

Testimony of Colonel (Retired) Gerald Silva
With Respect to HB1203, HD1
March 14, 2013

LATE TESTIMON

Aloha Senators Hee, Espero, and committee members; I'm Colonel (Retired) Gerald Silva and I served for over 31 years in the Hawaii Army National Guard (HIARNG). I retired in November 1994 after serving as the HIARNG chief of staff for over 11 years. I strongly oppose the passage for HB1203, HD1. The Guard today—both Army and Air—is a better trained, better equipped, and more professional organization than the one that I left over 18 years ago. It has very competent, seasoned leaders. They and their troops have done a superb job on deployments in the Middle East.

However, I have great reservations about HB1203, HD1. The bill is badly written and parts of it may violate the Hawaii State Constitution. The bill is an attempt to restrict consideration of many qualified officers by future governors as they consider senior officers for the position of Adjutant General of Hawaii. In the process, the bill proposes an ill-defined primary and secondary preference system.

Some would have you believe that keeping a governor's choices open might deny a promotion opportunity that should be reserved for a deserving member of the Hawaii National Guard. This is not true. First, this is far more than a promotion opportunity. The Adjutant General (TAG) is a member of the Governor's cabinet. Second, a number of two-star positions exist that members of the Hawaii Guard and Reserve can compete for. Over the past decades, active component organizations such as the Pacific Command and U.S. Army Pacific have recognized the value of Guard and Reserve officers and filled general officer positions from Guard and Reserve ranks. Similar positions exist worldwide, in organizations such as NATO. A number of Hawaii Guard officers have earned them in open competition and done well.

This is a major leadership position, and the people of Hawaii deserve the best possible leadership in all cabinet positions, including that of Adjutant General who bears the responsibility for ensuring that our sons and daughters are properly trained, equipped and led before they are ordered to active duty and placed in harm's way. The Adjutant General also serves as the Director of Civil Defense with the responsibility for planning for and responding to natural disasters and possible civil unrest. It is a very important cabinet position.

Officers of the Hawaii Army and Air National Guard should be the primary candidates for the position of The Adjutant General (TAG), but they should not be the only officers who can be considered.

By restricting choices to only members and former members of the Hawaii National Guard (HING), it allows even marginally qualified members and former members to apply. But, as written, HB1203, HD1 precludes the Governor from considering eminently qualified members from other reserve components, and those—including sons and daughters of Hawaii—who have performed with distinction in the active components. I have several specific concerns.

The Hawaii Guard is Relatively Small and so is its Leadership Pool.

National Guard units are organized in 50 states, the District of Columbia and three territories. In its 2013 Posture Statement, the National Guard Bureau placed the end strength of Army Guard of the United States at 358,200. The Hawaii Army National Guard is less than one percent of that. Air Guard end strength at the national level is listed as 106,700. The Hawaii Air National Guard is about two percent of

that. Even if the entry level rank were set at lieutenant colonel, the pool of officers (including doctors, lawyers, chaplains, etc.) eligible to become TAG would be about two percent of the overall force. Keep in mind that not all highly qualified officers would apply, and some qualified applicants might be marginal. If you include retirees over a five-year period, the pool is still limited. Governors of larger states (including California with a National Guard four times the size of Hawaii's) have felt the need to look beyond their Guard organizations to find a TAG with whom they were comfortable. Hawaii should not limit the choices of future governors.

Those with Distinguished Active Component Experience are Excluded.

The relationship between the Guard, other reserve components, and the active component has grown increasingly close. Over the years, both the Hawaii Army and Air National Guard have worked closely with active component counterparts and other reserve organizations. While there are some differences between active component and Guard operations, there is more common ground. Within the National Guard Bureau, a large number of key officer positions are set aside by law for members of the Active Army and Air Force who work seamlessly with members of the National Guard.

Several former Pacific Command commanders reside in Hawaii, with a great deal of knowledge of the region, high-level military assignments and contacts worldwide. Under the requirements imposed by HB1203, HD1, future Governor could not consider them because they chose a different path to senior leadership. Former members of the Navy and Marine Corps are completely excluded. That would have eliminated people like Vice Admiral Robert Kihune. To use an extreme example, General (RET) Eric Shinseki is one of many sons and daughters of Hawaii who could not be approached in the future if this bill passes.

Officers in Other Guard Organizations are Given Secondary Consideration.

While there may be some differences between Guard programs and those of the active component, there is little difference in programs between National Guard organizations in different states. If anything, federal programs in larger states are more complex. With respect to the state mission, a case can be made that the mission is more difficult in states other than Hawaii. Units in Gulf States frequently respond to hurricanes. Those on the Eastern Seaboard continue to be called out to work with FEMA after major storms. Guard units in Western States respond to wildfires.

Officers in Other Reserve Components with Qualifying Local Experience Could not be Considered.

This bill seems to specifically target local members of other reserve components. Like members of the Guard, many reservists bring other than military experience to the table. Membership in the Hawaii National Guard is not the only path to experience in administering a state budget or responding to a civil emergency. For example, Brigadier General Edward Hirata of the Army Reserve served as Honolulu's managing director and the State's Director of Transportation. I don't think that he would have had a problem dealing with the Guard's small state budget or—with experience as City Managing Director who worked daily with Honolulu's first responders—taking charge of Guard units responding to state emergencies. Another former state executive and City managing director—Army Reserve colonel Bob Fishman—would have also been qualified. Similarly, Navy Reserve Captains (the equivalent of an Army colonel) like former State Senator Dennis O'Conner and former City Council Member Daniel Clement would not have needed special training to understand the Guard's State mission.

The Department of Defense has Benefitted from Selection of Those Outside the Department.

Over the years, the Hawaii Department of Defense has benefited by bringing in new senior leadership from outside the Organization. Let me give you few examples.

- 2013. Earlier this year, the department hired lieutenant colonel (Retired) Doug Mayne of the Washington Army National Guard to head the Civil Defense Division. If there is a need to expand the area of consideration to ensure a highly qualified division head, it would seem illogical to restrict the area of consideration for the head of that same department.
- 2000. The selection of California Guard Colonel Albert (Putt) Richards to command the HIANG's 154th Wing while the HIANG leadership matured. Colonel Richards was promoted to brigadier general in the HIANG and, after three years, became the Mobilization Assistant to the PACOM Commander, retiring as a Major General.
- 1985. The transfer directed by Governor John Waihee of Colonel Eugene S. Imai (a Vietnam Veteran) from the Pacific Army Reserve to commander of the Hawaii Army National Guard. I was privileged to work as General Imai's chief of staff and I can attest to the fact that he did a superb job, especially in developing a leadership succession plan that continues to benefit the HIARNG today. In 1996, he became the Deputy Commanding General (Reserve Components) at the U.S. Army Pacific and was promoted to the rank of Major General.
- 1987. The appointment Army Colonel (Retired) Roy Price as Vice Director of State Civil Defense in 1987 after he retired as Chief of Staff of the U.S. Army's Western Command. On active duty, he worked closely with Guard and Reserve units in Hawaii, Alaska, American Samoa and Guam. Roy was responsible for much of the planning that is crucial to the Guard's state mission. He was a major player and worked closely with FEMA in the recovery efforts after Hurricane Iniki. The point is this; in spite of his credentials on active duty and in spite of his contributions to the Hawaii Department of Defense, Roy Price could not have been considered for the position of TAG under the terms of this bill.
- 1966. The appointment by Governor John A. Burns of retired Air Force three-star general Benjamin J. Webster as the Adjutant General of Hawaii. General Webster was a Punahou and West Point graduate, a graduate of the National War College, and commander of NATO air forces in Southern Europe. He was appointed by Governor Burns to resolve a contentious command climate in the HIARNG. Governor Burns would not have had that option under the provisions of this bill. During General Webster's tenure, the HIARNG went through a major reorganization of its Air Defense units and General Webster also established a closer relationship between the Army's 25th Infantry Division and the HIARNG's 29th Infantry Brigade. I worked on General Webster's staff, and he left the Hawaii Guard better than he found it.

It has not been the department's practice to restrict competition for senior positions in the past. If senior leaders can be brought in to head the department's divisions, I see no reason to restrict the Governor's choice at the cabinet level.

The Federal Recognition Process Supports the Appointment of Qualified TAGs.

Governors are accountable for their actions and need to have a range of options in selecting members of their cabinets. The federal recognition process is a requirement to hold a senior position in all of the active military services and their reserve components. The process examines military education

requirements, assignments, and military performance evaluations. It does a good job of ensuring quality officers in military organizations, to include the Hawaii National Guard.

Legislative Confirmation is a Safeguard Against Nominees Who are Not Best Qualified.

The confirmation process by the Legislature is the vehicle to ensure that only the most competent nominees are appointed to cabinet positions. It has worked well in stopping poorly thought out nominations in other executive departments and in the Judiciary.

It has been over six decades since World War II ended and the Hawaii Army National Guard was reconstituted and the Hawaii Air National Guard was organized. During this period only two TAGs have been appointed and confirmed who were not members of the Hawaii National Guard. Both were reappointed by their governors. I did not have the privilege of working with Major General Lee, but I served under Lieutenant General (Retired) Webster. Under the circumstances of the time, Governor Burns did the right thing by appointing him and I would hope that future governors would have similar options under similar conditions.

HB523 May Not Comply with the Hawaii State Constitution.

I am also concerned because HB523 requires five years of membership in the Hawaii National Guard. That may be a de facto residency requirement and may not meet a legal challenge. That needs to be resolved.

Officers of the Hawaii National Guard are Highly Competitive Without the Enactment of HB1203, HD1.

Since I entered the Hawaii Army National Guard in 1963, I have seen great progress, especially during the past decade. More members attend senior service colleges. Active duty assignments at major commands and at the National Guard Bureau are far more available, and participation in global exercises and deployments add to competence of today's Guard officers as they blur the line between active and reserve units. All of this produces more qualified National Guard officers for any position, including TAG. There are many who will do well in open competition and whom I would be proud to support in confirmation hearings. But there are also officers from other active and reserve organizations who bring different experience—such as command of multi-national forces or special operations background—that is rare in the Hawaii Guard. They should also be considered.

In conclusion, HB1203, HD1 is bad legislation. It is overly restrictive, not needed, and should not pass. Passage of HB1203, HD1 would imply that future governors will not be capable of making good choices and that future Legislatures will not be capable of recognizing and reversing bad choices. I don't believe that either is true. Thank you for this opportunity to testify.

GEORGE M. WAIALEALE

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LATE TESTIMONY

MARCH 13, 2013

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY
AFFAIRS.

HOUSE BILL 1203 HD1 RELATING TO THE NATIONAL GUARD

I REQUEST THAT YOU HOLD HB1203 HD1 BECAUSE IT DISCRIMINATES
AGAINST EVERY SOLDIER WHO SERVES IN THE 100TH BN./442ND INF.

SINCE 1968 THE SOLDIERS OF THE 100TH BN./442ND INF. HAVE SERVED WITH
THE SOLDIERS OF THE HAWAII NATIONAL GUARD 29TH BRIGADE WHEN
CALLED UP TO ACTIVE DUTY.

THESE SOLDIERS OF THE 100TH BN./442ND INF. HAVE SERVED, FOUGHT AND
PAID THE ULTIMATE SACRIFICE AS PART OF THE 29TH BRIGADE. NOW THEY
WILL BE TOLD THAT PREFERENCE WILL BE GIVEN TO SOLDIERS OF THE
HAWAII NATIONAL GUARD OR SOLDIERS OF ANY NATIONAL GUARD UNIT
WITHIN THE UNITED STATES REGARDING THE APPOINTMENT OF THE
ADJUTANT GENERAL (TAG) OF HAWAII NATIONAL GUARD. THIS IS A SLAP IN
THE FACE FOR ALL THOSE MEN AND WOMEN OF THE 100TH/442ND WHO
HAVE SERVED, FOUGHT AND DIED AS PART OF THE 29TH BRIGADE.

WE DO NOT GIVE PREFERENCE IN THE MILITARY. WE PICK THE BEST...

I ASK THAT YOU HOLD THIS BILL.

ALOHA AND MAHALO,

GEORGE M. WAIALEALE
FORMER SGT E-5
CHARLIE COMPANY
100TH BN./442ND INF.

LATE TESTIMONY

HB1203

Submitted on: 3/13/2013

Testimony for PSM on Mar 14, 2013 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Lister	Individual	Oppose	No

13 March 2013

Senator Will Espero

Chairman, Public Safety, Intergovernmental and Military Affairs Committee

Senator Rosalyn Baker

Vice Chair, Public Safety, Intergovernmental and Military Affairs Committee

Hawaii State Senate

Honolulu, Hawaii 96813

Dear Chair Espero, Vice Chair Baker and committee members,

I strongly oppose HB 1203 HD1 as it is currently written

I am a former Commanding Officer of the 100th Infantry Battalion, 442nd Infantry Regiment and, in that capacity, I served under the command of the 29th Infantry Brigade, Hawaii Army National Guard, as both units trained and prepared to serve with the Regular Army's 25th Infantry Division.

The Hawaii Army National Guard and the Army Reserve, particularly the 100/442, have served together on exercises, training, and in war. I know how the Hawaii National Guard operates and appreciate the close association and ready flow of talent between these two reserve components.

This cross flow of talent was no where more obviously valuable than during the first Gulf War when I was the Deputy Commanding General, US Army Pacific, responsible for all reserve components in the Pacific Theatre. As we hurriedly assembled units for combat in Kuwait and Iraq, we moved National Guard officers into command of Army Reserve units and vice versa with the only caveat being that the best officers should be in command of the units going in harms way.

HB 1203 HD1 appears to have been written to create the Hawaii Adjutant General's position as a sinecure for National Guard careerists at the expense of allowing the governor to appoint the best qualified senior officer to the job.

The Hawaii National Guard is viewed with a high level of admiration by the active military that has relied on its professionalism in the recent conflicts in Iraq and Afghanistan. That reputation is due, in no small part, to the excellence of the Guard's recent commanders, a level of excellence that must be maintained.

To restrict the governor's appointment options through the blatant protectionism contained in HB 1203, HD1 does significant potential harm to the safety of Hawaii's citizens and to the security of the United States.

Very respectfully,

Paul R. Lister

Major General, United States Army (Ret)

Former Commander, 100th Battalion, 442nd Infantry

Former Deputy Commanding General, US Army Pacific