska Army National Guard is preparing for troop reductions, and asked whether the communities of Anchorage and Fairbanks should take the opportunity to demonstrate at these listening sessions how both communities benefit from the presence of the Army.

BRIGADIER GENERAL BRIDGES said absolutely. He cautioned that a loss of a brigade combat team in either Fairbanks or Anchorage would result in economic impact, the loss of emergency responders, and a loss of training with active duty partners; in fact, the partnership between the active military and the Guard in Alaska "has never been better." The organizations now work and train together to support long-range missions. If one of the brigades is transferred, the impact is not just to 5,300 soldiers but to their families, schools, and business communities. There would also be cuts to the civilian employment force on the base. In addition, many members of the military stay in Alaska after their tour of duty. In further

response to Chair Herron, he confirmed that DOD has ordered the Guard to prepare for possible reductions in troops.

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MIKE O'HARE, Acting Deputy Commissioner, Office of the Commissioner/Adjutant General, DMVA, informed the committee it is important for Anchorage and Fairbanks to promote the concept that it is good for the Army to stay in Alaska by pointing out reasons, such as the training facilities at the Joint Pacific Alaska Range Complex (JPARC), winter maneuvers, the only Arctic area of operations in the U.S., support from the National Guard, and its close partnerships with many agencies in Alaska.

CHAIR HERRON questioned whether frequent deployments that can lead to fatigue continue to be a concern.

BRIGADIER GENERAL BRIDGES explained that there are no mandatory or directed deployments for units or individuals. During the years after 2005 - across DOD - the strength of the military grew along with increased training money and bonuses for overseas combat; at this point the Alaska Army National Guard is at over 100 percent strength. As deployments and bonuses have been lost, overseas exercise rotations have been offered. Regarding fatigue, he said a few aviation units were deployed three to four times, but no one person - unless they volunteered - has gone on more than two deployments over the last thirteen years. He estimated one hundred members have three and four deployments due to the good paycheck, the combat experience, and the adrenalin rush.

REPRESENTATIVE LEDOUX expressed her interest in working with DMVA to rewrite the military code to make it into a better and more workable document.

BRIGADIER GENERAL BRIDGES said he would be available over the next several weeks. He advised that senior legal advisors from NGB, and legal teams from California and Arizona, have presented the best recommended model uniform code, which must be adjusted for Alaska in coordination with the governor's office and the legislature.

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REPRESENTATIVE LEDOUX recalled that the Guard wants the ability to prosecute. She questioned whether this ability would have made a difference in prosecuting "bad actors at the top."

BRIGADIER GENERAL BRIDGES said prosecution and administrative discipline are different; however, if victims or witnesses are afraid to come forward there is nothing to prosecute. A case must be sufficient to go to a grand jury, and in the past people were unwilling to provide proof of an incident or event. There is no difference whether under a state military code or under law enforcement. A state military code or disciplinary regulation is helpful because the violation can be of the military good order and discipline of a militia member. If a crime is committed that is prosecutable under civil law, "That's where it should go," he said. When a member breaks the rules, the uniform military code and the federal military disciplinary regulations will appropriately discipline in addition to, or along, with civil penalties.

REPRESENTATIVE LEDOUX surmised that in the case of a rape, the Guard does not want to prosecute.

BRIGADIER GENERAL BRIDGES responded that the Guard wants the civil authorities to prosecute, and sufficient power in the military regulations and in a state military code to ensure that an offender's military career is affected. In further response to Representative LeDoux, he described an example of a violation of good order and discipline. There is not a code in the Guard in Alaska to deal with the aforementioned violation.

BRIGADIER GENERAL BRIDGES, in response to Representative Tuck, said previous to his current position as the Acting Commissioner/Adjutant General, he was the Army National Guard Commander.

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REPRESENTATIVE TUCK asked for clarification of Brigadier General Bridges' remarks about "insider attacks, predators from outside."

BRIGADIER GENERAL BRIDGES said he was primarily referring to recruiters who "interservice transferred" from active duty into the Guard during the peak of the Alaska National Guard's deployments. He said, "They joined our recruiting team and they set up shop and became predators." He restated that they came from the same unit of an active duty brigade.

REPRESENTATIVE TUCK questioned why there are no regulations written and an outside investigation into DMVA is needed.

BRIGADIER GENERAL BRIDGES remarked:

Again, the three-legged part of this: the regs, the Army regulations for personnel discipline, personnel actions, is one tool that's always been there. It's difficult and hard work, and a lot of people just didn't bother to take the time to use that for the control within the regulatory process of good order discipline. You have to do the whole thing. You still have to do the investigatory process, then you have to apply the level of discipline based on the offense. And again, it can come, start, at a verbal warning to a letter of concern, all the way up to that ultimate - as I mentioned - other than honorable discharge. Our state has only ever had one full-time staff judge advocate officer for 20 years. That person was the first person I relieved back in September, from duties, for doing a poor job advising and supporting those disciplinary actions.

REPRESENTATIVE TUCK pointed out that Alaska National Guard members are state employees and opined this is a personnel management issue, in addition to the lack of the application of the military code of justice. Referring to the OCI report, he urged for a committee meeting to discuss the elements of the report and its recommendations. Representative Tuck encouraged others to read the report, and surmised that equal opportunity in employment is a cultural problem that goes back years.

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CHAIR HERRON agreed that this is an important issue that will be addressed by the legislature. In the House, three committees, the House Special Committee on Military and Veterans' Affairs, the House State Affairs Standing Committee, and the House Judiciary Standing Committee will conduct reviews in the appropriate venues. In further response to Representative Tuck, he said he would consider convening a meeting to discuss the OCI report after consulting with the other committee chairs.

MR. O'HARE suggested looking at a report on the OCI report, and also looking at a report on the progress of the recommendations.

REPRESENTATIVE TUCK expressed concern about the Guard's new position of provost marshal because that position is still within the ranks of the Guard. Legislators want to ensure that

people have the opportunity to freely come forward, and he warned that "our investigations have been botched ... even with civilian police forces, because there has just been too much interaction." He said, " ... and I will tell you that cops probably don't like to investigate National Guardsmen either." Representative Tuck opined there has been collusion.

CHAIR HERRON cautioned Representative Tuck's comments.

BRIGADIER GENERAL BRIDGES said he was prepared to discuss with the committee and other legislators corrective actions that have occurred. He said he would show the committee that transitions of key areas of concern have been set up in the open so people can see how changes and corrections have been effected. In addition, he offered to provide witnesses to answer legislators' questions this week.

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REPRESENTATIVE GRUENBERG agreed that this is a major issue on which the three aforementioned committees can work together. He recalled the initial introduction of the House Special Committee on Military and Veterans' Affairs to the National Guard, and observed that the committee has addressed emergency preparedness and veteran's issues. He suggested that the committee look at the organization of DMVA and raised the question as to whether the Office of Veterans Affairs may not have sufficient facilities to serve senior veterans. Other upcoming issues are the aging population in general, the downsizing of military bases, and the need for naval facilities in the Arctic.

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REPRESENTATIVE LYNN noted that the governor has appointed a special investigator and asked whether there is an estimated date for the completion of her investigation.

BRIGADIER GENERAL BRIDGES said he has been in contact with the special investigator and his understanding is that an initial report will be issued in April.

REPRESENTATIVE LYNN was supportive of the appointment of a special investigator to determine the facts; however, he expressed his concern about how the legislature can "get ahead of the train" and make new policy or legislation without access to all of the facts.

BRIGADIER GENERAL BRIDGES pointed out that the OCI assessment and its recommendations are available to each committee. He suggested that the chair of each committee meet with the governor about sharing the special investigator's progress reports. As acting commissioner, he will be providing information to the special investigator at the direction of the governor.

MR. O'HARE said his job as acting deputy commissioner - along with the acting commissioner - is to provide continuity in the department, and to make sure that the recommendations of the OCI investigation "are being moved forward." The governor's special investigation will determine the history and the acting commissioner and he will continue with the OCI investigation's recommendations for improvement and to rebuild "a good team."

CHAIR HERRON cautioned that the legislature does not want to injure the investigation, or reinjure the victims, and thus should not rush but fix the problem correctly.

REPRESENTATIVE LYNN agreed.

BRIGADIER GENERAL BRIDGES stressed that because sexual assault was "a DOD-wide thing," the NGB provided assessment teams to review sexual assault-specific and equal employment opportunity (EEO) related concerns and Alaska was the third state to receive an assessment. The assessments make recommendations; the assessment was requested by former Governor Parnell, who presented the assessment to the community. After the transition to a new administration, Governor Walker was briefed in December by OCI and a NGB vice-chief. The briefing noted changes that have been made in Alaska and that a change in command climate will take longer. Within the Alaska National Guard, functional development and improvement teams are in place.

REPRESENTATIVE LYNN said there are several investigating groups.

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BRIGADIER GENERAL BRIDGES said, "That's just it, we have been investigated infinitum over the last year, and the facts are the facts, they're not really going to change, they'll evolve as we, as we deal with disciplinary things or corrective actions and processes." In further response to Representative Lynn, he stated that the special investigator will look at law enforcement as a program area of concern, in fact, he has introduced her to the provost marshal team, and the investigator

will look at the linkages and agreements with law enforcement, from DOL to the local level.

REPRESENTATIVE LYNN restated his concern about intelligent legislation without all of the facts.

BRIGADIER GENERAL BRIDGES suggested that the state will be moving from the territorial code to "something of use for the 21st century for the Alaska National Guard and DMVA." There are great models to use and turn into proper legislation.

MR. O'HARE offered to work with the committee and has offered the investigator resources from the department in order to complete a thorough investigation and improve DMVA.

REPRESENTATIVE LEDOUX asked whether the special investigator has subpoena power.

MR. O'HARE said the special investigator is working directly with the attorney general's office, which has subpoena power. He offered to provide an answer to the committee.

REPRESENTATIVE LEDOUX then asked if, under military law or National Guard law, there is an obligation to report wrongdoing. She recalled a cheating scandal at the U.S. Air Force Academy.

BRIGADIER GENERAL BRIDGES offered the code of the federal academies: I will not lie, cheat, or steal, nor tolerate those who do. This is the same code as the federal officer candidate school and is an oath that every service member takes. In addition, as part of the recovery program, he has directed a policy memo that requires a member to self-report violations of law. In further response to Representative LeDoux, he said this also applies to reporting on others; however, action is always up to the individual.

REPRESENTATIVE LEDOUX surmised that, other than at the military academies, military law does not require [reporting].

BRIGADIER GENERAL BRIDGES said it is inherent that the military oath of service cannot force one to speak.

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REPRESENTATIVE LEDOUX remarked,

But if you find out that somebody knew, and did not report, then that is ....

BRIGADIER GENERAL BRIDGES responded,

Then using the military good order and discipline regulations and guidance, and potentially a uniform code of military justice, we might be able to penalize that person, or discipline that person for 'failure to act' I think is the term.

REPRESENTATIVE LEDOUX continued,

Would you be able to do that retroactively? So, suppose we amended this, this military code and suppose we find out through the investigation that there were a number of - and it would probably be of the officer corps as opposed to the, the enlisted people - that there were a number of people who knew what was going on and didn't say anything. Would we be able to do anything?

BRIGADIER GENERAL BRIDGES said he did not know.

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REPRESENTATIVE COLVER agreed with letting the special investigator prepare a report and, based on its recommendations, during interim the committee would respond with options for next session. As the Representative for Fort Greely, he recognized the importance of the Alaska Army Guard and the 49th Ground Missile Defense Battalion, and suggested that the committee tour the missile expansion.

CHAIR HERRON said a tour is an excellent idea.

REPRESENTATIVE TUCK commended the OCI report and its recommendations, and said he was glad the National Guard is not waiting for another investigation before taking action. He opined the special investigation will look at violations of law more than the facts, and opposed waiting for interim. Representative Tuck told a story about changing culture.

CHAIR HERRON expressed his belief that Brigadier General Bridges is going in the right direction.

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**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 2:34 p.m.