



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
2521 SOUTH CLARK STREET, SUITE 600
ARLINGTON, VA 22202
TELEPHONE: 703-699-2950
FAX: 703-699-2735

July 3, 2005
JCS # 6

Chairman:
The Honorable Anthony J. Principi

Commissioners:
The Honorable James H. Bilbray
The Honorable Phillip E. Coyle, III
Admiral Harold W. Gehman, Jr., USN (Ret.)
The Honorable James V. Hansen
General James T. Hill, USA (Ret.)
General Lloyd W. Newton, USAF (Ret.)
The Honorable Samuel K. Skinner
Brigadier General Sue Ellen Turner, USAF (Ret.)

Executive Director:
Charles Battaglia

Mr. Bob Meyer
Director
BRAC Clearinghouse
1401 Oak St.
Roslyn VA 22209

Dear Mr. Meyer:

I respectfully request a written response from the Department of Defense concerning the following request:

What is the total personnel cost savings, as used in DoD's COBRA analysis, with respect to all BRAC 2005 Air National Guard recommendations?

I would appreciate your response by July 9, 2005. Please provide a control number for this request and do not hesitate to contact me if I can provide further information concerning this request.

Yours sincerely,

Frank Cirillo
Director
Review & Analysis

Borklund, Catherine, CTR, WSO-BRAC

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: Tuesday, July 05, 2005 1:37 PM
To: Borklund, Catherine, CTR, WSO-BRAC
Subject: FW: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email
Attachments: Response to Commission request for legal advice on guard signed.pdf

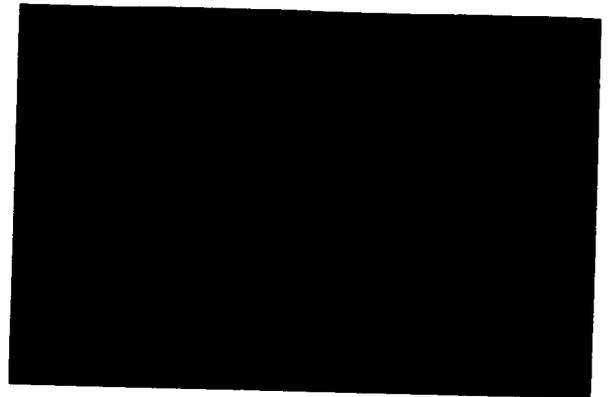
From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Tuesday, July 05, 2005 1:01 PM
To: Sillin, Nathaniel, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; McRee, Bradley, CIV, WSO-BRAC
Cc: Sarkar, Rumu, CIV, WSO-BRAC
Subject: FW: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Y'All -

FYI. I'd take this as an indication that opinions were rendered on the Air Guard issues, so what we have is not a matter of mere bumbling. Some calculation went into the Air Guard recommendations.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735
dan.cowhig@wso.whs.mil
www.brac.gov



From: RSS dd - WSO BRAC Clearinghouse
Sent: Tuesday, July 05, 2005 12:29 PM
To: Cowhig, Dan, CIV, WSO-BRAC
Subject: FW: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Attached is the response to your query OSD BRAC Clearinghouse # 0418, in PDF format.

OSD BRAC Clearinghouse

-----Original Message-----

From: Rice, Ginger, Mrs, OSD-ATL
Sent: Tuesday, July 05, 2005 12:16 PM

7/13/2005

To: RSS dd - WSO BRAC Clearinghouse

Cc: Yellin, Alex, CTR, OSD-ATL; Casey, James, CTR, OSD-ATL; Alford, Ralph, CTR, OSD-ATL; Meyer, Robert, CTR, OSD-ATL; Buzzell, Brian, CTR, OSD-ATL; Harvey, Marian, CTR, OSD-ATL

Subject: FW: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Attached is the response to Clearinghouse tasker 418 or 419 - please process appropriately.

Ginger B Rice
OSD BRAC Office
(703) 690-6101

-----Original Message-----

From: Bayert, Nicole, Ms, DoD OGC

Sent: Tuesday, July 05, 2005 11:54 AM

To: Rice, Ginger, Mrs, OSD-ATL

Cc: Potochney, Peter, Mr, OSD-ATL; Yellin, Alex, CTR, OSD-ATL

Subject: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Please ensure attached gets to clearinghouse for appropriate action - including provision to Congress w/in 48 hours. Thanks.

Nicole D. Bayert
Department of Defense
Associate General Counsel
(Environment & Installations)
703-693-4842; fax 693-4507

CAUTION: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



July 5, 2005

Mr. Dan Cowhig
Deputy General Counsel
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Mr. Cowhig:

This letter responds to your e-mail to the BRAC Clearinghouse, dated June 24, 2005. You asked for the legal advice the Department of Defense received regarding the authority of the Department to make and implement certain recommendations affecting the Air National Guard. You also requested copies of any pertinent documents.

Those involved in developing BRAC recommendations for the Secretary's consideration were advised by counsel regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. The substance of this advice is protected from disclosure by the attorney-client privilege.

If you have any questions concerning this response, please contact Mrs. Nicole D. Bayert, Associate General Counsel for Environment & Installations, at 703-693-4842 or nicole.bayert@osd.pentagon.mil.

Sincerely,

Frank R. Jimenez
Acting Deputy General Counsel
(Legal Counsel)



Borklund, Catherine, CTR, WSO-BRAC

From: Reborchick, Margaret, CIV, WSO-BRAC
Sent: Tuesday, July 05, 2005 9:49 AM
To: Borklund, Catherine, CTR, WSO-BRAC
Subject: FW: OSD BRAC Clearinghouse 0466C/FW: Clearinghouse Requests

Attachments: McRee-ANG NPV Savings Request.doc; McRee-ANG Personnel Savings Request.doc; Schmidt-Navy Leased Space Request.doc

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: Tuesday, July 05, 2005 9:44 AM
To: Reborchick, Margaret, CIV, WSO-BRAC
Subject: FW: OSD BRAC Clearinghouse 0466C/FW: Clearinghouse Requests

From: RSS dd - WSO BRAC Clearinghouse
Sent: Tuesday, July 05, 2005 9:25 AM
To: Fletcher, Dave, CTR, WSO-HSAJCSG; Brown, Tyrone, LTC (P), WSO-HSAJCSG; Browne, Lisa, CTR, WSO-HSAJCSG; Coulson, Carla, COL, WSO-HSAJCSG; BRAC Inquiry Workflow; Alford, Ralph, CTR, OSD-ATL; Yellin, Alex, CTR, OSD-ATL; Buzzell, Brian, CTR, OSD-ATL; Casey, James, CTR, OSD-ATL; Meyer, Robert, CTR, OSD-ATL
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Flood, Glenn, CIV, OASD-PA; Hoggard, Jack, CTR, WSO-OSD_DST JCSG
Subject: OSD BRAC Clearinghouse 0466C/FW: Clearinghouse Requests

USAF has the lead for the three enclosures with support from HSA and OSD.

HSA will answer JCS #5 and provide the response to USAF for consolidation.

USAF will answer JCS #6.

OSD will answer Question 1 of JCS #7 and provide the response to USAF for consolidation.

USAF will respond to Questions 2, 3, and 4 of JCS #7.

Please provide a response to the inquiry below and return to OSD BRAC Clearinghouse NLT noon **Thursday, 7 July, 2005**, with the designated signature authority, in PDF format.

Thank you for your cooperation and timeliness in this matter.

OSD BRAC Clearinghouse

-----Original Message-----

From: Dean, Ryan, CIV, WSO-BRAC
Sent: Sunday, July 03, 2005 2:47 PM
To: RSS dd - WSO BRAC Clearinghouse; Van Saun, David, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; Sillin, Nathaniel, CIV, WSO-BRAC
Subject: Clearinghouse Requests



McRee-ANG NPV
Savings Request.....



McRee-ANG



Schmidt-Navy

Leased Space Requ..

Borklund, Catherine, CTR, WSO-BRAC

From: MacGregor, Timothy, MAJ, WSO-BRAC
Sent: Wednesday, May 25, 2005 4:30 PM
To: Sillin, Nathaniel, CIV, WSO-BRAC
Subject: RE: Clearinghouse request

Thanks Nat!

-----Original Message-----

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: Wednesday, May 25, 2005 4:11 PM
To: MacGregor, Timothy, MAJ, WSO-BRAC
Subject: RE: Clearinghouse request

You request was submitted earlier, and will keep you apprised of the status

From: MacGregor, Timothy, MAJ, WSO-BRAC
Sent: Wednesday, May 25, 2005 11:47 AM
To: Sillin, Nathaniel, CIV, WSO-BRAC
Cc: Small, Kenneth, CIV, WSO-BRAC
Subject: Clearinghouse request

Nat,

Based on Mr. Cirillo's question, here's a request I'd appreciate you sending to the OSD Clearinghouse for forwarding to the AF as applicable. Ken will be back in the office tomorrow following his McChord AFB visit and commissioner escort.

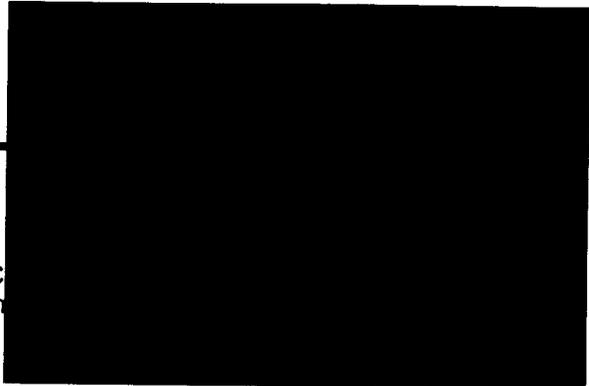
Q: How many Air National Guard and Air Force Reserve units that have been designated for "realignment" (versus closure) are either retiring or redistributing all their aircraft (i.e. Portland IAP AGS)? Please provide a list of those units and installations.

Thank you,
Tim

Tim MacGregor
Senior Air Force Analyst
Base Closure and Realignment Commission
2521 Clark Street, Suite 625-14
Arlington, VA 22202
(703) 699-2921
<mailto:timothy.macgregor@wso.whs.mil>
<http://www.brac.gov>



Borklund, Catherine, CTR, WSO-BRAC



From: Small, Kenneth, CIV, WSO-BRAC
Sent: Wednesday, June 22, 2005 9:25 PM
To: Sillin, Nathaniel, CIV, WSO-BRAC
Subject: FW: OSD BRAC Clearinghouse Tasker# C
Release of All mci_formulasheet.pdf and m

For When you Get Home - Closes out another Clearinghouse Request

Ken

>
>-----
>From: RSS dd - WSO BRAC Clearinghouse
>Sent: Thursday, June 09, 2005 2:56 PM
>To: Small, Kenneth, CIV, WSO-BRAC
>Cc: Cirillo, Frank, CIV, WSO-BRAC; MacGregor, Timothy, MAJ, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Neall Raymond Ctr SAF/IEBB; BRAC Inquiry Workflow; Bullock Martin GS-14 SAF/IEBB; Lanman Phillip Lt Col SAF/IEBB; Mattison Mark LtCol SAF/IEBB
>Subject: FW: OSD BRAC Clearinghouse Tasker# C0246 - Official BRAC Commission Request - Release of All mci_formulasheet.pdf and mci_scoresheet.pdf Files

>The information you requested below is not available in unclassified form, however, the information can be provided to you. Please let us know how you would like it to be delivered.

>Thank You
>OSD BRAC Clearinghouse

>-----Original Message-----
>From: RSS dd - WSO BRAC Clearinghouse
>Sent: Thursday, June 09, 2005 11:14 AM
>To: Neall Raymond Ctr SAF/IEBB; BRAC Inquiry Workflow; Bullock Martin
>GS-14 SAF/IEBB; Lanman Phillip Lt Col SAF/IEBB; Mattison Mark LtCol
>SAF/IEBB
>Subject: OSD BRAC Clearinghouse Tasker# C0246 - Official BRAC
>Commission Request - Release of All mci_formulasheet.pdf and
>mci_scoresheet.pdf Files

>Please provide a response to the Commission inquiry below and return to OSD BRAC Clearinghouse NLT noon Monday, 13 JUNE 2005, with the designated signature authority, in PDF format.

>Thank you for your cooperation and timeliness in this matter.

>OSD BRAC Clearinghouse

>-----Original Message-----
>From: Small, Kenneth, CIV, WSO-BRAC
>Sent: Wednesday, June 08, 2005 12:45 PM
>To: RSS dd - WSO BRAC Clearinghouse
>Cc: Cirillo, Frank, CIV, WSO-BRAC; MacGregor, Timothy, MAJ, WSO-BRAC;

- > Van Saun, David, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC;
- > Sillin, Nathaniel, CIV, WSO-BRAC
- > Subject: Official BRAC Commission Request - Release of All
- > mci_formulasheet.pdf and mci_scoresheet.pdf Files
- >
- > Clearinghouse:
- >
- > ~~We request that the Clearinghouse release and transmit to us in unclassified form the following files for all Air Force, Air National Guard, Air Force Reserve, and other Facilities that support any and all actions and recommendations contained Department of Defense Report to the Defense Base Closure and Realignment Commission.~~
- >
- > The data contained in the two named spreadsheets is essential for review and analysis of any action related to units, facilities, weapons systems, defense programs, personnel, or other entities and activities associated with the Department of Defense.
- >
- > We ask that the information be released as soon as possible as we are already reviewing OSD recommendations.
- >
- > Sincerely,
- >
- >
- > Ken Small
- > Air Force Team Leader
- > BRAC Commission R&A

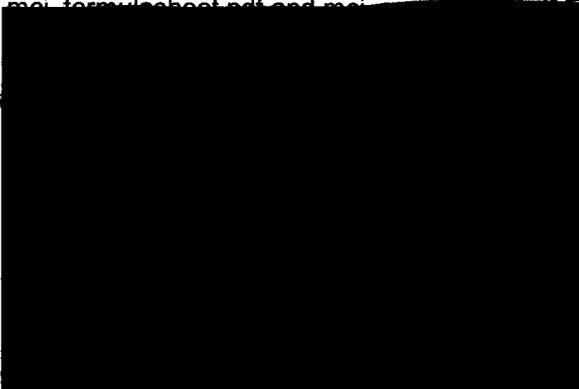
Borklund, Catherine, CTR, WSO-BRAC

From: Small, Kenneth, CIV, WSO-BRAC
Sent: Thursday, June 23, 2005 2:15 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC
Subject: RE: OSD BRAC Clearinghouse Tasker# C0246 - Official BRAC Commission Request - Release of All mci_formulasheet.pdf and mci_scoresheet.pdf Files

Yes, assuming that all the sheets are now

Thanks for checking.

Ken Small
Air Force Team Leader
BRAC Commission R&A Staff



>
>

From: RSS dd - WSO BRAC Clearinghouse
> Sent: Thursday, June 23, 2005 1:56 PM
> To: Small, Kenneth, CIV, WSO-BRAC
> Cc: Cirillo, Frank, CIV, WSO-BRAC; MacGregor, Timothy, MAJ, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Neall Raymond Ctr SAF/IEBB; BRAC Inquiry Workflow; Bullock Martin GS-14 SAF/IEBB; Lanman Phillip Lt Col SAF/IEBB; Mattison Mark LtCol SAF/IEBB
> Subject: RE: OSD BRAC Clearinghouse Tasker# C0246 - Official BRAC Commission Request - Release of All mci_formulasheet.pdf and mci_scoresheet.pdf Files

> Please see email below. Is this Tasker # C0246 closed?

> Thank You
> OSD BRAC Clearinghouse

> -----Original Message-----
> From: RSS dd - WSO BRAC Clearinghouse
> Sent: Thursday, June 09, 2005 2:56 PM
> To: Small, Kenneth, CIV, WSO-BRAC
> Cc: Cirillo, Frank, CIV, WSO-BRAC; MacGregor, Timothy, MAJ, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Neall Raymond Ctr SAF/IEBB; BRAC Inquiry Workflow; Bullock Martin GS-14 SAF/IEBB; Lanman Phillip Lt Col SAF/IEBB; Mattison Mark LtCol SAF/IEBB
> Subject: FW: OSD BRAC Clearinghouse Tasker# C0246 - Official BRAC
> Commission Request - Release of All mci_formulasheet.pdf and
> mci_scoresheet.pdf Files

> [Redacted text block]

> Thank You
> OSD BRAC Clearinghouse

> -----Original Message-----

> From: RSS dd - WSO BRAC Clearinghouse
> Sent: Thursday, June 09, 2005 11:14 AM
> To: Neall Raymond Ctr SAF/IEBB; BRAC Inquiry Workflow; Bullock Martin GS-14 SAF/IEBB; Lanman Phillip Lt Col SAF/IEBB; Mattison Mark LtCol SAF/IEBB
> Subject: OSD BRAC Clearinghouse Tasker# C0246 - Official BRAC
> Commission Request - Release of All mci_formulasheet.pdf and
> mci_scoresheet.pdf Files

> Please provide a response to the Commission inquiry below and return to OSD BRAC Clearinghouse NLT noon Monday, 13 JUNE 2005, with the designated signature authority, in PDF format.

> Thank you for your cooperation and timeliness in this matter.

> OSD BRAC Clearinghouse

> -----Original Message-----

> From: Small, Kenneth, CIV, WSO-BRAC
> Sent: Wednesday, June 08, 2005 12:45 PM
> To: RSS dd - WSO BRAC Clearinghouse
> Cc: Cirillo, Frank, CIV, WSO-BRAC; MacGregor, Timothy, MAJ, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC
> Subject: Official BRAC Commission Request - Release of All
> mci_formulasheet.pdf and mci_scoresheet.pdf Files

> Clearinghouse:

> ~~We request that the Clearinghouse release and transmit to us in unclassified form the following files for all Air Force, Air National Guard, Air Force Reserve, and other Facilities that support any and all actions and recommendations contained Department of Defense Report to the Defense Base Closure and Realignment Commission.~~

> The data contained in the two named spreadsheets is essential for review and analysis of any action related to units, facilities, weapons systems, defense programs, personnel, or other entities and activities associated with the Department of Defense.

> We ask that the information be released as soon as possible as we are already reviewing OSD recommendations.

> Sincerely,

> Ken Small
> Air Force Team Leader
> BRAC Commission R&A

Borklund, Catherine, CTR, WSO-BRAC

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: ~~Wednesday, July 20, 2005 11:57 AM~~
To: Borklund, Catherine, CTR, WSO-BRAC
Subject: FW: Official BRAC Commission Request: Impact of BRAC on Air Force Active/Guard/Reserve Force Mix

Attachments: QFR 12 Jul.xls

From: Small, Kenneth, CIV, WSO-BRAC
Sent: Monday, July 18, 2005 7:25 PM
Cc: Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; MacGregor, Timothy, CIV, WSO-BRAC
Subject: FW: Official BRAC Commission Request: Impact of BRAC on Air Force Active/Guard/Reserve Force Mix

From: RSS dd - WSO BRAC Clearinghouse
Sent: Monday, July 18, 2005 7:15 AM
To: BRAC Inquiry Workflow
Cc: Small, Kenneth, CIV, WSO-BRAC
Subject: FW: Official BRAC Commission Request: Impact of BRAC on Air Force Active/Guard/Reserve Force Mix

Please provide a response to the inquiry below and return to OSD BRAC Clearinghouse NLT noon **Wednesday, 20 July, 2005**, with the designated signature authority, in PDF format.

When contacting the Clearinghouse, please refer to OSD BRAC Clearinghouse Tasker **C0577**..

Thank you for your cooperation and timeliness in this matter.

OSD BRAC Clearinghouse

-----Original Message-----

From: Small, Kenneth, CIV, WSO-BRAC
Sent: Sunday, July 17, 2005 3:08 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Meyer, Robert, CTR, OSD-ATL; MacGregor, Timothy, CIV, WSO-BRAC; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Johansen David L LtCol SAF/IEB
Subject: Official BRAC Commission Request: Impact of BRAC on Air Force Active/Guard/Reserve Force Mix

Clearinghouse:

Please provide the following quantities and percentages of Active Duty, Air National Guard and Air Force Reserve aircraft, installations, and manpower gained or reduced as a result of BRAC rounds in 1991, 1993 and 1995. Also, please include the same data based upon OSD recommendations as forwarded for the 2005 round. Please use the attached spreadsheet template, or a product of your choosing that includes, in summary form as presented below, the attached data. BRAC Commission POC for this request is Tim McGregor, Air Force Team, 703 699-2922.



QFR 12 Jul.xls (20 KB)

Ken Small

Air Force Team Leader
BRAC Commission R&A

BRAC ROUND 19XX

Gain (Reduction)	Active Duty		Air National Guard		Air Force Reserve	
	Quantity	% as a total of this BRAC round's recommendations (AD+ANG+AFRC)	Quantity	% as a total of this BRAC round's recommendations (AD+ANG+AFRC)	Quantity	% as a total of this BRAC round's recommendations (AD+ANG+AFRC)
Aircraft						
Fighter						
Bomber						
Tanker						
Airlift						
Trainer						
Other						
TOTAL						
Manpower						
Military						
Civilian						
Installations						
Closures						
Realignments (>300 total jobs lost)						

Borklund, Catherine, CTR, WSO-BRAC

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: ~~Wednesday, July 27, 2005 4:55 PM~~
To: Borklund, Catherine, CTR, WSO-BRAC
Subject: FW: OSD BRAC Clearinghouse Tasker C0657 - Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

From: RSS dd - WSO BRAC Clearinghouse
Sent: Monday, July 25, 2005 7:46 AM
To: Sillin, Nathaniel, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: OSD BRAC Clearinghouse Tasker C0657 - Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

FYI.

OSD BRAC Clearinghouse

-----Original Message-----

From: RSS dd - WSO BRAC Clearinghouse
Sent: Monday, July 25, 2005 7:44 AM
To: BRAC Inquiry Workflow
Cc: Small, Kenneth, CIV, WSO-BRAC
Subject: OSD BRAC Clearinghouse Tasker C0657 - Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

Please provide a response to the inquiry below and return to OSD BRAC Clearinghouse NLT noon **Wednesday, 27 July 2005**, with the designated signature authority, in PDF format.

When contacting the Clearinghouse, please refer to OSD BRAC Clearinghouse Tasker C0657.

Thank you for your cooperation and timeliness in this matter.

OSD BRAC Clearinghouse

-----Original Message-----

From: Small, Kenneth, CIV, WSO-BRAC
Sent: Saturday, July 23, 2005 6:14 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: McRee, Bradley, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

Clearinghouse:

Would you please compile and forward to us the followin statistic:

For each (by unit number) fighter wing in the Air National Guard, please tell us:

- 1) The authorized and funded number of pilot positions
- 2) The current number of actual pilots in each unit

Ken Small

Air Force Team Leader
BRAC Commission R&A

Borklund, Catherine, CTR, WSO-BRAC

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: Wednesday, July 27, 2005 4:56 PM
To: Borklund, Catherine, CTR, WSO-BRAC
Subject: FW: OSD BRAC Clearinghouse Tasker C0657 - Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

From: Small, Kenneth, CIV, WSO-BRAC
Sent: Monday, July 25, 2005 8:41 AM
To: McRee, Bradley, CIV, WSO-BRAC
Cc: Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC
Subject: FW: OSD BRAC Clearinghouse Tasker C0657 - Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

From: RSS dd - WSO BRAC Clearinghouse
Sent: Monday, July 25, 2005 7:44 AM
To: BRAC Inquiry Workflow
Cc: Small, Kenneth, CIV, WSO-BRAC
Subject: OSD BRAC Clearinghouse Tasker C0657 - Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

Please provide a response to the inquiry below and return to OSD BRAC Clearinghouse NLT noon **Wednesday, 27 July 2005**, with the designated signature authority, in PDF format.

When contacting the Clearinghouse, please refer to OSD BRAC Clearinghouse Tasker C0657.

Thank you for your cooperation and timeliness in this matter.

OSD BRAC Clearinghouse

-----Original Message-----

From: Small, Kenneth, CIV, WSO-BRAC
Sent: Saturday, July 23, 2005 6:14 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: McRee, Bradley, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; Breitschopf, Justin, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: Official BRAC Commission Request: ANG Fighter Pilots: Authorized and Assigned

Clearinghouse:

Would you please compile and forward to us the followin statistic:

For each (by unit number) fighter wing in the Air National Guard, please tell us:

- 1) The authorized and funded number of pilot positions
- 2) The current number of actual pilots in each unit

Ken Small
Air Force Team Leader
BRAC Commission R&A

ANG BASE OPERATING COSTS			
Base	Total Annual Operating Cost	Federal Share	Other Share (indicate whom)
Birmingham, AL			
Kulis AK			
Ft Smith, AR			
March ARB, CA			
Bradley, CT			
New Castle, DE			
Boise, ID			
Capital (Springfield), IL			
Hulman, IN			
McConnell AFB, KS			
Martin State (Baltimore), MD			
Otis, MA			
Kellogg, MI			
Duluth, MN			
Key Field, MS			
Lambert (St Louis) MO			
Great Falls, MT			
Reno, NV			
McGuire AFB, NJ			
Niagara Falls, NY			
Schenectady, NY			
Hancock IAP, NY			
Hector IAP, ND			
Springfield-Beckley, OH			
Mansfield, OH			
Will Rogers (Ok City), OK			
Portland, OR			
Willow Grove, PA			
Nashville, TN			
Ellington, TX			
Richmond, VA			
Fairchild AFB, WA			
Yeager (Charleston) WV			

Air
National
Guard

Borklund, Catherine, CTR, WSO-BRAC

From: Sillin, Nathaniel, CIV, WSO-BRAC
Sent: Tuesday, August 09, 2005 8:28 PM
To: Dresser, Paul, CTR, WSO-BRAC; Borklund, Catherine, CTR, WSO-BRAC
Subject: FW: Request for Information Reference Air National Guard Bases

Attachments: ANG base operating costs.xls

From: Gingrich, Karl, CIV, WSO-BRAC
Sent: Tuesday, August 02, 2005 11:18 AM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Oborn, Tyler, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; McRee, Bradley, CIV, WSO-BRAC
Subject: Request for Information Reference Air National Guard Bases

Clearinghouse,

We have heard varying numbers from the field for the cost to operate an ANG base ranging from \$1 per year to \$10M annually. We also understand that many bases operate on an agreement called the Federal Operation and Maintenance Agreement (FOMA) between the federal government and the state, in which the state pays a 25% share in some cases. We seek clarification on this issue. Please populate the attached spreadsheet accordingly.

Please note that these costs should not include the costs for aircraft operations, salaries, etc. but should include anything associated with infrastructure operation and maintenance, utilities, landing fees, and the like. Thank you.



ANG base operating
costs.xls (...)

Karl
Karl H. Gingrich
COBRA Analyst
Base Closure & Realignment Commission
703-699-2923
karl.gingrich@wso.whs.mil

Borklund, Catherine, CTR, WSO-BRAC

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Friday, June 24, 2005 4:47 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Hague, David, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: BRAC Commission RFI
Attachments: BRAC Subpoena.pdf

Clearinghouse -

Please respond to the following:

What legal advice did the Department of Defense receive on the questions given below during the formulation of the base closure and realignment recommendations? Please provide copies of any pertinent documents.

The Governors and Adjutants General of various states have indicated they believe some or all of the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238 and 32 USC 104, as well as the authority of the Governors and Adjutants General to command their respective militias under the state and Federal Constitutions. Please provide a detailed analysis of the application of these statutes to the proposed realignment of the Air National Guard. Please include an analysis of the underlying issues of the proposed realignment. Please provide a detailed analysis of the application of these statutes to the proposed realignment of the Air National Guard. The analysis should specifically address whether the proposed realignment would or would not violate existing law.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to relocate aircraft from one state's Air National Guard to the Air National Guard of another state fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to relocate aircraft from one state's Air National Guard to the Air National Guard of another state is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to retire certain numbers of specified aircraft fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to retire aircraft is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe some of the realignments of Air National Guard units recommended by the Department of Defense may violate the Constitutional separation of powers between the executive and legislative branches of the Federal Government. Some of the aircraft the Department of Defense has recommended for removal from specific states were purchased by Congress for the express purpose of equipping those states' militias. The Governors and Adjutants General of various states have suggested that removal of those aircraft from the designated state's militia and the transfer of the aircraft to another state's militia at the direction of the Department of Defense would employ the President's power as Commander-in-Chief to contravene Congress' exercise of its power to authorize, equip and fund that designated state's militia. Please provide a detailed analysis of that position as it applies to the proposed realignment actions involving the Air National Guard.

If they exist, legal opinions on these matters fall within the ambit of "all information used by the Secretary to prepare the recommendations."

Please expedite your response to this request.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735
dan.cowhig@wso.whs.mil
www.brac.gov

>
>-----
>From: RSS dd - WSO BRAC Clearinghouse >
>Sent: Friday, June 24, 2005 9:06 AM
>To: Cowhig, Dan, CIV, WSO-BRAC
>Cc: Flood, Glenn, CIV, OASD-PA; Hoggard, Jack, CTR, WSO-OSD_DST JCSG
>Subject: OSD BRAC Clearing House Tasker C0285 ANG realignments in conflict with USC law
>
>Attached is the updated response to your inquiry, OSD Clearinghouse Tasker C02 85 (PDF file is provided).



BRAC

> O \bpoena.pdf (136 Kl) D BRAC Clearinghouse

>
>-----Original Message-----
> From: Cowhig, Dan, CIV, WSO-BRAC
> Sent: Friday, June 17, 2005 10:57 AM
> To: RSS dd - WSO BRAC Clearinghouse
> Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL
> Subject: RE: OSD BRAC Clearing House Tasker # C0285 ANG realignments in conflict with USC law

> Clearinghouse -

> Thank you. The memorandum indicates that a further response is pending. Please keep the tasker open until the answer is complete.

> V/R

> Dan Cowhig
> Deputy General Counsel and Designated Federal Officer

> 2005 Defense Base Closure and Realignment Commission
> 2521 South Clark Street
> Suite 600 Room 600-20
> Arlington Virginia 22202-3920
> Voice 703 699-2974
> Fax 703 699-2735
> dan.cowhig@wso.whs.mil
> www.brac.gov
>
>
>

> From: RSS dd - WSO BRAC Clearinghouse
> Sent: Friday, June 17, 2005 10:18 AM
> To: Cowhig, Dan, CIV, WSO-BRAC
> Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
> Subject: FW: OSD BRAC Clearing House Tasker # C0285 ANG realignments in conflict with USC
law

> Attached is the response to your inquiry, OSD Clearinghouse Tasker # C0285.
> (PDF file is provided.)
>

> OSD BRAC Clearinghouse
>
>
>

> Subject: RE: OSD BRAC Clearing House Tasker # 0285 ANG realignments in conflict with USC law

> Attached is the answer to subject tasker. <<File: BI-0056,CT0285, Dan Cowhig, 16 Jun 05.pdf >>
>
>
>

> -----Original Message-----

> From: Cowhig, Dan, CIV, WSO-BRAC
> Sent: Friday, June 10, 2005 5:09 PM
> To: RSS dd - WSO BRAC Clearinghouse
> Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC; Meyer, Robert, CTR,
OSD-ATL

> Subject: BRAC Commission RFI
>

> Clearinghouse -
>

> Please respond to the following:
>

> The Governors and Adjutants General of various states have indicated they believe some or all of
the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238
and 32 USC 104, as well as the authority of the various states to raise, maintain and command their respective
militias under the state and Federal statutory law and constitutions. Please provide a detailed analysis of application
of these statutes to the proposed realignment actions involving the Air National Guard. Please include an analysis
of the underlying issues of the division of powers between the state and Federal governments. The analysis should
specifically address whether and why the proposed realignments would or would not violate existing law.
>

> The Governors and Adjutants General of various states have indicated that in their view the



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



June 24, 2005

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Chairman Principi:

The Department of Defense is pleased to respond to Commission inquiries concerning the 2005 Base Realignment and Closure (BRAC) recommendations. The Deputy General Counsel of the Commission, Mr. Dan Cowhig, by e-mail dated June 10, 2005, requested detailed legal analyses regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. Mr. Cowhig also requested a description of any consultation or coordination that may have occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units. Information regarding Air Force consultation with Governors and Adjutants General is being provided under separate cover; you may expect to receive that information in the next few days.

The remaining four questions requested a series of legal opinions addressing the Department's authority to make and implement the recommendations forwarded to the Commission concerning Air National Guard units and equipment. We recently received word from the Department of Justice that on May 23, 2005, you requested similar legal advice from the Attorney General. In keeping with its common practice, the Office of Legal Counsel (OLC) has asked us to provide our views concerning these issues, and we will do so soon. As a consequence, we believe it would be premature and inappropriate for the Department to provide its views on these issues to the Commission in advance of OLC's opinion for the Commission.

I certify that the information contained herein is accurate and complete to the best of my knowledge and belief. If you have any questions concerning this response, please feel free to contact me at 703-693-4842 or nicole.bayert@osd.pentagon.mil.

Nicole D. Bayert
Associate General Counsel
Environment & Installations



Borklund, Catherine, CTR, WSO-BRAC

From: RSS dd - WSO BRAC Clearinghouse
Sent: Friday, June 24, 2005 9:06 AM
To: Cowhig, Dan, CIV, WSO-BRAC
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Hoggard, Jack, CTR, WSO-OSD_DST JCSG; Flood, Glenn, CIV, OASD-PA
Subject: OSD BRAC Clearinghouse Tasker # C0332 - FW: Response to BRAC Commission RFI
Importance: High
Attachments: Response to Commission request for legal opinion on guard final.pdf

This is an additional response to Tasker # C0332. Please see the OSD BRAC Response below.

Attached is the response to your inquiry, OSD Clearinghouse Tasker # C0332.
(PDF file is provided.)

OSD BRAC Clearinghouse

-----Original Message-----

Subject: Response to BRAC Commission RFI
Importance: High

The attached responds to the request from the clearinghouse originally assigned responsibility for this response. The clearinghouse originally assigned responsibility for this response was the Office of the DoD General Counsel was assigned to address the letter (I addressed it to Chairman Principi), so if you are to prepare it with a different addressee.

Please ensure that the action assigned to the AF is closed out as completed.



Response to
Commission request.

CAUTION: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.

-----Original Message-----

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Friday, June 10, 2005 5:09 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL
Subject: BRAC Commission RFI

Clearinghouse -

Please respond to the following:

The Governors and Adjutants General of various states have indicated they believe some or all of the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238 and 32 USC 104, as well as the authority of the various states to raise, maintain and command their respective militias under the state and Federal statutory law and constitutions. Please provide a detailed analysis of application of these statutes to the proposed realignment actions involving the Air National Guard. Please include an analysis of the underlying issues of the division of powers between the state and Federal governments. The analysis should specifically address whether and why the proposed realignments would or would not violate existing law.

The Governors and Adjutants General of various states have indicated that in their view the Department of Defense did not adequately consult or coordinate with the Governors and Adjutants General regarding the impact of the proposed realignments of Air National Guard units recommended by the Department of Defense on their homeland security missions. Please describe in detail the consultation or coordination that occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to relocate specified aircraft from one state's Air National Guard to the Air National Guard of another state fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to relocate aircraft from one state's Air National Guard to the Air National Guard of another state is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to retire certain numbers of specified aircraft fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to retire aircraft is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe some of the realignments of Air National Guard units recommended by the Department of Defense may violate the Constitutional separation of powers between the executive and legislative branches of the Federal Government. Some of the aircraft the Department of Defense has recommended for removal from specific states were purchased by Congress for the express purpose of equipping those states' militias. The Governors and Adjutants General of various states have suggested that removal of those aircraft from the designated state's militia and the transfer of the aircraft to another state's militia at the direction of the Department of Defense would employ the President's power as Commander-in-Chief to contravene Congress' exercise of its power to authorize, equip and fund that designated state's militia. Please provide a detailed analysis of that position as it applies to the proposed realignment actions involving the Air National Guard.

Thank you.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735

dan.cowhig@wso.whs.mil <mailto:dan.cowhig@wso.whs.mil> www.brac.gov



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



June 24, 2005

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Chairman Principi:

The Department of Defense is pleased to respond to Commission inquiries concerning the 2005 Base Realignment and Closure (BRAC) recommendations. The Deputy General Counsel of the Commission, Mr. Dan Cowhig, by e-mail dated June 10, 2005, requested detailed legal analyses regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. Mr. Cowhig also requested a description of any consultation or coordination that may have occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units. Information regarding Air Force consultation with Governors and Adjutants General is being provided under separate cover; you may expect to receive that information in the next few days.

The remaining four questions requested a series of legal opinions addressing the Department's authority to make and implement the recommendations forwarded to the Commission concerning Air National Guard units and equipment. We recently received word from the Department of Justice that on May 23, 2005, you requested similar legal advice from the Attorney General. In keeping with its common practice, the Office of Legal Counsel (OLC) has asked us to provide our views concerning these issues, and we will do so soon. As a consequence, we believe it would be premature and inappropriate for the Department to provide its views on these issues to the Commission in advance of OLC's opinion for the Commission.

I certify that the information contained herein is accurate and complete to the best of my knowledge and belief. If you have any questions concerning this response, please feel free to contact me at 703-693-4842 or nicole.bayert@osd.pentagon.mil.

Nicole D. Bayert
Associate General Counsel
Environment & Installations





DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
2521 SOUTH CLARK STREET, SUITE 600
ALEXANDRIA, VA 22202
TELEPHONE: 703-699-2950
FAX: 703-699-2975

23 MAY 2005

Chairman:
The Honorable Anthony J. Principi

Commissioners:
The Honorable James H. Bilbray
The Honorable Philip E. Coyne III
Admiral Harold W. Gehman, Jr., USN (Ret.)
The Honorable James V. Hansen
General James T. Hill, USA (Ret.)
General Lloyd W. Newton, USAF (Ret.)
The Honorable Samuel K. Skinner
Brigadier General Sue Ellen Turner, USAF (Ret.)

Executive Director:
Charles Battaglia

The Honorable Alberto R. Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

Dear Attorney General Gonzales:

As Chairman of the Base Closure and Realignment Commission I request your opinion regarding the legal authority of the Secretary of Defense to effect changes to National Guard and Air National Guard units and installations. The Commission is severely constrained in formulating its recommendations to the President as to which military installations should be closed or realigned without a clear understanding of the Secretary's authority.

Title 10, United State Code, Section 18238 and Title 32, United States Code, Section 104 (c) require permission of the governors of the states in which National Guard and Air National Guard installations are located before they may be closed or realigned. I am not aware of any authority that clearly



question: does the Federal government, acting through the Base Closure and Realignment Act of 1990, as amended, possess the authority to effect the realignments and closures of Army National Guard and Air National Guard units in the absence of a consultative process with the states? What measures would be necessary to satisfy

We need to know whether the National Guard and Air National Guard units and installations that the Secretary has recommended be closed or realigned will, if the Commission concurs with those recommendations, be closed or realigned within the statutory time limits. Will the litigation being contemplated by various state attorneys

general, or other intervening legal proceedings, delay the process or abort it completely?

In order that we might fulfill our duty under the Defense Base Closure and Realignment Act of 1990, as amended, we must test the recommendations of the Secretary of Defense against the selection criteria and force-structure plan that he used in developing his list of military installations to be closed or realigned. Upon determining that the Secretary deviated substantially from the selection criteria and force-structure plan we can remove installations from his list. After making the same determination and meeting other statutory requirements we can add installations to his list. We are also authorized to make other changes to the list, such as privatization-in-place, as alternatives to actions proposed by the Secretary.

While all installations must be evaluated independently, many decisions that the Commission must make are interrelated. The process is involved and complex. Timely action is critical for the expected military value on which the closure or realignment is based to be realized. The legal opinion I have requested of you will provide the Commission the reasonable certainty needed to make informed decisions regarding not only the National Guard and Air National Guard installations being considered for closure or realignment, but also the many other installations affected by those decisions.


Anthony J. Principi
Chairman



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



June 24, 2005

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Chairman Principi:

The Department of Defense is pleased to respond to Commission inquiries concerning the 2005 Base Realignment and Closure (BRAC) recommendations. The Deputy General Counsel of the Commission, Mr. Dan Cowhig, by e-mail dated June 10, 2005, requested detailed legal analyses regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. Mr. Cowhig also requested a description of any consultation or coordination that may have occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units. Information regarding Air Force consultation with Governors and Adjutants General is being provided under separate cover; you may expect to receive that information in the next few days.

The remaining four questions requested a series of legal opinions addressing the Department's authority to make and implement the recommendations forwarded to the Commission concerning Air National Guard units and equipment. We recently received word from the Department of Justice that on May 23, 2005, you requested similar legal advice from the Attorney General. In keeping with its common practice, the Office of Legal Counsel (OLC) has asked us to provide our views concerning these issues, and we will do so soon. As a consequence, we believe it would be premature and inappropriate for the Department to provide its views on these issues to the Commission in advance of OLC's opinion for the Commission.

I certify that the information contained herein is accurate and complete to the best of my knowledge and belief. If you have any questions concerning this response, please feel free to contact me at 703-693-4842 or nicole.bayert@osd.pentagon.mil.

Nicole D. Bayert
Associate General Counsel
Environment & Installations





DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



July 5, 2005

Mr. Dan Cowhig
Deputy General Counsel
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Mr. Cowhig:

This letter responds to your e-mail to the BRAC Clearinghouse, dated June 24, 2005. You asked for the legal advice the Department of Defense received regarding the authority of the Department to make and implement certain recommendations affecting the Air National Guard. You also requested copies of any pertinent documents.

Those involved in developing BRAC recommendations for the Secretary's consideration were advised by counsel regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. The substance of this advice is protected from disclosure by the attorney-client privilege.

If you have any questions concerning this response, please contact Mrs. Nicole D. Bayert, Associate General Counsel for Environment & Installations, at 703-693-4842 or nicole.bayert@osd.pentagon.mil.

Sincerely,

Frank R. Jimenez
Acting Deputy General Counsel
(Legal Counsel)



From: BRAC Deputy General Counsel
Friday, June 10, 2005
To: WSO BRAC Clearinghouse
Subject: BRAC Commission RFI

Clearinghouse -

Please respond to the following:

The Governors and Adjutants General of various states have indicated they believe some or all of the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238 and 32 USC 104, as well as the authority of the various states to raise, maintain and command their respective militias under the state and Federal statutory law and constitutions. Please provide a detailed analysis of application of these statutes to the proposed realignment actions involving the Air National Guard. Please include an analysis of the underlying issues of the division of powers between the state and Federal governments. The analysis should specifically address whether and why the proposed realignments would or would not violate existing law.

The Governors and Adjutants General of various states have indicated that in their view the Department of Defense did not adequately consult or coordinate with the Governors and Adjutants General regarding the impact of the proposed realignments of Air National Guard units recommended by the Department of Defense on their homeland security missions. Please describe in detail the consultation or coordination that occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to relocate specified aircraft from one state's Air National Guard to the Air National Guard of another state fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to relocate aircraft from one state's Air National Guard to the Air National Guard of another state is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to retire certain numbers of specified aircraft fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to retire aircraft is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe some of the realignments of Air National Guard units recommended by the Department of Defense may violate the Constitutional separation of powers between the executive and legislative branches of the Federal Government. Some of the aircraft the Department of Defense has recommended for removal from specific states were purchased by Congress for the express purpose of equipping those states' militias. The Governors and Adjutants General of various states have suggested that removal of those aircraft from the designated state's militia and the transfer of the aircraft to another state's militia at the direction of the Department of Defense would employ the President's power as Commander-in-Chief to contravene Congress' exercise of its power to authorize, equip and fund that designated state's militia. Please provide a detailed analysis of that position as it applies to the proposed realignment actions involving the Air National Guard.

Thank you.

BRAC Deputy General Counsel

From: WSO BRAC Clearinghouse
Sent: Friday, June 17, 2005
To: BRAC Deputy General Counsel
Subject: FW: OSD BRAC Clearing House Tasker ANG realignments in conflict with USC law

Attached is the response to your inquiry, OSD Clearinghouse Tasker (PDF file is provided.)

OSD BRAC Clearinghouse

From: BRAC Deputy General Counsel
Sent: Friday, June 17, 2005
To: WSO BRAC Clearinghouse
Subject: RE: OSD BRAC Clearing House Tasker ANG realignments in conflict with USC law

Clearinghouse -

Thank you. The memorandum indicates that a further response is pending. Please keep the tasker open until the answer is complete.

V/R

BRAC Deputy General Counsel

From: WSO BRAC Clearinghouse
Sent: Friday, June 24, 2005

To: BRAC Deputy General Counsel
Subject: OSD BRAC Clearing House Tasker ANG realignments in conflict with USC law

Attached is the updated response to your inquiry, OSD Clearinghouse Tasker C0285 (PDF file is provided).

From: BRAC Deputy General Counsel
Sent: Friday, June 24, 2005
To: WSO BRAC Clearinghouse
Subject: BRAC Commission RFI

Clearinghouse -

Please respond to the following:

What legal advice did the Department of Defense receive on the questions given below during the formulation of the base closure and realignment recommendations? Please provide copies of any pertinent documents.

The Governors and Adjutants General of various states have indicated they believe some or all of the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238 and 32 USC 104, as well as the authority of the various states to raise, maintain and command their respective militias under the state and Federal statutory law and constitutions. Please provide a detailed analysis of application of these statutes to the proposed realignment actions involving the Air National Guard. Please include an analysis of the underlying issues of the division of powers between the state and Federal governments. The analysis should specifically address whether and why the proposed realignments would or would not violate existing law.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to relocate specified aircraft from one state's Air National Guard to the Air National Guard of another state fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to relocate aircraft from one state's Air National Guard to the Air National Guard of another state is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to retire certain numbers of specified aircraft fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to retire aircraft is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe some of the realignments of Air National Guard units recommended by the Department of Defense may violate the Constitutional separation of powers between the executive and legislative branches of the Federal Government. Some of the aircraft the Department of Defense has recommended for removal from specific

states were purchased by Congress for the express purpose of equipping those states' militias. The Governors and Adjutants General of various states have suggested that removal of those aircraft from the designated state's militia and the transfer of the aircraft to another state's militia at the direction of the Department of Defense would employ the President's power as Commander-in-Chief to contravene Congress' exercise of its power to authorize, equip and fund that designated state's militia. Please provide a detailed analysis of that position as it applies to the proposed realignment actions involving the Air National Guard.

If they exist, legal opinions on these matters fall within the ambit of "all information used by the Secretary to prepare the recommendations."

Please expedite your response to this request.

V/R

BRAC Deputy General Counsel

16 June 2005

Inquiry Response

Re:

Requester: Dan Cowhig via Clearinghouse

Question: Provide legal analysis of whether ANG realignments conflict with 10 USC 18238 and 32 USC 104 and related issues.

Answer:

This is in response to Commission inquiries concerning the 2005 Base Realignment and Closure (BRAC) recommendations. The Deputy General Counsel of the Commission, Mr. Dan Cowhig, recently requested a detailed legal analysis of the BRAC 2005 recommendations affecting units of the Air National Guard. Mr. Cowhig also requested a description of the consultation or coordination that occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units. This letter responds to the consultation question. A response to the other questions will be provided at a later date.

Air National Guard and Air Force Reserve general officer representatives were full partners at every Base Closure Executive Group deliberative session. The Chiefs of the Air National Guard, Air Force Reserve, and National Guard Bureau were kept apprised of the Air Force's progress throughout the BRAC process. No Governors, TAGS, or other state officials were directly involved in Air Force BRAC deliberations. The Air Force, however, will be working closely with affected state and local governments, just as it has in each prior BRAC round, to implement successfully all final closures and realignments.

I certify that the information contained herein is accurate and complete to the best of my knowledge and belief. If you have any questions, feel free to contact me.

Approved



DAVID L. JOHANSEN, Lt Col, USAF
Chief, Base Realignment and Closure Division

-----Original Message-----

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Friday, June 17, 2005 10:57 AM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL
Subject: RE: OSD BRAC Clearing House Tasker #C0285 ANG realignments in conflict with USC law

Clearinghouse -

Thank you. The memorandum indicates that a further response is pending. Please keep the tasker open until the answer is complete.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735
dan.cowhig@wso.whs.mil
www.brac.gov

From: RSS dd - WSO BRAC Clearinghouse
Sent: Friday, June 17, 2005 10:18 AM
To: Cowhig, Dan, CIV, WSO-BRAC
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: FW: OSD BRAC Clearing House Tasker #C0285 ANG realignments in conflict with USC law

Attached is the response to your inquiry, OSD Clearinghouse Tasker # C0285.
(PDF file is provided.)

OSD BRAC Clearinghouse

Subject: RE: OSD BRAC Clearing House Tasker #0285 ANG realignments in conflict with USC law

Attached is the answer to subject tasker. << File: BI-0056,CT0285, Dan Cowhig, 16 Jun 05.pdf >>

-----Original Message-----

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Friday, June 10, 2005 5:09 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Sillin, Nathaniel, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL
Subject: BRAC Commission RFI

Clearinghouse -

Please respond to the following:

The Governors and Adjutants General of various states have indicated they believe some or all of the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238 and 32 USC 104, as well as the authority of the various states to raise, maintain and command their respective militias under the state and Federal statutory law and constitutions. Please provide a detailed analysis of application of these statutes to the proposed realignment actions involving the Air National Guard.

analysis of application of these statutes to the proposed realignment actions involving the Air National Guard. Please include an analysis of the underlying issues of the division of powers between the state and Federal governments. The analysis should specifically address whether and why the proposed realignments would or would not violate existing law.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to relocate specified aircraft from one state's Air National Guard to the Air National Guard of another state fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to relocate aircraft from one state's Air National Guard to the Air National Guard of another state is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to retire certain numbers of specified aircraft fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to retire aircraft is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe some of the realignments of Air National Guard units recommended by the Department of Defense may violate the Constitutional separation of powers between the executive and legislative branches of the Federal Government. Some of the aircraft the Department of Defense has recommended for removal from specific states were purchased by Congress for the express purpose of equipping those states' militias. The Governors and Adjutants General of various states have suggested that removal of those aircraft from the designated state's militia and the transfer of the aircraft to another state's militia at the direction of the Department of Defense would employ the President's power as Commander-in-Chief to contravene Congress' exercise of its power to authorize, equip and fund that designated state's militia. Please provide a detailed analysis of that position as it applies to the proposed realignment actions involving the Air National Guard.

If they exist, legal opinions on these matters fall within the ambit of "all information used by the Secretary to prepare the recommendations."

Please expedite your response to this request.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735
dan.cowhig@wso.whs.mil
www.brac.gov

From: RSS dd - WSO BRAC Clearinghouse
Sent: Friday, June 24, 2005 9:06 AM
To: Cowhig, Dan, CIV, WSO-BRAC
Cc: Flood, Glenn, CIV, OASD-PA; Hoggard, Jack, CTR, WSO-OSD_DST JCSG
Subject: OSD BRAC Clearing House Tasker C0285 ANG realignments in conflict with USC law

Attached is the updated response to your inquiry, OSD Clearinghouse Tasker C0285 (PDF file is provided).

<< File: BRAC Subpoena.pdf >>

OSD BRAC Clearinghouse

Please include an analysis of the underlying issues of the division of powers between the state and Federal governments. The analysis should specifically address whether and why the proposed realignments would or would not violate existing law.

The Governors and Adjutants General of various states have indicated that in their view the Department of Defense did not adequately consult or coordinate with the Governors and Adjutants General regarding the impact of the proposed realignments of Air National Guard units recommended by the Department of Defense on their homeland security missions. Please describe in detail the consultation or coordination that occurred between the Department of Defense and the Governors and Adjutants General regarding the proposed realignments of Air National Guard units.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to relocate specified aircraft from one state's Air National Guard to the Air National Guard of another state fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to relocate aircraft from one state's Air National Guard to the Air National Guard of another state is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe the Department of Defense recommendations to retire certain numbers of specified aircraft fall outside the scope of authority established by the Defense Base Closure and Realignment Act of 1990, as amended. Please provide a detailed analysis of whether and why a recommendation to retire aircraft is or is not consistent with the purpose and authority of the Defense Base Closure and Realignment Act of 1990, as amended.

The Governors and Adjutants General of various states have indicated they believe some of the realignments of Air National Guard units recommended by the Department of Defense may violate the Constitutional separation of powers between the executive and legislative branches of the Federal Government. Some of the aircraft the Department of Defense has recommended for removal from specific states were purchased by Congress for the express purpose of equipping those states' militias. The Governors and Adjutants General of various states have suggested that removal of those aircraft from the designated state's militia and the transfer of the aircraft to another state's militia at the direction of the Department of Defense would employ the President's power as Commander-in-Chief to contravene Congress' exercise of its power to authorize, equip and fund that designated state's militia. Please provide a detailed analysis of that position as it applies to the proposed realignment actions involving the Air National Guard.

Thank you.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735
dan.cowhig@wso.whs.mil <<mailto:dan.cowhig@wso.whs.mil>>
www.brac.gov

16 June 2005

Inquiry Response

Re:

Requester: OSD Clearinghouse

Question: Identify whether or not the respective Governor consents to each proposed realignment or closure impacting an Air Guard installation.

Answer: The Air Force has not received consent to the proposed realignments or closures from any Governors concerning realignment or closure of Air National Guard installations in their respective states. There are no letters from any Governor, addressed to the Air Force, withholding consent to realignment or closure of Air National Guard installations in their respective states. However, there is one letter, (attached) from Pennsylvania Governor Rendell to Secretary Rumsfeld, non-consenting to the Navy closure impacting the 111th Fighter Wing, Pennsylvania Air National Guard (ANG), at Naval Air Station Joint Reserve Base (NAS JRB) Willow Grove.

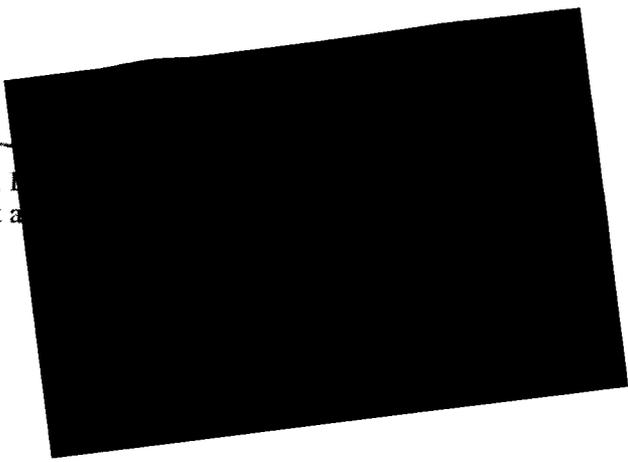
I certify that the information contained herein is accurate and complete to the best of my knowledge and belief. If you have any questions, feel free to contact me.

Approved


DAVID L. JOHANSEN, I
Chief, Base Realignment a



Willow Grove -
Rendell ltr.pdf...



Cowhig, Dan, CIV, WSO-BRAC

From: RSS dd - WSO BRAC Clearinghouse
Sent: Tuesday, July 05, 2005 12:29 PM
To: Cowhig, Dan, CIV, WSO-BRAC
Subject: FW: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Attachments: Response to Commission request for legal advice on guard signed.pdf

Attached is the response to your query OSD BRAC Clearinghouse # 0418, in PDF format.

OSD BRAC Clearinghouse

-----Original Message-----

From: Rice, Ginger, Mrs, OSD-ATL
Sent: Tuesday, July 05, 2005 12:16 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Yellin, Alex, CTR, OSD-ATL; Casey, James, CTR, OSD-ATL; Alford, Ralph, CTR, OSD-ATL; Meyer, Robert, CTR, OSD-ATL; Buzzell, Brian, CTR, OSD-ATL; Harvey, Marian, CTR, OSD-ATL
Subject: FW: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Attached is the response to Clearinghouse tasker 418 or 419 - please process appropriately.

Ginger B Rice
OSD BRAC Office
(703) 690-6101

-----Original Message-----

From: Bayert, Nicole, Ms, DoD OGC
Sent: Tuesday, July 05, 2005 11:54 AM
To: Rice, Ginger, Mrs, OSD-ATL
Cc: Potochney, Peter, Mr, OSD-ATL; Yellin, Alex, CTR, OSD-ATL
Subject: Response to Clearinghouse Tasker 418 or 419 - question from Dan Cowhig via June 24 email

Please ensure attached gets to clearinghouse for appropriate action - including provision to Congress w/in 48 hours. Thanks.

Nicole D. Bayert
Department of Defense
Associate General Counsel
(Environment & Installations)
703-693-4842; fax 693-4507

CAUTION: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.

Cowhig, Dan, CIV, WSO-BRAC

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Tuesday, July 05, 2005 11:05 AM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Hague, David, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: RE: OSD BRAC Clearinghouse Tasker #0418 - BRAC Commission RFI

Clearinghouse -

Request update on status of RFI. No response to date.

V/R

Dan Cowhig
Deputy General Counsel and Designated Federal Officer
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street
Suite 600 Room 600-20
Arlington Virginia 22202-3920
Voice 703 699-2974
Fax 703 699-2735
dan.cowhig@wso.whs.mil
www.brac.gov

From: RSS dd - WSO BRAC Clearinghouse
Sent: Friday, June 24, 2005 5:11 PM
To: Alford, Ralph, CTR, OSD-ATL; Yellin, Alex, CTR, OSD-ATL; Buzzell, Brian, CTR, OSD-ATL; Casey, James, CTR, OSD-ATL; Meyer, Robert, CTR, OSD-ATL
Cc: Cowhig, Dan, CIV, WSO-BRAC
Subject: OSD BRAC Clearinghouse Tasker #0418 - BRAC Commission RFI

Please provide a response to the inquiry below and return to OSD BRAC Clearinghouse NLT noon on Wednesday 29 June 2005, with the designated signature authority, in PDF format.

Thank you for your cooperation and timeliness in this matter.

OSD BRAC Clearinghouse

-----Original Message-----

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Friday, June 24, 2005 4:47 PM
To: RSS dd - WSO BRAC Clearinghouse
Cc: Hague, David, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Meyer, Robert, CTR, OSD-ATL; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: BRAC Commission RFI

Clearinghouse -

Please respond to the following:

What legal advice did the Department of Defense receive on the questions given below during the formulation of the base closure and realignment recommendations? Please provide copies of any pertinent documents.

The Governors and Adjutants General of various states have indicated they believe some or all of the realignments of Air National Guard units recommended by the Department of Defense violate 10 USC 18238 and 32 USC 104, as well as the authority of the various states to raise, maintain and command their respective militias under the state and Federal statutory law and constitutions. Please provide a detailed



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

May 26, 2005

The Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
1155 Defense Pentagon
Arlington, VA 20301

Dear Secretary Rumsfeld:

The Department of Defense recommendations for the 2005 Base Realignment and Closure (BRAC) process included a recommendation to deactivate the 111th Fighter Wing, Pennsylvania Air National Guard, Willow Grove Air Reserve Station.

I am writing to advise you officially that, as Governor of the Commonwealth of Pennsylvania, I do not consent to the deactivation, relocation, or withdrawal of the 111th Fighter Wing.

The recommended deactivation of the 111th Fighter Wing has not been coordinated with me, my Adjutant General, or members of her staff. No one in authority in the Pennsylvania Air National Guard was consulted or even briefed about this recommended action before it was announced publicly.

The recommended deactivation of the 111th Fighter Wing appears to be the result of a seriously flawed process that has completely overlooked the important role of the states with regard to their Air National Guard units.

Sincerely,

Edward G. Rendell

Edward G. Rendell
Governor

Cc: The Honorable Anthony J. Principi
The Honorable Arlen Specter
The Honorable Rick Santorum
The Honorable Allyson Schwartz
The Honorable Michael Fitzpatrick



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



July 5, 2005

Mr. Dan Cowhig
Deputy General Counsel
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Mr. Cowhig:

This letter responds to your e-mail to the BRAC Clearinghouse, dated June 24, 2005. You asked for the legal advice the Department of Defense received regarding the authority of the Department to make and implement certain recommendations affecting the Air National Guard. You also requested copies of any pertinent documents.

Those involved in developing BRAC recommendations for the Secretary's consideration were advised by counsel regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. The substance of this advice is protected from disclosure by the attorney-client privilege.

If you have any questions concerning this response, please contact Mrs. Nicole D. Bayert, Associate General Counsel for Environment & Installations, at 703-693-4842 or nicole.bayert@osd.pentagon.mil.

Sincerely,

Frank R. Jimenez
Acting Deputy General Counsel
(Legal Counsel)



16 June 2005

Inquiry Response

Re: BI-0068

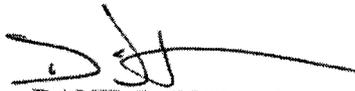
Requester: OSD Clearinghouse

Question: Identify whether or not the respective Governor consents to each proposed realignment or closure impacting an Air Guard installation.

Answer: The Air Force has not received consent to the proposed realignments or closures from any Governors concerning realignment or closure of Air National Guard installations in their respective states. There are no letters from any Governor, addressed to the Air Force, withholding consent to realignment or closure of Air National Guard installations in their respective states. However, there is one letter, (attached) from Pennsylvania Governor Rendell to Secretary Rumsfeld, non-consenting to the Navy closure impacting the 111th Fighter Wing, Pennsylvania Air National Guard (ANG), at Naval Air Station Joint Reserve Base (NAS JRB) Willow Grove.

I certify that the information contained herein is accurate and complete to the best of my knowledge and belief. If you have any questions, feel free to contact me.

Approved



DAVID L. JOHANSEN, Lt Col, USAF
Chief, Base Realignment and Closure Division



Willow Grove -
Rendell ltr.pdf...

Dan 9:27 W
tasker 0332
ANG



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

May 26, 2005

The Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
1155 Defense Pentagon
Arlington, VA 20301

Dear Secretary Rumsfeld:

The Department of Defense recommendations for the 2005 Base Realignment and Closure (BRAC) process included a recommendation to deactivate the 111th Fighter Wing, Pennsylvania Air National Guard, Willow Grove Air Reserve Station.

I am writing to advise you officially that, as Governor of the Commonwealth of Pennsylvania, I do not consent to the deactivation, relocation, or withdrawal of the 111th Fighter Wing.

The recommended deactivation of the 111th Fighter Wing has not been coordinated with me, my Adjutant General, or members of her staff. No one in authority in the Pennsylvania Air National Guard was consulted or even briefed about this recommended action before it was announced publicly.

The recommended deactivation of the 111th Fighter Wing appears to be the result of a seriously flawed process that has completely overlooked the important role of the states with regard to their Air National Guard units.

Sincerely,

A handwritten signature in black ink that reads "Edward G. Rendell".

Edward G. Rendell
Governor

Cc: The Honorable Anthony J. Principi
The Honorable Arlen Specter
The Honorable Rick Santorum
The Honorable Allyson Schwartz
The Honorable Michael Fitzpatrick