

Brouhaha among Guard brass a long time brewing

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When past and present members of the California National Guard publicly exchanged insults in Sacramento two weeks ago, state legislators got their first close look at problems that have been bubbling for years at the Air National Guard base in Fresno.

The setting was a confirmation hearing for Brig. Gen. Robert

Thrasher as head of the state's National Guard units, both air and army.

Though members of the state Senate Rules Committee had been warned the session would not be routine, they watched in amazement as stern-faced generals called each other names.

Senators are accustomed to displays of dirty laundry but not when the laundry is olive drab and Air Force blue.

Thrasher supporters at the hearing called him a strong, honest leader. Detractors accused the general, a Gov. Deukmejian appointee, of incompetence, mismanagement and inattentiveness to safety issues.

Publicly, he replied, "The testimony you heard from most of the people in opposition to me are no longer in the Guard. By and large they're old complaints. ... I would have one expression for that and that would be 'sour grapes.'"

Privately, Thrasher and his associates accused his critics of much worse.

When committee members debated whether the Guard officers should take an oath before testifying, one senator argued that "officers don't lie."

But faced with conflicting testimony from officers, the senators put off a decision to give themselves time to rummage through the charges and countercharges. More wit-

nesses are scheduled to testify when the hearing resumes Wednesday.

The committee has an unenviable task. Even within the Guard, opinions are mixed on what sparked the controversy and on how significant it is.

From one perspective, the simple fact that internal disputes have become so public suggests serious flaws in the Guard structure. Of the thousands of rules in the military,

one stands out: A soldier stays within the chain of command.

But some in the Guard are attempting to minimize the conflict, calling it nothing more than a continuation of a bitter power struggle that started in Fresno.

If it is simply a power struggle, most bets are on Thrasher. He is a veteran member of the Guard's existing high command,

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well-entrenched and politically well-connected both in Sacramento and Washington.

Like the previous Guard commander, Edward Shank, Thrasher has strong ties to the Deukmejian and Reagan administrations.

On the other side is a relative handful of disenchanted officers and ex-officers, led by two retired brigadier generals — Raymond Hebrank and Edward Aguiar.

Hebrank is a former commander of the California Air National Guard. Aguiar is former commander of the 144th Fighter Interceptor Wing based in Fresno. Both were forced out by Shank and Thrasher.

Aguiar was ousted following a controversial investigation ordered by Thrasher. Hebrank contends he was forced out because he testified truthfully in connection with a lawsuit arising out of that investigation.

The infighting itself did not surprise the legislators. Internal politicking is normal in any large bureaucracy, and the California National Guard is a large mishmash of bureaucracies.

With the Guard operating as both a state agency and a component of the U.S. military, many of its 26,000 members are officially considered civilians on weekdays and military on weekends.

Top Guard officials in Sacramento answer to the governor, the state Legislature, the National Guard Bureau of the Pentagon, Congress, the U.S. Army and the U.S. Air Force.

What caught the senators off guard was that the squabbling had become so public and that retired officers such as Hebrank and Aguiar would publicly criticize the Guard command, opening their own reputations to counterattack.

What many of the senators didn't know is the tensions had been building for years and that this wasn't the first time the contestants had squared off.

By most accounts, the current controversy began in 1981 in Fresno as a combination of personality clashes and policy disputes.

The commander of the 144th Fighter Interceptor Wing at the Fresno Air Terminal then was Brig. Gen. James Kilpatrick, a veteran fighter pilot and sports car racer.

Kilpatrick had spent nearly 30 years in the 144th and had been commander since 1972. He was particularly popular with the pilots and many of the enlisted personnel.

Kilpatrick's boss at California National Guard headquarters in Sacramento was Hebrank, also a former fighter pilot, who had spent most of his career in Southern California and the Bay Area.

Kilpatrick, then 55, was nearing the Guard's mandatory retirement age. He wanted an extension. Hebrank wouldn't help, partly because he and Kilpatrick were at odds over the types of planes to be flown in Fresno.

The Pentagon wanted to replace Fresno's aging F-106 fighters with newer F-4s. Kilpatrick considered the F-4 inferior. He also knew that different maintenance requirements for the F-4 would eliminate some jobs at the Fresno base.

Kilpatrick lost the debate and was forced to retire in 1981. But before he left, he issued a sweeping set of promotions. He created more than 60 master sergeant positions, twice the number allowed for a unit the size of the 144th.

Hebrank chose a personal friend, Aguiar, to replace Kilpatrick.

Aguiar had been a commander in Fresno eight years earlier and later had worked with Hebrank at Moffett Naval Air Station.

One of Aguiar's first tasks was to cut back on master sergeant positions. It was a messy job. Men and women who had worked years for their sixth stripe were told to either give up one or leave.

Hebrank also instructed him to eliminate six pilot positions because of the changeover to F-4s and because the Fresno base traditionally had been overpopulated with pilots.

The base had one of the highest pilot-to-airplane ratios in the country. With too many pilots and too few planes, it is hard for pilots, especially junior officers, to get enough flight time to meet Air Force readiness standards.

Pilots had dubbed the 144th as "the Flying Club," and Aguiar set out to change the image.

Under Aguiar, Maj. Nelson Sebra was in charge of training pilots. Sebra is a full-time Guard officer who has been both praised and criticized for being a procedural stickler.

Another full-timer, Lt. Col. Bernard Hollenbeck, was in charge of evaluating pilots.

Because of the pilot cutbacks, other changes and Aguiar's sometimes-abrasive management style, tensions quickly developed. Sebra and Hollenbeck aligned themselves with Aguiar and found themselves constantly at odds with other high-ranking officers, particularly the weekenders.

The trio of full-timers accused the weekenders of unprofessionalism. The part-timers accused Aguiar and his supporters of arrogance and cronyism.

Even though Kilpatrick had left his command position, he joined the fight. He remained in close contact with base employees, and he was quick to point out what he saw as Aguiar's failings.

For his part, Aguiar was equally

quick to take potshots at Kilpatrick, even in front of Kilpatrick's many admirers.

A Kilpatrick loyalist, Lt. Col. Robert M. McCoy, came to lead the anti-Aguiar forces. A commercial pilot for Pan American Airlines, he was a fighter pilot and chief of wing operations on weekends.

Following a series of clashes with Sebra and Aguiar, McCoy angrily resigned from the Guard in August 1983.

In an open letter to the other pilots, McCoy said he was leaving because of the part-time, full-time rift. He charged that the military chain of command had dissolved because Aguiar had given the full-timers more authority than higher-ranking part-timers.

A month later, McCoy took his charges to Sacramento. Bypassing Hebrank, McCoy went to Thrasher, who was then the No. 2 man in the California Guard hierarchy.

Over Hebrank's objections, Thrasher and his boss, Shank, ordered a formal investigation of Aguiar, Sebra and Hollenbeck.

Thrasher appointed a three-man investigative panel headed by then-Col. William Bates. Hebrank's assistant at the time, Bates is now civilian commander of the state Air Guard.

In a recent letter to the Senate Rules Committee, Hebrank charged that Thrasher packed the panel with people friendly to him and unfriendly to Aguiar.

Citing the confidentiality of such investigations, members of the investigative team and other Guard officials have declined to comment on the inquiry or the report.

The investigators conducted a weeklong, closed-door hearing at the Piccadilly Inn-Airport in January 1984.

A confidential report of that investigation, recently provided to The Bee by an associate of Kilpatrick, shows that investigators considered 20 allegations and questioned 30 Guard members.

According to Hebrank, the only people questioned in addition to Aguiar, Hollenbeck and Sebra were from a list provided by McCoy.

Under Air Force and Army regulations, which apply to the National Guard, such an investigation is supposed to be conducted by the Air Force Office of Special Investigations.

The regulations also say that the subjects of an investigation have the right to legal representation, the right to present their own witnesses and, if they are suspected of wrongdoing, the right to be represented by attorneys.

According to the report, Sebra, Aguiar and Hebrank were told that they were not suspects, were not represented by attorneys, were not

allowed to present their own witnesses and were not allowed to cross-examine people testifying against them.

Despite the flaws in the investigation — or perhaps because of the flaws — the investigation dealt a blow to Aguiar's credibility.

The panel dismissed seven charges, including allegations that Aguiar had improperly influenced aircraft repair contracts.

Among the sustained charges were that:

- Aguiar had allowed the rift between full-timers and part-timers to develop into a serious problem, undermining morale and the effectiveness of the wing.

- Aguiar had allowed two former Guard officers to take sunglasses, gloves and long underwear from a supply room.

- He had allowed a raffle in violation of Air Force regulations and had used undue pressure to sell base yearbooks.

- He allowed \$5,300 in recruiting funds to be spent on coffee cups commemorating the 35th anniversary of the unit and on lapel pins to be given away at a flight competition.

- He had authorized the purchase of overly expensive conference room furniture for his chief of maintenance.

- Hollenbeck had threatened associates of McCoy in an attempt to pressure McCoy into dropping the charges.

- Hollenbeck had signed minutes of a meeting that he knew had not occurred.

- Sebra had made an inappropriate remark about an enlisted woman.

- Sebra, while on duty as flight supervisor, left the base to attend a baseball game involving his son.

- Sebra misappropriated eight pairs of boots and eight sweaters from George Air Force Base.

Aguiar and Hollenbeck have denied all the allegations and have contended, along with Sebra and Hebrank, that the investigation was biased and improperly conducted.

Sebra acknowledged making the inappropriate remark and leaving the base while serving as flight supervisor. The investigators learned that it was common for flight supervisors to leave the base.

Sebra flatly denied misappropriating the clothing. He explained that he had simply transported the items to Fresno at the request of an Air Force supply sergeant.

The investigators sustained that allegation without questioning Guard members who supported Sebra's account.

One issue the investigators failed to resolve was McCoy's allegation that he had received threatening phone calls from Aguiar. He said

the general threatened to sue him and to arrange tax audits and personal investigations of him and his friends.

The investigators concluded that McCoy was justified in feeling threatened but that it could not be established whether the calls were, in fact, threatening.

The panel's overall conclusion was that the Guard command should consider removing Aguiar from command and that Hollenbeck and Sebra should receive letters of reprimand.

Thrasher decided to force Aguiar's retirement and to transfer Sebra from Fresno to March Air Force Base. Hollenbeck volunteered for a transfer to Norton Air Force Base, where he is now a safety officer.

Sebra responded by filing a federal lawsuit against the Guard. He contended that Air Force regulations prohibit disciplinary transfers.

Without ruling on the issues raised by Sebra, a federal court dismissed the lawsuit on the ground that it had no jurisdiction in a military dispute.

Since that lawsuit, Sebra has been under almost constant scrutiny by the Guard command, but he continues to receive excellent performance reviews, according to Hebrank and Air Force officials familiar with the controversy.

Sebra and Aguiar moved the fight to another arena the next year.

Aguiar wrote to a number of legislators, alleging that safety problems at the Fresno base were being covered up.

Sebra presented similar allegations to Rep. Charles "Chip" Pashayan, R-Fresno. At the request of the congressman, a panel of high-ranking Guard officials from outside California was appointed to investigate safety procedures and other matters at the Fresno base.

At the end of that inquiry in September 1986, Fresno Guard officials announced that they had been cleared of the allegations, which they labeled "flat untruths."

But a previously secret report from that investigation surfaced late last month. It praised the Fresno unit in general but also corroborated a number of Sebra's allegations.

The report criticized the Fresno command for not disciplining pilots who had been involved in a series of mishaps and questioned the unit's policies for takeoffs and landings in foggy weather.

Base leadership has responded by denying the findings in the report, by denouncing The Bee for reporting on the controversy and by attacking Aguiar and Sebra — setting the stage for another round of verbal combat when Thrasher's hearing continues this week.