

Ex-Guard officer raps Shank

25 FEB 84

Wiretapping charge delays state hearing

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SACRAMENTO — The confirmation hearing for a Deukmejian appointee became mired in charges of illegal wiretapping and forced resignation Wednesday when a former Fresno Air National Guard officer stepped up to the microphone.

Willard Shank, recently appointed to the Public Employment Relations Board, directed the state Military Services Department from 1983 until last year. Before that, he had held various high-ranking positions in the Attorney General's Office for more than 30 years.

Former Brig. Gen. Edward Aguiar told members of the Senate Rules Committee that he believes Shank encouraged a junior Fresno Guard officer to tape a 1984 telephone conversation in which Aguiar criticized Guard practices. He also said Shank asked him to resign from his position as commander of the Fresno unit later that year without hearing his side of the story.

"I think California deserves more than a person like Mr. Shank," Aguiar said.

Shank denied both charges, but a majority of the state senators present considered them serious enough to warrant a closer look. They postponed Shank's confirmation hearing for two weeks.

"General Aguiar is making a character point," said Rules Committee Chairman David

Shank

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Roberti, D-Los Angeles. "It's a relatively serious allegation."

The accusations are similar, although milder, than those that have arisen in the appointment of Shank's replacement at Military Services, Gen. Robert Thrasher. Confirmation hearings for Thrasher are scheduled for next Wednesday.

The alleged taping of Aguiar was done without his knowledge by Lt. Col. Mike McCoy, Aguiar said. A few months later Aguiar filed a complaint with the Fresno Police Department, which determined that a crime probably had been committed.

However, Fresno District Attorney Ed Hunt said Wednesday that

he did not file charges against McCoy because of a loophole that allows people to tape telephone conversations without advising the other party if they believe they are being threatened.

Hunt said Guard officials recently called him to find out why he did not file charges. Apparently briefed by Hunt's answer, Shank on Wednesday said that McCoy made the tape because he thought Aguiar was threatening him.

As to his dismissal of Aguiar, Shank said McCoy's tape and other documents proved to him that there were "major problems" in management at the Fresno unit. Aguiar agreed that Fresno "was a mess," but said he was working to solve problems that predated his 18-month tenure in the job.

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