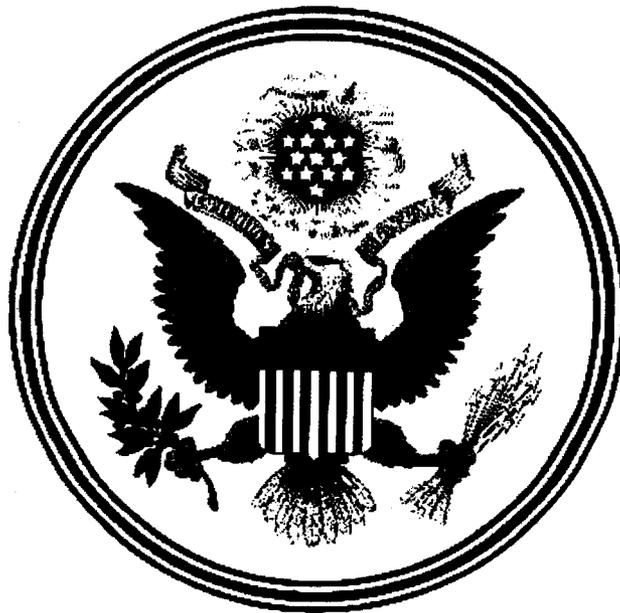


The Honorable Anthony J. Principi
Chairman

**DEFENSE BASE CLOSURE AND
REALIGNMENT COMMISSION**



MEDIA BRIEFING BOOK

INFORMATIONAL HEARING
WASHINGTON, D.C.



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INFORMATIONAL HEARING
WASHINGTON, D.C.

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- C. Suggested Q's and A's regarding BRAC Commission Deputy Counsel Dan Cowhig's Memorandum Concerning Legal Restrictions on Closure/Realignment of National Guard resources.



2005 BRAC Commission Schedule

Base Realignment and Closure Commission

FOR IMMEDIATE RELEASE:

13 JULY 2005

Contact: Robert McCreary
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Media Advisory for BRAC Commission D.C. Hearings on 18 & 19 July

TIME:

July 18: Doors Open to Public at 7:00 AM

July 19: Doors Open to the Public at 12:00 PM

Hearing Coverage- Senate Dirksen Hearing Room 106

18 July: 8:30 AM/ **MEDIA PRE-SET 6:00AM**

19 July: 1:00 PM/ **MEDIA PRE-SET 11:00 AM**

Media Availability – Senate Dirksen Hearing Room 106

The BRAC Commission's media avail will begin promptly 15 minutes after the end of each hearing.

LOCATION:

Senate Dirksen Building
Hearing Room 106
Washington, D.C.

Order of Proceedings:

July 18:

**Secretary of Defense Responds to Commission July 1, 2005 Letter
GAO BRAC Analysis Report
Overseas Basing Commission Report**

July 19:

Adds Hearing

Logistical information for media

Credentialed media please contact appropriate media gallery for coverage information.

Further Credentialing and Media Inquiries: Please register online at www.brac.gov for media credentials. For all media inquiries, please contact James Schaefer 703-901-7793 james.schaefer@wso.whs.mil.

For more information, schedules and future updates.
Please visit our website, www.brac.gov,

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BRAC INFORMATIONAL HEARING KEY TALKING POINTS

JULY 18, 2005

What is the purpose of the DoD's testimony at the Informational Hearing?

- Prior to adding installations to the original recommendation list, The Base Closure and Realignment Commission is required by Section 2914(d)(3) of the Defense Base Closure and Realignment Act of 1990, as amended, to seek an explanation from the Secretary of Defense as to why certain installations were not included on the original recommendation list.

What is the purpose of the Overseas Basing Commission testimony at the Informational Hearing?

- The Overseas Basing Commission (OBC) was established to assess the applicability and feasibility of the proposed global basing structure for U.S. forces.
- The OBC's testimony at the Informational hearing is intended to raise/address issues concerning the inherent synergy between these two efforts.

What is the purpose of the General Accounting Office's (GAO) testimony at the Informational Hearing?

- Law requires that GAO issue a report on the Department of Defense's BRAC recommendations and selection process. In doing so, GAO's objectives were to (1) determine the extent to which DoD's proposals achieved its stated BRAC goals, (2) analyze whether the process for developing recommendations was logical and reasoned, and (3) identify issues with the recommendations that may warrant further attention.
- The hearing allows GAO to present its findings in a public forum.
- The BRAC Commission will carefully review these GAO findings as it prepares its analysis of DoD's proposals.

What is the Commission's position on the recent legal allegations concerning BRAC & National Guard Assets?

- The memo is an internal working document—a starting point for discussion.
- The Commissioners have NOT deliberated on it.
- The views expressed in the memo are those of the author and NOT of the Commission.
- The Commission has requested that the Department of Justice provide the Commission a legal opinion on the issue of the authorities of the Department of Defense and those of Governors on the Air National Guard.

BRAC INFORMATIONAL HEARING
KEY TALKING POINTS

JULY 18, 2005

- When the legal opinion of the DoJ is provided to the Commission, it will be posted on the website (www.brac.gov).

BRAC INFORMATIONAL HEARING
ANTICIPATED Qs & As REGARDING DEPUTY COUNSEL DAN COWHIG'S
MEMORANDUM ADDRESSING THE BRAC PROCESS AND THE NATIONAL
GUARD.

JULY 18, 2005

Q1. Is Mr. Cowhig's memorandum the official position of the BRAC Commission?

A1. No. Mr. Cowhig's memorandum is an expression of legal opinion. As such, the memorandum is an internal working document that will serve as an impetus for deliberation amongst the Commissioners.

Q2. Have there ever been similar challenges to BRAC recommendations in the previous four rounds-1988, 1991, 1993, and 1995? And if so, have those challenges set a precedence that would influence the current lawsuits being filed by various states?

A2. The Commission has requested that the Department of Justice provide the Commission a legal opinion on the issue of the authorities of the Department of Defense and those of Governors on the Air National Guard.

Q3. Why was the Air National Guard ignored in BRAC deliberations while the Army National Guard took part in several events prior to the release of the DoD's BRAC recommendations?

A3. The Commission is fully informed and equally concerned by the alleged lack of collaboration between the DoD and various Governors on issues of Air National Guard resources. The Commission will conduct a full investigation on this issue.

Q4. Concurrent to the BRAC process, there are several other efforts going ahead concerning the future of the nation's military. These include: the 2005 Quadrennial Defense Review, the Air Force's Future Total Force study, the Commission on Review of the Overseas Military Facility Structure of the United States ("Overseas Basing Commission"), and various other ongoing budgetary and capabilities studies. Does the Commission understand the inherent synergy between all of these recommendations? How will the Commission weigh these factors in its final recommendations?

A4. The Commission is sympathetic to the synergy between these various efforts and many of the concerns expressed regarding this issue. The Commission will take every effort to conduct an analysis that incorporates many of the central concepts of these various efforts.

Q5. Recently, various Governors have raised the issue that the BRAC recommendations are an attempt to supersede the governors' role as Commander-in-Chief of the National Guard assets of a state. What is the Commission's understanding of the correct chain-of-command with regard to this issue?

A5. The Commission is fully aware of the concerns expressed by various Governors. As such, the Commission has asked the Department of Justice to provide it with a legal

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opinion on the issue of the authorities of the Department of Defense and those of Governors on the Air National Guard. Be assured, that the opinion provided by the Department of Justice will be posted on the BRAC website when it becomes available.

Q6. Does the Commission view the DoD's BRAC recommendations as an effort to address an imbalance in the active-reserve force mix?

A6. The Commission is aware of this concern. For this reason, the Commission has tasked the DoJ to provide it with a legal opinion concerning the authorities of the Department of Defense and those of Governors on National Guard assets. It is the hope of the Commission that this legal opinion will fully characterize the scope of authorities granted to various bodies under the Constitution, the National Defense Act of 1916, Title 32 of U.S. Code, and the Base Closure Act—as well as any other pertinent legal doctrine.

Q7. The United States Constitution recognizes that the National Guard is a partnership between the federal and state governments. As such, Congress has mandated that command, control, and oversight of the Guard involve a process of collaboration, coordination, and mutual consent. The current lawsuits allege that this collaboration was lacking in the DoD BRAC recommendations. How will the Commission address this lack of communication regarding National Guard assets in its final recommendation to the President?

A7. The Commission is aware of the legal allegations central to these lawsuits. Be assured that these issues will be fully deliberated within the Commission prior to delivery of the final recommendations to the President on Sept. 8th.

Q8. The current legal issues that have arisen concerning the National Guard seemingly threaten the entire BRAC process. If in fact, the DoD overstretched the scope of the original Base Closure Act then the President or Congress may reject the Commission's final recommendations. Presently, is this a serious concern within the Commission?

A8. The Commission is fully cognizant of and concerned with the current legal issues. The BRAC process is an important and difficult undertaking that addresses issues of national security and affects the livelihood of countless Americans. The Commission will take every step to thoroughly, accurately, objectively, and exhaustingly evaluate the DoD's BRAC recommendations to ensure that they conform with the standards set forth in statute.

Q9. Currently, the Governors and Senators from Illinois and Pennsylvania have filed suit against the Department of Defense. Several other Governors whose Air National Guard assets are threatened have expressed the possibility filing similar

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lawsuits. Will the Commission's recommendations be driven by the political influence of these various leaders?

A9. Congress established the Commission as a non-partisan and independent body charged with the responsibility of reviewing the Department of Defense's recommendations under the Base Closure Act. As such the Commission will perform and thorough, accurate, and objective analysis of the DoD's recommendations to ensure that they comply with the intent and standards set forth in statute. Any legal concerns that arise will be reviewed on an objective basis in accordance with legal jurisprudence and will not be influenced in any way by political factors.

Q10. In addition to the current legal wrangles regarding the DoD's BRAC recommendations, will the Commission evaluate the Homeland Defense/Homeland Security implications of these Air National Guard recommendations?

A10. The Commission will review the HLD/HLS concerns expressed regarding these ANG recommendations. Central to the evaluation process is the idea of military value. One of the primary criteria determining an installations military value is an analysis of its role in the changing global threat paradigm.

Q11. What is the procedure now that an installation has been added to the list? Will Commissioners visit all installations even if they have been previously visited?

A11. In the event that an installation is added to the list by the Commission, that base will be visited by a minimum of two Commissioners. If the installation was previously visited by the Commission and the recommendations regarding that installation are changed, the base will be visited again by a minimum of two Commissioners. This is a standard that has been set by the Commission itself, not prescribed through statute.

Q12. Does the Commissions vote regarding Pope AFB signify a vote against the jointness concept promoted by the DoD?

A12. The concept of jointness is not contingent upon co-location of Services at one installation. Rather, jointness is a synergy of operations that occurs at the command level. If the Commission were to vote against the DoD recommendations regarding Pope AFB, that vote should NOT be viewed as a vote against the DoD concept of jointness.