

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 29, 2015

8:06 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative David Talerico  
Representative Liz Vazquez  
Representative Louise Stutes  
Representative Max Gruenberg  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

All members present

**OTHER LEGISLATORS PRESENT**

Representative Gabrielle LeDoux  
Representative Charisse Millett  
Representative Matt Claman

**COMMITTEE CALENDAR**

OVERVIEW: ALASKA NATIONAL GUARD - BRIGADIER GENERAL LEON "MIKE" BRIDGES~ ADJUTANT GENERAL & COMMISSIONER~ ALASKA DMVA

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

BRIGADIER GENERAL LEON M. "MIKE" BRIDGES, Acting Adjutant General/Commissioner  
Alaska National Guard  
Department of Military & Veterans' Affairs (DMVA)  
Joint Base Elmendorf-Richardson (JBER), Alaska  
**POSITION STATEMENT:** Gave a PowerPoint presentation during the overview of the Alaska National Guard.

MIKE O'HARE, Acting Deputy Commissioner

Department of Military & Veterans' Affairs (DMVA)  
Joint Base Elmendorf-Richardson (JBER), Alaska

**POSITION STATEMENT:** Provided information during the PowerPoint presentation of DMVA.

**ACTION NARRATIVE**

8:06:16 AM

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Stutes, Talerico, and Lynn were present at the call to order. Representatives Gruenberg, Kreiss-Tomkins, and Vazquez arrived as the meeting was in progress. Other legislators present were Representatives Claman, LeDoux, and Millet.

**OVERVIEW: ALASKA NATIONAL GUARD - BRIGADIER GENERAL LEON "MIKE" BRIDGES, ADJUTANT GENERAL & COMMISSIONER, ALASKA DMVA**

8:07:00 AM

CHAIR LYNN announced that the only order of business was the overview by the Alaska National Guard - Brigadier General Leon M. "Mike" Bridges, Adjutant General & Commissioner, Alaska DMVA.

8:09:05 AM

BRIGADIER GENERAL LEON M. "MIKE" BRIDGES, Acting Adjutant General, Alaska National Guard; Commissioner, Alaska Department of Military & Veterans' Affairs (Alaska DMVA), referred to a PowerPoint presentation [included in the committee packet]. He said he would: discuss the current legal and disciplinary systems used by the Alaska National Guard (AKNG) when someone violates order and discipline within the ranks; talk about the assessment, findings, and recommendations of the Office of Complex Investigation, done in response to a request from former Governor Sean Parnell; and discuss a briefing presented to Governor Bill Walker.

8:10:36 AM

BRIGADIER GENERAL BRIDGES turned to page 3 of the PowerPoint, depicting the operational sections of DMVA. He explained that he wears two hats: one is in his role as the commissioner/adjutant general of the department, and the other is as the uniformed, senior leader of the Army and Air National Guard. He said there is a Title 10 officer - a federal colonel

- who works for the chief of the National Guard Bureau (NGB), which is the federal hire headquarters for resourcing to the states. He explained that the officer does not report to the Adjutant General; he/she works directly with the NGB to ensure that federal resources are used correctly by the Alaska National Guard. He noted that another section is the Alaska Aerospace Corporation. He indicated that Governor Walker had "separated" the corporation to address management and finances, and he said Craig Campbell would be discussing the topic before the legislature at a later date. He said civilian Michael O'Hare is the acting deputy commissioner for the department. He named four divisions of the department: the Army National Guard, which has just under 1,900 personnel; the Air National Guard, which has approximately 2,000 personnel; the Division of Homeland Security/Emergency Management, which coordinates with Alaskans to prepare for and respond to any local emergencies; and the Alaska Military Youth Academy. He said the academy exists through the direction of Congress. It is an academic improvement program that uses a military basic training or boot camp model "to instill physical fitness, self-discipline, [and] determination to succeed in life" and leads toward a general education development (GED) certification or high school diploma, work, college, and military service.

[8:13:29 AM](#)

CHAIR LYNN expressed appreciation for the education model of the Alaska Military Youth Academy.

BRIGADIER GENERAL BRIDGES said the academy runs two programs per year, followed by 5.5 month-long resident program, then a 12-month "after" program with an adult mentor who ensures that each person is on his/her life plan. He reported that as of the upcoming graduation in February, there will have been over 4,500 graduates out of the program since its beginning in 1993. He said most of the programs are federally funded through the U.S. Department of Defense (DoD); however, Alaska is unique in the high percentage of state funds that support the program. He indicated that this is due to the program's positive effect on young people. He said the goal of the program is to keep young people from becoming a ward of the Department of Health and Human Services, the Department of Public Safety, and the Department of Corrections. He said the department is currently working on a grant for a new vocational/technical continuance program for those who do not go on to traditional college.

[8:15:11 AM](#)

BRIGADIER GENERAL BRIDGES talked about the Office of Veteran Affairs (VA), which has four full-time employees that support veterans' service officers around the state in conjunction with the Veterans of Foreign Wars (VFW), the American Legion, and the Purple Heart Organization. He said Alaska has over 77,000 veterans - the highest demographic in the nation - and yet has to convince 44,000 of them to register with the VA to be able to receive any benefit from their military service. He said some of them are hard to find.

[8:16:02 AM](#)

BRIGADIER GENERAL BRIDGES next addressed the issue of discipline within the National Guard. He directed attention to page 4 of the Power Point, which covers legal systems for the National Guard. He explained that the Title 10 code forces are the U.S. Army, Navy, Air Force, Marines, and their reserves. The program is also used by the U.S. National Guard when federally activated for duty. He said when the National Guard is not federalized, it operates under federal Title 32 - National Guard, and reports to the state governor. He indicated that some states have a military code that is the controlling law or policy for controlling the state's militia under state authority. Brigadier General Bridges said Alaska's military code was written in 1935, before statehood, and it has never been updated. He said the code has no "teeth" and, for various reasons, "has never been enforced in Alaska." He said he came from the National Guard in both Oregon and Washington, and both of those states have a code that they use for any necessary disciplinary action. He offered examples of how the code in those other states could be put to use.

[8:18:40 AM](#)

BRIGADIER GENERAL BRIDGES, in response to Chair Lynn, confirmed that the state code is set in statute by the legislature. He noted that a couple members of the legislature have prepared possible legislation. Further, he said the National Guard has worked on the issue. In the last several months, resources from the National Guard Bureau (NGB) have been provided to Alaska, as well as legal assistance, provost marshal assistance, and equal opportunity assistance. From this assistance, the [Alaska] National Guard (AKNG) prepared a baseline model military code, which he characterized as "a very good one." Some states have adopted the code as written, while many others have modified it to their purpose.

BRIGADIER GENERAL BRIDGES, in response to Chair Lynn, said there are just under 4,000 [Alaska] National Guard members, ten alleged perpetrators within the National Guard since 2009, and 30-36 alleged victims who may be in or were in the National Guard from 2009 to today. He continued as follows:

Those alleged victims are folks who've come to us, and they're in the National Guard today or they're in the active services today, from Ft. Richardson or Ft. Wainwright, and they've come to us for help from something that they state happened to them somewhere in their past lives, when they were in the Army, when they were in the Air Force, when they were in college as a civilian, and even in some families some folks have come forward now today - they're in the National Guard today - and say, "This happened to me when I was a kid; I would like help from my sexual assault prevention and response team."

CHAIR LYNN asked, "Approximately what percentage of the total guard force would these people be?"

BRIGADIER GENERAL BRIDGES answered, "Less than a half of one percent at any one demographic window." He said there was no program by which to track this information prior to 2009, and even then there were no resources made available until 2011-2012. He added, "We're safer than the population outside this building ... when it comes to that issue."

CHAIR LYNN remarked that alleged occurrences within a group can affect how the entire group is perceived.

[8:22:06 AM](#)

REPRESENTATIVE LEDOUX asked at what point the [Alaska] National Guard realized that the lack of legislation, in terms of a military code, was a hindrance.

BRIGADIER GENERAL BRIDGES answered that he does not know. He relayed that when he came to Alaska in 1986 as a lieutenant in Kodiak, he questioned why he could not "do an Article 15" on those who did not show up for drills, and he realized he would have to use the regulatory processes to discipline individuals. In response to a follow-up question, he said later, when he was a battalion commander in Nome, active duty personnel questioned why there was no Uniform Code of Military Justice (UCMJ), and he

said he is sure that someone discussed the matter with leadership in Juneau; however, he said the issue never gained traction to the point of garnering legislative action to update the military code in Alaska. He offered his understanding that a draft of the code was created a few years ago, but it, too, never found footing.

[8:24:13 AM](#)

BRIGADIER GENERAL BRIDGES in response to Chair Lynn, explained that under the UCMJ, Article 15 provides for a low-level penalty of paying a fine. He said penalties can grow from that to a court martial, where a person in the military can be put in prison and the death sentence imposed for the ultimate level of offense. He indicated that under federal Title 10, the most severe administrative penalty is dishonorable discharge, which takes away all paid benefits and veterans' rights. He said the parallel of that is under Title 32 and includes penalties from a verbal reprimand to "other than honorable discharge," which he explained is the equivalent to a dishonorable discharge. He said those tools have existed, but are difficult to use because they are costly and most people have never taken the time to employ them.

[8:26:40 AM](#)

BRIGADIER GENERAL BRIDGES, in response to Representative Gruenberg, confirmed he would be at liberty to share with the legislature the code the National Guard has been formulating. He ventured that it is "a 93-percent solution" at this point, and he expressed his wish to have the [Alaska] National Guard's legal advisors work with the legislature.

REPRESENTATIVE GRUENBERG said he would like to know what the legislature can do and whether it has to be done in executive session. He said he knows that some documents have been redacted. He said he does not want to impede the functions of the [Alaska] National Guard (AKNG), but wants to get something done through the legislature.

BRIGADIER GENERAL BRIDGES said the information would have to be protected and carefully managed because most of it is protected on the federal side. He indicated that the processes have several layers, including legislative, administrative, and "any uniform side."

REPRESENTATIVE GRUENBERG said when dealing with issues of fraud and sexual abuse, the legislature needs to know what else that the AKNG is addressing.

BRIGADIER GENERAL BRIDGES said he would discuss this further during the presentation.

[8:31:14 AM](#)

REPRESENTATIVE CLAMAN asked why the AKNG does not adopt the federal code rather than create its own.

BRIGADIER GENERAL BRIDGES indicated that state and federal codes are similar and referred to information on page 4 of the PowerPoint, regarding the Military Code of Alaska, which read:

An offense committed by a member of the militia, organized or unorganized, shall be tried in civil courts and prosecuted by civil authorities except offenses of a purely military nature.

BRIGADIER GENERAL BRIDGES continued as follows:

And those purely military nature ones are in the Army regulation, in the Air Force instruction ... that are provided by the federal Army, the federal Air Force, and they're almost ... verbatim most of the way through, depending on the level, what type of offense, but they're managed administratively.

And this is the other unique part with the militia: We still have that military process, so that if I have a major who's done something wrong, and I need to penalize him for a military nature - again, with the state statute language that exists - I'm going to go after their military career as a commander for that offense, while at the same time, if I have any inkling that there might be an element of a crime, we're going to turn ... that information or that thought over to law enforcement for our state code - our state statutes - because they need to be looked at for potential prosecution under the laws of the State of Alaska.

REPRESENTATIVE CLAMAN asked Brigadier General Bridges whether he was saying that if a member of the National Guard was accused of murder, under federal Uniform Code, the murder could be

prosecuted in military or civilian court, whereas under the Alaska National Guard Act, the AKNG would not have the authority to pursue the murder charge in military court, but it could be pursued in civilian court.

BRIGADIER GENERAL BRIDGES responded as follows:

The state would pursue it through the civil courts as a murder charge. On the military side, with the military regulation, we're going to go after the violation of good order and discipline, based on the level of the offense, to affect their military career, as well. So, it's kind of a parallel action.

REPRESENTATIVE CLAMAN clarified that he wanted to understand the contrast with the federal system. He asked, "Does that mean the federal ... military could pursue the murder charge only in military court and it wouldn't have to proceed in civilian court?"

BRIGADIER GENERAL BRIDGES indicated that non-federalized militia does not prosecute under Title 10, but the regular forces such as, the U.S. Army and U.S. Air Force, go through a USMJ process under federal Title 10 authorities. He added that in most capital offenses, "even the active component service member is going to be prosecuted in a civilian court" under the laws of the state in which he/she resides.

REPRESENTATIVE CLAMAN reiterated his concern that reinventing a code when it is already similar to the federal code would complicate matters and questioned why Alaska could not just adopt the UCMJ.

BRIGADIER GENERAL BRIDGES said it would be the purview of the legislature to decide whether to codify the UCMJ verbatim. He said, "It's a big one; and they've given us the regulations, which ... have nearly the same language of the administrative, military side of the militia." He said it is complicated.

REPRESENTATIVE CLAMAN suggested that creating a new code could make it all more complicated.

BRIGADIER GENERAL BRIDGES stated that U.S. Title 10 code matters are prosecuted by federal court, while state militia code matters are prosecuted by the state.

[8:37:08 AM](#)

REPRESENTATIVE KELLER noted that the AKNG functions fall under the authority of the governor of Alaska when it is not called to federal duty; therefore, he opined that it is not a question of reinventing the code as it is finding what is good from the federal code and applying it to what is needed in the state code.

[8:37:48 AM](#)

REPRESENTATIVE CLAMAN indicated that he had been asked to query, on behalf of Representative Millet, whether Governor Bill Walker would be introducing a bill incorporating the requests of the AKNG or would leave the making of recommendations up to the legislature.

BRIGADIER GENERAL BRIDGES said he could not answer, but knows there are parallel efforts being made by the Office of the Governor, the National Guard in Alaska, the National Guard Bureau, and legal advisors from other states. He reiterated that the AKNG is close to having a recommendation prepared to present to the legislature.

CHAIR LYNN asked whether Brigadier General Bridges expects any input from the special investigator.

BRIGADIER GENERAL BRIDGES answered he is certain that the judge appointed by the governor will have recommendations.

[8:38:56 AM](#)

REPRESENTATIVE LEDOUX offered her understanding that Congress is currently addressing a problem with military code that requires victims of sexual assault to go through the chain of military command and "there are many people who believe that that is not an appropriate way to go."

BRIGADIER GENERAL BRIDGES confirmed that is correct. He indicated [sexual assault] is a recent condition, because "DoD had never really paid attention to this issue ever." He continued as follows:

The typical annual training package for our troops was a set of PowerPoint slides once a year ... over the last three years. And it's been that very recent evolution in our society - whatever you want to call it - sexual assault across our nation - all statuses -

that the military, because we are a unique profession to protect our nation -- it's an insider attack. And people have finally become enlightened, and they're putting resources, legislative effort, and the whole works, to change some of the tools and tactics to deal with sexual assault in the U.S. and our state's military. So, there is a lot of effort on this right now.

REPRESENTATIVE LEDOUX ventured that might be one reason that the AKNG may consider not adopting the federal code in its entirety, but instead make it "something unique to the states."

BRIGADIER GENERAL BRIDGES replied that states are sovereign entities in their own right and they want to put their personal touch on "those things." He explained that is why there is a federal military and a state militia, and why Alaska is less federalized. He said under the U.S. Constitution, each state should have the opportunity to refine its military code as needed.

[8:41:11 AM](#)

REPRESENTATIVE GRUENBERG referred to Title 26, previously read by Brigadier General Bridges, and he offered his understanding that under federal law, states have to create such language to outline what happens when a member of the military commits a crime that is not civilian. He indicated that some offenses are not criminal offenses, such as desertion, which he said is a capital offense. He posited that one of the reasons this issue has not been addressed over the last 100 years, was because women were not as involved in the military. For example, he said during the Vietnam War there were no women on the ships and there were none in combat. In response to a comment by Chair Lynn that there were female nurses, he explained that there were few opportunities "for that kind of interchange." He stated that the evolution of the military dealing with the issue has been a fast one.

BRIGADIER GENERAL BRIDGES responded, "This has typically been a male on male issue in the military ranks throughout history." Now, with between 15-20 percent female members, depending on the service component, the demographic has changed and the number of sexual offenses against women in the ranks has risen. Nevertheless, he said the "male on male" issue still exists. He concluded, "So, this isn't just a singular crime or issue or problem. It's within the ranks; it's male on male; it's female

on female, and vice versa, and male on female. So, it covers all conditions."

REPRESENTATIVE GRUENBERG ventured that the issue began at "the academy." He said another issue to be considered is related to the rights of the lesbian, gay, bisexual, and transgender (LGBT) community.

BRIGADIER GENERAL BRIDGES reiterated that the military is present as the defender of the nation; therefore, an insider attack in the military is a problem. He talked about improved resources to prevent these problems or to respond to them by helping victims, speeding justice, and holding offenders accountable. He said even if civilian law enforcement chooses not to prosecute a case, the military will go after the individual using its military regulations because the individual stepped out of bounds in terms of the oath taken and military values. He offered an example wherein a senior officer dating a subordinate is not a crime in Alaska, but it is a violation of good order and discipline in the military.

[8:46:30 AM](#)

REPRESENTATIVE LEDOUX asked what additional strength would be gained by a revision of the [UCMJ] if the military already has "the tools to go against culprits because of a violation of good order and discipline."

BRIGADIER GENERAL BRIDGES said he calls it a preventative measure. He said if people know that there is "a big hammer with a criminal charge to it" while they serve in the military, then they will probably think twice about committing an offense. He indicated that the key to being effective is not only a state military code with teeth, but also the resources to actually use it.

REPRESENTATIVE LEDOUX quiered whether this would take away the ability for some of these crimes to be prosecuted in state court.

BRIGADIER GENERAL BRIDGES advised that law enforcement would be called, and this offers a military tool to prosecute as a "state UCMJ military code."

REPRESENTATIVE LEDOUX surmised that they run parallel and the ability would remain to prosecute in civil court.

BRIGADIER GENERAL BRIDGES confirmed that is correct. He added, that unless the state statute is changed, [civil court] would be primary because that person violated the laws of Alaska.

8:48:42 AM

BRIGADIER GENERAL BRIDGES, in response to a question from Representative Vazquez regarding further preventative measures being taken, pointed to Sergeant Andrews, who is employed full-time as a specially trained victim advocate, and to civilian Octavia Thompson, who serves as the state sexual assault response coordinator in charge of prevention and response to sexual assault or harassment within the ranks. He said she also does cross-agency support networking to give tools and resources throughout Alaska's communities to help prevent sexual assault and/or respond to it. He said in the AKNG's organization of 4,000, there are 45 "new and continuously trained" victim advocates.

BRIGADIER GENERAL BRIDGES, in response to Chair Lynn, he said that those 45 individuals also perform their primary military duties. They help those who have been harmed go through the recovery process. He said the NGB provides an attorney special victims advocate with special training in the civilian, criminal, and legal sectors, to represent all victims in the aftermath of an assault; the victim does not have to pay for that out of pocket. In response to Representative Vazquez, he said the National Guard is linked with the civilian medical community and law enforcement, which along with the provost marshal officer, protect the victims of sexual assault and gather evidence in the most "appropriate, psychologically beneficial manner." He noted that Providence Hospital, in Anchorage, has a specially trained person with a hotline available 24/7. He said there are not a lot of these advocates, but the National Guard is "linked with these folks now."

8:53:27 AM

REPRESENTATIVE VAZQUEZ asked whether there have been allegations of misuse, other than sexual abuse, such as misuse of property or other misdeeds.

BRIGADIER GENERAL BRIDGES answered yes. He said the Office of Complex Investigation (OCI) performed an assessment in the spring of 2014 that included five primary areas, plus fraud. He said that at the request of former Governor Sean Parnell, the OCI sent in an experienced audit team, through the NGB, that

found some areas of weakness related to administration and accounting processes and the results have been shared with current Governor Bill Walker. Brigadier General Bridges explained that there was concern about facilities management funding because most of the money comes from the federal side and is used through the master cooperative agreement, which is managed by a Title 10 officer and staff to pay state employees to maintain the AKNG facilities. He said over the last several years the state, within the AKNG's department, had become dominant in managing "that process and that program." He noted the importance of ensuring that the majority of federal requirements are met when using federal funds, while simultaneously meeting state requirements. He said this imbalance is currently being corrected.

[8:55:43 AM](#)

BRIGADIER GENERAL BRIDGES, in response to Representative Vazquez, said he is not aware of any pending federal criminal investigations. He said the administrative cases related to sexual assault have been turned over to civilian law enforcement and, to date, none of the cases have been taken to a grand jury. He said the AKNG is conducting administrative hearings, but he is restricted from speaking about them due to confidentiality protection under the Federal Privacy Act. He relayed that the outcome of those hearings would be announced in generic terms. He stated that seven administrative cases are currently in process. He said if he asks for withdrawal of an officer's federal recognition and commission, he must go before the federal U.S. Army four-star commander in the Pacific.

REPRESENTATIVE VAZQUEZ asked whether there was a Federal Bureau of Investigation (FBI) investigation regarding "some of these allegations."

BRIGADIER GENERAL BRIDGES said although he is aware the issue was in some newspapers, he has no direct knowledge of that. In response to a follow-up question, he offered his understanding from media reporting that U.S. Senators Mark Begich and Lisa Murkowski requested the DoD or the Department of the Army Inspector General to perform investigations; however, he said he is not privy to that information. He explained that even if someone was to file against him, all he would be told is that someone filed an inspector general inquiry on him.

REPRESENTATIVE VAZQUEZ offered her understanding that a newspaper had reported that victims of crimes on military bases,

at least those in Anchorage, need to report the crimes to the Anchorage Police Department.

BRIGADIER GENERAL BRIDGES responded that people interpret things in different ways. He explained that in the military, a commander publishes an open-door policy at all levels. The historic model of that was that a person in the military must report through his/her chain of command; however, he said he initiated an open-door policy such that "anybody in this organization - military or civilian - can come to the top for anything on their mind that they're concerned about." He said the same applies to talking with the chaplain, calling the police, or contacting the inspector general, without fear of reprisal. He said if a person has been sexually assaulted, he/she can tell one of the victim advocates or go directly to Ms. Thompson, at which point a restricted or unrestricted report will be filed. He said if it is a restricted report, often the victim may not want to talk to the police or go to the hospital to "that special nurse." He indicated that the victim has the choice whether or not to remain anonymous.

[9:01:21 AM](#)

MIKE O'HARE, Acting Deputy Commissioner, Department of Military & Veterans' Affairs (DMVA), suggested that they proceed with their presentation in that it will offer insight to their processes that were based upon the Office of Complex Investigations and various resources' recommendations.

[9:02:01 AM](#)

REPRESENTATIVE LEDOUX described a situation in which a person is prosecuted under state law but not convicted, but the military takes action because what the person did is a violation of military rules. She asked whether that would be a violation of double jeopardy.

BRIGADIER GENERAL BRIDGES answered no. He said the requirement to instill military discipline is not related to "beyond a shadow of a doubt sort of thing." He stated, "If we're going to potentially penalized somebody's military career, we're obligated to give them defense council or legal support ...." He said the AKNG goes after violations of good order and discipline.

REPRESENTATIVE LEDOUX asked whether the alleged violation of double jeopardy had actually been tested and whether that defense has gone any place.

BRIGADIER GENERAL BRIDGES answered, "That's what my legal advisors are all about - yes, ma'am."

[9:03:24 AM](#)

REPRESENTATIVE LEDOUX asked whether the confidentiality would remain the same if the legislature revised the state code.

BRIGADIER GENERAL BRIDGES indicated that the administrative process would still be confidential; only that which was handled through the state code process would be available information.

REPRESENTATIVE LEDOUX asked if the federal government would have to "do that."

BRIGADIER GENERAL BRIDGES answered that was his understanding based on what he had been told by his legal advisors.

[9:04:45 AM](#)

REPRESENTATIVE GRUENBERG observed that Alaska's statutes are "totally toothless" when it comes to military crimes. He indicated that if the state had stronger statutes, then they could be used as a bargaining tool. For example, a military person who has committed murder or rape could be told by the prosecutors working together that they would not be pursuing a criminal prosecution, but instead would be pursuing a court martial, which would give the prosecutors much more discretion. He emphasized the importance of updating the code.

BRIGADIER GENERAL BRIDGES talked about all the military experts present in the room and he noted that they would be in the capitol all day for visitation. He said Alaska had never before now resourced a provost marshal, but it has one now. Further, he indicated that there has been only one lawyer, but the AKNG is working on attaining three. He stated, "We've taken and reapplied full-time resources to these requirements in the Alaska National Guard. That's how important this is to me; that's how important this is to us; that's how important this is to our state."

[9:08:36 AM](#)

BRIGADIER GENERAL BRIDGES returned to the PowerPoint, slides 5 and 6. He said an OCI report was released by former Governor Sean Parnell. A brigadier general was sent in from another state to be advisor to Brigadier General Bridges, to ensure the Alaska National Guard set up its methodologies and process. He said other states have gone through this issue. He related that a sergeant general - a police chief - was brought in from Indiana to organize the provost marshal program, for example. A lieutenant colonel knowledgeable in militia law was brought in from another state to work with the Department of Law (DOL) and the Office of the Attorney General to create a model state code for Alaska. Brigadier General Bridges stated that the first person he relieved of duty was the staff judge advocate, because "that was one of the areas we had a lot of challenges with."

BRIGADIER GENERAL BRIDGES said an equal employment opportunity program has been added, with a statewide manager and approximately 30 equal employment advisors and liaisons within the Army National Guard alone, and an equivalent number in the Air National Guard. He said the AKNG encourages those with an interest in the program to apply for it, and emphasized that the AKNG is interviewing to ensure that the applicants do not have an experience in their backgrounds making them unsuited for that kind of work. He remarked that not everyone is cut out to be an equal employment opportunity person or an advocate for victims.

[9:12:45 AM](#)

BRIGADIER GENERAL BRIDGES directed attention to an event timeline on slide 7. He indicated that September was when the [National Guard Bureau Implementation Team] arrived. He said through 2016, communication will continue between the chief of the National Guard Bureau, the governor, and the new adjutant general to make sure everything is on track.

BRIGADIER GENERAL BRIDGES said he would not go into detail regarding all the remaining slides, but noted that slide 8 addresses the timeline of the implementation of the plan. He turned to slide 9, which lists the following five areas addressed by the teams: sexual assault, equal opportunity, coordination with law enforcement, command climate, and application of military justice. One other area relates to fraud. He said reports were being made weekly, but now are made bi-weekly.

BRIGADIER GENERAL BRIDGES noted that on slides 10-14 are the recommendation nomenclatures: Sexual assault is indicated by an

"A," and everything under that category is listed as "A1"- "A7." He said there would be a time and progress chart. He point out the nomenclature for equal opportunity programs, indicated by a "B," with subcategories of "B1"- "B5." He said coordination with law enforcement uses the "C" codes, command climate uses the "E" codes, and military justice uses the "F" codes. He said the "E" codes are the most difficult, because with the open-door policy, many issues are heard and the National Guard must look into complaints to see where they are based and to determine whether there is a problem with leadership or if a the individual complaining is "trying to deflect a disciplinary action" by complaining to an authority. He said "F" is the nomenclature for military justice, with a subcategory range of "F1-F9."

[9:15:50 AM](#)

BRIGADIER GENERAL BRIDGES said slide 15 shows a chart of the implementation plan for the previously listed categories. He noted slide 16 shows a chart of the recovery program put together by the National Guard Bureau and the Alaska National Guard. Slide 17 shows how much effort is required and what the impact of the effort would be. He said the Alaska National Guard has had to ask for extra money and full time authorities from the National Guard Bureau. He said slide 18 shows a progress report, as determined by the team members. Slide 19 shows how everything is linked to "the command climate." He indicated that slide 20 shows responsibilities related to the following areas: training and education, program management, policy and guidance, and commander and supervisor accountability. He stated that slide 21 shows how the Alaska National Guard tracks progress, briefs its leadership, and shows what it is doing to "make this right." He said slide 22 addresses challenges, the first of which is fiscal realities versus the need for additional resources. He said he does not have enough lawyers to cover all the legal concerns; therefore, the National Guard Bureau is providing him with extra money to hire legal attorneys or clerks from other states.

[9:18:23 AM](#)

REPRESENTATIVE CLAMAN directed attention back to slide 15, where he observed that there are arrows pointing to the "end state" on all the categories except equal opportunity. He asked for an explanation.

BRIGADIER GENERAL BRIDGES responded that equal opportunity will not have an end state; it will be perpetual.

[9:19:01 AM](#)

BRIGADIER GENERAL BRIDGES returned to slide 22, and said one of the challenges faced is fatigue. He stated that during the political season, the AKNG was under an "intense media assault," and it stretched out the times between reports and meetings.

[9:20:20 AM](#)

REPRESENTATIVE LEDOUX asked whether there is recourse in the military for civil damages.

BRIGADIER GENERAL BRIDGES said he is not aware of any. He said the military is protected under separate statute, but victims have additional recourse to look for some sort of redemption through the inspector general branch, which is a neutral party that reports to the higher level U.S. Army or U.S. Air Force. He reiterated that there is an equal opportunity branch, and some of the Alaska National Guard's full-time employees are supported by unions.

CHAIR LYNN asked whether it would cover issues like intentional infliction of emotional distress.

AN UNIDENTIFIED SPEAKER said, "Sure."

REPRESENTATIVE LEDOUX said, "Yes."

[9:24:13 AM](#)

BRIGADIER GENERAL BRIDGES directed attention to slide 23, which summarizes that in the first two months, time and effort was spent developing an implementation plan and involving all levels of ranks. The Alaska National Guard found some internal issues in its state workforce that it is using state, administrative, and labor resources to address. It includes corrective counseling and disciplinary actions. Retirees have been brought back, as well as new recruits. He talked about the transparency of the process. He reiterated that the only things that cannot be discussed in the open are personnel administrative actions or anything that is stamped "classified" from the federal government. He turned to slide 24, which addresses the future. He said just the other day Governor Walker appointed retired judge Patricia Collins as special investigator, and he said the Alaska National Guard will work cooperatively with her and the Office of the Governor. He noted that Governor Walker will

announce the new adjutant general tomorrow, and the Alaska National Guard will continue under new leadership. He indicated that regular reporting back to leadership, as well as to the executive and legislative branches of government, would continue.

[9:26:21 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked the timeline of the special investigator's activities.

BRIGADIER GENERAL BRIDGES said he was not directly involved in that discussion; however, he offered his understanding that there would be a primary report to the governor sometime in April.

[ACTING DEPUTY COMMISSIONER O'HARE nodded.]

BRIGADIER GENERAL BRIDGES announced that his PowerPoint presentation was concluded.

[9:27:25 AM](#)

CHAIR LYNN asked whether the special investigator appointed by Governor Walker has subpoena power.

BRIGADIER GENERAL BRIDGES said he does not think the special investigator has direct subpoena power, but he indicated that a subpoena could be obtained through the governor or the Office of the Attorney General.

[9:27:47 AM](#)

REPRESENTATIVE GRUENBERG stated that neither the special prosecutor nor the attorney general has the subpoena power. In response to Chair Lynn, he offered further information regarding subpoenas.

[9:29:04 AM](#)

REPRESENTATIVE CLAMAN, regarding confidentiality, asked whether discharge status is public record.

BRIGADIER GENERAL BRIDGES answered that it depends upon the situation and legal advice. He relayed that recently, he was asked by the previous governor to have a senior officer "move

on," and what the legal team allowed him to say was that that brigadier general retired.

[9:30:15 AM](#)

REPRESENTATIVE LEDOUX asked whether subpoena power would encompass obtaining confidential records.

BRIGADIER GENERAL BRIDGES said he does not know.

[9:30:51 AM](#)

REPRESENTATIVE GRUENBERG said an issue separate from subpoena power is whether a person can be put under oath.

[9:31:23 AM](#)

BRIGADIER GENERAL BRIDGES presented the following Alaska National Guard members: Chaplain Rick Koch, who has worked on the previously mentioned issues facing the Alaska National Guard; Major Douglas Edward Smith, who serves as the state equal employment manager; Major Brian Fuchs, the state public marshal; Lieutenant Colonel Olmstead, the director of public affairs; Senior Master Sergeant Robert Carte, search and rescue coordinator; Sergeant Monique Andrews, victim advocate coordinator, who initiated a program in schools to prevent sexual assault, hazing, harassment, and bullying; and Brigadier General Tim O'Brien, the assistant adjutant general and commander of the Alaska Air National Guard.

[9:37:59 AM](#)

BRIGADIER GENERAL BRIDGES, in response to Representative Gruenberg, said the legal team for the Alaska National Guard (AKNG) is currently involved in disciplinary boards; however, he could arrange for them to meet with legislators over the next few weeks. He said Dan Collins, a drill status colonel, is his senior attorney and confirmed his staff also would be available via conference call.

[9:39:54 AM](#)

REPRESENTATIVE KREISS-TOMKINS suggested sending a message to other legislators that the experts from the Alaska National Guard are present for the day.

[9:40:49 AM](#)

BRIGADIER GENERAL BRIDGES, in response to Representative Vazquez, confirmed that after about a three-week pause, the Alaska National Guard is once again visiting schools. He indicated that a thorough background check is performed on those going in to the schools.

[9:41:55 AM](#)

[VARIOUS COMMITTEE MEMBERS AND OTHER LEGISLATORS PRESENT expressed their thanks to those present who serve in the Alaska National Guard.]

[9:45:25 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:45 a.m.