

Thank You Letter/BRAC Admin Correspondences

6/24/2005

Mailing List ID	Date Sent	Prefix	First Name	Middle	Last Name	Title	Organization Name
1	6/16/2005	Colonel	Bradley J.		Applegate	Commander	142nd Fighter Wing
2	6/16/2005	Captain	Brad		Bennett, USN	Commander	Naval School of Health S
3	6/16/2005	Captain	Joseph	F.	Campbell, USN	Shipyard Commander	Norfolk Naval Shipyard
4	6/16/2005	Lt. Gen.	James	R.	Clapper, USAF	Director	National Geospatial-Intelli
5	6/16/2005	Colonel	Debra		Cook, USA	Commander	U.S. Army Human Resour
6	6/16/2005	Colonel	Eric	W.	Crabtree, USAF	Commander	446th Airlift Wing
7	6/16/2005	Colonel	Williams		Flanigan	Commander	939th Air Refueling Wing
8	6/16/2005	Captain	Richard	J.	Fletcher, Jr. USN	Commanding Officer	Naval Hospital Cherry Poi
9	6/16/2005	Colonel	William	A.	Guinn, USA		ATTN: AMSAM-LE-CO
10	6/16/2005	Colonel	John	D.	Gumbel, USMC	Commanding Officer	PSC Box 8021 Bldg 137,
11	6/16/2005	Captain	Jeff		Germand, USN	Commander	Patrick Air Force Base
12	6/16/2005	Colonel	Merle	D.	Hart, USAF	Commander, 440th Airlift	General Mitchell IAP ARS
13	6/16/2005	Commodore	Michael	W.	Hewitt, USN	Commander, Patrol & Re	Naval Air Station Brunswi
14	6/16/2005	LTC	David	"Doc"	Holliday	Commander	Umatilla Chemical Depot
15	6/16/2005	Rear Admiral	Mark	W.	Kenny, USN	Commander, Navy Regio	Commander, Submarine
16	6/16/2005	LTC	Scott	D.	Kimmell, USN	Commander	Newport Chemcial Depot
17	6/16/2005	Captain	Sean		King, USN	Commanding Officer	Naval Air Station Atlanta
18	6/16/2005	Captain	Arnold	O.	Lotring, USN	Commanding Officer, Sub	
19	6/16/2005	Captain	Joseph	L.	McGettigan, USN	Commanding Officer	Naval Surface Warfare C
20	6/16/2005	Colonel	Thomas	G.	McCauley, USAF	Commander	62nd Medical Group
21	6/16/2005	Captain	James	P.	Ransom, III, USN	Commanding Officer, Re	Naval Submarine Base N
22	6/16/2005	Lt. Gen.	John	F.	Regni, USAF	Commander	Air University
23	6/16/2005	Mr.	Milt		Ryan, USN	Director	Puget Sound Naval Shipy
24	6/16/2005	Colonel	Rowayne	A.	Schartz, USAF	Commander	McChord Air Force Base
25	6/16/2005	Captain	Brain		Sheppard, USN	Commanding Officer	Navy Supply Corps Scho
26	6/16/2005	Mr.	Frederick	L.	Smith	Deputy Director-Ground S	U.S. Army Tank-Automoti
27	6/16/2005	Captain	Sean	P.	Sullivan, USN	Commanding Officer, Nav	Naval Submarine Base N
28	6/16/2005	RADM	Satephen		Turcotte, USN	Commander Navy Region	Norfolk Naval Shipyard
29	6/16/2005	Captain	Mark	S	Welsh, USN	Commanding Officer	Naval Surface Warfare C
30	6/16/2005	Mr.	Alan	G.	Wilson	Manager	U.S. Army Garrison-Rock
31	6/16/2005	Captain	Robert	S.	Winneg, USN	Commanding Officer	Naval Air Station Brunswi
32	6/12/2005	Colonel	Paul		Worcester	Commander	102nd Fighter Wing
33	6/22/2005	Major General	Frank	D.	Vavala	Adjutant General	Delaware National Guard

Thank You Letter/BRAC Admin Correspondences

6/24/2005

Address	City	State	Postal Code
6801 North East Cornfoot Road	Portland Internatinal Airpo	Oregon	97218-2797
1001 Holcomb Road	Portsmouth	Virginia	23708
	Portsmouth	Virginia	23709
4600 Sangamore Road	Bethesda	Maryland	20816-5003
1 Reserve Way	St. Louis	Missouri	63132-5200
McChord Air Force Base		Washington	98438
6801 Northeast Cornfoot Road	Portland International Airp	Oregon	97218-2797
PSC Box,		NC	28533
	Chambersburg	PA	17201-4150
	Cherry Point	NC	28533-0021
Naval Ordnance Test Unit	P.O. Box 1623 Cape Can	Florida	32920-1623
	Milwaukee	WI	53207
	Brunswick	ME	04011
Building 1, Umatilla Chemcial De	Hermiston	Oregon	97838-9544
Commander, Submarine Group,	New London Naval subm	CT	06349
P.O. Box 160	Newport	Indiana	47966-0160
	Marietta	GA	30060-5099
Naval Submarine Base	New London		
	Dahlgren	VA	22448
McChord Air Force Base	Washington		98438
	Groton	CT	06349
55 LeMay Plaza, South	Maxwell Air Force Base	AL	36112
Intermediate Maintenance Facility	495 Summer Street	Boston	MA 02210-2144
		Washington	08438
	Athens,	GA	30606
1 Rock Island Arsenal	Rock Island	Illinois	61299-5000
	Groton	CT	06349
Norfolk Naval Shipyard	Portsmouth	Va	23709
1 Rock Island Arsenal	Rock Island	Illinois	61299-5000
	Brunswick	ME	04011
158 Reilly Street, Box 103	Otis ANGB	MA	02542
First Regiment Road	Wilmington	DE	19808-2191

Thank You Letter/BRAC Admin Correspondences

6/24/2005

Mailing List ID	Date Sent	Prefix	First Name	Middle	Last Name	Title	Organization Name
34	6/22/2005	Major General	Bruce	F.	Tuxill	Adjutant General	Maryland National Guard
35	6/22/2005	Commodore	Dennis		Sinnett	Patrol Reconnaissance W Box 34	
36	6/22/2005	Captain	Robert	B.	Raines	Commanding Officer	2155 Facilities & Engineer
37	6/21/2005	Colonel	Daniel	L.	Peabody	Commander	103rd Fighter Wing
38	6/13/2005	Colonel	Daniel	L.	Peabody	Commander	103rd Fighter Wing
39	6/22/2005	Captain	Mike		McKinnon	Commanding Officer	Naval Submarine Base Ki
40	6/20/2005	Brigadier General	William	T.	Lord	Brigadier General	81 TRW/CC
41	6/21/2005	Major General	Lawrence		Lafrenz	Major General	Idaho National Guard
42	6/22/2005	Captain	Richard		Heimerle	Commanding Officer	Patrol Squadron THIRTY
43	6/22/2005	Mr.	David	M.	Gates, Jr.	Site Director	Defense Finance & Accou
44	6/22/2005	Captain	Chip		Dobson	Commanding Officer	Naval Air Station Jackson
45	6/22/2005	CDR	Robert		Benjamin, Jr.	Commanding Officer	Naval Station Pascagoula
46	6/22/2005	Mr.	Thomas		Aton	Business Operations Dire	Naval Air Station Jackson
47	6/21/2005	The Honorable	John	W.	Warner	The Honorable	United States Senate
48	6/21/2005	The Honorable	John	W.	Warner	The Honorable	United States Senate

Thank You Letter/BRAC Admin Correspondences

6/24/2005

Address	City	State	Postal Code
29th Division Street	Baltimore	MD	21201
NAS	Jacksonville	FL	32212-0034
2155 Eagle Drive	North Charleston	SC	29419
100 Nicholson Road	East Granby	CT	06026
100 Nicholson Road	Ease Granby	CT	06026
1063 USS Tennessee Avenue	King Bay	GA	31547-2606
720 Chappie James Avenue, Ro	Keesler Air Force Base	Mississippi	39534
4040 W. Guard Street	Boise	ID	83705
Box 24	NAS Jacksonville	FL	32212-0024
P.O. Box 118055	Charleston	SC	29423-8055
Box 2	NAS Jacksonville	FL	32212-5000
	Pascagoula	MS	39595-0001
Attn: Mr. Thomas Aton, JAX 6.1	Naval Air Depot NAS Jac	FL	32212-0016
225 Russell Building	Washington	DC	20510
522 Hart Senate Office Building	Washington	DC	20510

**BRAC COMMISSION
MAIL LOG - EXECUTIVE DIRECTOR**

	Date Received	From	Subject	Date Reply Sent	Comments
1	5/17/05	Don Knabe Supervisor 4 th District County of Los Angeles	Thank You letter for Meeting	5/17/05	
2	5/19/05	The Honorable Cathy McMorris U.S. House of Representatives	Thank you letter materials	5/19/05	
3	5/19/05	The Honorable Bowdoin Rick Perry	Thank you letter materials	5/19/05	
4	5/19/05	DeeDee Mark K. Warner	Thank you letter materials	5/19/05	
5	5/23/05	The Honorable James H. Bilbray	Ethics Determination	5/24/05	
6	5/23/05	The Honorable Phillip Coyle	Ethics Determination	5/24/05	
7	5/23/05	Admiral Harold W. Gehman Jr.	Ethics Determination	5/24/05	
8	5/23/05	The Honorable James V. Hansen	Ethics Determination	5/24/05	
9	5/23/05	General James T. Hill (USA (Ret))	Ethics Determination	5/24/05	
10	5/23/05	General Lloyd W. Redtor (USA (Ret))	Ethics Determination	5/24/05	
11	5/23/05	The Honorable Anthony Principi	Ethics Determination	5/24/05	
12	5/23/05	The Honorable Daniel K. Skinner	Ethics Determination	5/24/05	
13	5/23/05	Brigadier General Sue E. Brown (USAF (Ret))	Ethics Determination	5/24/05	
14	5/25/05	The Honorable Alberto R. Gonzales	U.S. Senate U.S. Senate	5/25/05	U.S. Senate U.S. Senate
15	5/27/05	The Honorable John W. Warner	U.S. Senate	5/25/05	
16	5/27/05	The Honorable Carl Levin	U.S. Senate	5/25/05	
	6/6/05	The Honorable John Warner	Committee on Armed Services U.S. House of Representatives	6/6/05	



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

Chairman:
 The Honorable Anthony J. Principi

Commissioners:
 The Honorable James H. Bliley
 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 Ebon Turner, USAF (Ret.)

Executive Director:
 Charles Battaglia

May 31, 2005

The Honorable Gordon England
Acting Deputy Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary England:

Thank you for your e-mail advising that you will provide the BRAC Commission with access to the classified versions of the outstanding information requested including the minutes reflecting the Department's deliberative record and the data underpinning its recommendations by the close of business on May 31, 2005. Further, I understand from your draft letter to Senator Warner that the public will have access to all of the unclassified information by Saturday, June 4. May I presume that this includes the information that is being made available to the Commission and the Congress in classified form on May 31?

To ensure that the public will have ready access to all of this information in a timely manner, it is the Commission's position that the Department of Defense should release the information directly on June 4th and not the Commission. The Commission would access the information from the DoD website.

Any further delay in the June 4th availability of outstanding BRAC-related information will negatively impact the Commission's ability and schedule in evaluating the recommendations presented by Secretary Rumfeld on May 13, 2005.

I greatly appreciate your concerns for not revealing classified information and your consideration of this request.

Sincerely,

Anthony Principi
 Anthony Principi
 Chairman



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Sincerely,

Anthony Principi
 Anthony Principi
 Chairman



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

May 27, 2005

The Honorable John Warner, Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510-6060

M. Chairman
Dear Chairman Warner:

As a follow up to our phone conversation yesterday and your correspondence of May 26, this letter outlines the manner in which DoD is meeting the requirements of the law governing the transparency of the BRAC process.

A list of the Department's closure and realignment recommendations was delivered to the Commission and Congress on May 13, three days in advance of the statutory May 16 deadline. Additionally, a summary of the selection process that resulted in the recommendations, including a justification for each recommendation, was included in Volume 1 of the Department's BRAC report. This information was due to the Commission and to the Congress within seven days. It was delivered to the Commission and to the Congress and posted on the Department's BRAC website on May 13.

In addition to the Department's initial legal submission, to further support the Commission's and the public's understanding of the Department's recommendations, the Department has already provided significant information including:

- the classified force structure plan (Volume 2);
- reports by the Military Departments and the Joint Cross Service Groups (Volumes 3 through 12);
- 222 recommendation binders containing the Department's analysis of each recommendation against all eight selection criteria;
- Cost of Base Realignment Action Model with static data;
- installation imagery of bases to be visited; and
- testimony to the Commission by senior DoD officials.

The Department is also preparing to submit, early next week, the minutes reflecting its deliberative record and the extensive volume of data underpinning its recommendations. The statute does not establish a time by which the Department must make this information available to the Commission and Congress, but we will make it available by close of business on May 31.

As with prior rounds of BRAC, because this supplementary information includes classified material that requires appropriate handling, the Department is establishing handling procedures for this supplementary information.



Unlike prior BRAC rounds, however, the extent of this supplementary information is unprecedented in terms of volume, level of detail, and electronic access. The volume alone is vastly larger than that collected in prior BRAC rounds. Accordingly, the Department has established handling procedures appropriate to the size and sensitivity of the database.

During prior BRAC rounds, the Commission and the congressional defense committees established reading rooms in which files of this supporting data were maintained. Some of this supplementary data in previous BRAC rounds was classified, and that is true with this BRAC round, too.

During our discussions with committee staffs in the period leading up to the completion of the Department's recommendations, committee staffs expressed a desire to include as much of the supplementary data in electronic form as feasible, which we are doing. Because the data are only in digital form, unlike prior BRAC rounds, the fully aggregated database is temporarily classified SECRET while we proceed with the process of disaggregating and declassifying substantial portions of it.

We intend to declassify as much of it as possible and to make it available to the public. We believe the full volume of data available to the Congress, the BRAC Commission, and the public will be substantially greater than was made available in prior BRAC rounds.

The plan for making available the supplemental BRAC information is as follows:

- The BRAC Commission, members of Congress, and their respective staffs with SECRET clearances will have access to the entire digital database accessible on computers in a secure reading room in Crystal City near the BRAC Commission offices by Tuesday evening, May 31. Consistent with prior BRAC rounds, we are also working with Congressional staff to establish a similar secure reading room on Capitol Hill.
- The public, through the BRAC Commission, will have access to all unclassified information by Saturday, June 4.
- DoD will expedite interim SECRET clearances as required for Commission and Congressional staff.
- As with previous BRAC rounds, the Department, Commission, and Congress will have appropriate handling procedures for any information that remains classified.



Office of the Assistant Secretary of Defense: Legislative Affairs

Legislative Update

Release of additional BRAC information

The Department of Defense is making additional BRAC information available for review by the BRAC Commission and Congress.

- In compliance with the BRAC statutes, the Department of Defense provided its recommendations to the BRAC commission and Congress on May 13th. Additionally, the following data has been provided to the Commission and Congress:
 - The classified force structure plan (Volume 2 of the Department's recommendation);
 - Reports by the Military Departments and the Joint Cross Service Groups (Volumes 3-12);
 - 222 BRAC recommendation binders, containing the Department's analysis of each recommendation against all eight selection criteria;
 - Cost of Base Realignment Action Model with static data;
 - Installation imagery of bases to be visited; and
 - Testimony to the Commission by senior DoD officials.

To further support the Commission's and the public's understanding of the Department's recommendations, the Department is preparing to submit a general database pertaining to all U.S. facilities by close of business on May 31st.

- The volume of this supplementary data is more than 100 times greater than for previous BRAC rounds.
- As in previous base realignment and closure rounds, the Department is establishing handling procedures for the general database.
 - The database is entirely digital and contains some classified information. For that reason, the entire database must be treated as classified while DoD continues to process of declassifying substantial portions of it.
- DoD staff will make the entire digital database accessible on computers in a secure reading room in Crystal City near the BRAC Commission offices. We plan to have this material available by Tuesday evening, May 31st. Consistent with prior BRAC rounds, we are working with Congressional staff to establish a similar secure reading room on Capitol Hill.
- The entire digital database will be made available to the commission, to Members of Congress, and to Congressional staff with "SECRET" clearances.



Office of the Assistant Secretary of Defense: Legislative Affairs

Legislative Update

- The public, through the BRAC Commission, will have access to all unclassified information by Saturday, June 4.
- Unlike previous BRAC rounds, the Department will have a simultaneous process of rapid declassification of information on the database as appropriate should community representatives desire such information and should it be determined to be eligible for rapid declassification.
- The Department believes the full volume of data available to the Congress, the BRAC commission, and the public will be substantially greater than was made available in prior BRAC rounds.



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
 2521 SOUTH CLARK STREET
 ARLINGTON, VA 22202
 TELEPHONE: (703) 699-2950

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Commissioners: The Honorable James H. Bilbray • The Honorable Philip E. Coyle III • Admirable 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

May 25, 2005

Chairman:
 The Honorable Anthony J. Principi
Commissioners:
 The Honorable James H. Bilbray
 The Honorable Philip 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

The Honorable John W. Warner
 United States Senate
 225 Russell Office Building
 Washington, D.C. 20510

Dear Senator Warner:

The ethics review mandated by statute and regulation of the members of the Defense Base Closure and Realignment (BRAC) Commission has been completed. Appropriate ethics waivers have been made in consultation with the Office of Government Ethics and the Department of Defense's Office of the General Counsel. Except as noted below, all Commission members are able to participate fully in the BRAC process.

During an open hearing on May 19, 2005, four members recused themselves from participation in matters relating to installations in their home states. In each instance, those recusals extend to installations in other states that are affected by closures and realignments of installations in the commissioner's home state. The commissioners took these actions to avoid any appearance of a lack of impartiality and to enhance the public's confidence in the integrity of the BRAC process.

Commissioners Coyle and Gehman recused themselves because of their participation in BRAC-related activity in California and Virginia respectively. Commissioner Bilbray and Hansen recused themselves because of their long-time representation in the Congress and other public offices of Nevada and Utah respectively. As a result of their recusals, the commissioners cannot deliberate or vote on matters relating to installations in their home states or to installations in other states that are substantially affected by closures and realignments of installations in their home states.

The commissioners' financial statements were first reviewed incident to their confirmation by the Department of Defense General Counsel. I thoroughly reviewed them again after receiving the list of recommended closures and realignments from the Secretary of Defense.

I focused primarily on (1) real estate holdings in locations that may be affected by potential BRAC-related realignments or closures; (2) holdings in environmental remediation companies that may have long-term contractual relationships with potential BRAC locations; (3) financial holdings and interests in companies with active contracts on military installations that were listed by the Secretary of Defense for possible realignments and/or closures that may give rise to a financial conflict of interest; and (4) personal and business relationships that may cause an actual or apparent loss of impartiality. I will conduct a similar review with regard to installations not on the Secretary's list that the Commission might consider, and inform you accordingly.

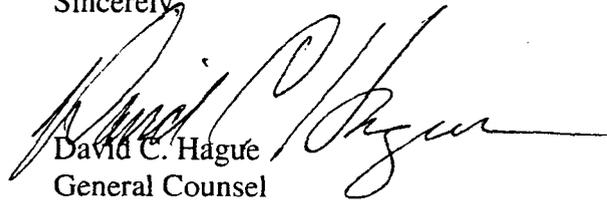
The Commissioners who recused themselves from certain matters will not participate in the deliberation or voting regarding those matters. Even so, it is not expected that the Commission will ever lack the quorum necessary to conduct its business, including the possible addition of installations to the Secretary's list, an action that as you know would require seven votes.

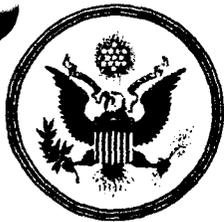
A rigorous ethics review and training program of all Commission staff members has also been completed. Continued vigilance and self-reporting will ensure that if any additional conflicts of interest arise with the Commissioners or staff members they will be quickly identified and appropriate remedial action will be taken.

You may be assured that the public integrity requirements of the Commission have been fully met.

Senator Warner has been informed by separate correspondence of the satisfactory completion of the ethics review of the members of the BRAC Commission.

Sincerely,


David C. Hague
General Counsel



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Executive Director:
 Charles Battaglia

The Honorable Carl Levin
 United States Senate
 269 Russell Office Building
 Washington, D.C. 20510

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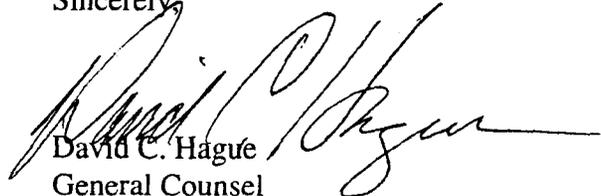
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General Counsel



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2521 SOUTH CLARK STREET, SUITE 600
ALEXANDRIA, VA 22202
TELEPHONE: 703-699-2950
FAX: 703-699-2975

23 MAY 2005

Chairman:
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The Honorable James H. Bilbray
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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 units and installations are located before they may be "changed" or "relocated or withdrawn." I am not aware of any authority that clearly indicates contrariwise.

I ask for your opinion on this issue: does the Federal government, acting through the Defense Base Closure and Realignment Act of 1990, as amended, possess the authority to carry out the proposed realignments and closures of Army National Guard and Air National Guard installations in the absence of a consultative process with the governors of the various states? If not, what measures would be necessary to satisfy the consultation requirement?

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

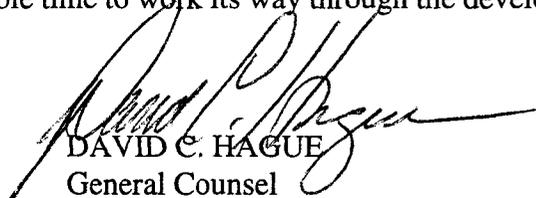
BRAC/GC/dch
May 23, 2005

MEMORANDUM FOR THE CHAIRMAN
DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Subj: SECDEF AUTHORITY TO EFFECT CHANGE ICW NG AND ANG FACILITIES

Encl: (1) Ltr from Chairman to AG of U.S.

1. The enclosed letter from you to the U.S. Attorney General requests his legal opinion regarding the authority of the Secretary of Defense to close, realign, or otherwise change the status of National Guard and Air National Guard facilities. Two provisions of the United States Code referenced in the enclosure indicate that the Secretary can take such actions only with the consent of the governor of the state in which the facility is located. The BRAC statute, as amended, arguably gives the Secretary authority to effect such changes. Other statutes may also be interpreted to give him that authority and/or limit the ability of state governors to interfere in actions by the Secretary. I have not, however, identified any unquestionable authority to support the Secretary's belief that he has the subject authority.
2. I have sought information from DoD General Counsel about any position they have taken on the issue but have received no reply. I have had better fortune in my contact today with the Congressional Research Office. Their American Law Division is preparing an opinion on the issue due for release to interested parties in the Congress this week. I am told that we will likely be able to get a copy of the opinion. We are also checking with the National Guard Bureau legal office to determine if they have developed a position on the issue that they are willing to provide to us.
3. You will recall that Under Secretary Wynne stated in this testimony last week that DoD believes the matter to have been settled in the 1995 BRAC. Others mentioned at the hearings that the process and decisions had been coordinated with state adjutants general. That involvement and concurrence may be deemed tantamount to approval by governors, especially if the adjutants general have delegated authority to act in such matters.
4. A favorable response to your request of the Attorney General for an opinion seems unlikely. He will probably have the same concern DoD appears to have about providing executive branch legal support to the independent (of the legislative and executive branches) BRAC Commission. He may also have already advised the President on the issue and be unwilling to divulge information he considers protected by the attorney-client privilege. If he is willing to issue an opinion, it will probably take considerable time to work its way through the development and release process.


DAVID E. HAGUE
General Counsel



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

Honorable Anthony J. Principi

May 19, 2005

Commissioners:
The Honorable James H. Bilbray
The Honorable Phillip E. Coyte 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 Cathy McMorris
U.S. House of Representatives
1708 Longworth House Office Building
Washington, DC 20515

Dear Ms. McMorris,

I am following up on my letter to you of May 11, 2005 in which I expressed my appreciation to you for the BRAC materials you so kindly sent to me.

After an intense week of immersion in BRAC business, I more fully appreciate the responsibility I have undertaken. This is truly a massive endeavor of great importance to individuals, states, and foremost, the nation.

I am committed to giving utmost effort to be fair and objective about all issues we must consider. I will evaluate every military installation that the Secretary of Defense has recommended for closure or realignment using the statutory criteria and the force-structure plan as my guides.

My commitment is total. I look forward to this opportunity to again serve my country.

Again, thank you for your letter and the material you provided which I have included in the public record of our proceedings.

Sincerely,

James H. Bilbray



James H. Bilbray

Nevada State Senate (1981-1986)
U.S. Congress (1987-1995)
U.S. Security Policy Advisory Committee (2000-2001)
Advisory Board of the Export Import Bank (1995-1996)
Board of Visitors USAF Academy (1990-1992)
Board of Visitors USMA (1995-1999)
University of Nevada Board of Regents (1968-1973)
North Atlantic Assembly (NATO) (1980-1995)
Member California-Nevada High Speed Train Commission (2005-2008)
Member 2005 Base Closure and Realignment Commission (BRAC)

May 11, 2005

Hon. Cathy McMorris

1708 Longworth HOB

Washington, DC 20515

Dear Representative McMorris,

I received today the material sent to the BRAC Office. I will review this material after the Secretary makes public the list, which hopefully does not Fairchild on the list. Having been a member of Congress when they removed a fighter wing from my district, I know you need this like a whole in your head. I am available at the number on this letterhead if you need to speak to after the list is published.

JAMES H. BILBRAY



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General Lloyd W. Newton, USAF (Ret.)
The Honorable Samuel K. Shinner
Brigadier General Sue Ellen Turner, USAF (Ret.)

Executive Director:
Charles Sattlegger

May 19, 2005

Governor Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Perry,

I am following up on my letter to you of May 11, 2005 in which I expressed my appreciation to you for the BRAC materials you so kindly sent to me.

After an intense week of immersion in BRAC business, I more fully appreciate the responsibility I have undertaken. This is truly a massive endeavor of great importance to individuals, states, and foremost, the nation.

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North Atlantic Assembly (NATO) (1989-1995)
Member California-Nevada High Speed Train Commission (2005-2008)
Member 2005 Base Closure and Realignment Commission (BRAC)

Dear Governor Perry,

I am in receipt of the material that you send me re the Texas military bases. I appreciate the information and will review them diligently. Hopefully any hurt to Texas will be mild if none at all.

Sincerely,

JAMES H. BILBRAY



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
2521 SOUTH CLARK STREET, SUITE 600
ARLINGTON, VA 22202
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MEMORANDUM FOR:
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. Harner
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

May 19, 2005

Governor Mark R. Warner
Executive Office Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Dear Governor Warner,

I am following up on my letter to you of May 11, 2005 in which I expressed my appreciation to you for the BRAC materials you so kindly sent to me.

After an intense week of immersion in BRAC business, I more fully appreciate the responsibility I have undertaken. This is truly a massive endeavor of great importance to individuals, states, and foremost, the nation.

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Member 2005 Base Closure and Realignment Commission (BRAC)

May 11, 2005

Dear Governor Warner,

I am in receipt of the BRAC information you sent me. My daughter and son-in law, who lived in Virginia until a little over a year ago, tell me great things about you. Hopefully someday some of us in Nevada will be able to vote for you on a national level. I will do whatever I can to help. Hopefully the Secretary does not have any Virginia instillations on the list.

Sincerely,

JAMES H. BILBRAY



James H. Bilbray

Nevada State Senate (1981-1986)
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U.S. Security Policy Advisory Committee (2000-2001)
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North Atlantic Assembly (NATO) (1989-1995)
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Member 2005 Base Closure and Realignment Commission (BRAC)

May 11, 2005

Dear Sir/Madam,

The Chairman has forward to me your material re the Puget Sound Naval Shipyard. I will review the same if this facility is on the DOD list of proposed closures. Be assured that I will keep an open mind on this matter.

Sincerely,

JAMES H. BILBRAY



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The Honorable Samuel K. Skinner
Brigadier General Sue Ellen Turner, USAF (Ret.)

Executive Director:
Charles Battaglia

May 19, 2005

Mr. Don Knabe
Supervisor, Fourth District
County of Los Angeles
822 Kenneth Hahn Hall of Administration
Los Angeles, CA 90012

Dear Don:

Thank you for your note and the information on the Los Angeles Air Force Base. I am so pleased that we had an opportunity to speak and appreciate your understanding of the BRAC Process.

If I can be of assistance, please let me know.

Sincerely,

Charles Battaglia
Charles Battaglia
Executive Director
BRAC Commission

*Letter to
Dear Don*

*Thank for your
note and the info on
the LA Air Force Base.*



COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS
822 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012

DON KNABE
SUPERVISOR, FOURTH DISTRICT

May 10, 2005

Mr. Charlie Battaglia
Executive Director
Base Realignment & Closure Commission (BRAC)
2521 South Clark Street, Suite 600
Crystal City, VA 22202

Dear Mr. ~~Battaglia~~ *Battaglia*:

It was a pleasure to meet with you regarding the Los Angeles Air Force Base. I appreciate the time that you took to meet with us and I was very impressed by the objective process that the BRAC Commission will be using. As we discussed, if necessary, I will be forwarding you specific information on the Los Angeles Air Force Base from the local perspective and will provide it to you in hard copy, as well as a CD copy for your convenience.

Again, it was a pleasure meeting with you. If I can ever be of assistance to you, please feel free to call me at (213) 974-4444.

Sincerely,

DON KNABE
Supervisor, Fourth District
County of Los Angeles

DK:lr



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Executive Director:
Charles Battaglia

May 19, 2005

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822 Kenneth Hahn Hall of Administration
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Sincerely,

Charles Battaglia
Executive Director
BRAC Commission



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May 19, 2005

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Sincerely,


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BRAC Commission