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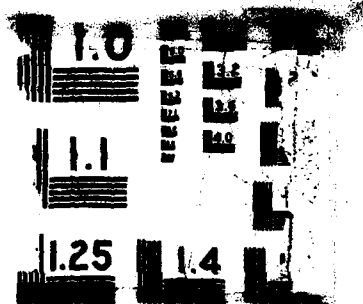
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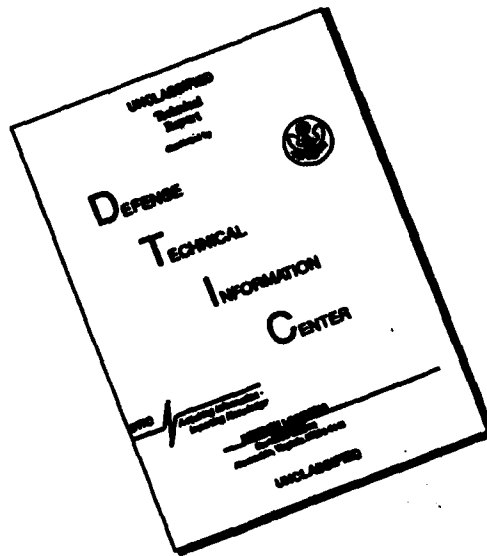
amendment, which was added to the FY87 Department of Defense Authorization Act, withdraws from governors authority to withhold overseas deployments for their National Guard units on account of location, purpose, type or schedule of such training. A lawsuit brought by the governor of Minnesota seeks to have that language ruled unconstitutional as a violation of the Militia Clause to the U.S. Constitution.

The governor's actions had a major impact at the Department of Defense. They threatened the resources of the National Guard as it has evolved as a part of the Total Force. There was talk of withdrawing force structure from the Guard. In the end, the chief of the National Guard Bureau moved against the governor of Ohio, threatening to "withdraw the Ohio National Guard from Ohio" if Governor Richard Celeste didn't consent to the deployment of the 16th Engineer Brigade to Honduras in 1989. Faced with a \$256 million-a-year bill, he did and it did.

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THE NATIONAL GUARD, THE MONTGOMERY AMENDMENT AND ITS IMPLICATIONS''

**A History of the National Guard Experience in Central
America, the Controversy over State Control in Peacetime,
the Enactment of the Montgomery Amendment and an Afterword.**

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1 May 1990

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CONTENTS

Chapter I	Introduction
Chapter II	The National Guard Experience in Central America: The 1980s
Chapter III	State Control, the Governors and OCONUS Training
Chapter IV	The Department of Defense Reaction
Chapter V	The Montgomery Amendment
Chapter VI	AFTERWORD: The U.S. Supreme Court; the Ohio Incident

EXECUTIVE SUMMARY

This paper traces the history of overseas deployment training of the Army and Air National Guard and the intervention of a few governors in it beginning in 1985.

The furor after Governor Joseph Brennan of Maine canceled a deployment of two of his Army Guard units to Central America in 1986 prompted Congress to enact what has become known as the Montgomery Amendment, named after its author, U.S. Representative G.V. ``Sonny'' Montgomery (D-Mississippi). The amendment, which was added to the FY87 Department of Defense Authorization Act, withdraws from governors authority to withhold overseas deployments for their National Guard units on account of location, purpose, type or schedule of such training. A lawsuit brought by the governor of Minnesota seeks to have that language ruled unconstitutional as a violation of the Militia Clause to the U.S. Constitution.

The governors' actions had a major impact at the Department of Defense. They threatened the resources of the National Guard as it has evolved as a part of the Total Force. There was talk of withdrawing force structure from the Guard. In the end, the chief of the National Guard Bureau moved against the governor of Ohio, threatening to ``withdraw the Ohio National Guard from Ohio'' if Governor Richard Celeste didn't consent to the deployment of the 16th Engineer Brigade to Honduras in 1989. Faced with a \$256 million-a-year bill, he did and it did.

I - INTRODUCTION

Historically, few have questioned the fact that state governors command their National Guard in peacetime. Article I, Section 8, paragraphs 15 and 16 of the U.S. Constitution seemed fairly clear in the idea that Congress had the authority to establish a militia, and that it would be governed by the states in peacetime. Until 1986, that is.

Of course, an occasional active Army and Air Force leader complained about the fact that they couldn't order National Guard commanders around in quite the same ways they could the U.S. Army Reserve and, to a lesser degree, the U.S. Air Force Reserve. As Lieutenant General Herbert R. Temple Jr., chief of the National Guard Bureau, put it once, the ``buffer'' that the governors provided between active component orders and Guardsmen often proved useful and important[1].

A series of events began in 1986 that would change this forever. Although National Guard troops had been training overseas (often referred to as ``OCONUS'' by Guardsmen for the acronym Outside the Continental United States) for at least two decades, training in Central America was only then beginning to gain widespread publicity.

The Air Guard had been training in Central America for years (see Chapter II). But the Army Guard began only in 1984 with a hastily planned roadbuilding project in Panama, expanded the next year and placed in Honduras for the first time in 1986.

At the same time, then-President Reagan's Central America policies were becoming highly controversial politically. Liberal Democrats who opposed funding the contra forces fighting in Nicaragua against the Sandinista government, but largely based in Honduras, seized upon the National Guard's activities in that region as a way of making a political statement against the administration's policies. The governors, who actually had some authority in the situation by virtue of their command of the National Guard of their states, saw an unprecedented opportunity.

Governor Joseph Brennan of Maine was the first to act[2]. That year, he prohibited the deployment of 48 Maine Army Guardsmen to Honduras. Thirteen of the Guardsmen to be deployed were members of the Maine public affairs detachment. The remainder was composed of an engineer detachment that was to be a part of a much larger combat engineer roadbuilding task force similar to what had built roads in Panama the previous two years -- without objection from anyone (General Manuel Antonio Noriega was only then solidifying his power in that unfortunate country in those years).

Brennan's statement was immediately picked up by a number of other Democratic governors, who either stated they would refuse deployments of their troops or would refuse if tasked for a deployment. Principal among these were Governors Michael Dukakis of Massachusetts, Madeline Kunin of Vermont, Rudy Perpich of Minnesota, Bruce Babbitt of Arizona (although Arizona Guardsmen ultimately deployed), Richard Celeste of Ohio, Richard Lamm of Colorado and Frank Anaya of New Mexico. Expressing some reservations at the time also were Governors Mario Cuomo of New

York and Mark White of Texas (see Chapter II for the Texas deployment).

It was natural for the National Guard establishment to jump to the defense of the governors while deploring the specific results. Among other things, the buffer General Temple cites historically has permitted the Guard to be its own spokesman not only at the local level in 2,600 communities in the 54 states and territories, but also to fight for its requirements before Congress without much fear of retribution from the uniformed leaders of the services who may have formulated a different order of march in the federal budget process or elsewhere.

However, since the formulation of the Total Force Policy by Secretary of Defense Melvin R. Laird in 1970, the National Guard as well as the other five reserve components increasingly has been woven into the fabric of the Defense establishment. Guard units now are an integral part of warplans in all theaters. They have been participating in major Joint Chiefs of Staff exercises since the early 1970s. As Air Force Chief of Staff Larry D. Welch put it some years ago, "we can't go to war without you. Nor should we." [3] Welch went on to observe that success in any military action that lasts longer than the Grenada or Panama invasions will require the public support missing as the Vietnam War ground to its dismal conclusion 10 years after it began. He, it would seem, subscribes to the widely held conclusion that it was President Lyndon B. Johnson's refusal to mobilize the Guard and Reserve in 1965 when that was recommended by the Joint Chiefs of Staff that years later resulted in the widespread political disillusionment with the conflict in the American body politic.

When overseas training began for the Guard, first with the Air Guard in 1967 with Operation CREEK PARTY and in the mid-1970s with the Army Guard's deployments to the annual NATO exercises, REFORGER (Return of Forces to Germany), only praise was heard. CREEK PARTY was a deployment of aerial refueling tankers (KC-97s in those days) to Europe in support of U.S. Air Forces-Europe. And, it probably should be noted, a little-noted and informal use of the Air Guard occurred repeatedly from 1965 to 1970 with the nonmobilized use of Air Guard C-97 cargo aircraft flying missions to South Vietnam from the United States, always with volunteer aircrews who never were mobilized, not even during the small mobilization of 1968 when five Air Guard fighter wings were ordered to duty by President Johnson and deployed to Vietnam and Korea.

* * *

Since the founding of the National Guard on December 13, 1636 by order of the Massachusetts General Court as the North, East and South Regiments of Massachusetts, there never has been much doubt that the militia and the National Guard is a state force in peacetime. The Guard has a perfect attendance record in the nation's wars. But its overwhelming history has been as a state force in support of civil authority. Ask the first 10 people you find on the street their impression of the National Guard and at least nine will say something about flood, hurricane, tornado or riot.

A few with long memories and a flair for history may remember that the Guard fought in the Revolution, the War of

1812, the Mexican War (of 1846), the Civil War, the Spanish-American War, the Mexican War of 1916, World War I, World War II, Korea, Vietnam, Grenada and Panama. What may be less well known in the post-Vietnam decades is the fact that under the Total Force Policy, the Guard increasingly has played a role in the national strategy of deterrence. This clearly was what General Paul Gorman, commander-in-chief of the U.S. Southern Command (SOUTHCOM) had in mind in the early 1980s. He could see that although he was a theater commander-in-chief, he had few assigned military units and essentially no force structure. Indeed, as his successor, General Frederick Woerner, noted once, "My Air Force is the Air National Guard." [4] How was Gorman to deter Marxist-Leninist adventurism as seen from the maturation of the Sandinista revolution in Nicaragua, then well-supported by the Soviet Union, without forces?

Gorman lit on the concept of a constantly unfolding series of military exercises utilizing U.S.-based units that would travel the relatively short distance from the United States to Central America, train as units for a few weeks and then return to home station. He visualized the National Guard and to a lesser degree the U.S. Army Reserve as essential in this not only because of the larger numbers of units available but also because of the "citizen-soldier" mentality such unit members would bring to the countries in question, all too many of which had historically been ruled by military juntas.

* * *

The initial gubernatorial objections were viewed at the

beginning as a mild irritant, as we shall see below. However, senior Guardsmen stationed at the Pentagon soon began to hear ominous rumblings from within the building that senior uniformed service leaders were considering withdrawal of what Guardsmen refer to as ``federal recognition'' of units if such units -- or any Guard units for that matter -- were withheld from Central America rotations.

One senior Guardsman was heard to ask: ``How quickly can they move a unit from the Guard to the Reserve?'' The answer turned out to be ``nearly overnight'' for the Air Guard, with all its equipment and facilities federally owned. For the Army Guard, it couldn't have been as quickly both because armories are owned by the states and also because the history of the Army Guard being the legal successor of the militia founded in 1636 and enshrined in the Constitution is much clearer. However, what was equally clear was that the federal government, should it become determined to do so, could leave the governors with little more than a constabulary militia sufficient to state emergencies but not a part of the Total Force.

What we know today as the ``Montgomery Amendment'' resulted.

NOTES TO CHAPTER I

[1] Conversation with then-Major General Herbert R. Temple Jr. during a luncheon at the El Torro Marine Air Station officers club, August 10, 1986. Temple was within two weeks of becoming chief of the National Guard Bureau after having served the previous four years as director of the Army National Guard.

[2] It should be noted here that Governor Brennan was not

the first governor to refuse a Central America deployment, only the first to so refuse citing political objections to U.S. policies there. A year earlier, Governor George Deukmajian of California had declined the National Guard Bureau's request to deploy a brigade task force of the 40th Infantry Division (Mech) to Honduras for Exercise BIG PINE II. See Chapter III for a fuller explanation of this event.

[3] Remarks to the Adjutants General Association of the United States at the Captain Cook Hotel, Anchorage, Alaska, May 1, 1985.

[4] Remarks to National Guard Bureau delegation at Quarry Heights Panama, June 1988.

II - THE NATIONAL GUARD EXPERIENCE IN CENTRAL AMERICA

Before describing the National Guard experience in Central America during the 1980s, two things must be said. First, what this National Guard training was not. And, second, it is important to understand that Guard training in this region began before the 1980s. It was well-established long before any governors or other politicians took an interest in it.

Let's begin with a brief review of what Guard Central America training was not:

- o The Guard was not involved in training the contras.
- o The Guard did not build any military roads leading up to the Nicaraguan border in either Honduras or Costa Rica, designed as attack routes for the U.S. Army in the ``coming invasion.``
- o The Guard did not build military airfields designed for insertion of Rangers, or Green Berets, or paratroopers, or guerrillas into Nicaragua.
- o And finally, the Guard did not get involved in any firefights near the Honduran border with murky guerrillas as depicted in the made-for-TV movie, ``Weekend War,`` show on ABC-TV in February 1989. More on this below.

* * *

The story of the National Guard experience in Central

America during the 1980s starts with the fact that the National Guard's role in this region began earlier. The ninth decade of the 20th century arrived with two Air National Guard endeavors ongoing from the mid-1970s. These were operations VOLANT OAK and CORONET COVE. Neither is the subject of significant controversy nor substantial notice, unfortunately, because both are among the most important things going on from the point of view of the commander-in-chief/South (CINC-South), the U.S. theater commander of the U.S. Southern Command (SOUTHCOM) located at Quarry Heights, Panama. As General Frederick F. Woerner, CINC-South until September 1989 put it, ``The Air Guard is my Air Force.'' He means that literally because the putative Air Force element of the U.S. Southern Command is the 12th Air Force located at Bergstrom Air Force Base in Austin, Texas. None of its active Air Force elements -- this is primarily a fighter force -- is stationed south of the Rio Grande.

However, the Air Guard (and to a somewhat lesser extent the Air Force Reserve) provides a continuous and continuing air element to support not only SOUTHCOM but also State Department operations in Latin America. The C-130s flying out of Howard Air Force Base, Panama, are indicative of the sort of thing that has been happening quietly for years. For whatever reason, it never surfaced as a controversial issue with the governors, or the political liberals who objected to President Reagan's Central American policy, except briefly with Governor Rudy Perpich of Minnesota, who was objecting at one point to everything headed south and north. This C-130 mission, which is the VOLANT OAK of this episode, began in the early 1970s when the Air Force began

bowing out of the C-130 business with the arrival of the C-5A and the decision to rebuild the C-141 with a aircraft modification "stretching" all of these aircraft by 10 feet. The Air Force chose to remain in the strategic (overseas) mission while transferring most of the intratheater airlift to the Air National Guard and the Air Force Reserve. The C-130 is the bird for this.

When this decision was taken, the Air Guard and the Air Force Reserve were assigned to support SOUTHCOM with a continuous C-130 presence at Howard. What has evolved is the assignment of two to four (depending on the requirements) C-130s to Howard at all times. The Air Guard takes one two-week rotation; the Air Force Reserve comes next for two weeks. Although the unfamiliar might conclude that the C-130 is an "old" airplane because it has been around for nearly 30 years, the Air Force, Air Guard and Air Force Reserve C-130 fleets largely have been modernized in recent years. The C-130A soon will be gone from the Total Air Force inventory. The Air Guard, primarily, continues to receive one or two squadrons of new C-130H aircraft annually from the Lockheed-Georgia manufacturing plant in Marietta, Georgia. The C-130H has in common with its Alpha-model counterpart of the 1950s only an outward physical similarity. Engines, avionics, range, payload and speed are vastly different.

VOLANT OAK's missions are driven by the State Department's requirements for embassy resupply on U.S. Air Force aircraft, similar to the C-130s that regularly arrive from foreign shores at Dover Air Force Base, Delaware, to service foreign embassies in Washington, D.C. The U.S. C-130s fly out of Howard to various Central and South American capitals, bringing the logistical

items desired by the State Department personnel to Bogota, Lima, Brasilia, Santiago and, yes, Managua. During the Sandinista regime, Air Guard personnel were not permitted off the aircraft or the flight line at the Managua airport.[1] The cargo brought in for the U.S. embassy there (the United States still maintains active diplomatic relations with the Sandinista government notwithstanding former President Reagan's active hostility toward the commandantes) and then the C-130 flies off to the next Central American capital. An interesting Air Guard anecdote in this regard is the fact that the last military aircraft out of Managua in 1979 with the remnants of President Anastasio Somoza's regime was a C-130 from the 164th Tactical Airlift Group, Memphis, Tennessee.[2] It got wheels up bound for Homestead Air Force Base, Florida, just a couple minutes before the Sandinista military forces captured the Managua airport from the gaggle of Nicaraguan Guardia Nacional loyal to the old regime.[3]

A second major mission, which gets less attention for some reason than the C-130 mission, is the 'alert line' the Air Guard's A-7 fighter squadrons maintain 365 days a year at Howard Air Force Base just outside Panama City. Howard, of course, is a fully U.S. Air Force installation maintained near the Canal Zone for the purpose of canal defense based on the Panama Canal Treaties. As mentioned above, U.S. Air Force-South is stationed at Bergstrom Air Force Base, Texas. The Air Guard provides the forward-deployed element for the CINC-South. Recall Woerner's statement: 'The Air Guard is my air force.' [4]

Most times, this fighter presence consists of from eight to 22 A-7B fighters. They are in support primarily of the Army

forces stationed at Fort Clayton and Fort Amador. The A-7D is a subsonic air-to-ground aircraft that is designed to provide close air support and battlefield air interdiction. In civilian terms, this means bombing enemy troops in support of U.S. Army units and interdiction of enemy logistics behind the battle area or in pockets of enemy strength. The Air Guard in the 54 states and territories has four wings and 12 groups of A-7 fighters. A wing normally has three fighter squadrons consisting of 18 to 24 fighters each depending on its location. The Air Guard A-7 wings are located in Colorado, Iowa, Michigan and Ohio.

Since the Air Guard has more than 235 A-7s, it is not difficult to rotate eight to 12 fighters at a time to SOUTHCOM and still maintain the alert line primarily with non-full-time Air Guard fighter pilots undergoing their annual training or some other type of part-time duty. This mission was suspended in April 1990 by GEN Maxwell W. Thurman, commander-in-chief/South, to rationalize the total numbers of American service personnel in Panama after the December 1989 invasion. General Thurman stated, among other things, that U.S. fighters on-station at Howard AFB were not as necessary with a friendly Panamanian government as they had been previously. [5]

It is interesting to note, perhaps, that the A-7s physically present at the time of the invasion undertook several dozen sorties in behalf of General Thurman during the first night and day of the invasion, doing most of the bombing in support of the ground troops.

As in Central America, the Air Guard had a many years' head start over the Army Guard in overseas training. For the Air Guard, this actually began in the early Vietnam era (notwithstanding the nonmobilization of the Guard and Reserve for that war) with unmobilized intertheater airlift to Southeast Asia. In an era when the C-141 'Starlifter' was coming into the Air Force inventory as the intertheater airlift aircraft of the future, much less attention was devoted to the Air Guard's hundreds of missions from the United States to South Vietnam in the intertheater aircraft that preceded the C-141, the C-97. The C-97 was a turbo-prop aircraft that flew much more slowly than the four-engine, pure jet C-141. But it carried nearly the same amount of cargo.

The Air Guard had its C-97 fleet from the early 1960s until 1974, when it went out of the intertheater airlift business until the mid-1980s. [6]

Overseas training, often called OCONUS training for the acronym 'Outside the Continental United States,' didn't begin for the Army National Guard until 1976. That was the first year when an Army Guard unit was deployed to the annual NATO exercise, REFORGER (Return of Forces to Germany), which began in 1967 and stemmed from the withdrawal of the U.S. Army's 1st Infantry Division from West Germany in 1965 for deployment to Vietnam. The idea behind REFORGER was to demonstrate that the United States could return a division equivalent to Europe within a week in case of attack by the Warsaw Pact. The Total Force Policy, developed first by Secretary of Defense Melvin R. Laird in 1970 as a concept and codified as a policy by Secretary of Defense

James Schlesinger in 1973, eventually led to the Army National Guard being more closely drawn into the Army's warplans. While Army Guard units always had been included in theater-level force listings, they had not generally been written into detailed warplans. Until work began to do so, it never occurred to Army leaders to include them in major Joint Chiefs of Staff exercises like REFORGER.

By the late 1970s, with the beginning of the CAPSTONE (not an acronym) program, this Total Force Policy and its One Army spinoff began to result in Army headquarters wanting their CAPSTONE subordinates to play in their field training exercises (FTX) and command post exercises (CPX). CAPSTONE is a program that aligns every Guard and Reserve unit no matter the size or level with its wartime higher headquarters and results in that unit being placed in the appropriate place on the Time Phased Force Deployment Listing (TPFDL) [pronounced tip-fiddle], a classified document that tells each and every commander what day his equipment will ship by sea and from what seaport, and what day his airlift (for personnel) will depart, what type of aircraft (usually a chartered DC-10 or Boeing 747) and from where. [7]

Army Guard OCONUS training had matured by the early 1980s to include regular deployments to REFORGER and to its Korean counterpart, TEAM SPIRIT. In addition, Army Guard and U.S. Army Reserve units also were involved increasingly in the NATO and Pacific CPXs, WINTER in Europe and ULCHI FOCUS-LENS in Korea, as well as BRIGHT STAR, the U.S. Central Command (then called the Rapid Deployment Force) series of exercises in Egypt and

Southwest Asia. That checks off the European, Pacific and Indian Ocean theaters. What about U.S. Southern Command?

SOUTHCOM, given the perception of its backwater mission and its relative quiescence in the 1970s, has been given somewhat short shrift when CARSTONE assignments are made. Designated to augment the active Army's 193rd Infantry Brigade at Fort Clayton were the 53rd Infantry Brigade, Florida Army National Guard, the 92nd Infantry Brigade, Puerto Rico Army National Guard, and the 153rd Field Artillery Brigade, also of Puerto Rico. These units have participated in numerous routine training events both in Panama and in other Caribbean areas from 1979 on.

It was not until it was clearer what the direction of the Sandinista coalition was to be by 1981 or 1982 that the SOUTHCOM commander-in-chief, at the time Lieutenant General Paul Gorman (soon to become the first CINCSOUTH promoted to full general) came to a fuller realization how little military force structure he had in his theater of operations and area of responsibility. One active duty infantry brigade and two Guard brigades located a fair distance away -- and with the Air Guard providing a minuscule Air Force -- did not give him much confidence of executing the National Command Authority's requirements in a theater stretching from Belize to Cape Horn. Major concerns were ensuring that the Nicaraguan expansionism was curtailed within Nicaragua and that the Canal continued to be defended properly.

Given the ongoing requirements for force structure in Europe and Korea (this still was the Brezhnev era) not to mention the then-recent Soviet invasion of Afghanistan, it was unlikely the Army or Air Force would create new force structure to accommodate

SOUTHCOM's requirements. What was the answer?

Gorman conceived the answer in several directions at once. Fundamentally, it involved utilizing all the CONUS-based Army force structure on a revolving basis for a continuous set of military exercises in Central America. U.S.-based active Army units would be utilized. But perhaps even more important, so would Army Guard and U.S. Army Reserve units. It would provide them and all units outstanding training opportunities. It would not require overly long deployments by CONUS active Army units (one or two months at a time). Guard and Reserve units could be deployed for two or three weeks at a time, fitting well within their normal annual training schedule. And given the three or four-hour flying time to Central America, this deployment for a Guard/Reserve unit could be handled routinely within normal Air Force scheduling.

The next question became what kind of military exercises could best utilize the troops, provide a force presence that would make a political point and still do something worth doing? One answer was the series of BIG PINE exercises that utilized a combination of all Army components. Another aspect, which involved primarily the Army National Guard, which is the basic thrust of Army Guard training in the region from 1984 to the present, is the use of combat engineers in road-building. Hundreds of miles of road have been built in this period. Thousands of combat engineers have received training of the type they could never receive at annual training anywhere in the United States. Enormous benefits have accrued to residents of the areas of Panama, Honduras and Ecuador where these roads have been

built.

Honduras perhaps offers the best example of the mixed blessing left by the likes of the United Fruit Company on the infrastructure of a poor Central American country. Although it is true that United Fruit and Standard Fruit built infrastructure to service their extraction of exports, the road network that was a part of that infrastructure linked up some of the coastal communities without touching the interior of Honduras. Similarly, in Panama, while the Inter-American Highway linked up the region from Laredo, Texas, to Panama City, it did nothing for the interior of Panama that could reasonably be reached by roads as we know them from 50 years ago with the development of the farm-to-market road in the American rural experience. The farm-to-market road is the best model to begin the description of what the Army National Guard has been attempting to do the past five years in Central America.

Negotiations over this engineer training began in 1982 with Costa Rica. This idea fell apart in 1983 when the Costa Rican government first insisted that the Guardsmen come in civilian clothes and -- when that hurdle was overcome -- prohibited weapons. Then Major General Herbert R. Temple Jr.[8] declined to concede that Guardsmen would be deployed as civilians and further refused to agree that personal weapons, even if not routinely issued ammunition during training, were not required to train any military unit overseas no matter how benign the circumstances and surroundings might be perceived to be.

This diplomatic failure was followed with the request from the Panamanian government (then nominally civilian; General

Noriega was relatively new to his position as commander of the Panamanian Defense Force) for a roadbuilding project in the Azuero Peninsula of western, rural Panama. The provincial capital of this area is Santiago, which is Noriega's hometown. Santiago, although on the Inter-American Highway, is a dusty community and isolated to a large degree from the bustling and thriving Panama City. Although only a one-hour helicopter ride from Panama City, Santiago is a four-hour drive over the mountains. It takes another two hours to traverse the 25 miles from Santiago to the end of the trafficable road, in terms of trucks and four-wheel-drive vehicles. It was here that the Louisiana Army National Guard's 229th Engineer Group established its base camp called Gato Solo, next to Llano de Mariato.

In this first year, January to May 1984, the Louisianians' mission was to build a standard military road from Mariato to Cerro Malena about 15 kilometers south along the Pacific Coast of the Azuero Peninsula. Unlike the east/north coast of Panama, the west/south coast is seasonal (contrasted with tropical). Although it receives 100 inches of rain a year, all of it comes during the rainy season beginning in June and ending in November or December. The dry season beginning in January and running at least through May and to some degree into June (slightly chancy), is ideal road-building weather. The National Guard engineer training was and is scheduled for this period each year.

Because of the relatively short notice for this first engineer effort, the time permitted for design of the road -- given the daunting terrain and remoteness of the location -- barely permitted the type of planning usually expected before the

heavy equipment began to arrive. SOUTHCOM inserted the Louisiana survey team and design engineers by helicopter and then resupplied them every three days as they walked their way along the route of the proposed road from Mariato to Molena. This work, which would consume at least a month in a normal cycle, was completed in about 10 days that year -- during the final weeks of the 1983 rainy season.

The Louisiana engineers shipped their heavy engineer equipment from New Orleans by U.S. Navy Sealift Command vessel just before Christmas. It arrived in Colon about a week later, traversed the Panama Canal, and was off-loaded in Panama City. There, it was loaded aboard Navy over-the-shore boats, which sailed around the Azuero Peninsula and landed the equipment opposite the road-building site, where it was recovered by the Cajun engineers' advanced detachment and driven to Gato Solo. It arrived just prior to the arrival of the main body from Bogalusa, Louisiana, which deployed to Howard AFB via C-141. The troops made their way from Panama City to Gato Solo by Army bus -- a grueling six-hour drive.

The unit fell to work on the military road running south down the Pacific coast from the base camp. Providing physical security was a PDF military police company. As a practical matter, the atmosphere was benign. The local population was very friendly. The residents understood the benefits they could gain from the road since transit from the base camp south was by horse trail. The terrain and the economy of the area is best described as ranch country: tropical savannas. While steep and prone to local flooding, the country is well suited to cattle-raising.

However, if a cattle drive were the only way to get the product to market, it was of only marginal economic efficacy. The weight-shrinkage experienced in a cattle drive versus truck transport of livestock to market often is the difference between profit and loss.

The local area was in stark economic contrast with Panama City. While Panama City is a bustling metropolis of skyscrapers and banking, western Panama was and is deep Third World. In Mariato, there was no electricity, no running water, no sewer, one motor vehicle (observed), lots of horses, hundreds of children, underemployment of the heads-of-household (to the extreme), little prospect of medical care and an open-air elementary school that goes through the fourth grade. If one aspired to more education, Santiago was the answer and living with others the room-and-board method for the children.

Little wonder that the National Guard engineers were a revelation. Not only did they have bulldozers, scrapers, graders, dump trucks and end loaders, they had generators to light their base camp at night plus refrigeration trucks, laundry and bath units and water purification capability. PDF engineer soldiers received training on the American equipment. All the while, as January became February and the spring unfolded, the road took shape. The United States provided the equipment and the combat engineers to do the work. The Panamanian government provided the materiel: cement, culverts, one bridge over a river, gravel (dug from the beach by the National Guard), etc.

[The first year's error was the 42-inch culverts provided by the Panamanian government, the only thing available, it was said.

Given 100 inches of rain in five months, such culverts obviously were vastly inadequate; all washed out in the 1984 rainy season and had to be replaced in 1985 with 96-inch poured box culverts.]

However, notwithstanding the lessons learned, the Army National Guard counted the 1984 experience and the following year's engineer exercise in Azuero Peninsula a resounding success. They the model for what was to follow, primarily in Honduras to the present and the future. Honduras has acquired far more miles of military road than Panama ever did, due in large deterioration of diplomatic relations between the United States and the Noriega-dominated Panamanian government by the mid-1980s.

The principal explanation as to why the Guard considers this type of training so beneficial has to do with economic and environmental restrictions on engineer training in the United States. Army or Army Guard combat engineers do not build roads in the United States. They do not because it would be competition with civilian contractors and because of opposition from the Operating Engineers union. Further, environmental laws in the United States would not permit the type of road construction advocated by the Army for a military road in support of a main supply route (MSR) for transportation of materiel. For example, the Army does not abide by the so-called '50-year-flood' concept of bridges, culverts and stream relocation since a military road is not intended to last 50 years. And if the 50-year flood occurs during the time the military road is in use, it will be rebuilt.

Two interesting sidelights from this first National Guard training effort in Central America. The first is the connection

between the base-camp medical facilities and those located in the village. Llano de Mariato had a 'clinic,' which in rural Panamanian parlance meant a small adobe building staffed by a nurse practitioner some of the time. A physician might come by once or twice a year. A registered nurse was rare. All the attention associated with the U.S./PDF base camp resulted in a surfeit, of a sort, in medical care. The PDF assigned a doctor to the base camp. The National Guard brought a medical officer from the Puerto Rico National Guard. He basically handled the base camp's medical requirements, never that pressing, freeing the PDF doctor to spend most of his time in the village clinic. Having a full-time doctor in such a remote location caused, as might be expected, a regional sensation. People walked two and three days to receive medical treatment for which they had little lifetime expectation of ever receiving. But perhaps the most curious of all the participants in this clinic's activities was the nurse intern at the clinic this summer. Her name was Maria, and she was the niece of General Noriega. She was a student at the time at the nursing school in Panama City. It may be needless to observe that she was the princess of the province that spring given the PDF's attention the American National Guard's welfare on the roadbuilding project.

The Panama roadbuilding projects extended for several years. However, after General Noriega became the more obvious force behind the civilian-facade government, the United States began to back away from civic-action projects in Panama. Roads like the one built in Azuero Peninsula have the effect, if indirectly, of bolstering citizen support of the national government. The State

Department's policy at that point was in rather a different direction. Beyond that, by 1985 and 1986, the emphasis was shifting to Honduras for several reasons.

One of these, of course, was the increasing concern for Honduran military security prompted not only by Nicaragua's occasional incursions into Honduras', but perhaps more important the political effect of having most of the contra basecamps in Honduran territory. What followed fitted well with General Gorman's (he was now retired and replaced by General John R. Galvin) philosophy of conducting large military exercises in Central America to demonstrate some forces in being as well as to deter Nicaragua from threatening Honduras.

It should be said at the outset that the U.S. Army viewed Honduras' ability to defend itself with some askance. Such exercises as BIG PINE II and III (one summer later in 1985) were designed from the broader theater point of view. However, the deployment of the Task Force 3-141 from the 49th Armored Division, Texas Army National Guard, in July 1985 stemmed almost directly from the Army's concern over the Honduran army's ability to counter a Nicaraguan armored thrust through the Choluteca Gap.

Graduates of the U.S. Army Command and General Staff College are sick to death of the lessons they have learned about the threat of a Warsaw Pact attack through the Fulda Gap in Germany, which is opposite Frankfurt. It is one of three main avenues of approach to West Germany from the east. The Choluteca Gap is Fulda in microcosm. While Nicaragua is not the Red Army, neither is Honduras NATO's heavy corps. One of the facts surrounding this 1985 training between the Texas National Guard and the Honduran

army stemmed from the fact that the Soviet Union had recently supplied the Nicaraguan army T-54 and T-55 tanks. Now, these are Korean War-vintage tanks. By current U.S. and NATO standards, they are elderly. That would be fine except for the fact that Honduras has no tanks. At all.

The mission of the Task Force Bravo commander, the U.S. Army organization that assists the Honduran military in defending itself, was to teach the Hondurans the U.S. Army's light infantry response to armor. The Texans provided the opposition forces (OPFOR) for this exercise. In addition, the Texans provided something else. This can be ascertained readily when you understand that the commander of Task Force 3-141 was Lieutenant Colonel Federico Lopez III and the operations officer was Major Hector Campos. The 2nd Brigade, 49th Armored Division, is headquartered in San Antonio. Its three battalions, numbered 1-141, 2-141 and 3-141, find their units deeper and deeper into the Rio Grande Valley. The 2nd Battalion, 141st Infantry is headquartered in Corpus Christi, for example. The 3rd Battalion, 141st Infantry has units in McAllen, Rio Grande City, Harlingen and Brownsville. These units are filled with men with Spanish surnames whose first language is Spanish.

They were a sensation in Central America. Superficially, this was because they arrived in Tegucigalpa speaking Spanish like natives, with their slightly odd Texas accent. Perhaps a greater impression was made by the American National Guard's civic attitude. The National Guardsman in the United States is the citizen-soldier with all the ramifications of that term.

Citizen soldiers, being twice the citizen (to quote one term),

seen different to a Central American soldier and to a Central American peasant than what he has expected. When I arrived in Panama some years ago as a National Guard major (in uniform), local residents reacted with a mixture of awe and intimidation. Majors from General Noriega's National Guard are not a trifling matter. I learned. Majors from the Texas National Guard (or my National Guard) do not have in their heads the idea of extorting or persecuting or grinding-down the local peasants. Seeing the National Guard from the United States in this light can be a new experience for Central American government officials as well as their citizens. [9]

For the citizens of Llano Mariato, the arrival of a National Guard major usually was not good news. That National Guard majors from the United States came bearing gifts and good will was an unusual concept. What also was a very new concept was the idea of tanks and armored personnel carriers (APC) rumbling through the Choloteca Gap as a way of training the Honduran army officers to contend with an armored thrust into their nation. Observers on the scene reported that the Honduran infantry leaders missed the first phase of the combined arms attack completely: it was that fast-moving. Of course, that is the intention. Although the initial training occurred in the daytime, between the dust and the smoke laid down by the tankers and the mechanized infantry, the locus of the armored columns was largely invisible to the untrained eye. The Hondurans' untrained eyes was the whole point of the training.

This beginning of combat-arms training with Central American governments was designed very specifically to counter what was

army stemmed from the fact that the Soviet Union had recently supplied the Nicaraguan army T-54 and T-55 tanks. Now, these are Korean War vintage tanks. By current U.S. and NATO standards, they are elderly. That would be fine except for the fact that Honduras has no tanks. At all.

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viewed at the time (although probably less true now) as the danger that the Sandinista military would attack locations in Honduras either specifically utilized by the contras for sanctuary or would attack Honduras in retaliation against its government's tacit acquiescence to such utilization of its territory by the contras. This sort of Nicaraguan thrust occurred about a year later. It was what prompted the deployment of brigades from the 82nd Airborne Division and the 7th Infantry Division to Honduras for a few weeks. [10]

* * *

Participation in combat-arms training continued the next year as General Gorman's "continuously rotating force structure" program grew to maturity. In 1986, the first combat-arms unit to deploy to Central America was an artillery battery from the 47th Infantry Division. This unit was from the artillery battalion headquartered in Rock Island, Illinois. The idea was to ship the unit's 105mm towed howitzers, the most basic kind of artillery even in the Third World today, to Honduras and then for the Guardsmen and the Honduran army unit to train together using the ammunition brought from the United States. The next year, that concept was expanded when elements of the 28th Infantry Division, Pennsylvania Army National Guard, deployed to Honduras for artillery training. The training for the artillery elements of the 47th and 28th Infantry Divisions, followed by artillery elements of the 38th Infantry Division, Michigan Army National Guard, took much the same pattern as the engineer and armored exercises of previous years. Equipment shipped by sea from home

station a month or more before the scheduled taring, which occurred during the dry season the first six months of the year. The troops loaded aircraft at an airfield near their hometown armories (Pittsburgh and Detroit in these cases) and flew aboard U.S. Air Force C-141 or C-5A aircraft into Palmerola Air Base an hour northwest of Tegucigalpa. They moved by bus and military convoy to the training location.

While the Texans had established their own base camp just three miles from the Nicaraguan border in the Choloteca Gap, the Pennsylvania and Michigan artillery units trained at a Honduran artillery base southeast of Tegucigalpa near Zambrano. Such training was invaluable to the Michiganders particularly because at Zambrano they faced none of the environmental and noise objections they are increasingly suffering from at hometown Camp Grayling, Michigan. Generally, artillery ranges at U.S. Army posts are highly regulated for both safety and environmental reasons. Like the roadbuilding projects, such constraints are not considered as important in Central America. [11]

Perhaps more significant, the Pennsylvania and Michigan Guardsmen, in addition to their own training, also conducted artillery drills for their Honduran hosts. The Hondurans generally had not seen 155mm self-propelled howitzers. Third World armies usually are equipped with the ancient -- although still very serviceable and useful 105mm towed guns, which are used by U.S. Army airborne and light infantry units because of their air portability and air dropability.

By the later years of the 1980s arrived, the Army Guard and for the first time the U.S. Army Reserve's mission in Central

America continued and evolved. Gone was all the training in Panama as Noriega's regime became more malodorous. Air Guard missions at Howard AFB continued without change but the Department of the Army and the National Guard Bureau (the DoD agency that manages National Guard resources at the federal level) increasingly looked elsewhere for training opportunities. General Galvin brought two interesting attributes to this mission (currently he is Supreme Allied Commander-Europe [commander of NATO]). First, he started his military career in 1948 by enlisting in the Massachusetts Army National Guard. Second, he is fluent in Spanish. Galvin perhaps is the most popular CINC-SOUTH in recent years with local political leaders and military commanders.

Because he spent his first two years as a member of the 1st Battalion, 181st Infantry in the Massachusetts National Guard, Galvin always understood the value of the training taking place in Honduras and other countries (he received the 1950 National Guard appointment to the U.S. Military Academy, graduating from West Point in 1954). In 1987, 1988 and 1989, this additional training consisted mainly of vastly increased engineer projects. More than one battalion at a time was involved by now. Beginning in 1987 and stretching into the future, Army National Guard engineer brigades are the lead headquarters for these projects, and in 1989 two brigade headquarters were involved, one on each end of the roadbuilding project in northern Honduras that eventually would link Tegucigalpa with La Cieba. [12]

This increased level of activity also brought other types of units into play in support of the engineers. From the beginning

at Azuero Peninsula back in 1983, logistics in support of the engineers always was a big item. In the early years, those logistics units normally came from the Puerto Rico Army National Guard. This occurred for a variety of reasons, CAPSTONE affiliations for one. Language was another because the logisticians often had to deal with the PDF or local officials. However, as the years unfolded, two things happened. The Puerto Rico Guard became overtaxed in this area, to the detriment of its normal training, so faded into the background to a degree. Second, many more American Guardsmen were becoming sufficiently fluent in Spanish so as to be able to do business in Central America.

From the beginning, medical units and normal supply and services units were heavily utilized. This ran all the way from mess halls to bath and shower units. Water purification elements were required. As noted above, medical units often supported local medical care for host-nation personnel who hadn't seen a doctor in their lives (these roads are in very remote areas oftentimes). The reaction to the medical units prompted two decisions. First, medical training was consciously scheduled outside the requirements of the engineers or other units with primary training missions. One thing that was found back in the United States was the young physicians who might otherwise not be interested in Guard membership when it involves giving enlistment physicals or treating occasional training injuries can easily be recruited to Guard service when Third World medicine is the attraction.

As one noted to me at a medical readiness exercise (MEDRETE)

in Honduras in 1988, he was seeing diseases in the local people that he had only read about in medical school. This was so much so that the medical units deployed to Honduras and Guatemala usually underwent some refresher training in tropical and basic diseases prior to leaving home station. There aren't many cases of smallpox, yellow fever, dengue and incidence of intestinal parasites in the U.S. populations most American physicians see in office calls or even in inner-city emergency rooms. Dentists don't normally see in the United States the kind of tooth and gum deterioration they routinely encounter in a rural Honduran village. The MEDRETEs scheduled beginning in 1987 and continuing to date are an attempt to address health needs in rural Honduras and Guatemala in a way the local governments and officials cannot.

For starters, a MEDRETE by definition as practiced in SOUTHCOM occurs in a village that is not reachable by road. All the personnel are flown in by helicopter for the day's activities. Normally, the site is set up 'county fair' style. The Honduran military is in charge of the notification of the local mayor and the citizens of the surrounding area a few weeks in advance. What often occurs is people walking several days to attend the MEDRETE.

First stop in most MEDRETEs is the dentist. Only one procedure normally is undertaken: extraction. Because many Central Americans chew sugar cane, their incidence of extreme tooth decay is very high. Most have never seen a dentist before. Second stop normally is a corpsman who administers a deworming medicine. Everyone takes this stuff (it is a creamy liquid in a

small cup), including the corpsman and the medical personnel at the end of the day.

While the people are going through the various stations at the MEDRETE, their animals are treated outdoors (MEDRETEs often utilize the local church, sometimes the only substantial building in a village) for these various stations. A veterinarian works on the horses and cattle. They are dewormed and sprayed for pests. There is no sense in deworming the people if you don't deworm the livestock living just outside their front doors.

The people, and the large numbers of children are very obvious here, go through the various points of the MEDRETE to include viewing a video tape on personal hygiene and basic preventive medicine information. This can include such things as the importance of boiling water and ways to avoid intestinal parasites that so debilitate and reduce the people's energy levels. As one local official once told me, many Central Americans do not realize that they were suffering for years from intestinal worms, reducing their energy levels by 25 percent or more, until they have gone through one MEDRETE and regained their strength. The penultimate station in the MEDRETE is the medical officer (M.D.), who handles more serious diagnoses that the nurse or the physicians' assistant at the earlier stations cannot treat. The last stop is the pharmacy, where a three-month supply of the doctor's prescription is handed out free.

* * *

Another aspect of Army Guard training in Central American that came along with the engineer exercises, but which has

expanded in the last couple years, is military police operations. As mentioned at the outset, in the first years, the PDF provided the security for the Llano de Mariate base camp. No American MPs were utilized nor would they have been allowed at that point. Today, most of the security both of base camps and along the road-building sites is Army Guard military police who are deployed on much the same basis as the engineers or other personnel. They receive a unique training experience in doing what they are supposed to do in a military setting: guard operational sites and provide road security along supply routes and other road networks. [13]

Today, Army Guard MPs also are a daily presence at Fort Amador in the Canal Zone. Two such MPs had an interesting experience the week of Christmas 1988 while walking along the Fort Amador sidewalk on their way to their duty station of the day, the front gate. Up pulled a white van with several chase cars. The back doors swung open and out popped General Noriega. He wanted to talk with them. After a short chat in Spanish (both were Florida Guardsmen), back into the van he went and the convoy sped off to the Panamanian side of the post. To say that the Guardsmen were surprised, slightly shaken and totally amazed understates the case completely.

It may be less well known among Americans generally, but two other types of small Guard units also have been players in the Central American story during the decade. These are public affairs detachments (PAD) and bands. The bands, of course, are utilized as a good-will instrument, and have performed in all the countries of the region plus some in South America. An Army band

is composed of about 45 musicians. Often it is a very professional operation with a waiting list for enlistment and very long tenures among the members. The bandmaster of the Wisconsin Army Guard band is an associate professor of music at the University of Wisconsin, for example. The bandmaster in Texas is a high school band teacher in a large high school. The vocal soloist in New York performs routinely in Broadway musicals. The commander of the Air Guard band in New York heads the entertainment and media operation for the United Methodist Church's national headquarters there. And so it goes.

The activities of the public affairs units is even more opaque, to some degree intentionally both by themselves and by the National Guard Bureau. Politically, ``public relations'' operations never have enjoyed as much support as infantry or artillery, for obvious reasons, although the PAD's utility always has been obvious to commanders. A public affairs detachment is a very specific type of Army unit; there are none of them in the active Army. The Army National Guard has 52 of them, one in each state and territory except the Virgin Islands and Guam. A PAD is a 13-member unit commanded by a major with three captains and the remainder mostly senior NCOs. It is capable of putting out a small newspaper, issuing press releases, conducting media tours and producing radio and television materials. In many states, such units have a high degree of professionalism because they are manned with civilian media professionals: newspaper reporters, television anchormen, corporate public relations operatives, etc.

This activity is worth mentioning because the Department of Defense has utilized these Guard (and there are 19 Army Reserve

PADs, too) extensively since 1983 in attempting to tell the military story from Central America to the American public. Often this has had a very local aspect to it because the PAD is normally from Des Moines or Madison or Rapid City or Albuquerque. They do not attempt to market their products to the national networks or to the major media markets in New York, Washington or Los Angeles. Thus, television viewers in Dallas or Des Moines may know more about the National Guard's presence in Central America than do the citizens of Boston or New York.

* * *

What also is true is that the Guard deployments became embroiled in the purely political question of aid to the contras. Although the Guard never has had any role or mission with the contras, nonetheless such a connection can be made conveniently in fiction. So it was that ABC-TV obtained a made-for-TV movie in 1988 called ``Weekend War,`` a none-too-subtle throwback to the 1960s epithet about the Guard and Reserve. As a grade-B movie, this film succeeds. As documentary, which tends to be the way ABC treated it, it is false.

``Weekend War`` aired on ABC-TV in February 1989. It contained more hackneyed cliches about the National Guard than any recent effort by any medium. At the same time, this film and some of the hoopla that surrounded it pointed up some factors about Guard training in Central America that are worth discussing.

Given the fact that this film aired one night before President Reagan delivered a broadcast address advocating

additional aid to the Nicaraguan contras. 'Weekend War' provided interesting evidence of where the national broadcast media are headed in the debate over this nation's Latin American policy.

Most Guardsmen who viewed 'Weekend War,' were offended to greater or lesser degrees by the 1960s' mien as exemplified by the sloppy troops, the long hair and the appearance of slack discipline. For most of us, these hackneyed stereotypes were never true of our units, even 20 years ago. Certainly, they are not true today. Actually, much of what transpired in the early moments of the film reminded one of the height of the anti-Vietnam protests of 20 years ago.

It also goes without saying, at least for those of us who are familiar with today's National Guard training in Latin America, that our primary mission is roadbuilding and medretes in Panama, Honduras, Ecuador and El Salvador. We have never built airfields -- although this is a widely held belief in the liberal and religious community.

That the producer and actors in this film are our nonfriends is shown by their statements in the promotional interviews prior to its airing. Actor Charles Haid, who portrayed the first sergeant, said: 'Weekend War' is probably the most courageous attempt by a network to take a stand. The thing that's fascinating about this entire event is that they made a very specific film with a very specific message about our involvement in Central America. The film. . . talks about Honduras, Nicaragua, El Salvador, the contras, the Sandinistas, drug traffic. . . it's a completely, absolutely, realistic film about a realistic

situation.

This film was factually wrong on so many counts as to be ridiculous. About the only thing true to life about it is the fact that the National Guard deploys units to Honduras for engineer training. There are two good things to be said for it, however. First, this is a free country and these men are free to express their opinions, even if they are factually erroneous -- and intentionally so in this case. The second is that it succeeds as fiction, which gets us to the combat-arms conclusion:

That conclusion is a firefight between the California Army National Guard engineer platoon sent to repair a bridge and some hazy group of revolutionaries who attack a Honduran village. Since Honduras has no indigenous counterinsurgency, neither from the right nor the left, who could these guerrillas be? They can't be the contras because the contras wouldn't be attacking U.S. forces. That only leaves the Sandinistas. Is it the producers' assertion that the Nicaraguan Army is invading Honduras to attack American National Guardsmen?

* * *

But as fiction precedes fact, it is a fact that the National Guard was blooded in combat in Central America in December 1989 in OPERATION JUST CAUSE. [14] Military Police companies from Minnesota and Missouri found themselves on long-scheduled routine rotations to Fort Amador in central Panama City. Both units were integrated into the U.S. operations plan and given combat missions with the arrival of the U.S. Army forces from the United States. In addition, the Air Guard's A-7s provided the air cover

and the close air support for the invading U.S. Army troops from Fort Bragg and Fort Ord. They were in the thick of the early December 20 fighting[15].

NOTES TO CHAPTER 2

[1] ``The Panama Rote: Working in a Hostile Environment,`` National Guard, April 1983, pp. 18-19, 30. See also Reed C. Hildreth, ``VOLANT OAK; The Airlift Mission to the South, National Guard, July 1985, pp. 24-27.

[2] ``The Last Plane Out,`` National Guard, April 1982, pp. 20-23.

[3] Perhaps this is the place to make the point about the differences between the National Guard in the United States and the organizations of an often identical Spanish name in Latin America. Political liberals from the United States, when they visit Central (and to a degree, South) America for the first time often are shocked at seeing troops on the streets with weapons. This reflects the fact that in some countries the military and the police are one organization. The national guard of a small, Latin American country is little more than a constabulary designed to keep the public peace. Since many of these nations, Costa Rica being perhaps the best example, have few if any threats from abroad, they have little need for a big Army. However, such nations have all the normal needs for police protection. Since the Iberian tradition often included utilization of the Army for public protection, to include the stationing of modest-sized Army units in various communities in the country, this tradition grew up in Latin America. The term, ``National Guard'', however, really is derived from the French experience. Militia units in the United States did not take this name until the middle of the 19th century. The incident stemmed from the Marquis de Lafayette's final visit to the United States in 1824. Just before boarding ship to return to France, the elderly Lafayette reviewed the 7th Regiment of the New York militia. The 7th Regiment had taken the name Gard Nationale for

the day in honor of Lafayette's command of that unit in the French army prior to the French revolution. It was not until the National Defense Act of 1903 that the name National Guard became the official designation of the organized militia in the United States.

[4] Quoted in National Guard, January 1989, p. 113.

[5] Virtually all Air Force A-7s are in the Air Guard. The U.S. Navy has a carrier version of the A-7, the A-7E, which is in general use for much the same mission as the Air Guard: close air support. It often is said that the Air Guard has taken to the air-to-ground mission more willingly than the active Air Force because it so often is commanded by Army generals at the state and national levels. The Air Force tends to put higher priority for its fighter units on air superiority, not necessarily a wrong-headed decision since it is difficult if not impossible to conduct close air support and battlefield air interdiction until air superiority is gained over the battlefield.

[6] Colonel W.D. McGlasson, "Anywhere, Anytime in a C-97," National Guard, September 1985, pp. 28-31.

[7] The Department of Defense and the Air Force have made the conscious decision to utilize Air Force airlift aircraft (C-5 and C-141 in this case) to haul equipment. Troops will go by chartered airliner: a DC-10 will hold 360 soldiers with personal effects, while a C-141 will hold only about 180 when configured for passengers; the C-5 and C-141 really are designed for cargo, not personnel.

[8] General Temple, promoted to lieutenant general and chief of the National Guard Bureau in 1986, retired on January 31, 1990.

[9] Captain Jean Marie Brawders, "The Lone Star Division at BIG PINE III," National Guard, October 1985, pp. 12-19.

[10] National Guard, August 1986, pp. 16-22.

[11] Conversation with Major General William J. Jefferds, Fort Hunter-Liggett, California, July 1987. At the time, Jefferds was commander of the 40th Infantry Division. Today he is deputy adjutant general of California.

[12] TSgt Michael Tyson, National Guard, May 1988, pp. 20-22.

[13] First Lieutenant Pamela A. Kane, "Fuentes Caminos: The NP Mission is a 24-Hour Operation," National Guard, May 1988, pp. 14-16.

[14] The difference between an "exercise" and an "operation" is that an exercise is for training and in an operation is combat.

(15) NATIONAL GUARD magazine, March 1990. In addition, C-5 and C-141 units from New York and Mississippi respectively provided airlift to various active Army units deploying from the United States.

III - STATE CONTROL, THE GOVERNORS AND CONUS TRAINING

The origins of the legal application of state control and the legislation Congress adopted originate in the U.S. Constitution. The pertinent sections are in the legislative article, Article I, Section 8, paragraphs 15 and 16, which state:

''[15] To provide for the calling forth of the militia to execute the laws of the union, suppress insurrections and repel invasions;

''[16] to provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress.''

In the ensuing 202 years, these two paragraphs have caused great difficulties. First, it should be noted that the federal government either found it impossible or very difficult to use the National Guard in the Spanish American War and World War I because of the provisions of paragraph 15. It took the Dick Acts of 1903 and 1908 plus the National Defense Act of 1916 to permit the mobilization of the Guard in 1917 and even then whole units were ''drafted.'' A final solution was not found until the National Defense Act of 1933 that created the National Guard of the United States as a parallel and, as a practical matter,

identical organization with the historic organized militia. It is from this that the "dual role" of the Guard comes into being and the fact that every Guardsman since then has taken a dual oath of office, one to the federal government swearing to obey the president, and the other swearing to obey his governor.

Of course, in the beginning of the Republic, there was little difficulty with all this. The great threat to the new United States was invasion by England, which occurred in the War of 1812. A tip of the coming problem came in the Mexican War of 1846 when Guard units were not used inside Mexico. Because these were quiet times except for the American Civil War in the middle of the 19th Century, nothing was done to either correct or change the basic militia law enacted in 1792, and it was not changed or touched until 1903.

One historical aside that bears noting here, however, is the fact that the Congress and successive administrations seemed to have a clear idea what they were doing in all this. An example is the Posse Comitatus Act of 1878, a law that remains essentially unchanged to this day. It states that regular troops cannot be utilized in law enforcement within the U.S. borders. However, the Guard can because it is under the command of the governors in peacetime. The law grew out of Reconstruction and the railroad-strike riots of 1877. The elected officials of that day believed law enforcement in the newly emergent South and in the major Northern cities with railroad unions was the business of the governors, not the federal government and certainly not the regular Army.

[A further aside here is that there never has been any

controversy over who has the authority to commission officers in the National Guard. As one former chief of the National Guard Bureau once put it, "there is no power in heaven or on earth that can force a governor to commission an officer he does not want in his National Guard. No regular officer has ever suggested to the contrary.]

* * *

As mentioned above, the Dick Acts of 1903 and 1908 stemmed from the fiasco that attended the mobilization for the Spanish American War in 1898. Among other things, what President McKinley found was that the National Guard was not available for deployment to Cuba. Many individual Guardsmen volunteered and participated in that war. Guard units did not, at least formally. After the nearly total participation of militia regiments in the Civil War on both sides of the conflict, this had to come as a considerable shock.

The formulation of the major changes in National Guard legal underpinnings came about because of two men who came to office immediately after the Spanish American War in the first Roosevelt administration. These were Secretary of War Elihu Root and U.S. Representative Charles M. Dick of Ohio, later a U.S. Senator from that state. Dick was a genuine war hero who fought with Roosevelt in Cuba. He was elected to the Congress on such a platform. Also, when he returned to his home state, he became the commanding general of the Ohio National Guard and ultimately was promoted to major general. In 1901, he also was elected president of the National Guard Association of the United States (NGAUS), which

had been founded in 1878 for the very purpose of getting legislation passed to fix the difficulties that had become apparent to Guard leaders as a result of enactment of Posse Comitatus.

Root and Dick set to work on the first of their legislative reforms. About the same time, Dick became chairman of what we would know today as the House Armed Services Committee. By 1908, when the second 'Dick Act' was enacted, he was chairman of the same committee in the U.S. Senate.

Among other things, the Dick Acts specified that the National Guard (as it had become known universally by that time) was the legal successor to the organized militia referred to in the Constitution, that it could be a federal force, and that vastly increased federal resources would be provided to include regular Army trainers, the opportunity for annual field training at an active Army installation and vastly increased quantities of federal equipment, such as artillery pieces and individual weapons. One of the major benefits of the legislation was the standardization of such individual weapons in the form of the Springfield rifle. [1]

And then, of course, the National Defense Act of 1916, in addition to supposedly clarifying the president's authority to mobilize the National Guard and deploy it overseas, brought drill pay. A ferocious controversy consumed the Guard leadership of the time because traditional Guardsmen at the state level jealously guarded their autonomy and the localness of Guard units in peacetime. If the feds were to write the paychecks, then -- 'heavens!' -- they might want to check attendance. And with the

vastly increased provision of federal equipment came accountability for that equipment and the creation of the United States Property and Fiscal Officer (USPFO) system in 1920 that established a National Guard colonel on federal active duty in each state as the legal custodian of all federal property and the guarantor of federal resources.

* * *

In the aftermath of World War I and the eventual requirement to draft whole units into the U.S. Army in 1917, it took Congress 15 years to get around to the present-day 'fix' of the system that created the National Guard of the United States as a parallel to the National Guard of the states as the militia. That came in 1933. Little attention was paid to that enactment of the 71st Congress until recently. It was under the authority of this act that the 1940-41 mobilization for World War II occurred. The entire Guard and Reserve were mobilized beginning in September 1940 and ending in April 1941 and then extended on active duty in October 1941 based on that provision. Similarly, mobilizations occurred in 1950, 1961 and 1968 based on the 1933 law.

A less-well-known set of changes to the laws governing the Guard and Reserve came in 1952 with the Armed Forces Reserve Act of that year. To some degree, this legislation stemmed from the various studies and controversies that had attended the demobilization from World War II. It is worth reciting very cursorily here that the active military establishment had secretly determined in 1944 to deactivate the units of the former National Guard overseas and then try to reconstitute the reserve

components for the post-war era in the United States as a purely federal organization without any state control. The National Guard, if any were to exist, would be a purely state constabulary commanded by the governor with no federal responsibilities or resources.

It seems the regular establishment believed it could get away with this because most of the Guard was on active duty deployed overseas fighting the war. What they forgot or ignored was the fact that Major General Ellard A. Walsh, longtime adjutant general of Minnesota and the NGAUS president, had been mobilized and then immediately mustered out of federal service even though he was taken onto active duty in 1940 as commander of the 34th Infantry Division. Medical reasons were given as the rationale. Walsh devoted the next 10 years of his life in the twilight of his career to defeating the goals of such regulars as General Leonard Wood and General Lesley C. McNair to federalize the National Guard after the war. Although all Guard units were deactivated overseas and the former Guardsmen sent home individually, Wood and McNair did not succeed in their post-war aims. Walsh and the returned Major General Milton A. Reckord[2], adjutant general of Maryland from 1930-40 and 1946-56, succeeded in convincing Congress and the civilian secretariat that a revitalized National Guard was important and necessary.

However, such a system needed some legislative revision and that came in 1952 after several years effort. The Armed Forces Reserve Act of 1952 contained many provisions. At the time, many were deemed far more important than the one that prompted the controversy more than 30 years later. The item in question is

section 672(b) and (d) of title 32 of the U.S. Code, which state that the governor's consent is required for his Guardsmen to deploy overseas.

Each and every order for a Guardsman to do anything, including be promoted, carries the line at the bottom: "By Order of the Governor." As a practical matter, the only such order any governor ever attends to personally is the appointment of his adjutant general or, depending on the individual governor and circumstances in an individual state, other general officers, whereas dozens of such orders grind out of a National Guard headquarters each day ordering this or that individual or groups of Guardsmen to this or that duty near and far, all "by order of the governor."

Why bring the governor into this?

That question perplexed one and all in 1986 when the whole issue of the governor's consent came to the front burner. Walsh and Reckord, the gurus of the time -- there was little full-time lobbying for the Guard in those days -- were long since dead. Searches of the Congressional Record, NATIONAL GUARD magazine and other sources came up dry, as did a cursory examination of Walsh's papers, which are archived at the Historical Society of the Militia and the National Guard. Finally, the question was posed to Colonel Allan G. Crist[3], founding editor of NATIONAL GUARD magazine and retired to Camp Hill, Pennsylvania, since 1974 and by this time in failing health. Notwithstanding his frail condition, Crist fired back a two-paged single-spaced letter by return mail saying, in effect, "I don't exactly remember, but . . ." and followed by a stream-of-consciousness recollection of

events 34 years earlier from which the reader could extract four specific reasons why Walsh and Reckord acted as they did. [4] The most important of these seemed to be the fact that the chief of staff of the Air Force at the time, General Carl "Toosey" Spaatz, was attempting to gain operational control of the new Air National Guard founded in 1948, and the Guard's leadership was determined to oppose him. Since the Air Guard was far more prone and likely to be deployed overseas, it was this that prompted the language. Overseas deployments for an unmobilized Army Guard were more or less unthinkable in that era.

Even though all these governors had the authority to refuse overseas deployments from 1952 on, none ever (so far as anyone knows) refused a deployment until the mid-1980s when Governor George Deukmajian of California acted as noted below. This even included the vast utilization of the Air Guard during Vietnam when countless C-97 cargo missions were flown by unmobilized Air Guard units from the United States to Tan Son Nhut Air Base and back with not a peep even from such governors as might have been politically opposed to that war. Of course, if we could ask them, Walsh and Reckord probably would have told us -- they of the nearly lifetime tenure of adjutants general in those days -- that this authority wasn't a political statement designed for a partisan governor, but rather an authority designed to permit the adjutant general to command the National Guard of his state.

This was the way it was used in California in 1985 when General Temple reached out while he was director of the Army National Guard to his old outfit, the 40th Infantry Division, to provide the armored task force to train the Honduran Army in BIG

PINE II. The mission that year was for the United States Army to provide a tank-heavy, mechanized infantry task force to simulate an invasion of Honduras by the Nicaraguan army, which had recently taken delivery of some T-55 tanks. The Choloteca Gap in southern Honduras provides an avenue of approach through otherwise impassable terrain. The exercise area was within a handful of miles of Nicaragua. An invasion of Honduras by Nicaragua was by no means a far-fetched idea in those years (indeed, it occurred briefly about a year later requiring deployment of a brigade each of the 82nd Airborne Division and the 7th Infantry Division to convince the commandates to withdraw back to Nicaragua) because of the contra presence on the southern Honduran border and the general international aggressiveness of the Sandinista regime from 1979 until the late 1980s. The Honduran army, on the other hand, was entirely a light infantry force ill-equipped on a number of levels but particularly ill-trained in anti-armor tactics and techniques.

The refusal of Governor George Deukmajian to deploy the Third Brigade of the 40th Division had no political spin. Deukmajian is a Republican. The California adjutant general of that time, Major General Willard Shank, had been an assistant attorney general under Deukmajian when Deukmajian was Governor Ronald Reagan's attorney general. Although the communication to the chief of the National Guard Bureau, Lieutenant General Emmett H. Walker Jr. at the time, was couched in the name of the governor as it had to be, the facts revealed several years later revolved around the Shank's and the division commander, Major General William Jefferds', fears that the division would lose a

major batch of equipment if the deployment occurred. At the time, the armored battalions of the 40th Division were equipped with the M-48A5 tank, a Korean War-vintage tank vastly improved and upgunned over the years. The unit that eventually participated, from the 49th Armored Division of Texas, was equipped with M-60 tanks. M-48A5 tanks were and are widely marketed to Third World countries; M-60s are not -- at least were not then. Shank believed, perhaps erroneously, that the Californians might be ordered to leave the 60 or more M-48s they were to deploy behind for the Honduran Army. It would have been highly unlikely that M-60s would be left behind, even the original 1963 versions that would be deployed being the basic building block for the M-60A3 tank that remains state-of-the-art and in production at the Anniston Army Depot today. [5]

It seems fair to say at this point that when the 49th Armored Division got the call, the governor of Texas, Mark White, was less than enthusiastic. He was acting in the same political milieu that prompted Brennan, Kunin, Dukakis, Perpich & Co. to utilize the state-control issue for political mileage. However, Texas is not Maine or Massachusetts, and White eventually agreed to the mission, traveling with the units to Central America. When he returned home, he said he was convinced the training was outstanding, the trip worthwhile and the whole thing justified. Dukakis, Perpich and Celeste never agreed to the same thing. All remain committed opponents of National Guard training in Central America.

..This is the Minnesota National Guard, not an arm of the Defense Department. This legislation (the

Montgomery Amendment) is an unconstitutional invasion of the authority of the governors to control the peacetime training of the National Guard. The Montgomery Amendment represents a states rights issue of historical importance. It warrants final resolution by the Supreme Court.' '[6]

Perpich is factually in error on several counts in this statement. First, the National Guard is very much a part of the Department of Defense and has been since the creation of the National Guard Bureau in 1920. And second, the Montgomery Amendment was very carefully inserted into title 10 of the U.S. Code, which governs the armed forces, not title 32, which governs the National Guard in peacetime. All Guard deployments overseas are written on title 10 orders.

It might be noted here that when Governor Perpich spoke out and acted as he did, the Joint Chiefs of Staff reacted sharply. Although some anger was expressed, the chiefs asked GEN John W. Vessey Jr., JCS chairman from 1982-86, who had just retired, to talk to the governor. General Vessey is a native of Minnesota and had just moved back there to begin his retirement. He said he knew Governor Perpich well and believed he could change his mind. He didn't.[7]

Although Perpich objected to several Minnesota National Guard deployments, particularly those of the 133rd Tactical Airlift Wing, a C-130 unit, and his public affairs detachment, the most substantial objection came from Governor Richard Celeste of Ohio, whose 16th Engineer Brigade was scheduled to be the lead headquarters for the Yoro to La Cieba roadbuilding project in 1988-89 (West Virginia was the lead headquarters in 1988). By this time, many opponents had gone beyond their criticisms of the

Guard's presence in Central America on some sort of neo-Vietnam syndrome grounds and were more interested in safety. This came even though no Guardsman ever had been killed or wounded in his/her Central America training.

'I am deeply concerned about the safety of our engineer units in that country. I urge you (General Temple) to defer. . . training missions at least until the current highly charged situation is behind us. If not, what assurance can you provide that this is a necessary and prudent training mission for our Guard members at this time? Beyond the current crisis, in view of the fact that negotiations are moving forward on the Arias peace plan, I believe the continued introduction of our National Guard troops in Honduras may undermine progress in that effort.' [8]

Governor James R. Thompson of Illinois had a somewhat different view:

'I know of no risk associated with going to Honduras that would cause me to oppose the president's actions. My understanding is they are conducting training exercises which they would conduct if they were in Wisconsin, Honduras or whatever and that they are building civilian installations. I don't see anything wrong with that. At a minimum, I would have to have (the adjutant general of Illinois, Major General Harold Holesinger) come and tell me he objected to their going and give me a good reason for it, and we are a long way from that.' [9]

A certain amount of hoey also swirled up around the deployments. Early in the missions, opponents of U.S. involvement in Central America asserted that U.S. military training or operations in El Salvador, Honduras and even Panama were another Vietnam. Such arguments died of their own weight. These political positions were followed by arguments about the funding of the contras who opposed the Sandinista regime in Nicaragua. The Guard's engineer training in Honduras then was often equated with

building airfields for the launching of the 'coming invasion' of Nicaragua by the United States, the contras, or someone. No such airfields were built, of course, unless one counts the Palmerola Air Base northwest of Tegucigalpa, which is the headquarters of the Honduran Air Force and which also is the temporary home of Task Force Bravo, the U.S. Army organization that supports the training in Honduras.

Perhaps the best example the disinformation effort came from State Representative Ellis Levin of Chicago, who sought and won approval at one point in putting a referendum issue on the municipal ballot there asking whether the National Guard should be sent to Honduras to fight the Sandinistas. (Answer, NO, obviously). He added at one point:

'In effect they (the Guard) are fighting an undeclared war are trying to get around Congressional opposition to administration policy. The road the Guard is building in the mountains is not a farm-to-market route as federal officials claim, but one in which tanks could travel in times of war. The people of Illinois and this country do not want another Vietnam. They should have a say in this.' [10]

Because the news media picked up and distributed most of the these political statements nationwide, and they were widely published and broadcast, it didn't take other politicians long to pick up the cry. However, the number of governors actually taking any specific action to block Guard deployments to Central America never was more than a small handful. There was some action in state legislatures, notably in Illinois, Iowa and Maryland. The City of Chicago actually had a meaningless referendum on the question of whether engineers from the 33rd Infantry Brigade in

Chicago should deploy. It did.

One mildly humorous even occurred in this context when Representative Levin telephoned the NGAUS headquarters to challenge the fact that NGAUS was citing Illinois as a co-signer on the opposition to Minnesota Governor Rudy Perpich's lawsuit seeking to overturn the Montgomery Amendment. He asked the NGAUS official who had authorized Illinois to sign such an authorization.

"James R. Thompson," the NGAUS official said. "That's the name typed at the bottom of the letter with a signature above it."

"You mean the governor?" Levin asked incredulously.

"I believe he is the governor of Illinois, and I suspect he is authorized to sign for the state," the NGAUS official said.

"Oh," Levin replied. "Thank you very much," and hung up quickly.

Neighboring Iowa's experience was even more tortuous in that notwithstanding the fact it is a very two-party state with a long tradition of rural Republicanism, the liberal wing of its Democratic Party has become highly radicalized due in part to the role Iowa's election-year caucuses have grown to play in presidential politics since 1972. In 1986, the Iowa Army Guard was tasked to deploy one company of its 224th Medical Battalion (headquartered in Iowa City, home of the University of Iowa) to Honduras in support of the road-building project of that year plus to pioneer the growing (now fully matured) idea of conducting medical readiness and training exercises (MEDRETE) in that country's isolated rural villages. Little did National Guard

Bureau officials realize the firestorm of political controversy that would ensue.

The problem wasn't the governor, Terry Branstad, who is a Republican. The problem was the Democratic majorities in both houses of the legislature. They had a ready bullhorn in the state's leading newspaper, the Des Moines Register. The Register, which has on several occasions suggested big cuts in the Iowa National Guard's personnel strengths and number of units, covered the announcement, planning, deployment, execution and redeployment of the medical company from Iowa City like World War II-1/2. As the battalion commander, Lieutenant Colonel Kenneth Andreason, once noted to me (author Beveridge and Andreason served together as captains in Iowa's 234th Signal Battalion in the early 1970s), "some drill weekends I think I had more news media in the armory parking lot than I had Guardsmen coming to drill."

The experiences of the 175th Tactical Airlift Group in Baltimore a few years later weren't much different, although Maryland has Democratic governor, William Donald Schaefer. As has been true since at least 1970 and noted in detail in Chapter 2, Air Guard C-130 units have been supporting U.S. Southern Command and embassy resupply in Latin America for two decades. The Air Guard's numerous C-130 units have been providing this Panama Rotation without controversy or much comment for years. However, even such a routine mission given the times can provoke the protesters. Thus, shortly after the deployment of the 82nd Airborne Division and the 7th Infantry Division in 1986, the 175th was scheduled to provide the usual four C-130s for its two-

week stint at Howard Air Force Base, Panama, and for missions elsewhere in Central and South America. The Saturday morning scheduled for departure found hundreds of protesters blocking the main gate, climbing the fences and lying on the flight line seeking to block the C-130s' departure. They didn't, although adequate aggravation occurred.

Schaefer, who although he is a liberal Democrat also is distinctly pro-military, vehemently distanced himself from the protest and said that when his National Guard was scheduled for overseas training, he supported that.

While Schaefer, Governor Anthony S. Earl of Wisconsin and most Southern Democratic governors either kept hands off or withheld very much comment about Central American deployments (even Governor Mario Cuomo of New York, although initially somewhat hostile, kept his counsel and is almost absent from the public record on the issue), Governor Michael Dukakis found himself at the forefront of the issue on several levels. For one, by early 1986, Governor Dukakis was well launched for what became his 1988 presidential race. He was very actively campaigning in Iowa and New Hampshire. One of his themes was criticism of President Reagan's Central America policy and any sort of aid to the contra rebels.

Of course, coming from Massachusetts Democratic politics, Dukakis at home found himself in the mainstream of such political activism. In the Bay State, Dukakis is considered somewhat of a moderate when compared with Senators Edward M. Kennedy and John Kerry and then-House Speaker Thomas O'Neill and Representatives Barney Frank, Edward Boland and Joseph P. Kennedy II

Thus, when the Massachusetts National Guard's 65th Public Affairs Detachment was troop listed in early 1986 for deployment to Panama and Honduras in 1988, Dukakis reacted quickly, saying:

'The reason for sending them down there is to contribute to the wrong-headed foreign policy in Central America.' [11]

Dukakis thereupon added his name to the short list of governors announcing their refusal to permit their Guard units to deploy to Central America. Upon filing his lawsuit in federal court, Dukakis said:

'Reagan is determined to seek a military rather than a diplomatic solution to our differences with Nicaragua. But I am equally determined.' [12]

What was emerging was that Democratic governors, but especially those running for president in 1988, were attempting to make President Reagan's policy of opposing the Sandinista government in Nicaragua and his support of the contra rebels into a partisan issue -- as it was, of course, in Congress as well -- but putting the National Guard in those states with governors of that political view as the pawn. Or to put it another way, the National Guard was becoming a political issue in a way that made senior Guard leaders and Guardsmen generally very uncomfortable:

'The Reagan policy in Central America is poisoning our domestic politics. I, for one, am not about to authorize sending our National Guard to Honduras to carry out what I and other governors believe is a failed and illegal policy.' [13]

A very few other governors, that is. After General Walker's presentation to the National Governors Association in February

1986 and a similar presentation to the same group the next year by his successor, General Temple, very little was heard from any governor except for the six. Nonetheless, in the superheated political atmosphere in Iowa in the spring of 1988, where the caucuses make a few and break many presidential candidacies, Dukakis aired a series of television spots decrying President Reagan's Central America policies and suggesting that the National Guard's role in Honduras was not training, but rather support of the contras. "I believe these National Guard people are not down there learning to build roads," he said. [14] Like Earl's comment about his infantry brigade (see below), Dukakis' views had nothing to do with keeping the Massachusetts National Guard at home or with training, per se. It had much to do with Central America.

"I would not object to sending state reserves (sic) to other parts of the world. I would have no objection to them going to another theater. . . The Reagan Administration is using the National Guard training in Central America as a part of the ill-advised and illegal strategy to overthrow the Nicaraguan government at a time when our neighbors in Central America are working hard to bring Nicaragua to the bargaining table and put an end to the war there." [15]

The only cross-border incidents involving national forces were two by the Sandinista army in 1987 and 1989. Except, of course, the contras entering their own country from Honduras and Costa Rica. With few exceptions, the contras were Nicaraguan citizens who had taken up arms for a variety of reasons against the 1979 revolution in their country. In any event, the only role the National Guard in the United States ever played in Honduras

or anywhere else in Central America. With the exception of training the Honduran army in the Choluteca Gap in 1986, was well away from Nicaragua's borders. Of course, one would not know that if talking to a Massachusetts politician. Until the eve of the 1990 elections, they described political rallies for President Violetta Chamorro as "contra rallies."

* * *

That Democratic governors in the 1980s felt some political pressure to oppose Guard deployments is a fact, however. Wisconsin's Governor Earl, defeated in the 1986 election on other grounds, noted that "I guess no one opposes deployments to Germany" when commenting on the impending deployment of the 32nd Infantry Brigade of Wisconsin to Exercise REFORGER '86 in the Federal Republic of Germany. Earl went on to note, however, that when a Wisconsin engineer company had been sent to Panama a year earlier, he had received some protests from his ultra-liberal supporters suggesting he withhold any Central America deployments to register a protest against President Reagan. Earl added that Major General Raymond A. Matera, adjutant general of Wisconsin from 1979-90, had fully briefed him on all such deployments, explained the rationale, and that he (Earl) would continue to support them. Like Texas Governor White, Earl believed the training value of the deployments far outweighed the highly transitory political gain that could be realized from one flashbulb pop on the national political stage. But, Earl cautioned: Liberal Democratic politicians had to be cognizant of the political minefields the whole superheated Central America

situation brought to the political dialogue because it was those selfsame ultraliberal political operatives in the states who had been at the forefront of the anti-Vietnam protests 15-20 years earlier that had brought so many Democrats to political power in the 1970s, including Earl.[16]

NOTES TO CHAPTER 3

[1] Since the First Muster of the National Guard in 1636, one of the abiding problems was lack of uniformity in individual weapons. During its first 139 years, this was not of critical importance because militia units were strictly local. George Washington, in attempting to reconcile the various militia units that joined him for the Revolution, had to face this problem. The Civil War solved it in a way again, but the evolution of firearms during the 19th Century always created the problem of some militiamen having the latest in riflery but some having ancient models. The attempt to bring the National Guard more completely into the military establishment, begun in 1878 and finally accomplished for the purpose of weaponry in 1908, was a continuing theme of these years.

[2] Like Walsh, Reckord was mobilized onto active duty in 1940-41, he as commander of the 29th Infantry Division. Many Guard division commanders were relieved for one reason or another during the war, as was Reckord. Unlike most of the others, however, Reckord was immediately assigned a highly visible and very prestigious position as provost marshal of the European theater, a member of Dwight D. Eisenhower's primary staff.

[3] Colonel Crist died in September 1989.

[4] Letter to the author, January 22, 1987.

[5] Although it is widely believed generally that the M-1A1 is the tank currently in production in Warren, Michigan and Long Beach, California, the Army continues to modify the M-60 and M-60A1 tank fleet to the M-60A3 configuration. The M-60A3 contains many of the modernized features of the M-1 including the stabilized chassis, laser range finder, tank thermal sight and computerized fire control system. The major difference is the ground speed.

[6] Kopplin, Gerald, United Press International, St. Paul, September 26, 1989.

[7] Interview with GEN John A. Wickham Jr., chief of staff of the Army 1983-87, in his office at the Armed Forces Communications and Electronics Association, of which he is president, May 17, 1989. It might be noted that General Vessey enlisted in Headquarters and Headquarters Battery, 59th Field Artillery, Minnesota National Guard, in 1939. He served with that unit, a part of the 34th Infantry Division, after it was mobilized in 1941 throughout World War II, earning a battlefield commission on the Anzio beachhead in 1944 after having attained the rank of first sergeant. By 1982 when he had achieved 43 years of military service (he enlisted when he was 16), General Vessey believed his career was complete; he was vice chief of staff of the Army and had been a full general for five years. He received a call to the White House for an interview with President Reagan, which he believed to be a retirement courtesy meeting. The president told him he intended to nominate him to be chairman of the Joint Chiefs of Staff, the highest military position in the Free World. General Vessey said he need an hour to talk to his wife, Avis, who already was working on their move back to Crow Wing County, Minnesota, where they had purchased a retirement home. When he reached their quarters at Fort McNair and General Vessey reported these developments, Mrs. Vessey said, "John, God is punishing you for lying about your age and enlisting in the Minnesota National Guard." President Reagan's choice was highly unexpected in Washington and the Department of Defense. The president explained he wanted a "mud soldier" (Vessey was a veteran of World War II, Korea and several tours in Vietnam, the last as commander of 4th Infantry Division artillery. It always was interesting after General Vessey became chairman that he usually wore the 34th Division patch as his combat patch on his right shoulder.

[8] United Press International, Columbus, March 21, 1988.

[9] Knowles, Carol, United Press International, Springfield, July 9, 1987.

[10] Ibid.

[11] Boston Globe, March 16, 1986, p. 45.

[12] Boston Globe, April 16, 1986, p. 15.

[13] Boston Globe, June 12, 1986, p. 23.

[14] Boston Globe, January 26, 1988, p. 18.

[15] Ibid.

[16] Conversation with author Beveridge in Washington, D.C., February 27, 1986.

V - The Montgomery Amendment

The threat posed by the Wilson-Gramm amendment coupled with the emerging perception among Guard leaders that force structure could begin to vanish -- and certainly unit activations and conversions to new equipment would halt -- prompted intense discussions about what to do. Notwithstanding General Walker's assurances that he had the authority to discipline the system, it was concluded that legislation was the answer. This was particularly so because National Guard Bureau leaders as well as the NGAUS leadership were confident of their ability to persuade Congress to adopt the modest ``fix'' deemed required to deflect the governor's ability to utilize Central American deployments for political purposes while retaining the broader gubernatorial command of the Guard in peacetime.

This is one reason why the simple solution of just repealing sections b and d of section 672 was rejected. Not only would that have been a direct slap at the governors by emasculation of a very noticeable element of their authority, but it also would have obviated the one really valid point of the 1952 intent, and that was to assure a governor of the availability of his National Guard when he needed it for state purposes. No voice in the Department of Defense ever was heard to suggest that a training

deployment to Central American or anywhere else would take precedence over a governor's requirement for his Guardsmen for missions like the San Francisco earthquake or Hurricane Hugo or even much lesser missions deemed important by a governor for state purposes.

Thus, the genesis of Section 672(f). The simplicity of its approach was that it maintained all the previous authorities, but only stated that no governor could withhold a unit from deployment on account of "location, purpose, type or schedule" of such deployment."

Representative G.V. "Sonny" Montgomery (D-Mississippi) introduced the amendment in the House of Representatives. Montgomery, of course, is a retired Mississippi National Guard brigadier general and is known on Capitol Hill as the principal advocate of the Guard and Reserve. This is so much so that many members of Congress defer to his judgment on Guard matters. The late-summer 1986 crisis-abuilding came somewhat late in that year's legislative cycle. The Defense authorization bill already had been forwarded by the House Armed Services Committee and was awaiting debate in the full House. So the Montgomery Amendment came as a floor amendment. It was debated in the late afternoon of August 14, 1986 and passed 261-159. Leading the opposition during about 30 minutes of debate was Representative Patricia Schroeder (D-Colorado), who expressed many of the liberal Democratic complaints about Guard training in Central America and objections to President Reagan's policies there.

The amendment was not contained in the Senate's Defense authorization bill, but it was incorporated in the authorization

bill that emerged from Senate-House Conference Committee and was part of the Authorization Act signed into law by President Reagan in September 1986.

Enactment of the Montgomery Amendment had the gratifying effect of quieting almost instantly all the anti-Guard noise at the Pentagon. Senior service leaders said they were satisfied with the outcome, the language and their perception that it would do the job. General Wickham agreed, saying that any serious efforts to withhold equipment deliveries or "pull the rug out from under" Guard force structure were deflected with Congressman Montgomery's efforts. General Wickham clearly displays great faith in the Mississippian, saying he is "the stalwart for those of us in uniform," adding:

"At the time, we were generally of the belief that it did solve the problem. I believe that throughout the Department of Defense there was a sigh of relief that this basically put the problem behind us." [1]

Montgomery added:

"It's worked perfectly. Nobody's tried to get around it. They've challenged it in court, but as far as interpretation about whether we can do this or that, from the government we've had no problems whatsoever. In fact, I think most governors were glad to see it. It takes it out of their hands, and they can say, 'they've taken it out of my hands. I can't stop them from going to Central America. If I have an emergency here, I can keep them back home. But I don't have an emergency.' I think generally the governors think it's okay." [2]

Asked the services' reaction, Montgomery added:

"They were very fair about it. . . (but) they were concerned about it. . . They felt that if

they couldn't use these Guardsmen where they were needed in Central America, the whole force structure was in trouble -- 45 percent of the combat units and 35 percent of the missions. . . I knew the threat was there. They wouldn't have had any choice. Ultimately, they would have had to change the force structure, these National Guard units over to the (U.S. Army) Reserve or to the active forces.' '[3]

* * *

The NGAUS' leaders always believed it was likely that at least one of the handful of anti-Central America governors would go to court. They were not disappointed. On January 22, 1987, Governor Rudy Perpich of Minnesota filed suit in U.S. District Court of St. Paul challenging the constitutionality of the Montgomery Amendment, asserting it violates the Militia Clause of the Constitution. This was followed by the suit filed by Governor Michael Dukakis of Massachusetts on May 22, 1987, also challenging the Montgomery Amendment.

Perpich had two units scheduled to deploy to Central America: the 133rd Tactical Airlift Wing, a C-130 unit. It was scheduled routinely for its VOLANT OAK rotation to Howard Air Force Base, Panama, and support of U.S. embassies throughout Latin America, including Nicaragua. Also scheduled from Minnesota was its 113th Public Affairs Detachment. Since early in the 1980s, the National Guard Bureau has made extensive use of Public Affairs Detachments from the several states in support of SOUTHCOM.' '[4]

From Massachusetts, the deployment schedule was not a unit from that states venerable 26th 'YANKEE' Infantry Division, but

its 65th Public Affairs Detachment, to which Dukakis objected at the height of the 1988 presidential campaign. And well he should. Members of the 65th PAD sent back numerous articles and broadcast clips extolling the value of the training they observed in South America and Honduras at the height of the 1988 northern Honduras roadbuilding exercise that eventually linked Tegucigalpa with the Caribbean coast for the first time in history. The Massachusetts PAD even received a glowing article from the *Boston Globe*, a liberal newspaper that strongly favored Dukakis' presidential campaign and gubernatorial record.

* * *

The existence of the Montgomery Amendment into the future was not without one severe bump, however. This was Senator J. James Exon's (D-Nebraska) attempt in 1987 to, in effect, repeal it. Exon is not an opponent of U.S. policy in Central America, at least in the aggregate. However, he proposed an amendment to the Senate Defense authorization bill in 1987 that would have added language reinstating state governors' authority to withhold National Guard deployments overseas to which they objected unless the president certified that national defense required such deployments.

Guard leaders quickly ascertained that the effect of such language would obviate the advantages of the Montgomery Amendment -- without specifically repealing it. Rather, the practical political effect would be to put the president in the position of making his own political statement about the requirement for national defense in places like Honduras where foreign policy

considerations and -- in the case of Central America -- Latin American 'gringo' sensitivities -- would never permit such a declaration.

It seems fair to say that Exon didn't intend his amendment as negative to Central American deployments per se. Rather, he has harbored, historically, a firm belief in any governor's right to command his own National Guard as he sees fit. He believes it should require more than some Pentagon staff officer's whim to overturn that prerogative. This is not a new view for Exon.

Exon is a former governor of Nebraska and was elected to the U.S. Senate in 1974 from that office. When governor, he took his command of the Nebraska National Guard seriously. In the summer of 1973, at the height of the oil shock of that year, Exon canceled the 67th Infantry Brigade's scheduled annual training at Fort Carson, Colorado. He directed that the AT period be conducted at home station for all units in order to save the fuel the Guard units would require to convoy to Fort Carson and back from Nebraska. 'If my Nebraska farmers don't have enough fuel to dry their corn, then the Nebraska National Guard doesn't have enough fuel to drive to Fort Carson.' What connection the availability of fuel for drying corn, mainly propane, had with the diesel fuel the Nebraska Guard would need for its AT period, both for convoy vehicles and its mechanized and armored battalions, was never fully explained.

Guard commanders know such an order is devastating to company- and battalion-sized units. The types of collective training that normally are scheduled for AT cannot be conducted at home station. Tank ranges, artillery ranges and maneuver areas

are not available even in local training areas, certainly not in Nebraska, which has no substantial Army posts. Some units were nearly destroyed in terms of personnel and morale at a time when the draft had ended, commanders were under intense pressure to retain departing Guardsmen and when recruiting was moribund due to the end of the Vietnam War, the lack of any recruiting and retention incentives (eventually enacted in 1979) and any other incentive to be a Guardsmen. Strength plummeted, but even more so in units abused with ineffective, dismal and worthless training. It often is said that Guardsmen and soldiers generally will thrive on tough, challenging and meaningful training. They will leave in droves when they are ill-used and bored. So it was with the canceled Nebraska Army National Guard AT of 1973.

Interestingly enough, the chief of the National Guard Bureau at the time, Major General Francis S. Greenlief, was a Nebraska Guardsman himself, having enlisted in Company K, 134th Infantry in 1940. It fell to him to try to discipline Governor Exon, an old University of Nebraska friend. He tried.

He suggested, as did General Temple 15 years later, that he would simply remove units from Nebraska if the commander-in-chief of the Nebraska Army National Guard was unwilling to permit their training according to the discipline established by Congress. This discipline, as defined by General Greenlief and hundreds of Guard leaders since then, is a training schedule that will best prepare a unit for combat in the area of the world where it is scheduled to deploy. This was a bit less specific in 1973 than it is today under the CAPSTONE program where all units know their wartime higher headquarters and receive training guidance from

it.

Unfortunately for General Greenlief, however, the Department of the Army establishment quickly folded when pressured by Governor Exon. Secretary of the Army Robert Froelke ordered the chief of staff of the Army, the late General Creighton Abrams -- Greenlief's boss -- to back off[5].

Senator Exon's comments about his amendment in the Senate directly reflected these views. One cannot understand the controversy of 1988 over the Exon Amendment without knowing the basis for it grew out of the 1973 oil shock and the non-AT performed by the 67th Infantry Brigade that year. Fortunately for the Guard, the Exon Amendment was defeated in the Senate 66-29 on September 17, 1987.

This was the last political challenge to the Montgomery Amendment. The politics of the issue, except for the Ohio case, have been quiet since then. However, given the election of Maine's former Governor Brennan to the House of Representatives in 1988 and his assignment to the House Armed Services Committee, Montgomery had this interesting conclusionary comment:

''When Governor Brennan came down to Congress, I was concerned that he might offer an amendment to repeal the Montgomery Amendment. He's on Armed Services. But he hasn't, and I don't think that's a burning issue with him at this time. I think he would give political reasons (for his original decision). He didn't like the policy in Central America.' '[6]

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NOTES TO CHAPTER 5

[1] Wickham, *ibid.*

[2] Interview with Representative G.V. 'Sonny' Montgomery in the Rayburn House Office Building, December 19, 1989.

[3] Ibid.

[4] A Public Affairs Detachment is composed of 13 individuals, commanded by a major. It is capable of providing press and broadcast support for the commander to which it is assigned. Frequently, such units are staffed with civilian media professionals with extensive experience and expertise, to include television anchors, newspaper photographers and reporters and public relations specialists. There are 52 PADs in the Army National Guard; 19 in the Army Reserve and none in the active Army.

[5] Conversation between Author Beveridge and Major General Francis S. Greenlief (ret.), who later was executive vice president of the NGAUS from 1974-84.

[6] Montgomery, ibid.

IV - Department of Defense Reaction

The attitude of the handful of governors was not lost on leaders at the Department of Defense. As General Temple noted in El Torro, the governors had provided a buffer against some of the wishes of the uniformed leadership by permitting Guardsmen to play the "political card."

Guardsmen tend to suffer no penalty for playing the political card because, as citizens of local communities, they are unrestrained by the Hatch Act or most other disincentives to political activity. They can run for and hold civil office. They can be active if they care to be in local, state and national political campaigns. They can serve in a national administration. Many serve in state legislatures.

Men educated at military academies and who have spent much of their lives in the military cocoon too often have little appreciation of this process. When they are stationed at the Pentagon, they tend to view the Congress as a hostile force that is questioning the competence of the military. James E. Webb Jr., the first assistant secretary of defense for reserve affairs, was not much different than this. Although a civilian mustered out of the Marine Corps due to Vietnam wounds, his main claim to fame was his novels about his Vietnam experiences ("Fields of Fire") and his articles opposing women in combat. Webb tended to join

the regular four-star military leadership in applying a regular measuring stick to the Guard and Reserve and, particularly, the Navy Department's historic disdain of its reserves.

Thus, it came as no surprise in the wake of Brennan & Co.'s first statements about OCONUS deployments that Webb opted for a federal solution under the Army Clause of the Constitution rather than permitting the system to work as it has for 210 years.

To Webb's credit, it must be noted that a substantial element of his initial concerns was well-founded and not merely an exercise in wresting command of the National Guard from the governors and the adjutants general. These concerns were based on what he was hearing at the three- and four-star and the secretariat levels of the Pentagon and his genuine and universally shared worry about the availability of the Guard for the deterrence missions military leaders like Gorman and others had in mind. For example, Air Guard aircraft were regularly used in other than purely training missions worldwide. Among these were aerial refueling: Air Guard KC-135s participated in the bombing raid on Libya, for example, principally because two of those aircraft were physically present in England, and when the planning cell asked if they were available, the on-site commander said, "sure." Air Guard C-130s can be found many, many places in the world. Now that the Air Guard has C-5A and C-141 units, those cargo aircraft are flying worldwide routinely and can find themselves in situations where pure training is not on the agenda. New York Air National Guard C-5 aircraft participated in the recent invasion of Panama, for example, as did the Missouri and Minnesota military police companies that found themselves on

the ground in Panama City that December morning. (1)

Typical of the reaction of senior active Army officers to the specter of Guard nonavailability occurred at Fourth U.S. Army and Fifth U.S. Army. Each CONUSA (First, Second, Fourth, Fifth and Sixth (2)) is commanded by an active Army lieutenant general. The CONUSA's mission is to command all U.S. Army Reserve (USAR) troops and units in its geographic area and to supervise and evaluate the Army National Guard training of the states in its area. However, command and control of the Guard in those states remains, in peacetime, with the governor through his or her adjutant general.

Historically, CONUSA commanders have reacted variously to this arrangement, which contains all the tensions build into the dual state-federal system of the militia and the National Guard. Many have worked very cooperatively and warmly with the Guard commanders in their states. A few have sought more influence -- even issuing "orders" from time to time.

Reacting to the Ohio situation, Lieutenant General Frederic Brown of Fourth U.S. Army at Fort Sheridan, Illinois, suggested that if the Guard weren't available for these missions, the active Army would have to review and reevaluate where units are placed, perhaps moving Guard units' missions back into the active component. Such a ruling would provoke "a very searching review of our national defense posture," Brown said.

"If jurisdiction of the National Guard rests with the governors, we probably would have to put more forces into the active military. We would have to look at the availability of all our high-priority units with an eye toward not having them in the Guard where the governor could veto their training assignments. We don't want to be

dependent on the personalities of the various governors, who could determine whether we train today or not.' '[3]

Comments like Brown's, while grating on the National Guard leadership, at least have the value of being clear and up-front. More insidious, perhaps, is the quieter attitude of some officers populating the staffs of places like Fifth U.S. Army. In 1989, when time came to plan the 1990 and 1991 road-building project in Central America, it was Fifth Army's turn to provide the lead headquarters for the civil engineering advanced detachments and then, in the year of execution, the headquarters for command and control of the engineer battalions doing the work. The logical selection out of Fifth Army would have been the 35th Engineer Brigade, Missouri Army National Guard, which had accomplished the task with distinction in the mid-1980s.

However, Fifth Army leaders expressed doubts about the availability of the Missouri Guard in view of the ongoing lawsuits from Minnesota and Massachusetts notwithstanding the fact that the Montgomery Amendment had been the law of the land for nearly three years, that both the Minnesota and Massachusetts legal challenges had been rejected by U.S. Circuit Courts of Appeals at that point and the fact that Celeste had capitulated to the deployment of the 16th Engineer Brigade in view of the demonstrated real threat of losing virtually all the Ohio National Guard if he didn't comply.

Fifth Army leaders instead chose to task the 420th Engineer Brigade, U.S. Army Reserve, of Bryan, Texas, for the mission. The results of this choice, not the subject of this paper,

demonstrate the contrasting ways Guardsmen and Army Reservists react to challenging missions.

Not the least of those concerned at an early stage was Congressman Montgomery himself:

General Walker was telling me six-seven months before all this came to a head that they were having trouble with the governors. Even the governor of Mississippi was reluctant to let troops go into Central America. So I knew there was a problem developing there. . . .

They (Army and Air Force leaders) were concerned about it. They kind of convinced me, did convince me, that the commanders over in the Defense Department, the people who call the shots over there, their concern that it did affect the force structure of the military. They couldn't send people . . . they felt if they couldn't use these Guardsmen where they were needed in Central America, the whole force structure was in trouble. . . . They were very fair about it. . . . I think they helped us. I have a letter from the secretary of Defense (Caspar W. Weinberger) supporting the amendment.' [4]

Congressman Montgomery was not wrong in his perception of the attitudes at the highest levels of the Army. General John A. Wickham Jr., chief of staff of the Army at the time of Governor Brennan's decision and statements, recalled it this way:

We considered this a flagrant violation of the understanding that we had been operating on for many years that the Guard forces were part of our Total Army. When we needed them to perform in concert with active forces and with the USAR in fulfillment of federal missions, they needed to be prepared to go. And when the governors for political reasons or whatever reasons, objected to that, it interfered with that fundamental understanding about the availability of Guard forces. It put it on a political basis. The uniformed people were really hard over about the need to change this attitude on the part of the governors and prevent this politicization of the use of the Guard. I think the uniformed people in the Guard agreed with this because they view it as interference in their opportunity to achieve high levels of readiness in operations and training.' [5]

Webb's concerns surfaced as a piece of legislation sponsored by Senators Pete Wilson (R-California) and Phil Gramm (R-Texas), both considered friends of the Guard (the Republicans still had a majority in the U.S. Senate in 1986). Wilson was chairman of the manpower and personnel subcommittee of the Senate Armed Services Committee, and he called a hearing by that subcommittee in July 1986 to accept testimony on his amendment. Numerous witnesses were heard, with Webb leading off. The thrust of much of the testimony was that the Militia Clause of the Constitution was dead, and that the quicker the United States put the quaint notion of governors commanding their National Guards behind them, the better for the Republic.

''Recently, valuable National Guard training overseas has been used by certain individuals and special-interest groups to affect larger debates on U.S. foreign policy. While these efforts have been focused on Central America, the real issue illuminated by this controversy is the obsolescence of certain statutory authorities that permit units and members of the National Guard to train outside the United States or its territories. These statutory authorities, enacted by Congress as a part of the Armed Forces Reserve Act of 1952 (21 years before the advent of the Total Force Policy), require modification that will reflect and support the greater responsibilities of today's National Guard, and the more intense and realistic training now required to ensure it is fully ready to perform the worldwide missions it has been assigned.' '[6]

Later in the hearing, Webb added:

''Beginning in 1985 and particularly this year, special-interest groups and some state legislatures discovered that the authority granted state governors in sections 672(b) and (d) rendered state governors susceptible to political to political

pressure on controversial administration policies. Moreover, such pressure could be exerted at the local level and, due to media interest in such controversy, given national exposure. Consequently, the governors' authority has become a vehicle to debate or influence foreign policy.' '[7]

Protesting against this assault on original intent by the Founding Fathers, to some degree in vain that day, were Lieutenant General Emmett H. Walker Jr., chief of the National Guard Bureau, and Lieutenant General LaVern E. Weber (ret.), executive director of the NGAUS and Walker's predecessor as NGB chief. Walker noted, among other things, that he as chief of the National Guard Bureau had numerous tools at his disposal to compel cooperation with overseas deployment schedules. Further, both he and Weber stated that the reluctance by a handful of governors [8] to have their units train in Central America hardly had anything to do with the availability of the Guard for mobilization and deployment in a time of national emergency, as several other witnesses had implied.

Since at least the National Defense Act of 1916, every Guard leader has felt supremely confident about the availability of Guard units for mobilization in time of national emergency. However, Webb sent chills down the back of any Defense planner with this historical note:

'Prior to 1903 (the Dick Act of that year), the National Guard was organized and administered solely under the militia clause of the Constitution. Consequently, the National Guard was available only for limited duties. As one example, the governors of Massachusetts and Connecticut refused the president's call for the militia when the British blockaded our coasts in 1813, invaded our territory and destroyed the Capitol.' '[9]

The reverberations of this type of thinking, as if the statutes weren't clear on the president's and Congress' mobilization authority, quickly affected the attitudes of the National Guard Bureau's leadership. Whereas General Walker told the Senate subcommittee hearing that he was confident he had the authority to discipline states whose governors refused OCONUS deployments (as subsequently proved true in the Ohio case [see chapter 6]), he and other Guard leaders also heard the unpleasant Pentagon rumblings of what might otherwise be called a preemptive strike. This would have been the transfer of units from the Army and Air Guard to the Army and Air Force Reserve, which are under the command of the regular services in peacetime. "This started a chain reaction," as General Walker put it in an interview several years after the incident, [10] adding:

"It became quite an issue in the building (as the Pentagon often is referred-to by Defense insiders) because some said, 'can we depend on the Guard to perform the missions we assigned to them?' Of course, we assured them we could and would . . .

"It was at that time that I had the opportunity to appear before the National Governors' Conference to make a presentation as strong as I could put it. . . That presentation at least helped in preventing a resolution by the governors (in favor of gubernatorial deployment vetoes proposed by Governor Bill Clinton of Arkansas and Madeline Kunin of Vermont). . .

"At that time, we could have looked at the Guard to have become again strictly a state force and not be carrying the load of Defense it is carrying today. We would probably have seen the modern equipment we have begun to get stopped. We would have seen force structure begin to leave the National Guard. It would have had real ramifications for us." [11]

Asked if he believed at the time that such a major realignment of the Guard and Reserve was a real possibility or just an idle threat, General Walker responded:

''Absolutely, absolutely! If the Guard is going to be a full partner . . . in Defense today, we've got to accept the missions that they give us. About that time, the leadership of the Guard Bureau decided that if this happens, to staff the process of withdrawing Guard materiel, Guard structure from that state, and that state then would be under a new mandate: do it or don't. We'll remove it.' '[12]

Even with the passage of the Montgomery Amendment, this threat persists within the Pentagon. In remarks to the NGAUS Executive Council in mid-1990, Brigadier General Donald Shephard, deputy director of the Air National Guard and not a player in the 1985-86 episodes, stated:

There are people in the building who are waiting to say, 'let's put it in the Air Force Reserve.' There are real vultures out there.' '[13]

Congressman Montgomery also was asked whether he believed the Guard stood to lose force structure if its units weren't available for OCONUS deployments:

''I knew the threat was there. They wouldn't have had any choice. . . Ultimately, they would have had to change the force structure, these National Guard units over to the Reserves or to the active forces.' '[14]

Asked if the governors decision to withhold units from

Central America training was an abrogation of the Total Force Policy. General Wickham said, "That's the one-sentence way to put it."

At the time of the first political refusals, General Temple was General Walker's director of the Army National Guard. In the middle of the controversy, General Walker completed his four-year tour as chief, and President Reagan appointed General Temple to succeed him as chief and for promotion to three-star rank. If anything, General Temple is even more vehement about Central America training and the Reagan Administration's Central America policies. He had been a member of Governor Ronald Reagan's cabinet in California and served earlier as Mr. Reagan's military adviser while still a colonel in the California National Guard. General Temple had this to say about his reaction to Governor Brennan's announcement:

"My first reaction was that I was p----- off because I perceived it as being a purely political statement on behalf of the governor, though I guess I began to concede that although we had some differences philosophically, he didn't know enough about the issue to be orderly with a conclusion. He sought to say something about the president of the United States who had a policy on Central America. And he wanted to deeply embarrass him." [15]

At the Senate hearing, Webb also noted the possibility of 54 Central American -- or foreign -- policies as being repugnant to the administration, saying:

"It may foster 54 foreign policies inconsistent with that of the United States government. Indeed, we are here today precisely because this has, to a lesser extent, already occurred. I can tell you, in the case of the latter alternative, that trying to

stay in front of politically motivated groups in 54 states and territories can be a futile effort.' [16]

Webb then added that it could be costly if many governors demanded to visit their Guard units on Central America deployments, citing the cost of \$86,000 when one governor whistled up an Air Force aircraft for a one-day trip to Honduras to visit his troops.

On the other hand, many Guard leaders criticized Webb for not making the effort to persuade the governors to go along with DoD policies at the time when that might have been fruitful. Webb failed to venture outside the Pentagon on such an effort at the time and never did bother to meet with any governors on such a political mission. However, General Temple over his four years as chief of the National Guard Bureau, organized extensive gubernatorial briefings and trips by state and local political leaders to Central America, averaging at least one major trip a quarter at one point. The Bureau's Central America briefing team visited 46 of 50 state governors with the pitch on the importance and value of Central America training. Scores of state legislators visited Guardsmen from their states while deployed to Panama and Honduras. Almost without exception, these legislators and governors came home singing the praises of the deployments. An example of the enthusiasm many state legislators returned with was exemplified by State Representative James E. Moore of Colorado, who wrote:

For me, the trip was a confirmation that the United States provides a beneficent role in Central America. In my view, our Colorado Guardsmen and women

receive excellent training while assisting Honduran citizens to help themselves. It was most obvious that we also provide a stabilization for the area against insurgents from Communist countries. [17]

Even Governor Richard Celeste of Ohio, in the midst of his legal protest against the impending deployment of the 16th Engineer Brigade to lead the Honduras roadbuilding project in 1989, visited the 1987 roadbuilding project and conceded the training was valuable.

General Temple added that the crisis evolved somewhat gradually because of the way the Central America engineer training began in the early 1980s. He said that at the beginning, he and the Army directorate were selecting the sites of the training based on host-nation missions and then tasking the units to undertake the work.

'I selected wherever the local situation, where the local environment was advantageous. Remember that we began with Louisiana (the 229th Engineer Group was the lead headquarters in 1985 in Panama, see Chapter 2), where the entire unit could be utilized for that type of training. At that time, there was unemployment in the oil fields, and I thought this was perfect. So I called Buddy (refers to Major General Ansel M. 'Buddy' Stroud Jr., the adjutant general of Louisiana), and said, 'Hey, would you do this?' And he jumped at the opportunity. So that at the beginning, we were selecting. . .

'Once it began to be successful, as often happens, the Army wanted to come in and take it over. So, what you were finding was that the selection of units began to be more like what we have today: the selection that is oriented on wartime tasks. . .

'But in those days, I was making the selection. So all you had to do (if a state demurred from the deployment, even informally) was to jump around and find other units to go.' [18]

Indeed, it should be noted parenthetically here that the

National Guard Bureau and the Department of the Army have returned to this methodology to some degree. Apparently adopting the rubric that ultimate weapons are best left undetonated, and with the Ohio case clearly in mind, the Bureau has identified only six states where there is vehement opposition to any Central America duty. Those states simply won't be tasked for units in the future. Those same states are high on current DoD lists for unit deactivations.

But in 1986 in the politically charged atmosphere in the national capital involving President Reagan's Central America policies and the Guard's embroilment in them, the issue was steaming on the front burner, as General Temple concluded:

When it became apparent that the governor was exercising the authority that was given to him in the 1950s and was not constitutional authority, we all began to question whether it was in the best interest of the force -- could it (the National Guard) survive -- the National Guard as a viable part of the Total Force giving the governors that option in the modern National Guard? It might have been fine in the 1950s when it was passed and no one ever perceived the events that would subsequently follow. It just seemed to me that that was the time to readdress the authority given to the governors. . .

From my standpoint, it was one of principle. That the Guard could not survive and evolve into what we see today and what we hope for the future with that kind of unilateral authority given to the governors. As much as we want to support the governors and the purpose of the Guard in relation to the states, I thought that was a transgression on the American people and what they expect from their National Guard.' [19]

Webb, in his Senate appearance, reflected on the taxpayers' expectations of the Guard in the Total Force, which includes 46 percent of the Army's combat units, 10 of the Total Army's 28

combat divisions, 25 percent of the fighters in the Total Air Force and 73 percent of the continental air defense:

This formidable force is almost totally funded by the federal government. Excluding the value of equipment inventory (all federal), the federal government annually provides 90 percent of all National Guard funding. Since 1981, the Department of Defense and Congress have invested \$47 billion (b) in manning, equipping and training the Army and Air National Guard.' '[20]

This fact, of course, often is violently in conflict with the uninformed American public's perception of the National Guard as a purely state force. A militia, in other words. That occurs in large part because the vast proportion of publicity about the Guard stems from its state mission in support of civil authority in time of riot, tumult, flood or storm. Thus, the Guard in California receives a bushel of publicity when it assists civil authority during the San Francisco earthquake, but relatively little is heard when a brigade of its 40th Infantry Division (Mechanized) deploys by air and sea to Korea to participate in Exercise TEAM SPIRIT. The South Carolina Guard empties the publicity ink bucket during Hurricane Hugo, but its 228th Signal Brigade is nearly invisible in 1985 when it goes lock, stock and radio to Egypt for BRIGHT STAR.

Although such state missions as the 1989 earthquake and hurricane duty are paid by the state, in the quiet times when the Guard is training for its federal combat mission, all funding is from the federal government and all equipment is federal. By law, that equipment -- such as vehicles -- is available for state callups although fuel and the like are reimbursed by the states.

Most times it is little noticed that the Guardsman's uniform says, "U.S. Army" or "U.S. Air Force" with no specific state distinction noting whether the individual represents Delaware, Illinois or Missouri.

* * *

After the Senate subcommittee hearing, the momentum for the Wilson-Gramm amendment flagged, particularly because Gramm decided he was far to far out front on the proposal given the opposition to it by the leadership of the Texas National Guard. Simultaneously, the usual author of National Guard legislation, Representative G.V. "Sonny" Montgomery (D-Mississippi), a retired Mississippi Army National Guard brigadier general, began passing the word he was working on the "fix" that would solve the problem to the satisfaction of most, at least those who wished to solve the problem and not continue to make Guard deployments to Central America either a partisan or ideological issue. What we know today as the Montgomery Amendment emerged from the discussions that began that week.

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NOTES TO CHAPTER 4

[1] National Guard magazine, February 1990, page 8.

[2] Third U.S. Army, also at Fort McPherson, is a deployment field army; Seventh U.S. Army is headquartered at Heidelberg, Germany; Eighth U.S. Army in Seoul.

[3] Curtin, Mike, the Columbus Dispatch, January 18, 1989.

[4] Interview in the Rayburn House Office Building,

Washington, D.C., December 19, 1989.

[5] Wickham, *ibid.*

[6] Webb's testimony before the manpower and personnel subcommittee of the Senate Armed Services Committee, July 15, 1986.

[7] *Ibid.*

[8] By July 1986, the governors of California, Maine and Ohio had actually refused deployments. The non-political rationale for California Governor George Deukmajian's decision is discussed elsewhere. Three additional governors had announced that, if asked, they would refuse deployments to Central America: Massachusetts, Vermont and Washington State. Six additional governors had said they would view deployment requests on a case-by-case basis: Arizona, California, New Mexico, New York, Texas and Puerto Rico. In fact, units from Arizona, California, Texas and Puerto Rico met their deployment schedules.

[9] Webb, *ibid.*

[10] Interview with Lieutenant General Emmett H. Walker Jr. (ret.), Detroit, Michigan, September 23, 1989.

[11] *Ibid.*

[12] *Ibid.*

[13] Remarks by Brigadier General Donald Shephard, deputy director of the Air National Guard, to the NGAUS Executive Council, May 19, 1989.

[14] Montgomery, *ibid.*

[15] Interview with Lieutenant General Herbert R. Temple Jr., Detroit, Michigan, September 23, 1989.

[16] Webb, *ibid.*

[17] Moore, James E., "The United States is Needed in Central America," National Guard magazine, February 1988, Page 9.

[18] Temple, *ibid.*

[19] *Ibid.*

[20] Webb, *ibid.*

VI - AFTERWORD: THE U.S. SUPREME COURT; THE OHIO INCIDENT

The final act of the Montgomery Amendment drama came suddenly on the morning of Monday, June 11, 1990. The U.S. Supreme Court handed down a 9-to-0 ruling that declared the amendment constitutional. It contained wording generally beneficial to the Guard and making specific note of the fact that, in the unanimous view of the Court, the Montgomery Amendment was compatible both with the Militia Clause of the Constitution and the Army Clause; implemented by the Necessary and Proper Clause.

The decisive slap by the Supreme Court in the opinion written by Associate Justice John Paul Stevens should have ended whatever lingering controversy or doubt there ever was about the efficacy or usefulness of the amendment. So far as the Department of Defense was concerned, the enactment of the Montgomery Amendment as a part of the FY87 DoD Authorization Act pretty well settled the issue. Both the Departments of the Army and the Air Force accepted the amendment at face value. Both concluded it gave the chief of the National Guard Bureau all the authority he needed to conduct overseas training in compliance with the regulations and policies of the services. Senior uniformed

leaders shared this belief, as reflected by General Wickham's comments in Chapter 5.

Upon the decision by U.S. District Judge Donald Alsop in St. Paul on August 7, 1987, Secretary of Defense Caspar W. Weinberger issued a statement hailing the decision and calling the Montgomery Amendment (which he referred to merely as Section 672 of title 10, U.S. Code) as "legal and enforceable." At the same time, Secretary Weinberger remarked that provision of this language in no way abrogated the historic state-federal system of the National Guard that provides for gubernatorial command and control in peacetime. [1]

However, the constitutionality issue nagged at the Guard community through the nearly four years it took to get the court case from its original venue in Judge Alsop's court through the various appeals, and also the handling of Massachusetts Governor Michael Dukakis' similar lawsuit in New England [2]. This first case occurred in Minnesota, when Governor Rudy Perpich sought to block his public affairs detachment and the 133rd Tactical Airlift Wing, a C-130 unit, from deploying to Panama in early 1987. Acting through his attorney general, Hubert H. Humphrey III, he filed suit in federal district court in St. Paul on January 22, 1987. The case was assigned to U.S. District Judge Donald Alsop. [3]

Oral arguments were held June 15, 1987 -- both the State of Minnesota and the Department of Defense stipulating the facts. Representing the DoD was the Justice Department; assigned DoD lead agency was the Department of the Army.

From the beginning, the Army and to a lesser extent Justice

disagreed with the National Guard community on the route of march in handling this lawsuit and the one filed January 20, 1988 by Governor Dukakis. The Army had determined to argue based on the Army Clause of the U.S. Constitution, which states that the Congress has the authority to raise and support armies. The National Guard community, relying mainly on the National Guard Association of the United States and the attorney general of Louisiana, sought to argue on the basis of the Militia Clause. The NGAUS and Louisiana repeatedly inserted amicus curiae briefs at all levels arguing the militia clause. These were resisted by the Army and Justice -- to the extent that the U.S. assistant attorneys general at various hearings objected to the special assistant attorney general from Louisiana and the NGAUS counsel providing oral arguments. As a result, the only such presentation occurred at the district court level in Boston in Dukakis' lawsuit. The most favorable result to the Militia Clause rationale came from U.S. District Judge Robert E. Keeton's opinion, which was adopted by the First U.S. Circuit Court of Appeals in its one-sentence decision. The U.S. Supreme Court refused to review that result without comment.

The Minnesota case, on the other hand, has had a far more tortured and circuitous life. After Judge Alsop's August 1987 decision in favor of DoD and based primarily on the Army Clause, Governor Perpich appealed a week later. That appeal was heard by a three-judge panel of the Eighth U.S. Circuit Court of Appeals sitting in St. Paul on February 9, 1988. Nearly 11 months later, on December 6, that panel ruled 2-to-1 against Judge Alsop and the Department of Defense. The Department of Justice quickly

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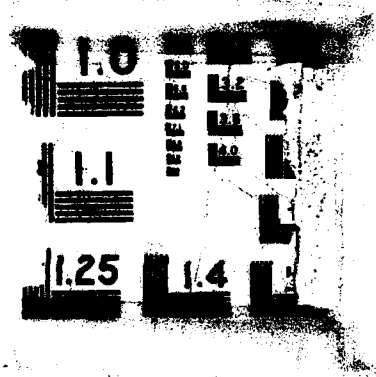
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filed a motion for an en banc rehearing. Although it is unusual to hold such rehearings, the full 10-judge Eighth Circuit agreed, and oral arguments before nine of those judges were held February 16, 1989. On June 28, that court ruled 7-to-2 in favor of DoD, reversing its three-judge panel. The two votes were the same two that had been in the majority in the first go-round. It was that result that came before the Supreme Court for oral arguments on March 27, 1990, with a decision June 11.

Perhaps the key paragraph in Justice Stevens' opinion makes the connection with the Militia Clause:

'The second Militia Clause enhances federal power in three ways. First, it authorizes Congress to provide for 'organizing, arming and disciplining the Militia.' It is by congressional choice that the available pool of citizens has been formed into organized units. Over the years, Congress has exercised this power in various ways, but its current choice of the dual enlistment system is just as permissible as the 1792 choice to have members of the Militia arm themselves. Second, the clause authorizes Congress to provide for governing such part of the Militia as may be employed in the service of the United States. Sure, this authority encompasses continued training while on active duty. Finally, although appointment of officers 'and the authority of training the Militia' is reserved to the states, that limitation is, in turn, limited by the words 'according to the discipline prescribed by Congress.' If service in the armed forces of a global power requires training in distant lands or distant skies, Congress has the authority to provide it. The subordinate authority to perform the actual training to active

duty in federal service does not include the right to edit the discipline that Congress may prescribe for Guard members after they are ordered into federal service.' ' [4]

Governor Dukakis' case, which was virtually identical to Minnesota's, moved much more quickly. After district court arguments on August 8, 1988, Judge Keeton dismissed the case and upheld the Montgomery Amendment on May 6, 1988. Governor Dukakis appealed three days later, and that appeal was argued before the First U.S. Circuit Court of Appeals in Boston on October 4, 1988. Twenty-one days later, that court unanimously upheld Judge Keeton and adopted his written opinion as that of the circuit court. Governor Dukakis appealed to the U.S. Supreme Court January 18, 1989, but on April 17 the high court refused certiorari, ending the case.

* * *

From the beginning, the leadership at the National Guard Bureau had argued that if left alone, the chief of the Bureau had sufficient authority to discipline the states through its iron grip on the purse-strings and its ability to influence the adjutants general through moral suasion and other means. The position of Chief, even before it was elevated to lieutenant general in 1979 [5] historically has been one granted great respect by all Guardsmen of whatever rank.

Thus, among the adjutants general and other senior Guardsmen, the words of the then-chief, Lieutenant General Emmett H. Walker Jr., in a Senate hearing in 1986 had great credibility. General Walker pleaded with Senators Pete Wilson (R-California)

and Phil Gramm (R-Texas) for the freedom to discipline the system himself, to deal with Governor Brennan and the handful of other governors who were seeking to withhold troops or units from scheduled deployments.

As a practical matter, of course, very few units and Guardsmen ever were actually affected by the controversy. Governor Brennan withheld 48 Guardsmen -- as was discussed above: his 13-member Public Affairs Detachment and a 35-member engineer detachment scheduled to participate in the Honduran roadbuilding project that spring. No other units actually failed to deploy as scheduled.

Those scheduling the deployments, as related by General Temple in his interview, simply moved around any threats of nondeployment and sought out units from other states that had declared their willingness, their eagerness in many cases, to undertake the training. Overseas training is exceedingly popular among the troops not only because of its slightly exotic settings and because one and all could immediately perceive the superior training that could be had in such locations. This was particularly true of the engineer units that built roads throughout Central America during the 1980s. It was equally true of the combat service support units that provided logistics and support. It even was true of the combat units enumerated in Chapter 2 that found environmental constraints and the opportunity to assist the Honduran and Panamanian armies (before Noriega consolidated his authority) in improving their combat readiness.

Thus, as one chief of National Guard Bureau's organization

and training (O&T) division once put it, the Bureau had 40 states standing in line to volunteer to send units to Central America. That made it easy to avoid the six or eight ambivalent states and the four or five refusniks.

The one complicating factor in this equation was the fact that Guard units cannot, as a practical matter, deploy overseas for training every year or even every other year. The three-week annual training periods often associated with overseas training put some measure of pressure on Guardsman-employer relations. They put some pressure on family relations, since Guard families are not military families in at all the same way active component wives and children adapt to military life. Too often, the Guardsman forgoes some or all of his vacation due to his Guard career. His wife has an opinion about this. If his training comes too often or lasts too long, his boss may have an opinion about that even though, in the strictly legal sense, the Guardsman is guaranteed reemployment after training.

As noted above, the main thrust of Central American training has been engineer roadbuilding projects. Each year, the National Guard Bureau or the commander-in-chief of U.S. Forces Command designates one Guard or Reserve headquarters, respectively, to be the lead command-and-control element of that year's roadbuilding project. Usually, this has been an engineer brigade. Often, this has been a Guard unit. However, there are only five Guard engineer brigades. They are in Michigan, Missouri, Ohio, North Carolina and Tennessee.

It was inevitable that the National Guard Bureau eventually would get around to designating the 16th Engineer Brigade, Ohio

Army National Guard, to be the lead headquarters. That was done for the 1989 project, which was to be the completion of a massive roadbuilding project connecting central Honduras with the north Atlantic coast near La Cieba and San Pedro Sula. Such a designation is made upwards of two years before the actual deployment. That allows the brigade commander, his headquarters and its staff to devote some months to planning, the year prior to the actual project for engineering and surveying and then the actual year of deployment to training and roadbuilding/engineer construction. The official notification of the adjutant general of Ohio, at the time Major General Raymond Galloway, came in the spring of 1987.

The events that followed were described by Lieutenant General Herbert R. Temple Jr., chief of the National Guard Bureau from mid-1986 to January 31, 1990. [6] It is interesting to note in this regard that General Temple apparently chose his target for disciplining the system very carefully. He avoided a major confrontation with Governor Dukakis, particularly during the 1988 presidential campaign. Indeed, the leadership of the Guard either at the Bureau or the NGAUS has never sought -- actually, has eschewed -- any opportunity to make Guard overseas deployments partisan or electoral issues. As one Guard leader once noted, Guard officers' personal political beliefs range from the ultra-conservative to lefty liberal.

The issue came to the fore with Minnesota because all C-130 units provide Panama rotations and all 52 Public Affairs Detachments are required for overseas training. That was why the 65th Public Affairs Detachment in Massachusetts became the only

Bay State unit to be scheduled for Central America. However, an engineer brigade was another matter and a much more solid and understandable basis for laying down the gauntlet.

The confrontation between Governor Celeste and General Temple began in mid-1987 when the Bureau directed the adjutant general of Ohio to deploy survey and engineering teams to Honduras in early 1988 to prepare for the 1989 project. This also served as a "warning order" to the 16th Brigade that it would be the lead headquarters in 1989. As most adjutants general would do, General Galloway informed his commander-in-chief and boss, Governor Celeste, of this development. Governor Celeste wrote General Temple a letter objecting to the deployment, although acknowledging the existence of the Montgomery Amendment at the time, citing the Perpich lawsuit and suggesting that the whole thing be held in abeyance until the Supreme Court ruled.

Skipping a few intervening details, what followed was an minuet between Governor Celeste and General Temple. After the governor ordered General Galloway to withhold deployment of the survey and engineering teams in 1988, General Temple directed the actions he had more or less been anticipating from the beginning.

Two facts seem to stand out in retrospect. First, unlike some of the other states where he could have taken the same action, General Temple held an overwhelmingly potent hand in Ohio. Second, Governor Celeste had been wounded somewhat by news media accounts about political developments in Ohio. And third, the Ohio news media were generally neutral and objective in the case, which eventually redounded to the National Guard's benefit and against the governor.

A further factor in the Ohio case was the fact that the leaders of the Ohio Guard grossly underestimated what General Temple had in mind for them. Most of them apparently believed they stood to lose the engineer brigade headquarters (including one general officer as the commander) and perhaps the subordinate engineer battalions. None, however, dreamed -- it seems -- that the Ohio National Guard could be made to disappear over a period of a very few months except for only the 73rd Infantry Brigade. And, in particular, that the Ohio Air National Guard could be made to cease to exist.

Or, as a group of five adjutants generals put it to one of the authors as these events were unfolding, they were lined up to receive the five Air National Guard flying units that were on the block. Significantly, Ohio -- with these five flying units -- has the largest Air National Guard in the nation except for California, with six. There is an entire wing of A-7s (three units), one unit of C-130s and one unit of KC-135 aerial refueling tankers. All are highly sought by other states. Twenty-one states volunteered to accept one of these units in early 1988.

"I knew the timing was right. It was absolutely perfect. Senator (John) Glenn (D-Ohio) [chairman of a Senate Armed Services Committee subcommittee] was the keenest worry I had." [7] But, as General Temple noted, Governor Celeste had announced his intention to run for president in the 1988 Democratic primaries a few days before without consulting Glenn, who at the time was considered a leading candidate for 1988.

We brought the (United States Property and Fiscal Officer for Ohio) into the National Guard Bureau. We directed him to develop a plan that would take the National Guard out of Ohio in two years. In response to his question, we told him that included the Air National Guard. John (Major General John B. Conaway, director of the Air Guard; now chief, succeeding General Temple and promoted to Lieutenant General), and I had gone up to talk to the secretary of the Air Force, and he concurred.' [8]

General Temple was leaving Governor Celeste with sufficient militia resources to accomplish any state mission that might occur in Ohio. But not much else. Total bill: loss of \$256 million a year to the state of Ohio.

It will come as no surprise to readers to hear that the Columbus Dispatch and the Cleveland Plain Dealer latched onto the financial implications and the loss of full-time jobs in the Guard, the eliminating of thousands of drill slots in the units and the impending flyaway of 72 A-7s, 10 KC-135s and 12 C-130s. Of course, the USPFO had sped home to Columbus that Friday night to brief General Galloway, who visited Governor Celeste on Saturday morning.

General Temple said he then began to get rumblings from the DoD secretariat that he was not to negotiate with Governor Celeste in any way. 'But I was looking for some ground on which the governor and I might agree. . . Interestingly enough, we were getting congressional support. The newspapers were hot on the story. We were not bluffing. This was the entire plan. The drawdown of the Ohio National Guard, including all the jobs, the training dollars and the equipment.'

General Temple added that he was trying to find intermediaries and others politically close to Governor Celeste

who might persuade him to bargain. Eventually, the governor called General Temple and said he would talk to him in Washington. Governor Celeste arrived and met with Senator Glenn and with some Ohio congressmen. He went to visit Senator Glenn. Glenn said I don't agree with the president's position in Central America, but the governor should obey the law. He visited with a liberal congressman from Ohio who was also noncommittal and appeared to be supportive of us. He told me 'I'm behind you 100 percent'. The governor did call me at home. He said that although he disagreed, he could not destroy the Ohio National Guard. That he was betting on the Perpich trial and that would resolve the issue.

I was getting ready to leave on a trip to the region. Dan Donohue (chief of public affairs at the Bureau) had loaded the plane with news media, with specific emphasis on Ohio media. Both television and paper media. What this meant was that I had them three days before he got them. We were going to Panama, Ecuador and El Salvador before we reached Honduras. . .

When we reached Honduras, we met in the hotel coffee shop. He reconfirmed that he would permit the survey teams to deploy in late 1987 and early 1988. I believed he was moving toward our position.'

When both returned to the United States, both also traveled to Traverse City, Michigan, for the summer meeting of the National Governors Association. General Temple spoke to a packed hall, describing the Ohio situation and the requirement for effective training in Central America. When Governor Celeste reached the meeting a day later, he told General Temple that the

15th Engineer Brigade would deploy fully in 1989 which it eventually did) and do the best damn job of any National Guard.' That ended the Ohio case.

* * *

No other governor has come near that level of confrontation with the Bureau since the Ohio case of 1988. However, the Bureau has quietly been making some plans to begin a shift in forces away from states that have a tendency to object to training in Central America or elsewhere [8] in the world where it makes sense. Usually, this sentiment is coupled with demographical facts in such a state's Army National Guard. Except for Ohio, all the objecting states are in the northeast. All these states have some sort of recruiting and retention problem -- i.e., total personnel strengths as measured against table of organization and equipment requirements that justify moving units to, in the main, the Sunbelt.

The first such reorganization came in 1986 strictly for demographic reasons. One brigade was removed from the Massachusetts National Guard's 26th Infantry Division and, after some shuffling among states, established in Texas. Texas immediately filled it to full strength. At the same time, New Jersey's 50th Armored Division was put on notice that it could either fill itself or lose the division headquarters and all but one brigade of structure. That may be about to happen. The same is true of the 42nd Infantry Division in New York. And finally, a plan to redesignate the 47th Infantry Division, Minnesota Army National Guard, as the 34th Infantry Division, has been approved

for implementation in 1991. The published rationale for this move is that the 47th Division, created after the Korean War, has no lineage or military history while the 34th Division had one of the most dazzling records in World War II, beginning in North Africa and ending in the Po Valley.

The current plan leaves the division headquarters in St. Paul. And, while the 34th Division included Minnesota when it was mobilized in 1941, before 1991 it never was headquartered except in Iowa. Since 1961, the division has included major elements from Minnesota, Iowa and Illinois. Nonfans of Minnesota politics would suggest the Red Bull commanding general and his senior officer billets will be moving to Des Moines, its historic headquarters, before long.

* * *

Quicksilver and its progeny may have something to say about the aftermath of the Montgomery Amendment and its two lawsuits. The U.S. Constitution enables states to have a militia. But only statutes enacted by Congress provide federal money for support the National Guard of the late 20th Century. If location of training is a part of training to federal standards and if governors who object to a president's foreign policy choose to object to such training, they may be afforded the opportunity to finance their militia's training out of state money. That has not been the case since 1903.

A 100-year circle for a handful of states?

NOTES TO CHAPTER 6

[1] Department of Defense press release dated August 8, 1987.

[2] The governors who were most vociferous in their objections to Guard deployments to Central America and who were the strongest supporters of the Minnesota and Massachusetts lawsuits always were, in addition to Governors Perpich and Dukakis, Governors Joseph Brennan of Maine (now a member of the U.S. House of Representatives), Madeline Kunin of Vermont and Richard Celeste of Ohio. Either because they cannot or have chosen not to, Governors Celeste, Dukakis and Kunin will leave office early in 1991. Governor Joseph McKernan, who replaced Governor Brennan of Maine in 1989, has continued that state's policy.

[3] At the beginning, Attorneys General Hubert H. Humphrey III of Minnesota and James Shannon of Massachusetts had done a better job than the National Guard Association of the United States in lining up allies. This occurred in large part because a meeting of the National Association of Attorneys General had occurred a week before the filing of the lawsuit, and Humphrey in particular had had a full opportunity to present his case and enlist allies. In the first filing, the states joining Minnesota were Arkansas, Colorado, Delaware, Hawaii, Iowa, Kansas, Louisiana, Maine, Massachusetts, Ohio, Rhode Island and Vermont. As became clear later, several governors of these states had not been consulted by their attorneys general, Democrats in all cases, and quickly either withdrew their states or objected loudly. Notable among these were Louisiana and Rhode Island. However, when the case was filed, it appeared that 13 states supported Governor Perpich and only seven supported the NGAUS. As will be seen later, by the time the case reached the U.S. Supreme Court in February 1990, nearly three years later, only six states remained with Minnesota, while the NGAUS's allies had grown to 23 states. In addition to Minnesota, these remaining with Governor Perpich were Colorado, Maine, Massachusetts, Ohio and Vermont.

[4] Opinion of the United States Supreme Court in Perpich, Governor of Minnesota et al v. Department of Defense, et al, No. 89-542.

[5] By statute enacted in 1920, the Chief of the National Guard Bureau must be a federally recognized Army or Air National Guard officer in at least the rank of major general. The first three-star chief was Lieutenant General LaVern E. Weber, who served one four-year term as a major general and one four-year term as a lieutenant general. The current chief, Lieutenant General John B. Conaway, is the fourth O-9 Chief. General Weber today is executive director of the National Guard Association of the United States.

[6] Excerpted from remarks to the Executive Council of the National Guard Association of the United States on August 8, 1988. General Temple's interview with the authors in Detroit on September 22, 1989 provides essentially identical information. Excerpts from the NGAUS meeting are attached as Appendix B.

[7] Ibid.

[8] Temple interview, *ibid.*

[9] Some members of the New York legislature objected to a deployment 42nd Infantry Division troops to Exercise TEAM SPIRIT in 1990. The rationale was that TEAM SPIRIT and its concentration of U.S. troops in South Korea undermined efforts to reunify North and South Korea.

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