DCN: 12362

ANG Chronology

- Secretary of Defense Provides Recommendations - May 13
- Chairman Principi and Brad McRee meet with TAGs in Omaha - May 19
- Chairman Principi and Battaglia, Cirillo, Hall Breakfast with LTG Blum – June 21
- Atlanta TAG and DHS Hearing - June 30
- Commissioner Newton, and Cirillo, McRee Dinner with LTG Blum – July 14
- DC Hearing with ANG Panel (NGB, USAF, NORTHCOM) - July 18
- Gen Blum Meeting with NGA - July 18
- Commissioner Gehman and Coyle and staff Meeting with MGen Heckman - July 20
- AGAUS Presentation of Draft Excursion to TAGs - July 22
- AGAUS Letter - July 25
- NGAUS Letter - July 26
- Breakfast Meeting with General Blum - July 29
- Scheduled DC ANG Hearing - August 11

Hague, David, CIV, WSO-BRAC

From: Thomas.G.Hungar@usdoj.gov
Sent: Thursday, September 08, 2005 5:23 PM
To: H.Thomas.Byron@usdoj.gov; Douglas.Hallward-Driemeier@usdoj.gov; Andrew.Tannenbaum@usdoj.gov; Alexander.Haas@usdoj.gov; Scott.McIntosh@usdoj.gov; Matthew.Lepore@usdoj.gov; Douglas.Letter@usdoj.gov; Vincent.Garvey@usdoj.gov; Robert.Kopp@usdoj.gov; Peter.D.Keisler@usdoj.gov; Mark.Quinlivan@usdoj.gov; Malcolm.L.Stewart@usdoj.gov; Jody.Hunt@usdoj.gov; Jeffrey.Smith5@usdoj.gov; Gregory.Katsas@usdoj.gov; Dan.Meron@usdoj.gov; Carl.Nichols@usdoj.gov; Paul.D.Clement@usdoj.gov; Charles.S.Miller@usdoj.gov; Dan.Cowhig@wso.whs.mil; bayertn@dodgc.osd.mil; eastonr@dodgc.osd.mil; Douglas.Heady@pentagon.af.mil
Cc: David.Hague@wso.whs.mil; rumu.sarkar@wso.whs.mil
Subject: Stay Denied Without Prejudice in Conn. case

Importance: High

Justice Ginsburg in her capacity as Circuit Justice has denied the stay without prejudice to renewal after CA2 has acted. She noted something to the effect that CA2 is proceeding "expeditiously" to act on the stay motion pending there and she won't disturb that process in the absence of a stronger showing of irreparable injury than is present here. I'll circulate a copy when I get it - he's faxing it. Nothing yet on the other applications.

Hague, David, CIV, WSO-BRAC

From: Bayert, Nicole, Ms, DoD OGC
Sent: Tuesday, September 06, 2005 7:18 AM
To: 'Andrew.Tannenbaum@usdoj.gov'; Jimenez, Frank, Mr, DoD OGC; Aly, Stewart, Mr, DoD OGC; Easton, Robert, Mr, DoD OGC; Clark Paul Lt Col AFLSA/JACL; Carr John Maj AFLSA/JACL; Soybel Laurence Col AF/JACL; Rogers Steven SES SAF/GCN; Heady Douglas GS-15 SAF/GCN; Hoard David E GS-15 SAF/GCN; Van Ness, James, Mr, DoD OGC; Hague, David, CIV, WSO-BRAC; Sarkar, Rumu, CIV, WSO-BRAC
Subject: RE: State's Reply Brief

A few points:

1. Reliance on Rendell is misplaced since Rendell dealt with a deactivation, which is not at issue here.

2. The Army did not solicit the approval or otherwise provide an opportunity for any state actor to review its recommendations prior to issuance. Commissioner Coyle was dead wrong in this respect. What the Army did, at the outset of its BRAC process, was ask the TAGs for suggestions on how to consolidate scattered guard locations in geographic regions. The Army then took that information under advisement as it conducted its analysis. It was a one-way communication. The "sign-off" to which Commissioner Coyle refers was the sign-off the Army required on the suggestions - the Army wanted to ensure that the State supported these suggestions so it required their transmission under signature. The Army did not consult or in any way share the products of its analysis with any state actor, so there was not opportunity for a state actor to approve the Army's recommendations.

3. The movement of aircraft is the movement of the flying function. Also, I could argue that a restriction on changing end-strength refers only to military personnel and as such does not limit the transfer of civilian personnel positions.

Nicole D. Bayert
Department of Defense
Associate General Counsel
(Environment & Installations)
703-693-4842; fax 693-4507
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-----Original Message-----
From: Andrew.Tannenbaum@usdoj.gov [mailto:Andrew.Tannenbaum@usdoj.gov]
Sent: Tuesday, September 06, 2005 7:02 AM
To: jimenezf@dodgc.osd.mil; alys@dodgc.osd.mil; eastonr@dodgc.osd.mil; Paul.Clark@pentagon.af.mil; John.Carr@pentagon.af.mil; Laurence.Soybel@pentagon.af.mil; Steven.Rogers@pentagon.af.mil; Douglas.Heady@pentagon.af.mil; David.Hoard@pentagon.af.mil; vannessj@dodgc.osd.mil; David.Hague@wso.whs.mil; rumu.sarkar@wso.whs.mil; bayertn@dodgc.osd.mil
Subject: FW: State's Reply Brief
Importance: High

Please let me know if you have any thoughts on this for today's potential hearing in the Missouri case.

-----Original Message-----
From: Paul.Wilson@ago.mo.gov [mailto:Paul.Wilson@ago.mo.gov]
Sent: Tuesday, September 06, 2005 12:25 AM
To: Tannenbaum, Andrew (CIV)
Cc: Daniel.Hall@ago.mo.gov

Subject: State's Reply Brief

This is a copy of what we faxed to the Court tonight. We will be e-filing it tomorrow morning. The cover letter that accompanied the fax to the Court will be e-mailed to you by separate cover.

Hague, David, CIV, WSO-BRAC

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Wednesday, September 14, 2005 3:47 PM
To: Principi, Anthony, CIV, WSO-BRAC
Cc: Battaglia, Charles, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC
Subject: Litigation Update

Sir: I just would like to further inform you of the litigation status of certain matters. As you are aware, we have succeeded in appeals filed in the 2d, 3rd, 6th, 7th and 8th circuit courts for cases filed in district courts in Connecticut, New Jersey, Tennessee, Illinois, and Missouri, respectively. DOJ will be contacting the State Attorney General Offices for Massachusetts and Washington, respectively, to see if the cases filed there will be withdrawn. If not, DOJ will file motions to dismiss based on the circuit court opinions. (Please note that the State of Washington has not filed for any type of injunctive relief, and Massachusetts may withdraw its complaint based now on their correct understanding that Otis AFB will not be closed, but realigned.)

Further, while the Commission (and the individual Commissioners) were not named in the *Rendell* suit filed in Pennsylvania where the district court issued an opinion disfavoring the position of the U.S. Government, DOJ has advised me that an appeal of that decision will be filed. I will keep you advised of further developments, but I believe that you may reasonably expect the entire litigation portfolio to be resolved in the Commission's favor in due course.

Many thanks, Rumu

Rumu Sarkar
Associate General Counsel
2005 Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600, Room 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Cell: (703) 901-7843
Fax: (703) 699-2735

Hague, David, CIV, WSO-BRAC

From: McRee, Bradley, CIV, WSO-BRAC
Sent: Monday, August 01, 2005 5:36 PM
To: Van Saun, David, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Battaglia, Charles, CIV, WSO-BRAC; Cowhig, Dan, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC
Subject: "Air National Guard emerges as most contentious issue in base-closing plan" from Newsday.com

August 1, 2005, 4:28 PM EDT

WASHINGTON -- A shake-up of dozens of Air National Guard units has emerged as the most contentious part of the Pentagon's proposal to close or restructure hundreds of military bases across the country.

States are suing over the issue. Lawmakers in both parties are griping. And the independent commission reviewing the sweeping proposal has serious concerns about the impact of Defense Secretary Donald H. Rumsfeld's Air Guard plan.

A major question about that plan also remains unresolved just weeks before the commission's September deadline to send its recommendations to President Bush, himself a stateside Vietnam-era pilot in the Texas Air National Guard: Does the law even allow the Pentagon to move Air Guard units without the consent of state governors, who through their adjutants general share authority over the units with the president?

"The Air Guard issue has become the long pole in the tent," said Christopher Hellman, a base-closing expert at the Center for Arms Control and Nonproliferation, a national security policy group.

In May, Rumsfeld proposed shutting or consolidating 62 major U.S. military bases and hundreds of smaller facilities, prompting lawmakers and communities to feverishly lobby the commission to spare their hometown facilities.

Only a fraction of the $49 billion Rumsfeld says his plan will save over 20 years would come from the Air Guard reorganization. But the impact on the Air Guard would be dramatic.

With roughly 106,000 members, the Air Guard currently has units stationed at about 95 Air Force bases and separate Air Guard installations and on leased land at about 78 civilian spots, including local airports.

Rumsfeld's proposal would shift people, equipment and aircraft at 54 sites where Air Guard units are stationed. Half would grow, with the rest slated for closure or downsizing, including many units that would continue to exist with no planes assigned to them.

The Pentagon says the Air Guard changes are part of an overall effort to reshape the Air Force "into more effective fighting units" by consolidating a force that is now "fragmented into small, inefficient units."

Lawmakers, states and commissioners worry about the potential impact of the Pentagon proposal on recruitment, retention and training, and question whether the Air Guard will be able to fulfill its homeland security mission.

Anthony Principi, the commission's chairman, has appealed to all involved groups "to work to a solution that best serves the interests of our national security and our country."

"The commission believes a solution is needed," Principi told defense officials last month. However, he said, throwing out all of Rumsfeld's Air Guard recommendations would be "irresponsible."

Principi has since scheduled an Aug. 11 hearing to address the Air Guard plan.

Lt. Gen. H. Steven Blum, the Army general in charge of the National Guard Bureau, told lawmakers he's committed to ensuring each state has at least one Air Guard flying unit.

"If I don't have a flying unit in a state or territory, very shortly thereafter I will have no Air National Guard in that state or territory," he said.

Comments like those don't ease the fears of states _ and lawmakers _ facing losses.

"This doesn't work," Rep. Joe Schwarz, R-Mich., told Air Force officers at a recent House Armed Services Committee hearing.

"This thing is amazing in its incompleteness and in the disruption that it's caused, the insecurity that it has caused. And, I'm just, frankly appalled," added Rep. John Kline, R-Minn.

Pennsylvania and Illinois have filed lawsuits to stop the Air Guard changes, arguing the federal government is out of bounds because it failed to consult the states. Other states may join those suits.

"Unless the commission wants to see the entire process held up by a legal recourse ... my guess is that in all likelihood the Air Guard bases are going to be removed from the list" of proposed closures, said P.J. Crowley, a Clinton administration military adviser who now is an analyst with the Center for American Progress, a liberal think tank.

The commission's legal counsel has said relocating, disbanding or moving Air Guard units from one state to another could be outside the commission's authority. The Pentagon wants the commission to wait for a Justice Department opinion before changing Rumsfeld's plan.

Maj. Gen. Roger Lempke, president of the Adjutants General Association of the United States, said the Air Guard plan is "beyond the scope" of the law authorizing the first round of base closings in a decade. He said the law "pertains to installations, not to units, unit equipment, people or positions."

But Lt. Gen. Stephen G. Wood, an Air Force deputy chief of staff, said, "We believe that we are within the full extent of the law."

Murphy, Peter M (WAS - X71821)

From: Stone, Antoinette [stonear@BIPC.com]
Sent: Tuesday, August 02, 2005 4:56 PM
To: Adrian King; Barbara Adams; Beren, Daniel; Brown, Mary Kay; Cetra, Michael; daniel doyle; Dennis Gulse; Kevin Roy; Peter Murphy; Porter, David; Thomas Corbett; Wiltraut, James C.
Subject: FW: Activity in Case 2:05-cv-03563-JP RENDELL et al v. RUMSFELD "Order on Motion to Expedite"

The motion to expedite has been granted. We are on a very tight briefing schedule.

From: ecf_paed@paed.uscourts.gov [mailto:ecf_paed@paed.uscourts.gov]
Sent: Tuesday, August 02, 2005 4:53 PM
To: paedmail@paed.uscourts.gov
Subject: Activity in Case 2:05-cv-03563-JP RENDELL et al v. RUMSFELD "Order on Motion to Expedite"

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United States District Court

Eastern District of Pennsylvania

Notice of Electronic Filing

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Case Name: RENDELL et al v. RUMSFELD
Case Number: 2:05-cv-3563
Filer:
Document Number: 12

Docket Text:
ORDER THAT PLAINTIFF'S MOTION FOR EXPEDITED CONSIDERATION (DOCKET NO. 8) IS GRANTED WITH RESPECT TO PLAINTIFF'S REQUEST FOR EXPEDITED CONSIDERATION OF DISPOSITIVE MOTIONS. IT IS FURTHER ORDERED THAT THE PARTIES SHALL COMPLY WITH THE FOLLOWING SCHEDULE IN ORDER TO PERMIT THE COURT TO DECIDE ANY MOTIONS FOR SUMMARY JUDGMENT FILED IN THIS CASE BEFORE 9/8/05: MOTIONS FOR SUMMARY JUDGMENT SHALL BE FILED ON OR BEFORE 8/10/05; RESPONSE TO MOTIONS FOR SUMMARY JUDGMENT SHALL BE FILED ON OR BEFORE 8/17/05; REPLY BRIEFS IF ANY SHALL BE FILED ON OR BEFORE 9: A.M. ON 8/22/05; A HEARING ON MOTIONS FOR SUMMARY JUDGMENT SHALL BE HELD ON 8/23/05 AT 2:00 P.M. IN COURTROOM 17-B, ETC. SIGNED BY JUDGE JOHN R. PADOVA ON 8/2/05. 8/2/05 ENTERED AND COPIES MAILED, E-MAILED AND FAXED. (jpd)

The following document(s) are associated with this transaction:

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67ea9cbf0fe000596f63845419354294f0d45334dbe68c640336443107d1]]

2:05-cv-3563 Notice will be electronically mailed to:

ANTOINETTE R. STONE stonear@bipc.com

2:05-cv-3563 Notice will be delivered by other means to:

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PENNSYLVANIA

EDWARD G. RENDELL, in his official Capacity as Governor of the Commonwealth Of Pennsylvania, ARLEN SPECTER, in his Official Capacity as United States Senator And RICK SANTORUM, in his Official Capacity as United States Senator,	:	CIVIL ACTION
	:	No. 2:05-cv-3563
Plaintiffs,	:	
v.	:	
DONALD H. RUMSFELD, in his Official Capacity as Secretary of Defense of The United States,	:	
Defendant.	:	

BGen Hague
703 699 2735

communities proposed to receive F-16s would suffer if the fleet was not dispersed.

Skinner's motion also asked Defense Secretary Donald Rumsfeld to consider finding a new mission for the facility before Dec. 31, 2009. If the Pentagon fails to do so, the base would close.

Local News Articles

Suit Aims To Prevent Closing Of Fort Monmouth

New York Times (New York, NY)
Damien Cave
September 3, 2005

A coalition of state and local elected officials, as well as soldiers, unions and defense contractors in New Jersey, filed a federal lawsuit yesterday that seeks to keep Fort Monmouth from being closed based on a recommendation by the Base Closure and Realignment Commission.

The lawsuit, filed in Federal District Court in Trenton, argues that the commission, known as BRAC, exceeded its authority by voting to close Fort Monmouth while adding a condition: that the Army first create safeguards to ensure that shuttering the base will not hamper the war efforts in Iraq and Afghanistan.

Since the law that gives the nine-member commission its authority over bases does not include a provision for amendments, the suit said, the panel overstepped its authority.

"We are simply asking the court to review the process and determine whether the BRAC commission failed to comply with the BRAC Acts of 2005 and 1990," said United States Representative Rush Holt, a Democrat whose district includes parts of the base. "If we win, the remedy is simple: Take the fort off the list."

The base will close only if President Bush approves the commission's recommendation next month. He can makes changes to the panel's list before submitting it to Congress for an up-or-down vote, but neither the president nor lawmakers are expected to overturn the commission's decisions.

In the case of Fort Monmouth, the closing of the base would mean the end of nearly 5,200 jobs, both civilian and military.

Representative Frank Pallone Jr., a Monmouth County Democrat, said the lawsuit also argued that the commission should not have voted to shutter the base because it found that it did not meet the legal criteria for closing, which led to the additional condition. "It's like saying we want to close it even though we think we shouldn't," he said. "From a legal point of view, we don't believe they had the authority to close the base when most of the criteria were violated."

A federal judge is scheduled to hear the case on Tuesday.

States Take Legal Steps To Block Loss Of Fighter Wings

St. Louis Post-Dispatch (St. Louis, MO)
Philip Dine
September 2, 2005

WASHINGTON - Missouri and Illinois took separate legal steps Thursday to try to block the loss of Air National Guard fighter wings in their states.

Missouri filed a motion for a preliminary injunction against the closing of the 131st Air National Guard F-15 Fighter Wing at Lambert Field and had a teleconference with the federal judge involved, said Scott Holste, spokesman for Missouri Attorney General Jay Nixon.

The judge ordered the Department of Justice to file a brief in response today and told Missouri to file its reply on Monday, Holste said. If the judge hears arguments on the case, it would be on Tuesday.

The Base Realignment and Closure Commission voted last week to move St. Louis' F-15s to other states and to take similar action with the Air

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While Guard and Reserve officials were conciliatory this week, several states targeted for changes by the BRAC panel responded to last week's votes by filing lawsuits in an effort to block the commission's recommendations.

Connecticut and Missouri this week joined three other states -- Pennsylvania, Illinois and Tennessee -- in challenging the Pentagon's authority to shutter Guard bases or strip them of aircraft. Connecticut's lawsuit also is directed against the independent commission, seeking a court order to block it from sending its recommendation to the president.

The commission approved the Pentagon's proposal to remove all 17 A-10 attack aircraft from the 103rd Fighter Wing at Bradley Air National Guard Base, CT, Aug. 26.

"I have said from the beginning that the Department of Defense and the BRAC Commission need my permission as commander-in-chief of the Connecticut National Guard to take any action regarding the 103rd Fighting Wing at Bradley," Connecticut Gov. M. Jodi Rell (R) said in a statement. "I didn't give my permission then, and I am not giving it now."

Missouri filed a lawsuit Aug. 30 contesting a commission proposal to remove all 15 F-15 fighters from Lambert-St. Louis International Air Guard Station.

"It is incomprehensible to me that the recommendation to close the 131st Air National Guard Fighter Wing was adopted by the BRAC Commission," Gov. Matt Blunt (R) said in a statement.

Massachusetts Gov. Mitt Romney (R) also is considering a lawsuit after the commission approved DOD's plan to Close Otis Air National Guard Base and redistribute that base's F-15 fleet.

However, of all the pending legal actions, Pennsylvania's has progressed the furthest.

A federal court judge late last month ruled the BRAC panel's decisions on the 111th Fighter Wing at Willow Grove, PA, and its A-10 attack planes were both "null and void." The decision came within hours of the commission's Aug. 26 vote to approve DOD's plan to retain the facility and add an Army "enclave."

That federal court ruling came just weeks after the Justice Department sided with the Pentagon in the dispute over whether governors or the Pentagon possesses the right to move ANG units. Justice officials argued in a statement that even though the Guard descends from the nation's earliest militias, the Constitution states Congress has the power to "provide for organizing, arming and disciplining" such units when they are called on for national service.

At press time (Sept. 1), a spokeswoman from Pennsylvania Gov. Ed Rendell's (D) office did not respond to questions about the governor's planned next steps in the litigation process.

The BRAC Commission will send it's report to the White House by Sept. 8. By law, the president must approve or reject the commission's list by the end of this month. The recommendations will become law if the president approves the proposals and Congress does not object within 45 legislative days.

BRAC Commissioners Vote To Keep Ellsworth And Cannon Open

Inside the Air Force
Martin Matishak
September 2, 2005

The Base Realignment and Closure Commission voted last week to keep open two major Air Force bases, rejecting Pentagon plans that would have altered the service's bomber and fighter compositions.

Commissioners voted 8-1 Aug. 26 against the Defense Department's proposal to shutter Ellsworth Air Force Base, SD, and move its B-1 bombers to Dyess AFB, TX. Hours later, the panel approved by a 6-1 vote the decision to break up the F-16 fighter fleet at Cannon AFB,

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This recommendation directing aircraft movement and personnel actions in connection with Air National Guard installations and organizations is designed to support the Future Total Force. The Commission expects that the Air Force will find new missions where needed, provide retraining opportunities, and take appropriate measures to limit possible adverse personnel impact. The Commission's intent is that the Air Force will act to assign sufficient aircrew and maintenance personnel to units gaining aircraft in accordance with current, established procedures. However, the Commission expects that all decisions with regard to manpower authorizations will be made in consultation with the governor of the state in which the affected Air National Guard unit is located. Any manpower changes must be made under existing authorities, and must be made consistent with existing limitations. Some reclassification of existing positions may be necessary, but should not be executed until the Air Force and the state have determined the future mission of the unit to preclude unnecessary personnel turbulence.

COPY

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 S. Clark St., Ste. 600
Arlington, VA 22202

Re: 111th Fighter Wing at Willow Grove

Dear Chairman Principi:

This letter follows up on the letter that Senators Specter and Santorum sent to you yesterday concerning the value of the 111th Fighter Wing and the 911th Airlift Wing. The Commission showed great foresight and willingness to make necessary adjustments when it clarified its action with respect to the 911th Airlift Wing, Pittsburgh International Airport, to include report language enabling this important unit to keep aircraft and maintain flying operations. In light of the August 26, 2005, Opinion and Order issued by United States District Judge John R. Padova in the matter of Rendell, et al. v. Rumsfeld, Civil Action No. 05-3563 (E.D. Pa.), we urge the Commission to take similar action with regard to the 111th Fighter Wing at Willow Grove.

Last Friday, shortly before the Commission voted on the issues related to Air National Guard and Air Force Reserve installations, Judge Padova issued a final order granting our motion for summary judgment and declaring "null and void" Secretary Rumsfeld's recommendation to deactivate the 111th Fighter Wing. Although we transmitted a copy of Judge Padova's ruling to the Commission as quickly as possible, it apparently arrived after the Commission voted on the Secretary's recommendations concerning the Naval Air Station Joint Reserve Base at Willow Grove.The next day an Associated Press report stated that the ruling had "no effect" on the Commission's deliberations.

We appreciate the Commission's unilateral action to strike the proposed deactivation of the 111th Fighter Wing from the DoD recommendations and to maintain the current end-strength of this unit. However, Pennsylvania believes that Judge Padova's order declaring "null and void" that portion of Secretary Rumsfeld's report recommending deactivation of the 111th Fighter Wing means that the unit should have been maintained with its aircraft and missions intact.

As you may be aware, numerous states whose Air National Guard units have been adversely reorganized have commenced federal actions similar to the one that we filed in

the U.S. District Court for the Eastern District of Pennsylvania. Moreover, those states have successfully obtained or are now in the process of obtaining temporary restraining orders prohibiting the Commission from including in its final report the Secretary's recommendations relating to particular National Guard units. While we reserve our right to seek, now, or at a subsequent point in the BRAC process, injunctive relief enforcing Judge Padova's declaratory judgment, we are hopeful that it will not be necessary to do so, for two reasons.

First, we are confident that the Commission will regard and not ignore Judge Padova's ruling. As the United States Supreme Court noted in Franklin v. Massachusetts, 505 U.S. 788 (1992), federal agencies have an interest in acting lawfully, whether or not they are parties to actions that adjudicate questions relating to the scope of their power. For that reason, the Court assumes that "it is substantially likely that the President and other executive and congressional officials would abide by an authoritative interpretation of [a federal] statute and constitutional provision by the District Court, even though they would not be directly bound by such a determination." Id. at 804.

Second, we are confident that the situation at Willow Grove can be remedied without upsetting the wider BRAC process. We respectfully urge the Commission to include in its final report language providing that the 111th Fighter Wing should retain sufficient A-10 aircraft to maintain a meaningful flying mission now and for the foreseeable future. This could be accomplished with little, if any, disruption to the Commission's other recommendations because the aircraft could come from among the twelve A-10s currently slated for retirement and/or from adjustments of aircraft in excess of Primary Assigned Aircraft (PAA) maintained by all A-10 units. Should the Commission agree with this proposal, Governor Rendell specifically reaffirms the willingness and dedication of the Pennsylvania Air National Guard to operate Willow Grove as an Air National Guard base once the Navy leaves at some future date.

Accordingly, we recommend that the Commission include the following language in its report to the President:

> *The Commission recommends that DoD take affirmative action to assign an optimum number of A-10 aircraft to the 111th Fighter Wing, Pennsylvania Air National Guard. By assigning these aircraft to the 111th Fighter Wing, significant resources for recruitment and training of aircrews and maintenance personnel will be saved. This can be accomplished either by DoD not retiring 12 service capable A-10 aircraft and by allocating them to the 111th Fighter Wing or by the DoD taking action to provide A-10 aircraft to form a fifth A-10 wing using the 111th Fighter Wing of the Air National Guard located at Willow Grove, Pennsylvania.*

Chairman Principi, we wish to express our sincere thanks and appreciation for the hard work undertaken and independent judgment exercised by the Commission during this most challenging BRAC process. While we have pursued and will continue to pursue all available options to ensure that the current round of base closures and realignments proceeds in accordance with other applicable laws, we have attempted to do so in a manner that allows the Commission as much latitude as possible to address the legitimate concerns surrounding the Air National Guard recommendations. We believe that our proposal concerning the 111th Fighter Wing is not only consistent with Judge Padova's ruling, but also reasonable and practical.

Very truly yours,

Edward G. Rendell

Edward G. Rendell
Governor, Commonwealth of Pennsylvania

cc: The Honorable Arlen Specter
United States Senate

The Honorable Rick Santorum
United States Senate

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
2521 South Clark Street, Suite 600
Arlington, VA 22202
Telephone: 703-699-2950

August 5, 2005

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:

A memorandum of law prepared at my request by the law firm of Wiley, Rein & Fielding, LLP is enclosed. The memorandum is not a product of deliberations by Base Closure and Realignment (BRAC) Commission members and accordingly does not necessarily represent their views or those of the Commission. We remain uncertain as to the state of the law and thus continue in our need for the assistance requested in my letter to you of May 23, 2005.

Your legal opinion regarding the authority of the Secretary of Defense and BRAC Commission to effect the changes contemplated by the Secretary's recommended closures and realignments of National Guard and Air National Guard installations will help to guide us in formulating our recommendations to the President. With our final deliberations scheduled for August 24-27 and our report due to the President on September 8, time is of the essence.

We have remained in contact with the Office of Legal Counsel with respect to this matter and will continue to provide assistance as requested. A paper prepared by my legal staff discussing the enclosed memorandum may be forthcoming early next week.

Sincerely,

Anthony J. Principi
Chairman

Enclosure:
Memo of law dtd August 3, 2005

Chairman: Anthony J. Principi
Commissioners: The Honorable James H. Bilbray, The Honorable Philip E. Coyle III, Admiral Harold W. Gehman Jr., USN (Ret),The Honorable Jim Hansen, General James T. Hill, USA (Ret), General Lloyd Newton, USAF (Ret), The Honorable Samuel K. Skinner, Brigadier General Sue Ellen Turner, USAF (Ret)
Executive Director: Charles Battaglia

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
2521 South Clark Street, Suite 600
Arlington, VA 22202
Telephone: 703-699-2950

August 5, 2005

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:

A memorandum of law prepared at my request by the law firm of Wiley, Rein & Fielding, LLP is enclosed. The memorandum is not a product of deliberations by Base Closure and Realignment (BRAC) Commission members and accordingly does not necessarily represent their views or those of the Commission. We remain uncertain as to the state of the law and thus continue in our need for the assistance requested in my letter to you of May 23, 2005.

Your legal opinion regarding the authority of the Secretary of Defense and BRAC Commission to effect the changes contemplated by the Secretary's recommended closures and realignments of National Guard and Air National Guard installations will help to guide us in formulating our recommendations to the President. With our final deliberations scheduled for August 24-27 and our report due to the President on September 8, time is of the essence.

We have remained in contact with the Office of Legal Counsel with respect to this matter and will continue to provide assistance as requested. A paper prepared by my legal staff discussing the enclosed memorandum may be forthcoming early next week.

Sincerely,

Anthony J. Principi

Anthony J. Principi
Chairman

Enclosure:
Memo of law dtd August 3, 2005

Chairman: Anthony J. Principi
Commissioners: The Honorable James H. Bilbray, The Honorable Philip E. Coyle III, Admiral Harold W. Gehman Jr., USN (Ret),The Honorable Jim Hansen, General James T. Hill, USA (Ret), General Lloyd Newton, USAF (Ret), The Honorable Samuel K. Skinner, Brigadier General Sue Ellen Turner, USAF (Ret)
Executive Director: Charles Battaglia

July 25, 2005

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 S. Clark St., Ste. 600
Arlington, VA 22202

Dear Chairman Principi:

At the Commission's hearing on Monday, July 18, you urged the Air Force, the governors, and their Adjutants General to "work to a solution that best serves the interests of our national security and our country." We are prepared and eager to do just that.

This response is a collective action of the Adjutants General Association of the United States (AGAUS), following a special meeting of the body in Washington, DC on Friday, July 22, 2005. We are mindful that 83 percent of the Air Force recommendations pertain to the Air National Guard and that the majority of these recommendations are outside the charter of the BRAC Act dealing with closure or realignment of installations. A "realignment" under the Base Closure Act pertains to installations, not to units, unit equipment, people or positions. As the BRAC Commission's Deputy General Counsel has opined, "The purpose of the Act is to close or realign excess real estate and improvements that create an unnecessary drain on the resources of the Department of Defense. The Base Closure Act is not a vehicle to effect changes in how a unit is equipped or organized."

The Adjutants General believe the proposed recommended actions are beyond the scope of the Base Closure Act and it would therefore be improper for the BRAC Commission to include these actions in its recommendations to the President and to the Congress. There are well established processes for dealing with these operational decisions--processes that have stood the test of time and have been followed for decades to the mutual advantage of the federal government and those of the states and territories.

We have a way ahead for the Future Total Air Force and we are eager to engage with the Air Force outside of the BRAC process and its time constraints. Without going into detail, it provides (1) for an Air National Guard flying unit in every state, (2) unit equipped ANG air refueling and tactical airlift missions directly accessible to governors strategically dispersed on a regional basis for responding to domestic emergencies including homeland defense and homeland security exigencies, (3) sufficient and

appropriate sovereign air defense protection for all regions and population centers in the CONUS, (4) divestiture of legacy aircraft and weapon systems, and (5) transformational and proportionate ANG participation in all new and emerging flying and non-flying missions such as the F/A-22, F-35, KC-X, Light Cargo Aircraft, C-17, UAV, and space and information operations, to name just a few.

We look forward to working with Air Force representatives in the appropriate forum. To facilitate these discussions, we are eager to help the BRAC Commission identify those portions of the Air Force BRAC submissions which constitute programmatic as opposed to real property recommendations. The portions identified in this collaborative review should then be set aside by the Commission thereby allowing the states and the Air Force to deal with those issues using established separate processes.

Recognizing that time is of the essence, a special sub-committee of the Adjutants General Association has been authorized to work with the Commissioners and your staff and is available at your call. We hope and trust the Air Force will also embrace this collaborative path forward.

Sincerely,

Roger P. Lempke
Major General
President, AGAUS

cc: NGAUS (BG (Ret) Koper)
CNGB (LTG Blum)
ANG/CF (LtGen James)
AF/XP (LtGen Wood)

Hague, David, CIV, WSO-BRAC

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Wednesday, July 27, 2005 11:50 AM
To: Hague, David, CIV, WSO-BRAC
Subject: FW: Your fame spreads, Dan

Sir -

FYI.

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
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dan.cowhig@wso.whs.mil
www.brac.gov

From: Daniel Else [mailto:DELSE@crs.loc.gov]
Sent: Wednesday, July 27, 2005 11:26 AM
To: Aaron Flynn; Dan.Cowhig@wso.whs.mil
Subject: Your fame spreads, Dan

Note the amendment proposed for the National Defense Authorization Act for 06:

SA 1513. Mr. BYRD (for himself, Mr.
BIDEN, Mr. ROCKEFELLER, Mr.
LIEBERMAN, Mrs. CLINTON, Mr. OBAMA,
and Mr. SCHUMER) submitted an
amendment intended to be proposed by
him to the bill S. 1042, to authorize appropriations
for fiscal year 2006 for
military activities of the Department
of Defense, for military construction,
and for defense activities of the Department
of Energy, to prescribe personnel
strengths for such fiscal year
for the Armed Forces, and for other
purposes; which was ordered to lie on

the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. SENSE OF THE SENATE CONCURRING WITH THE BASE CLOSURE AND REALIGNMENT COMMISSION LEGAL OPINION ON EXISTENCE OF LEGAL IMPEDIMENTS TO CLOSURE OR REALIGNMENT OF AIR NATIONAL GUARD ASSETS.

It is the sense of the Senate that the Senate concurs with the conclusion that legal impediments exist to the closure or realignment of Air National Guard assets, as stated in the memorandum entitled ''Discussion of Legal and Policy Considerations Related to Certain Base Closure and Realignment Recommendations'' issued on July 14, 2005, by the Office of General Counsel of the Base Closure and Realignment Commission.

<<Back

BRAC Realignment in Question

Jul 16, 2005, 9:12 PM

(Washington-AP-WANE) A legal hitch may prevent the Pentagon from closing Air National Guard units as it shuts down various military bases across the country. An internal memo obtained by The Associated Press says air guard units may be outside the scope of the base closure law. The memo was written by the general counsel's office of the independent commission reviewing the base closings. The boundaries of the base closure law could interfere with the Defense Department's efforts to streamline or eliminate as many as 30 air guard flying units from Maine to Texas.

Under the plan, an Air Guard fighter wing with 15 F-16's based in Springfield, Illinois would be moved to Fort Wayne to join the 122nd Fighter Wing. The 15 Springfield jets would replace 15 older F-16's currently in used by th 122nd. Nine more F-16's would come from an Air Guard base in Terre Haute.

Illinois' attorney general and other state officials have already indicated they plan to take legal action over the Pentagon's decision to move Springfield's Fighter Wing to Fort Wayne. They believe the Pentagon doesn't have the authority to close a National Guard base without a governor's permission. Governor Rod Blagojevich sent a letter to Secretary of Defense Donald Rumsfeld on July 11 saying he believes the BRAC recommendations can't proceed since federal law dictates that the governor must give his consent for this kind of realignment.

However, Congressman Mark Souder says ultimately the Defense Department does have the authority to move planes and its decisions are not subject to state governors' authority.

Rep. Dr 6th term (202) 225-4436

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1/4/5 Bob McCleary called saying Illinois has filed suit. Nothing yet on web.

H.

Hague, David, CIV, WSO-BRAC

From: Battaglia, Charles, CIV, WSO-BRAC
Sent: Thursday, July 14, 2005 11:28 AM
To: Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Cowhig, Dan, CIV, WSO-BRAC; Hall, Craig, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; McRee, Bradley, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC
Subject: FW: Air National Guard and a lot more

Attachments: Condensed Congressional Testimony.pdf; Congressional Testimony Excerpts.pdf; 050605 HGR Hearing on Homeland Security Mission Effectiveness (Transcript).pdf; 050315 HASC (Terrorism) Hearing on DOD Homeland Security Responsibilities (Transcript).pdf

Condensed ongressional Testim | Congressional Testimony Excerp... | 050605 HGR earing on Homeland | 050315 HASC (Terrorism) Hearin..

I may have forwarded this earlier. Before I delete it, I want to pass it along in the event I missed some of you.

-----Original Message-----
From: Daniel Else [mailto:delse@crs.loc.gov]
Sent: Sunday, June 26, 2005 5:18 PM
To: cbattaglia3@cox.net; C.Battaglia@wso.whs.mil
Subject: Air National Guard and a lot more

Charlie, you asked me to look at several items: the disconnect between DOD homeland defense and DHS homeland security missions, the connection between BRAC and homeland security, and the connection between the Air National Guard and homeland security (defense), all in the context of congressionally stated concerns.

Let me begin with the standard disclaimer. Nothing herein has been cleared by the Congressional Research Service and should not be construed as constituing a CRS endorsement or recommendation. All expressions are my own.

I have reviewed the transcripts of several hearings conducted by various congressional committees over the course of the past eighteen months.
Transcripts of hearings are perhaps the most reliable indicator of congressional concerns, as they record the public interaction between the legislative and executive branches. Attached to this message are the complete transcripts of two of these hearings that bear directly on your issues of concern, a March 15, 2005, hearing before the House Armed Services Committee Subcommittee on Terrorism focused on DOD homeland security responsibilities, and a June 9, 2005, House Committee on Government Reform hearing on Department of Homeland Security Effectiveness. One other document that you may wish to download yourself is a Defense Science Board report from 2003, "DOD Roles and Missions in Homeland Security," which is available at the DSB web site (http://www.acq.osd.mil/dsb/reports.htm#2003).

I have also attached relevant excerpted remarks from all of the hearings that are reviewed. In addition I have boiled these down in another document attached to this message, to which I have added extra events taken from the DOD BRAC timeline and events on the road to the creation of the Air Force's Future Total Force. It seems to me that all of these will have a bearing on my remarks.

The hearing that principally addressed the DOD role in homeland security was that of March 15, 2005. In reading through that and the other hearings, it appears that DOD conceives of its primary mission as responding to domestic attacks (primarily those involving weapons of mass destruction), so-called "critical infrastructure protection," and standing Air Sovereignty Alerts. The National Guard (both flavors) are heavily involved in each of these missions.

Issues identified in congressional hearings include:

The division of labor between the Department of Defense and the Department of Homeland Security;

The split between Title 10 and Title 32 responsibilities of the National Guard (including federal compensation for Title 32 tasks and the availability of these forces to the state governors); and

The ability of the National Guard to respond to domestic attack.

The distribution of responsibilities of homeland security and homeland support are shared between and overlap the Army National Guard and Air National Guard, so I will address the three principal missions of response, protection, and air sovereignty -- turning first to security, then defense. All of these are set within the single combatant command of NORTHCOM.

Critical Infrastructure Protection: This deals with providing security for infrastructure that is deemed critical to defense and to society in general within the United States, including oil pipelines, electrical transmission grids, and even defense contractor sites. This is primarily an Army National Guard function.

Air Sovereignty Alert: This is primarily, though not exclusively, an Air National Guard security mission (1 of 16 alert sites is manned by active-duty Air Force, with the rest manned by Air National Guard -- the locations of these alerts shifts). This becomes a defense mission when the alerts and combat air patrols are for real.

WMD Response: Initial response and enhanced near-immediate response is a shared responsibility of the Army and Air National Guards. There is a 3-tiered response structure of Civil Support Team (one team of 22 active duty Army and Air Guardsmen in each state and territory tasked with immediate diagnosis and assessment at the site, and establish communications), CBERF team (larger, 12 of these distributed by FEMA region, with the training and equipment to begin decontamination, mass casualty treatment, apparently by the Air National Guard, and rescue from rubbled buildings), and Joint Task Force (large active duty organization that moves in for the big jobs). State governors apparently have also organized Quick Reaction Forces and Rapid Reaction Forces of trained Guardsman (apparently with a site security mission) that are supposed to be able to deploy 100 troops within four hours of alert, and 500 troops within 24 hours. The DSB report cited above apparently recommends that an Air National Guard wing be created and dedicated to the homeland mission.

Concerns expressed by Congress have evolved over the past 18 months, following each stage of the BRAC process. Early on, congressional concerns focused on determining the emphasis that homeland security would have in BRAC considerations. Though neither the Assistant Secretary of Defense for Homeland Defense nor the Director of the National Guard Bureau was officially included in the BRAC organizational chart, both expressed the expectation that they would be consulted throughout.

With regard to congressional concerns over the role played by the National Guard in BRAC, the directors of both the Army National Guard and the Air National Guard stated that they did play a role, albeit indirect. The Army National Guard intended to encourage the state adjutants general to participate with the Army in the transformation of the reserve component in each state (the results of this can be seen in the DOD recommendations). The Director of the Air National Guard stated as early as April 2004 that his immediate deputy had a seat within the senior Air Force BRAC councils and represented Guard issues there.

The future role of the Air National Guard took a somewhat different trajectory. Not much was made publicly of the Air Guard until relatively late in the game. This hinged on the unveiling by the Air Force of its Future Total Force concept, which moves the Air Guard to new missions, new equipment, and possibly to new locations. The Chief of Staff told the House Committee on Armed Services in late November that the Air Force intended to incorporate the Air Guard and Reserves into the future missions of space, UAVs, etc., through the form of associating reserve and active units. When asked whether this would mean that much of the Air Guard's F-16 assets would be lost, the Chief of Staff dodged the question. On December 1, the Air Force announced six Future Total Force transformation experiments, which are detailed in the attached notes.

The planned drawdown of Air National Guard F-16 aircraft beginning in FY 07 soon caught the attention of the Senate Committee on Armed Services, and the remarks at

hearing indicated the discontent on the part of state adjutants general (at least the air side) on their lack of participation in the creation of the Future Total Force concept. The Chief of Staff insisted that the concept had been developed "with the participation of the Air National Guard." During discussion of the FY 06 budget request, the Chief of Staff repeatedly stated that he didn't want to leave any part of the Air Force stuck in "old missions."

On March 25, the Air Force stood up its Future Total Force Directorate, whose staff included Air Force Reserve and Air National Guard deputies.
The FTF is to form the core of the initial Air Force look at the 2005 QDR.

Secretary Rumsfeld released his list of recommended actions on May 13, and he seems to have caught the states' adjutants general flat-footed.
He did not move Air National Guard fighter units to active-duty bases, but rather consolidated them on fewer Air Guard sites. The loss of flying mission by several Air National Guards also seems to have taken the adjutants general by surprise.

All this has led me to draw several conclusions based on the limited information I have:

1. The furious reaction from the Air National Guard adjutants general seems to indicate that any Air Guard participation in the creation of the Future Total Force appears to have taken place at the National Guard Bureau, not at the state, level.

2. The contrast between Army National Guard and Air National Guard reaction to the BRAC indicates that there was significant state-level participation in the creation of the Army list of recommended actions, but Air National Guard participation seems to have been confined to the Director's office.

3. The most public outcry against Air National Guard BRAC actions seems to be focused on the fighter mission, but the plans to stand strip alerts at fields without home squadrons indicates a measure of flexibility that may be able to compensate.

4. I do not agree with your statement that homeland defense military value criteria do not apply to the Air National Guard C-130 assets. The Air National Guard C-130 units should have, if they do not already have, a very important role in the rapid lifting of WMD response teams, CST and CBERF, to incident and attack locations. If my earlier remarks to you about the Air Force guarantee of airlift within 72 hours are accurate, I would suggest that this is woefully inadequate. Perhaps the DSB recommendation of a dedicated Air National Guard wing, even if it is only C-130s, should be reconsidered. Much of the Future Total Force appears to be outward-looking, dedicated to lifting contingency forces overseas. It appears that the redeployment of C-130 assets supports this view. How much of the FTF is inward-looking? Can we rely on commercial air transportation or air assets not under the control of the Air Guard to ferry response teams within a matter hours, not days?

Interestingly, NORTHCOM seems to have come up with a plan to leverage the question of Title 10/Title 32 responsibilities in the event of a WMD response. Testimony noted here indicates that a single Title 32 officer in the state affected would be appointed to the NORTHCOM staff in a Title 10 role, thereby being able to direct active, reserve, and Guard military units seamlessly.

I hope that this helps in preparation for the upcoming hearing. If I can provide you anything else, or if I have missed the mark, please let me know.

Dan

6/28 rec'd from Charlie - passed to Comm Skinner

Condensed Congressional Testimony

[redacted] Lieutenant General Stephen Blum, Director of the National Guard Bureau, responding to Chairman Jim Saxton, described to the House Committee on Armed Services Subcommittee on Terrorism the creation of 12 National Guard Chemical, Biological, Radiological, Nuclear and High-Yield Explosive Enhanced Response Forces (CBERF) (mass decontamination, mass casualty treatment and victim extraction from rumbled buildings). This responded to a Defense Science Board 2003 summer study that noted deficiencies in certain homeland security mission capabilities. In concept, this included the provision of extra equipment and training to existing Guard medical, chemical, and general-purpose security units that, when coupled with 32 existing Guard Civil Support Teams (22-member initial analysis and assessment units) and governor-established Quick Response Forces and Rapid Response Forces (state-based battalion-sized immediately mobilizable units intended to deploy within 24 hours), would form the immediate-sized immediate response to a WMD attack or simultaneous attacks.

[redacted], and the integration of Guard capabilities into the DOD capacity to respond the multiple simultaneous WMD attacks.

[redacted] Assistant Secretary McHale described to the Senate Committee on Armed Services the then-32 National Guard WMD Civil Support Teams (55 were planned to exist by the end of 2004). He indicated that a more substantial response capability was being created in the form of large Joint Task Forces dispersed at locations throughout the United States.

In responding to a question from Sen. Reed, G[redacted]er) indicated the need for a capability between the minimal CST and the maximal JTF. Gen. Blum's CBERF concept of 12 enhanced teams appeared to fit the bill. In commenting on the Guard's CSTs, Gen. Eberhart stated, "I'm a big fan of the CST teams. They are diagnostic in nature. But in many cases, that early read on what we have is very, very important, so we know how to react."

Significantly, he went on to state, [redacted]

[redacted] In a hearing before the House Committee on Armed Services Subcommittee on Total Force, Rep. Ryun mentioned the 2003 Defense Science Board report. O[redacted] Air Nati[redacted] and hom[redacted] Civil Support Teams. [redacted] about where we secure these C-130s for such a mission. I [redacted]

[redacted] The Director of the National Guard Bureau, the Director of the Army National Guard, and the Director of the Air National Guard appeared before the Senate Committee on Appropriations Subcommittee on Defense. Sen. Dorgan asked the three general officers what role they were taking in the 2005 BRAC round process, noting that previous BRAC rounds had evaluated only a few Guard and Reserve facilities.

The Director of the Army Guard noted that all Army National Guard facilities fell below the threshold for mandatory BRAC review, but the potential benefits for joint basing and cost-sharing had led him to encourage state adjutants general to consider participating voluntarily in BRAC.

[redacted] We are already working with the committees from OSD to all the way into the Air Force committees. The Air and National Guard will be full participants in having an input into BRAC. ... My deputy ... sits on the committee that represents the Air National Guard and makes our inputs. ... One of the things we're doing is we are asking for inputs from the states through the adjutants general for how they would do it if they were forced to remission or move."

[redacted] Force Chief of Staff Jumper told the House Committee on Armed Services that [redacted] incorporate the Air Guard and Reserves into the service's future contingency operations missions of space, UAVs, etc. This would take the form of associating reserve component and active units.

Mr. LoBiondo questioned whether the Future Total Force plan would mean that much of the Air Guard's F-16 assets would be lost. Gen. Jumper stated that "we would be asking the Air National Guard to transition into the more modern missions, along with the active duty."

[redacted] AIR FORCE ANNOUNCES SIX FUTURE TOTAL FORCE EXPERIMENTS:

Nevada, at Nellis' Air Warfare Center where Air National Guard and Air Force Reserve personnel will be integrated into all missions, including Predator operations to relieve strain on training and operations.

Texas and Arizona, where the Guard and Reserve will support Predator operations with new squadrons.

Virginia, where the Air National Guard's 192nd Fighter Wing at Richmond will integrate with the active duty 1st Fighter Wing at Langley Air Force Base to train on the F/A-22 Raptor.

Utah, where the Reserve's 419th Fighter Wing will support Hill Air Force Base's 388th Fighter Wing on F-16 missions.

Vermont, where active duty personnel will mix with more experienced Reserve and Guard personnel at a community base for the state's 158th Fighter Wing.

New York, where a Reserve component ground station will be established in the western part of the state to process global intelligence information in a partnership with the Army and the Army National Guard.

[redacted]: In a hearing before the Senate Committee on Armed Services on the FY06 defense [redacted] expressed concern that the Air Force's Future Total Force plan appears to retire blocks of older F-16 aircraft from the National Guard, beginning in FY07, without replacement, and Guard unit operations are to be consolidated with active duty units on active bases. He felt that this could lead to the elimination of Air Guard facilities. He indicated that the Air Guard in his state of Minnesota felt that it had no input to the FTF.

A[redacted] explained that the plan is evolving to move all components of the Air Force, active, reserve, and [redacted]d, into the future missions of space control, unmanned vehicles, and command and control that are more relevant to the acutal use of the Air Force. Consolidation is not envisioned to be between Guard and active units, but more along the lines of Guard-to-Guard and reserve-to-reserve, "all done with the participation of the Air National Guard." He noted that he had spoken with all TAGs at a recent meeting in Arizona, and that "we had members of the Guard and Reserve in our planning functions that are putting this thing together. ... [redacted]

[redacted]5: AIR FORCE FY06 UNFUNDED REQUIREMENTS INCLUDE 29 ADDITIONAL MQ-1 PREDATOR A AIRCRAFT TO SATISFY NEEDS IN GWOT AND THE FUTURE TOTAL FORCE (INCLUDING TWO NEW ANG SQUADRONS).

March 15, 2005: The House Committee on Armed Services Subcommittee on Readiness held a hearing on BRAC. Rep. Marshall asked Secretary Grone for an estimate of the savings realized from all past BRAC rounds. He then expressed his concern that DOD might close bases that could reveal utility in the future for a homeland security mission. Grone responded that the homeland security considerations were part of the DOD deliberative process.

[redacted] before the Senate Committee [redacted] noted that 75% of the [redacted] over the United States and Canada since 9/11 were piloted by [redacted] immediate" alerts (8-minutes from go to wheels-in-the-well) are being stood at 16 locations around the country. Army Guard soldiers man ground-based air defense sites around the National Capitol region.

[redacted] uses an Coast Guard flag officer as a deputy J-3.

[redacted] intended to complete the creation of 55 WMD Civil Support Teams ([redacted]), one in each [redacted] by [redacted] nical, [redacted] Response Force Packages, stating that the [redacted] Bureau intended to raise their level of expertise to match that of the active duty Marine Corps Chemical, Biological Incident Response Force (CBIRF) teams. The Chairman noted that "these (CST) teams contain the expertise to arrive on the scene usually at the same time the first responders are and have the technical skills to analyze the substances, the problems and then work together with the local team in what can be done with what's in hand."

[redacted] manning impact in [redacted] exercises thus far.

March 17, 2005: Rep. Kaptur expressed concern about the movement of fighter aircraft from dispersed Air Guard facilities to active duty bases in a House Committee on Appropriations Subcommittee on Defense hearing on the Air Force appropriation request. A [redacted] nded by saying that all BRAC scenarios being considered for the Air Guard would be "people-neutral." He noted that both the Air Guard and the active and reserve Air Force are moving away from short-range non-stealthy aircraft and into new mission areas such as space, C^2, UAVs [redacted] s." Kaptur was very concerned that new Guard locations be able to sustain necessary recruitment levels. She also raised the issue of speed of response (read "physical proximity") in the air sovereignty mission.

[redacted]: AIR FORCE STANDS UP FUTURE TOTAL FORCE DIRECTORATE. Brig. Gen. Allison Hickey, who was previously assistant deputy to the service's strategic planning director, is serving as the new directorate's interim leader, according to the service. Other top officials joining Hickey include Maj. Gen. Patrick Gallagher, who will serve as the directorate's Air Force Reserve assistant, and Brig. Gen. Duane Lodrige, the directorate's Air National Guard assistant. Implementation of the FTF, earlier known as the "Beacon Force" and the "2025 Force," is expected to stretch over 20 years. It is the core of the initial QDR position for the Air Force.

[redacted] NEW MEMORANDUM OF UNDERSTANDING BETWEEN VA ANG AND USAF. Leaders of the Virginia Air National Guard's 192nd Fighter Wing and the Air Force's 1st Fighter Wing last week signed a memorandum of understanding that lays out the scope of their new "associate wing," which will operate and maintain F/A-22 Raptors at Langley Air Force Base, VA.

[redacted] hearing before the Senate Committee on Appropriations Subcommittee on Defense, Air [redacted] both federal deployments overseas in a military capacity and medical response to governors' calls in case of h[redacted]

MAY 13, 2005: SECRETARY OF DEFENSE RUMSFELD RELEASES HIS LIST OF RECOMMENDED BRAC ACTIONS.

Condensed Congressional Testimony

[redacted] Appearing before the Senate Committee on Appropriations Subcommittee on Defense, the president of the National Guard [redacted] states that adjutants general of the [redacted] process. He stated that the 2005 BRAC "this b[redacted]

He questioned whether the 2005 QDR will lead or follow BRAC, and he wondered whether BRAC was being used as a tool to force transformation, rather than to merely trim excess infrastructure capacity. He does not seem to support the Air Force Future Total Force concept, which he apparently believes is driving the actions recommended in the BRAC.

[redacted]s. He expressed concern about the loss of flying billets for the [redacted] that the Future Total Force concept is informing BRAC actions. He asked Koper whether the Air Guard was permitted a role in devising the FTF strategy. Koper responded that the Guard was not permitted regular representation in the General Officer Steering Committee on Future Total Force until October 2004. He went on to say that the adjutants general did not participate in data-gathering with respect to Guard units for the BRAC. He states that the coordination between the Army and the Army National Guard in the derivation of BRAC recommendations, while apparently effective, was informal.

[redacted] hearing of the House Committee on Government Reform, Rep. Miller, of Michigan, [redacted] Chertoff to consider establishing regional homeland security headquarters along the northern tier, suggesting that her air National Guard base, Selfridge, would be a likely candidate.

Chertoff suggests that additional layers of bureaucracy are not necessary.

REVIEW OF AIR FORCE BASE CLOSURE EXECUTIVE GROUP (BCEG) AND BRAC "RED TEAM" MINUTES

Background: BCEG meeting minutes and comments from the BRAC Red Team[1] have been reviewed. This document describes issues which affect in a global sense the recommendations concerning the Air National Guard (ANG.) The impact to the Guard is significant. Of the 70 ANG installations in the country, 56 are affected by closure or realignment. Flying missions are eliminated at 26 ANG installations. Footnotes will elaborate on key topics.

(The issues will be presented in chronological order. "BCEG" or "RT" after the date denotes the source of the product. Times New Roman font indicates exact quotes from the minutes.)

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31 Jan 05 - RT - BRAC Red Team Kickoff Meeting

The purpose of this meeting was to ensure that the charter, work products, and schedule for the group were understood by all.

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22 Feb 05 - BCEG - Minutes

Discussion within the BCEG about "**potential for Future Total Force[2] initiatives using ANG assets** realigned under BRAC 2005."

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25 Feb 05 - RT - BRAC Red Team Discussion Topics
This was the Red Team review of all DoD BRAC work performed up to this point.

Key points follow:

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[1] **Red Team Purpose**: In the latter stages of the DoD BRAC development, the Department engaged a small group of executive-level former government officials. Called the "Red Team," this group was asked to provide an independent assessment of candidate recommendations. The Red Team met with each Military Department and JCSG. It reviewed candidate recommendations, report drafts, and supporting materials. The team's insights provided valuable feedback and suggestions for improving the quality of the candidate recommendation packages relative to the standard by which the Commission may alter the Secretary's recommendations.

[2] **Future Total Force (FTF):** The published objective of FTF is "to produce a smaller, more capable, more affordable Air Force composed of Active, Guard, and Reserve Airmen by recapitalizing the force and changing organizational constructs in a way that defends, deters, and defeats every adversary in any future challenge."

Military Judgment - The Red Team said that all services should clearly explain military judgment when used to override military value. They noted at that time the frequent use of military judgment in overriding military value. The Red Team also wanted more guidance on what Military Judgment includes.

Weights determining Military Value - The Red Team noted that the weights[3] determining Military Value are inconsistent - that they mix function value with installation value.

Consolidations with long paybacks - The Red Team said the following:

"Many consolidations have long paybacks and high MILCON requirements for new construction with weak justifications for receiving site selection and clear exclusion of other service potential receiving site consideration.
o A payback of Never or 100+ years without a very strong argument/justification will threaten the credibility of the BRAC process.
o Many realignments lack ties to force structure requirements or military value improvement and appear to only justify new MILCON."

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8 Mar 05 - BCEG - Minutes

This is the first reference found on the issue of **Manpower Savings**. A "given" going into BRAC was that net end strength for the ANG would remain the same. Thus it would be inappropriate to claim manpower savings through the realignments and closures. The recent **GAO Report**[4] also has much to say on this issue.

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[3] **Weights and the MCI**: The Air Force developed what is known as a Mission Capability Index (MCI). The MCI was applied to each of the 154 bases in the Air Force inventory. Each base was evaluated based on a system considering the potential use of various weapon systems in mission categories such as tanker, fighter, bomber, airlift, etc. and weighted accordingly. Unlike the way the other services treated their reserve components with respect to BRAC... active, guard and reserve bases were all evaluated using the same criteria. The criteria favored larger bases. Several points are to be made here concerning the ANG. 1) ANG installations operate under National Guard Bureau (NGB) caps concerning ramp size, building square footage, acreage and the like. They are inherently "right-sized." 2) Some of the questions dealing with airspace, routes and ranges are simply not appropriate to the way we train and fight today. 3) The questions had seemingly arbitrary thresholds and allowed for little differentiation between the smaller sized installations.

[4] **GAO Report:** This July 2005 report from the GAO noted that the majority of the net annual recurring savings (60 percent) are cost avoidances from military personnel eliminations. The report further states "However, eliminations are not

The following is a quote from the BCEG minutes:

(Pease) "back-briefed the 4 March 2005 ISG. He raised the issue of whether manpower nominally assigned to Base X should be counted under BRAC as savings for reinvestment. He noted the ISG assigns manpower savings on active forces as available for reinvestment."

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9 Mar 05 - RT - First Meeting of the Red Team with the Air Force BCEG

This meeting began with a review of the Air Force goals:

"• BRAC 2005 Goals were to maximize warfighting capability by **optimizing squadron size**[5]**, increasing crew ratios**[6] and **adjusting Active/ARC mix**[7], to realign infrastructure to meet future defense strategy by **sustaining air superiority and air sovereignty**[8] and accomplishing mobility basing, to maximize operational capability by eliminating excess capacity, and to capitalize on joint activity opportunities."

The following are questions from the Red Team followed by answers from the BCEG:

"• Why is 24 the optimal squadron size for fighters? (Salomon)

• Is the Guard on board?[9] *Absolutely, we are freeing up manpower for new roles.*

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expected to result in reductions to active duty, Air reserve, and Air National Guard end strengths, limiting savings available for other purposes."

[5] **Optimal Squadron Size**: There are apparently reports on this issue that the BRAC staff has not yet seen. The ANG units in the field do not think that the optimal number of aircraft in a squadron is the same for the ANG as compared to the active component.

[6] **Crew Ratios:** The Air Force wants more access to ANG aircraft for active duty crews. In their BRAC proposal, this is being achieved by two ways. One way is to transfer ANG assigned aircraft to active units. The other way is to establish more associate units in which active personnel are assigned to Guard bases.

[7] **Active/ARC Mix:** In a meeting with the BCEG co-chairs on 1 Jul 05, BRAC staff were told that the mix of the C-130 fleet was changing from 31% of the fleet Active to 43% of the balance Active after BRAC.

[8] **Air Defense:** It is unclear to the BRAC staff what degree of knowledge NORTHCOM had about the final Air Force BRAC recommendation. Units in the field have raised concerns that the current proposal has significant risks.

[9] **Is the Guard on Board?:** There was an ANG general officer on the BCEG. He was a representative of the National Guard Bureau (NGB). According to the Adjutants General, they had little to no knowledge of the plans being developed. The Governor's likewise were not consulted. They have claimed these plans will seriously hamper heir capability to perform the State mission of the ANG. On 1

(Johnson)

• Why leave numerous ECS enclaves?[10] *The ECS units are tasked separately from the fighter squadron and don't go with the mission. They provide general support – CSS.* (Johnson)

• How do you define realignment? *If more than one-third of non-mission personnel is left, then it is a realignment. If remaining non-mission personnel is less than one-third, then that is considered an enclave.* Did you excess the rest of the base? *Yes, and reducing the footprint sometimes created a cost.*[11] (Johnson)

• The Red Team has found it difficult to track goals, principles, imperatives, strategies, etc. and the application of military judgment. Be prepared to describe the dependencies or interrelationships between goals, principles, your strategy, and your military judgment. The candidate recommendations are supposed to be strategy-drive, data-verified and this needs to be apparent in your presentation and articulation.

• The decision process needs to be well documented and when you present to the Commission, you should have a chart that explicitly demonstrates how decisions were made.

• Make a chart that displays and rationalizes (with data support) optimum squadron sizes. For those recommendations where you do not reach the stated optimum, you need to explain why not in your justification. Failing to give such an explanation undermines your entire process.

• Numerous candidate recommendations, like the sample on Slide 38, used the justification that the action "enables future total force transformation". This requires further explanation.

• May want to incorporate a before and after type slide into presentation that demonstrates which bases have new types of planes, which is significant from a maintenance perspective.[12]

Jul, BCEG officials told BRAC staff that the Department of Homeland Security (DHS) likewise was not consulted or informed.

[10] **Enclave:** This is a new term which describes an ANG base which no longer has a flying mission. This enclave sustains the remnant of a unit consisting of what is known as "**Expeditionary Combat Support**" or **ECS**. These are the security forces, engineers, and other support personnel who may be called upon to deploy to support Air Expeditionary Forces or AEFs.

[11] **Reducing the Footprint:** When asked what they knew about this proposal in the field, installation commanders had no knowledge other than the fact that NGB staff were visiting to verify dimensions of buildings and land. It was unclear what was meant by expressions such as "pulling back the fence line."

• Create a backup chart that demonstrates how many pilots are affected by C-130 movements (Slide 45), how many pilots are assigned to a new base and how many have a new mission.[13]

• Review recommendations with large MILCON and "Never" paybacks.

• The purpose of BRAC is to reduce excess capacity. Strengthen rational and justification of all recommendations by explicitly linking actions to the Air Force's overall strategy, to the Force Structure Plan, and/or to BRAC Selection Criteria. This is necessary to avoid the appearance of using BRAC money for new MILCON to get Air Force situated and to overcome the Commission's potential hostility surfacing from small political actions.[14]

• Many of the recommendations include leaving expeditionary combat support (ECS) elements in an enclave. For many of them, they cite the need to "retain intellectual capital" as the justification for retaining an enclave. We need an explanation as to why these elements cannot be moved allowing for a total base closure. Especially as in the case of USAF-0033V2 (Slide 66) – where receiving location is 12 miles from losing location, and yet, an enclave is left behind.

• For those recommendations that involve the movement of aircraft from an installation with a high military value to one with a lower military value (e.g. USAF-0037 – Slide 72), we need a better explanation as to why this movement fits into the overall strategy. If "military judgment" was used, we need to know which aspect of military judgment.

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[12] **Dissimilar Aircraft Types:** Consideration apparently was given to F-16 "Block" types although some units took exception here. Other units noted the consolidation of various types of aircraft with more subtle differences. For example, F-15s have two different types of engines and C-130 H2s and C-130 H3s have different maintenance and flight crew requirements.

[13] **Pilot and Maintenance Personnel Retention**: Information from the field suggests that the impact on retaining trained personnel will be huge. Many say less than 20% of flight crews will follow the aircraft and even fewer maintenance personnel will. A Clearinghouse question is being answered now on exactly what cost estimates were used in COBRA models for this. This anticipated loss of seasoned and experienced personnel will place a significant demand on training schools. The time required to train these new personnel will likely degrade combat capability of the unit for some time.

[14] **MILCON:** Base officials and political office holders have taken pains to note the significant MILCON being completed or recently completed at many of the bases visited. An example is a $24M hanger at Nashville, TN. In the final stages of construction, it won an Air Force excellence award for its innovation.

• Be careful when stringing recommendations together – commission will look at the recommendations individually.[15]

• Need to solidify/disentangle your strategy, goals, imperatives, and principles. Statements on the bottom of Slides 3 and 11 really seem to be your strategy – as opposed to the reduction of capacity or to save money. If this is true, Slides 48 and 49 are irrelevant as your stated goal was not to save money.

• Military value analysis is distinct from all other groups who determined military value by mission or function of an installation. USAF appears to do military value analysis by warfighting platform rather than by installation mission or function. Since military value is not based on installation value in support of the total force structure, there are several military values for a base depending on which platform one is using.

• Several of the recommendations include the movement of aircraft[16] that seem to be tangentially related (at best) to the core of the recommendation. Why are these movements rolled up as part of a candidate recommendation? Can't they be done outside of the BRAC process?

• For the most part, the AF candidate recommendations seemingly do not involve the disposal of property. If property is excessed, it needs to be apparent in quad charts or at least in the one-page recommendation description. If property is not excessed, why not?

• USAF-0039: The wing is inactivating and all the aircraft are retiring, but there is MILCON, why? Why do the ECS elements remain? Why are Sioux Falls, SD and Gulfport-Biloxi, MS part of the community impact sheet when there is no mention of anything moving from/to those locations?

• USAF-0081: Review the legality[17] of "realigning in place".

• USAF-0086: What is the real rational for moving out a ANG wing, and then transferring its aircraft to another wing at the same base? "Enables Future Total Force Transformation" is insufficient justification."

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[15] **Stringing Recommendations Together:** These notes show how candidate recommendations were combined so that a closure saving a significant sum of money would carry other recommendations which on their own saved very little or were actually costs.

[16] **Movement of Aircraft:** Many have noted that the Air Force recommendations are mainly about moving aircraft and not reducing excess infrastructure. The process of moving aircraft can be done in a **"Programmatic"** venue and does not need BRAC authority to accomplish it.

[17] **Legality of Recommendations:** Certainly Governors, Legislators and even BRAC Counsel have noted legal concerns about the Air Force recommendations.

---

10 Mar 05 - BCEG - Minutes
Another discussion of **Manpower Savings.** Quote from minutes follows:

"Mr. Jordan briefed Manpower Savings and Reinvestment for information. (Slides 105-112) He noted the overall need for consistency in the categorization of manpower (slide 112)"

In this same meeting, it became evident that the BCEG was determined to do some realignments and closures even though standing alone they were a cost instead of a savings. A quote from the 10 Mar 05 meeting follows:

"Mr. Pease presented, for information, a strawman business model to justify non-payback Candidate Recommendations (Slides 138-142)"

As of 10 MARCH **32** closures or realignments were actually 20-year NPV **COSTS**. They included:

BRADLEY
PITTSBURGH
BEALE
CAPITAL
MARCH
ELMEDORF
WILLOW GROVE
RICKENBACKER
ROBINS
KEY FIELD
SPRINGFIELD-BECKLEY
NEW CASTLE
YEAGER
RENO
NASHVILLE
EGLIN
PORTLAND
SCHENECTADY
INDIAN SPRINGS
BIRMINGHAM
ANDREWS
DOVER
SELFRIDGE
LAMBERT
NEW ORLEANS
SEYMOUR JOHNSON
MOUNTAIN HOME
KULIS

HILL
LUIS MUNOZ
HANCOCK
AND MAXWELL.

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14 Mar 05 - RT - Red Team Discussion Topics
The following quotes speak for themselves:

" • Definitions
o Enclaves – Size of enclaves differ. How small is small? (AF ECS-Expeditionary Combat Support units)

• Consistency of Approach
o There is no consistency in approach taken in military value analysis.
□ Overall, some groups imbed military judgment within the military value calculation, while others apply military judgment to the results of military value calculation (i.e. – *ex ante* vs. *ex post* application of military judgment.)

□ USAF does military value analysis by platform rather than by installation mission or function. Since military value is not based on installation value for support of total force structure, there are several military values for a base depending on which platform one is examining. USAF would have been more consistent by using installation functions and/or missions.

o There is no consistency in approach taken in capacity analysis.
□ USAF defines capacity based on the difference between actual squadron size and optimum squadron size.

Possible Actions:
• Definitions
o Send out common definition of an enclave and limit the size without higher approval. The groups need to have a benchmark such as "less than 31 people" to help them define small.

• Differing Approaches
o Capacity Analysis – carefully review Air Force use of capacity analysis and ensure it is converted to mission or function support capacity.
o Transformational Options
□ Either decide on a formal list and publish it or take them off the table and direct groups to stop citing them.

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29 Mar 05 - BCEG - Minutes
It is still clear that at this point that the BCEG was determined to do certain Candidate Recommendations (CRs) even though they offered only costs or little savings. This is a quote from that meeting:

"Pease back-briefed the 28 March IEC meeting. He noted sister service candidate recommendations costed as longer payback were inferred as undesirable." (Heckman) "noted that candidate recommendations with no, or long payback should be rejustified with a clear statement providing a nexus to enable the candidate recommendations."

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31 Mar 05 - BCEG - Minutes
BCEG correctly recognized there is some distinction between programmatic and non-programmatic. See the following quote:

"Pease discussed manpower as non-programmatic BRAC action vs. programmatic regarding computation of savings (Slide 14). Note that references to deactivation of ANG wings are to be deleted, as BRAC is not relevant to the ultimate disposition of ANG wings."

This is another example in the same minutes:

"Upon deliberation, the Rickenbacker Realignment was cancelled due to it being a purely programmatic vice BRAC action."

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6 Apr 05 - RT - BRAC Red Team Meeting with Infrastructure Executive Council

"• Potential Weaknesses
o Many candidate recommendations do not need BRAC authority to implement
o All candidate recommendations that have payback periods greater than 20 years could be considered substantially deviating from the final selection criteria in that the COBRA model only evaluates up to 20 years"

---

7 Apr 05 - BCEG - Minutes
The decision was apparenty made by the BCEG at this point to reverse their earlier position regarding manpower savings and to show it in the COBRA. The quote from the minutes follows:

"The BCEG discussed principles for the reexamination of scenarios. The BCEG noted that Base X savings results should be analyzed to capture cost savings. Manpower must follow iron in Active, Reserve, and Guard components."

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18 Apr 05 - RT - BRAC Red Team White Paper
Comments speak for themselves:

"Main Issues to Discuss:
• The BRAC Red Team believes the Air Force presentations give the perception that in many cases the Air Force is using BRAC only to move aircraft and gain MILCON funding rather than reducing excess infrastructure.
Causes of the Perception:
• Air Force goals for BRAC 2005 appear to focus on operational requirements rather

than reduction of excess infrastructure capacity under the BRAC Law.
o Military value analysis has uniquely been done by platform as opposed to by installation or supporting function—which results in multiple military values for the same installation and the need to override military value results.
o Military capacity has been redefined to be the difference between current and optimum squadron sizes rather than functional support capabilities.
o Proposals appear to use BRAC to determine where FYDP aircraft changes should be implemented and use BRAC funds to make the changes without including associated savings under BRAC.
o Many of the aircraft changes are already reflected in the FYDP and any resulting savings have been taken.
□ BRAC actions should result in savings in installation and personnel costs.
□ As currently reflected, most Air Force actions do not result in savings and do not require the BRAC provisions.

• Proposals show personnel position savings while allegedly not reducing overall end strength.

• Even though number of aircraft is coming down, Expeditionary Combat Support (ECS) groups are left almost everywhere with no defined mission.
o Perception supported by answers to questions: ECS groups are used to maintain "end strength" in search of missions.

• In many cases, military value is being overridden by Air Sovereignty Alert requirements, Active Reserve Component (ARC) mix, and recruiting demographics[18]—need to show how these are tied to the Force Structure Plan and/or the Final Selection Criteria.

Potential Solutions:
• Given that each installation has multiple military value rankings, it is imperative that recommendations that are inconsistent with the ranking of installations for the platform in question be fully justified.

• The underlying rationales for the Air Force's method of determining military value and capacity (including optimal squadron sizes) need to be carefully articulated and well supported.

---

[18] **Recruiting Impacts:** Units being closed or realigned note two key points in this regard. First, some of the units slated for reductions have over 100% actual strength. They have good demographics for recruiting. Secondly, a strength of having 88 dispersed flying units in the ANG is the related "hometown connection" and associated support of the **Abram's Doctrine**. The Abram's Doctrine philosophically strengthens the Total Force Policy, ensuring national resolve in a conflict.

• If the moves are accomplished under BRAC, all savings and costs must be reflected under BRAC—other mission and personnel requirements should be paid for outside BRAC (can use BRAC savings).

• Provide better explanation of the role of Expeditionary Combat Support (ECS) units.
o All savings must be part of BRAC—savings can then be applied to other missions.

• Recommendations citing maintenance of ARC mix need to be supported by documentation that explains why the ARC mix is important and how maintaining the proper mix supports the Force Structure Plan and/or Final Selection Criteria."

---

18 Apr 05 - RT - Second Meeting of the Red Team with the Air Force BCEG
Again, Comments speak for themselves:

"• USAF had not originally taken savings for people in the same way the other groups and services were, but we have since gone back and recalculated savings associated with manpower and personnel to be more consistent with the other groups.

Questions that arose:
• You have a lot of "Red" in the Northeast – losing sites or bases being closed – have you discussed this with NORTHCOM? *Absolutely, NORTHCOM is on board.*

Informal observations provided at briefing:
• Be careful when discussing people vs. billet savings vs. authorized positions. If you take savings for eliminated billets or authorized positions, should show that these positions go off the books or reprogrammed.

• "AF Goals for BRAC 2005" are not obviously linked to DoD BRAC goals (Slide 2).

• BRAC is about reducing excess capacity – your AF Installation map will look about the same after BRAC, which will open you and DoD up to criticisms.

• Explain up front that you are using BRAC to determine action for aircraft disposal in compliance with the Force Structure Plan. However, aircraft retirements really do not need to be BRAC actions.

• You want to make sure that you are not moving from installations with higher military value to lower ranked installations.[19] Given that each installation has multiple military value rankings, it is imperative that recommendations that are inconsistent with the ranking of installations for the platform in question be fully justified.

---

[19] **Military Value and MCI Rankings**: Even with the flaws of the MCI ratings, in some cases, decisions were made to plus up bases with lower rankings for questionable reasons.

• The underlying rationales for the Air Force's method of determining military value and capacity (including optimal squadron sizes) need to be carefully articulated and well supported.

• Expeditionary Combat Support (ECS)
o Need chart explaining
□ what functions or MOSs ECSs cover,
□ how an ECS is allocated,
□ when they deploy,
□ what mission the ECS is charged with,
□ how ECSs support Homeland Defense,
□ and explains why DoD needs to have ECSs at numerous bases.
o If these are already programmed changes – why are they being done under BRAC? Need to explain up front that Military Value analysis done in BRAC aides the determination of where programmed reductions in aircraft occur. But also need an explanation for why people reductions are not occurring under BRAC.

• Air Sovereignty Alert (ASA)
o Explain what the ASA sites are and why BRAC is required to make changes—why are they a new mission?
o Create a chart that lays out the requirements for coverage.
o Ensure that NORTHCOM agrees with sites and are on the same page.

• Recommendations citing more suitable recruiting demographics in one location over another need to be linked to a supporting document with recruiting data across all installations.

• Recommendations using maintenance of ARC mix need to be supported by documentation that explains why the ARC mix is important and how maintaining the proper mix supports the Force Structure Plan or Final Selection Criteria.

• "Capturing Intellectual Capital" is unusual terminology, use more descriptive wording.

Additional observations to consider:
• Should have a reason for why USAF is not reducing end strength as part of BRAC.

• Ensure that savings for FYDP actions completed as part of BRAC are accounted for in accordance with the BRAC statute and/or OSD policy."

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26 Apr 05- BCEG - Minutes
This again shows how the BCEG combined closures and realignments in such a way as to allow the big savers to compensate for the ones which on their own were NPV 20-year costs to the DoD. The quote follows:

"All Air Force Candidate Recommendations need to be complete by 1200 0n April 29. The IEB staff is directed to complete remaining business cases for the "losers" with losers defined as candidate recommendations that fail to generate net present value cost savings within the BRAC timeframe."

As an example, in the minutes it was shown how Ft Smith, AR and Luke AFB were "bundled" together to produce net savings. The justification was "common receiver location (Fresno)."

END OF DOCUMENT

QUOTES FROM AIR FORCE BCEG AND RED TEAM DOCUMENTS

A payback of Never or 100+ years without a very strong argument/justification will **threaten the credibility of the BRAC process.**

Be careful when stringing recommendations together – commission will look at the recommendations individually.

Several of the recommendations include the movement of aircraft that seem to be tangentially related (at best) to the core of the recommendation. Why are these movements rolled up as part of a candidate recommendation? **Can't they be done outside of the BRAC process?**

Mr. Pease presented, for information, a strawman business model to **justify non-payback Candidate Recommendations.** (NOTE: As of 10 MARCH 05, **32** closures or realignments were actually **COSTS**.)

Many candidate recommendations do not need BRAC authority to implement. All candidate recommendations that have payback periods greater than 20 years **could be considered substantially deviating** from the final selection criteria in that the COBRA model only evaluates up to 20 years"

The BRAC Red Team believes the Air Force presentations give the **perception that in many cases the Air Force is using BRAC only to move aircraft and gain MILCON funding rather than reducing excess infrastructure.**
Causes of the Perception:

- Air Force goals for BRAC 2005 appear to **focus on operational** requirements **rather than reduction of excess infrastructure capacity under the BRAC Law**.
  - **Military value analysis has uniquely been done by platform** as opposed to by installation or supporting function—which results in **multiple military values for the same installation** and the **need to override military value results**.
  - **Military capacity has been redefined** to be the **difference between current and optimum squadron sizes rather than functional support capabilities.**
- Even though number of aircraft is coming down, Expeditionary Combat Support **(ECS) groups are left almost everywhere with no defined mission.**
- **"AF Goals for BRAC 2005" are not obviously linked to DoD BRAC goals.**
- **BRAC is about reducing excess capacity** – your AF Installation **map will look about the same after BRAC, which will open you and DoD up to criticisms**.
- Explain up front that you are using BRAC to determine action for aircraft disposal in compliance with the Force Structure Plan. However, **aircraft retirements really do not need to be BRAC actions**.
- You want to **make sure that you are not moving from installations with higher military value to lower ranked installations**. The IEB staff is directed to complete remaining business cases for the "losers" with **losers defined as candidate recommendations that fail to generate net present value cost savings within the BRAC timeframe."**

Is the Guard on board? *Absolutely, we are freeing up manpower for new roles.*

(NOTE: Bold added by staff for emphasis on key points)

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General: Don't let the 'air' out of Air National Guard

Officers, lawmakers say plans to strip planes from units could endanger homeland security

Thursday, July 21, 2005

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BY OTTO KREISHER
COPLEY NEWS SERVICE

WASHINGTON, D.C. - The Air Force's plans to strip the aircraft from dozens of Air National Guard units in the base realignment and closure process came under sharp attack from lawmakers and National Guard officers during a congressional hearing Wednesday.

Members of the House Armed Services Committee and the Guard officers voiced concern that the governors and state Guard leaders were not consulted in the BRAC plans, which they said could harm homeland security and the governors' ability to respond to emergencies.

"I'm incensed at the lack of consultation with the states. ... The Air Force totally ignored the states," said Rep. Curt Weldon, R-Pa.

The committee members and the Guard generals also worried that taking away the aircraft, with ill-defined plans for replacement duties, would aggravate the growing problem of recruiting and retaining personnel in the part-time military units, which are being used at unprecedented rates for Iraq and the war on terror.

Rep. Joseph Schwartz, R-Mich., said the loss of aircraft "will

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eviscerate the Air Guard in Michigan. ... I'm going to ask you to re-evaluate these decisions, to go back to the drawing boards. This doesn't work."

Lt. Gen. Steven Blum, chief of the National Guard Bureau, appeared to agree with that, telling the committee, "If you take the flying out of the Air National Guard, you take the 'air' out of the Air National Guard. Pretty soon, you don't have an Air Guard."

Blum, an Army Guard officer, joined several of the committee members and two Air Guard officers in complaining that the Air Force has not provided details on the substitute missions it intends to give to the Guard units that will lose their aircraft.

Air National Guard Maj. Gen. Roger Lempke, adjutant general of Nebraska and president of the adjutants general association, said all of the adjutants "recognize the need" for the Air Force to modernize by retiring its old aircraft and taking on new missions.

But Lempke said the key to recruiting and retaining Guard personnel is "stability of mission opportunities in communities." He complained that "a serious gap exists between when legacy aircraft are retired under the BRAC plan and when new missions take shape.

"We stand to lose many local and experienced militia members due to this gap," Lempke said.

One of the 28 Air Guard units that will lose their aircraft is the 183rd Fighter Wing at the Abraham Lincoln Capital Airport in Springfield, Ill. Its F-16s will be moved to Indiana as part of the Air Force's plan to reduce its fighter force by 25 percent and to consolidate the remaining planes into more efficient units.

But most of the Air Guard personnel are expected to remain in Springfield to take on undefined new missions.

Lt. Gen. Stephen Wood, the Air Force deputy chief of staff for plans and programs, repeatedly assured the committee that the Air Force is developing "exciting and useful" new missions that are essential for the current operations around the world. He gave as examples, operating unmanned aerial vehicles, managing space assets, providing intelligence and expeditionary support services for the active Air Force.

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letter to the editor? We want to know what you think.

Wood appeared before the Armed Services panel to talk about the Air Force's "Future Total Force" plan, a long-range proposal to reduce the number of aircraft, to shift personnel into new missions and to increase the cooperation among the active Air Force and its Reserve and Air Guard units.

Although Wood insisted the total force plans were separate from the BRAC recommendations, the committee members appeared to consider them directly linked and warned about the potential harm to the Guard.

Rep. Ike Skelton, D-Missouri, told Wood the plan to reorganize the Air Guard and Air Force Reserves "does not adequately take into consideration the unique status of the reserve components and may ultimately result in a less efficient use" of those personnel and a loss of operational capability.

Skelton and several lawmakers also questioned whether the recommended BRAC actions affecting National Guard units were legal in light of federal laws that say no Guard unit can be moved or have its mission changed without the permission of the affected governor.

Blum noted that two laws "are clear and unambiguous" that the governors must give their permission for changes in their Guard units, but the BRAC law "leaves some ambiguity."

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Cirillo, Frank, CIV, WSO-BRAC

From: Flinn, Michael, CIV, WSO-BRAC
Sent: Saturday, July 23, 2005 1:38 PM
To: Small, Kenneth, CIV, WSO-BRAC
Cc: Cook, Robert, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC
Subject: FW: Results of AGAUS meeting

-----Original Message-----
From: Simmons, John M. [mailto:JMSimmons@AKINGUMP.com]
Sent: Saturday, July 23, 2005 12:58 PM
To: Michael.Flinn@wso.whs.mil
Subject: Results of AGAUS meeting

The TAGS unanimously rejected the package presented by Major General Lemke (General Blum's proxy). They decided instead to write a letter to Chairman Principi that will state they have consulted with their Governors and reject all the "transformation" type recommendations which move iron around the country. They will state they they concur with the General Counsel's memo and ask that you consider their package and reverse the programmatic recommendations.

They will state that BRAC should be about excess infrastructure and remain silent on what bases should remain open or be closed. In the case of Willow Grove and Niagara, they will state that those are not Air Guard owned bases but they support keeping the aircraft at those facilities if the Commission overturns the recommendation.

The Chairman should get the letter/package on Monday outling the programmatic type recommendations they want the Commission to reject.

Hope that helps! Best wishes, John

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programmatic
infrastructure
close installations – real estate

JCS Position on ANG Issue
(as of 1200 hrs, 16 July 2005)

As you all have heard consistently throughout the country, there are problems. The major issues are:

* Legal – Many states have filed legal challenges. Our own General Counsel will brief this weekend. BRAC is about excess capacity, not programmatic airplane moves.

* Consultation with the Governors, TAGs, DHS and other base tenants – Little to none. There will not be a counterproposal from the TAGs.

* Military Value Calculations and the Mission Capability Index – Flaws in the design, data used, and interpretation of this instrument. Examples:
    ** Design: One tool for all bases. Questions not all relevant. Questions not designed for discriminating smaller bases. Personnel issue a minor factor.
    ** Data Used: Some data wrong. Some data obsolete.
    ** Interpretation: Results not always followed when trumped by "Military Judgment"

* Economics: Although Military Value should dominate, Economics key as well. Considerations:
    ** Many candidate recommendations were "bundled" because on their own they were actually costs.
    ** Training costs are believed to be underestimated.
    ** 60% of the overall savings are related to personnel; yet net end strength is to remain the same

Recommendation: Motion to remove any aspect involving ANG out of the Air Force plan with the proviso that the Air Force, NGB, TAGs, and other affected departments or agencies work out any changes affecting the ANG outside of BRAC.

Logic: Why all actions involving the ANG? The current plan was assembled with flawed methods qualifying for substantial deviation of the law. In order to provide for optimal success in creating a new plan, the stakeholders need all of the pieces to work with.

Risk: If a complete sweep of the ANG issues is not performed, there is the risk that Congress could overturn all of BRAC.

BRAC COMMISSION LETTER RECEIPTS
EXECUTIVE SECRETARIAT ROUTING SLIP

FROM: DIANE CARNEVALE, DIRECTOR, ADMINISTRATION AND OPERATIONS

TO: **DATE:** 7/15

Dave Van Saun
Colleen Turner
Frank Cirillo
David Hague

CC:

_____ ACTION ITEM _____ SUSPENSE DATE X FYI/REVIEW

LOG # 062709

COMMENTS:

Ruth Ann Minner
Governor

STATE OF DELAWARE

WASHINGTON OFFICE
444 North Capitol Street, NW, Suite 230
Washington, DC 20001
Phone: (202) 624-7724
Fax: (202) 624-5495

#062909

Fax

To:	Chairman Principi	**From:**	Governor Minner
Fax:	703-699-2735	**Pages:**	Three
Phone:		**Date:**	6/29/2005
Re:	BRAC Letter	**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

STATE OF DELAWARE
OFFICE OF THE GOVERNOR

RUTH ANN MINNER
GOVERNOR

June 29, 2005

The Honorable Anthony J. Principi
Chairman
BRAC 2005 Independent Commission
2521 South Clark Street, Suite 600
Arlington, VA 22202

Dear Chairman Principi:

On May 25, 2005, I sent a letter to Secretary Rumsfeld advising him that, as Governor of the State of Delaware, I do not consent to the Department of Defense's (DoD) BRAC recommendation to realign the Delaware Air National Guard's New Castle County Air Base. I am writing to you today to provide legal documentation supporting the Governor's role as Commander in Chief of the Delaware National Guard and the requiring the DoD to confer with the Governor on matters pertaining to the National Guard. I hope you consider these factors as you continue an open and transparent review of the DoD's recommendations.

The DoD's BRAC process that led to the recommendation to realign the Delaware Air National Guard's New Castle County Air Base violates both the specific language and intent of the U.S. Constitution, several federal statutes, Delaware state law, and the direction of the U.S. Supreme Court. The process also ignored the dual mission of the National Guard in homeland defense as well as homeland security, both of which are clear missions of the Guard, as provided under federal and state statutes.

Following the creation of state militias in the U.S. Constitution, Congress passed several statutes that demonstrate the dual responsibility the National Guard has to both the federal government and state government. The most commonly cited statutes are Title 10 and Title 32, both of which uphold the authority of the Governor to consent to relocation or alteration of a National Guard unit. Title 10 further provides the National Guard Bureau as the conduit for cooperation between the DoD and the Governors. However, the DoD provided no information on the BRAC process to the Governors during the BRAC recommendation process, thus prohibiting me and my Adjutant General from being

TATNALL BUILDING, DOVER, DELAWARE 19901 (302) 739-4101 (302) 739-2775 FAX
CARVEL STATE OFFICE BUILDING, WILMINGTON, DELAWARE, 19801 (302) 577-3210 (302) 577-3118 FAX

actively involved in the DoD process and negated my right to approve or reject the realignment of the Delaware Air National Guard. Title 20 of the Delaware Code confirms that state law conforms to federal statute, thus reinforcing Delaware's compliance with the federal directives to provide authority and consent to the Governor.

In the 21st Century, homeland security and homeland defense must supplement each other in order to adequately protect our nation and its citizens. Title 32 recognizes the importance of maintaining the strength of the National Guard as an integral part of the first line of defense. In the National Guard's federal-state role, the Secretary of Defense can call upon the National Guard to protect the nation and I can utilize the National Guard to protect the citizens of Delaware during a natural or manmade emergency. The Governor's ability to respond to local emergencies by drawing upon the resources of the National Guard were upheld in the U.S. Supreme Court case *Perpich v. Department of Defense*. Title 20 of the Delaware Code further grants me state authority to call up members of the Delaware National Guard on state duty status to prepare for or respond to a local emergency. The Delaware National Guard has proven a vital resource during severe weather events and heightened terror alerts. Their personnel, resources, and training are included in the Delaware Emergency Operations Plan. DoD's recommendation is void of any consultation with the Department of Homeland Security and thus eliminates one of Delaware's vital response resources.

The National Guard is, by design of our Forefathers, a federal-state organization. By focusing solely on federal duties and ignoring state missions, the DoD failed to acknowledge the unique role of a critical group of citizen-soldiers that make up the Delaware National Guard and failed to uphold a long-standing partnership between the Governors and the federal government to provide for the security of our nation and its citizens.

Thank you for your continued diligence in reviewing the DoD's recommendations. I hope you seriously consider legal statutes and precedents as you continue your deliberations. If you require further information, please do not hesitate to contact me directly, the Adjutant General of the Delaware National Guard, General Frank Vavala (302-326-7001), or my Washington DC director, Kate Finnerty (202-624-7724).

Sincerely,

Ruth Ann Minner

Ruth Ann Minner
Governor

David,

13 July 2005

For your information.
Good talking to you yesterday.

Peter

Holland Knight
Peter M. Murphy
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, DC 20006

Tel 202 457 1821
Fax 202 955 5564
peter.murphy@hklaw.com
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OFFICE OF THE GOVERNOR
Rod R. Blagojevich – Governor

news

FOR IMMEDIATE RELEASE:
July 11, 2005

CONTACTS:

Cheryle Jackson	312/814.3158 (office)
Abby Ottenhoff	312/814.3158 (office)
Rebecca Rausch	217/782.7355 (office)
Gerardo Cardenas	312/814.3158 (office)
Andrew Ross	312/814.8193 (DCEO)

GOV. BLAGOJEVICH TELLS U.S. SECRETARY OF DEFENSE RUMSFELD AND BRAC COMMISSION CHAIRMAN THAT HE WILL NOT ALLOW THE PENTAGON TO MOVE F-16s FROM SPRINGFIELD'S 183rd FIGHTER WING

The Governor Says Any Realignment Without His Consent Violates Federal Law

CHICAGO – Governor Rod R. Blagojevich sent letters today to both U.S. Secretary of Defense Donald Rumsfeld and Defense Base Closure and Realignment Commission (BRAC) Chairman Anthony Principi saying that he will not consent to the Department of Defense's recommendation to move F-16 aircraft from the 183rd Fighter Wing in Springfield. This action can't proceed since federal law dictates that the Governor must give his consent for this type of realignment.

"The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by Secretary of Defense Rumsfeld with regard to the 183rd Fighter Wing," Gov. Blagojevich wrote.

Gov. Blagojevich also highlighted a July 1st letter that Chairman Principi sent to Secretary Rumsfeld expressing his concern about the impact realigning Air National Guard facilities would have on homeland and national security.

"The Springfield Air National Guard Base is a highly strategic location for homeland security missions for both Illinois and the entire Midwest. Illinois is also home to 11 nuclear power plants that provide 50 percent of our power generation. Further, Illinois has 28 locks and dams on the Illinois, Mississippi and Ohio rivers. If these recommendations are adopted, these vital assets and many others will be at greater risk without the F-16s in Springfield. On top of all that, this move will cost the taxpayers $10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons," Gov. Blagojevich added.

Gov. Blagojevich presented Illinois' detailed and comprehensive analysis refuting the U.S. Department of Defense's recommendations that would take almost 1,900 jobs from the Rock Island Arsenal, strip the 183rd Fighter Wing in Springfield of its F-16 aircraft and more than 600 jobs and eliminate more than 2,000 jobs from the Great Lakes Naval Training Center at a BRAC Regional Hearing last month in St. Louis.

(more)

The Governor has been leading a coordinated effort for more than two years with the Illinois Congressional Delegation, other elected officials and local leaders to prevent Illinois' military bases from ending up on the BRAC list that will be announced in September. He consistently has stressed that these actions are a threat to our national and homeland security and are not cost effective.

The Commission will publicly release its BRAC report by September 8th and will send it to President Bush. The President has until September 23rd to approve or disapprove the list. The BRAC list must then be sent to Congress by November 7th, who must also approve or disapprove the list.

#####

Dan FYI Meaning??

McRee, Bradley, CIV, WSO-BRAC

From: Cirillo, Frank, CIV, WSO-BRAC
Sent: Tuesday, July 12, 2005 10:08 PM
To: Small, Kenneth, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Dinsick, Robert, CIV, WSO-BRAC; 'edbrown61@verizon.net'; Hanna, James, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; McRee, Bradley, CIV, WSO-BRAC
Cc: Hall, Craig, CIV, WSO-BRAC
Subject: Re: Defense Base Closure and Realignment Commission White Paper

Bottom line - the ANG issue will not go away. The sum of the whole will be the parts - in August

This e-mail has been sent from the Blackberry of Frank Cirillo, Director of Review and Analysis, Defense Base Closure and Realignment Commission

-----Original Message-----
From: Small, Kenneth, CIV, WSO-BRAC <Kenneth.Small@wso.whs.mil>
To: Cirillo, Frank, CIV, WSO-BRAC <Frank.Cirillo@wso.whs.mil>; Van Saun, David, CIV, WSO-BRAC <David.VanSaun@wso.whs.mil>; Cook, Robert, CIV, WSO-BRAC <Robert.Cook@wso.whs.mil>; Dinsick, Robert, CIV, WSO-BRAC <robert.dinsick@wso.whs.mil>; 'edbrown61@verizon.net' <edbrown61@verizon.net>; Hanna, James, CIV, WSO-BRAC <James.Hanna@wso.whs.mil>; Sillin, Nathaniel, CIV, WSO-BRAC <Nathaniel.Sillin@wso.whs.mil>
CC: Hall, Craig, CIV, WSO-BRAC <craig.hall@wso.whs.mil>
Sent: Tue Jul 12 19:32:50 2005
Subject: RE: Defense Base Closure and Realignment Commission White Paper

Craig Hall did a little analysis (gee, we can do that too) on the ANG issue. A wholesale dump of the ANG recommendations will effect flying activities at 22 Air Force or Air Force Reserve installations. Another cut shows that the ANG is part of 35 of 42 Air Force recommendations. The good news is that the Air Force can't be criticized for integrating the ANG into its missions.

I will put the lists in a separate e-mail.

-----Original Message-----
From: Cirillo, Frank, CIV, WSO-BRAC
Sent: Monday, July 11, 2005 2:48 PM
To: Van Saun, David, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Dinsick, Robert, CIV, WSO-BRAC; 'edbrown61@verizon.net'; Hanna, James, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC
Subject: RE: Defense Base Closure and Realignment Commission White Paper

I think we all agree - but any global bumping or dismissal must be mindful of the sum of the parts impact on the ruling and be phrased accordingly.

-----Original Message-----
From: Van Saun, David, CIV, WSO-BRAC
Sent: Monday, July 11, 2005 2:34 PM
To: Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Dinsick, Robert, CIV, WSO-BRAC; 'edbrown61@verizon.net'; Hanna, James, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC
Subject: Re: Defense Base Closure and Realignment Commission White Paper

I have read in detail and concur with Dan's paper. I understand Ed's concern but think that the ANG actions are so bad that they need to be removed in this manner because the AF has put the whole BRAC law/process in jeopardy. The Army did it right and the AF did not in regards to Guard.

-----Original Message-----
From: Cirillo, Frank, CIV, WSO-BRAC <Frank.Cirillo@wso.whs.mil>
To: Cook, Robert, CIV, WSO-BRAC <Robert.Cook@wso.whs.mil>; Dinsick, Robert, CIV, WSO-BRAC <robert.dinsick@wso.whs.mil>; Ed Brown (edbrown61@verizon.net) <edbrown61@verizon.net>;

Hanna, James, CIV, WSO-BRAC <James.Hanna@wso.whs.mil>; Sillin, Nathaniel, CIV, WSO-BRAC <Nathaniel.Sillin@wso.whs.mil>; Small, Kenneth, CIV, WSO-BRAC <Kenneth.Small@wso.whs.mil>; Van Saun, David, CIV, WSO-BRAC <David.VanSaun@wso.whs.mil>
Sent: Mon Jul 11 14:05:29 2005
Subject: FW: Defense Base Closure and Realignment Commission White Paper

(Please Note - this distribution list is just for the N.S. Team Leads (plus Nat and Ed) as compared to my other "Team Lead" list which due to back-up needs has grown to most of R&A.)

Team Leads:

See Ed's input for comment - I agree with his concern but ask you to staff as appropriate to assure this list is all inclusive. Others also welcome for comments. I admittedly have not completely digested the paper, but agree with Ed's issue. I will continue to digest.

Maybe the HHS&A 41 on Joint Bases fits as well?

From: Ed Brown [mailto:edbrown61@verizon.net]
Sent: Monday, July 11, 2005 1:16 PM
To: Cirillo, Frank, CIV, WSO-BRAC
Subject: Re: Defense Base Closure and Realignment Commission White Paper

Frank:

I am no way qualified to comment on the legal aspects of the white paper; however, I am concerned that the Commission treat all DoD recommendations consistently. For example, if the Commission rejects some recommendations because they relocate forces -- regardless of whether they are active, reserve, or guard -- should the Commission reject all such recommendations? If the Commission reject some recommendations because they are below the thresholds of 10USC2687, should the Commission reject all such recommendations? If it appears that DoD made a below-threshold recommendation merely as a means to get it in statute or harvest BRAC funds for execution, should the Commission reject such recommendations?

I have done a very quick review of the Army and Navy recommendations and have attached a table showing where the recommendations are relocating forces and are, or maybe, below threshold. If you think this to be a constructive exercise, I'll continue to look at the Air Force and Joint Cross-Service recommendations.

Ed

----- Original Message -----
From: Cirillo, Frank, CIV, WSO-BRAC
To: Buzzell, Ashley, CIV, WSO-BRAC ; Cirillo, Frank, CIV, WSO-BRAC ; Cook, Robert, CIV, WSO-BRAC ; Dinsick, Robert, CIV, WSO-BRAC ; Ed Brown (edbrown61@verizon.net) ; Fetzer, William, CIV, WSO-BRAC ; Hall, Craig, CIV, WSO-BRAC ; Hanna, James, CIV, WSO-BRAC ; Hood, Wesley, CIV, WSO-BRAC ; MacGregor, Timothy, CIV, WSO-BRAC ; Manuel, Donald, CTR, WSO-BRAC ; Rhody, Dean, CIV, WSO-BRAC ; Saxon, Ethan, CIV, WSO-BRAC ; Schmidt, Carol, CIV, WSO-BRAC ; Sillin, Nathaniel, CIV, WSO-BRAC ; Small, Kenneth, CIV, WSO-BRAC ; Turner, Colleen, CIV, WSO-BRAC ; Van Saun, David, CIV, WSO-BRAC ; Wasleski, Marilyn, CIV, WSO-BRAC
Sent: Monday, July 11, 2005 11:10 AM
Subject: FW: Defense Base Closure and Realignment Commission White Paper

Info if you have not seen this.

Ed - we would specifically appreciate your input on the paper

---

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Saturday, July 09, 2005 7:14 PM
To: Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Dinsick, Robert, CIV, WSO-BRAC; Hanna, James,

CIV, WSO-BRAC; McRee, Bradley, CIV, WSO-BRAC; MacGregor, Timothy, CIV, WSO-BRAC

Cc: Hague, David, CIV, WSO-BRAC; Sarkar, Rumu, CIV, WSO-BRAC
Subject: Defense Base Closure and Realignment Commission White Paper

Gentlepersons -

A DRAFT White Paper on legal and policy issues related to certain of the Air Force recommendations. DO NOT CIRCULATE OUTSIDE THE COMMISSION UNTIL FINALIZED. Please provide comments or corrections NLT COB Monday. We will go final on Tuesday morning.

<<Defense Base Closure and Realignment Commission White Paper.doc>>

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

COMPARISON OF AF AND UNOFFICIAL PROPOSAL

Base	Wing	Cur Acft	# acft now	AF BRAC #	AF ACTION	ACFT IN STATE?	ALT #	ALT ACTION	ACFT IN STATE?
	Alabama					YES			YES
Birmingham, AL	117 ARW	KC-135	8						
Dannelly Field, AL	187 FW	F-16	15	18	MORE ACFT		18	MORE ACFT	
	Alaska					YES			YES
Kulis AK	176 WG	C-130	8	12			12		
	Arizona					YES			YES
Phoenix Sky Harbor, AZ	161 ARW	KC-135	8	10	MORE ACFT				
	Arkansas					YES			YES
Ft Smith, AR	188 FW	F-16	15						
Little Rock, AR	189 AW	C-130	8	18	MORE ACFT		18	MORE ACFT	
	California					YES			YES
Fresno, CA	144 FW	F-16	15	24	MORE ACFT		18	MORE ACFT	
Channel Islands, CA	146 AW	C-130	8	12	MORE ACFT				
March ARB, CA	163 ARW	KC-135	9						
	Colorado					YES			YES
Buckley, CO	140 WG	F-16	15	18	MORE ACFT		18	MORE ACFT	
	Connecticut								YES
Bradley, CT	103 FW	A-10	15				18	MORE ACFT	
	Delaware								YES
New Castle, DE	166 AW	C-130	8						
	District of Columbia					YES			YES
Andrews AFB, MD	113 WG	F-16	15	24	MORE ACFT		18	MORE ACFT	
	Florida					YES			YES
Jacksonville, FL	125 FW	F-15	15	24	MORE ACFT		18	MORE ACFT	
	Georgia					YES			YES
Savannah, GA	165 AW	C-130	8	12	MORE ACFT				
	Hawaii					YES			YES
Hickam, HI	154 WG	KC-135	8	12	MORE ACFT		12	MORE ACFT	
	Idaho					YES			YES
Boise, ID	124 WG	A-10	15	18	MORE ACFT		18	MORE ACFT	
Boise, ID	124 WG	C-130	4						
	Illinois					YES			YES
Scott AFB, IL	126 ARW	KC-135	8	12	MORE ACFT				
Peoria, IL	182 AW	C-130	8	12	MORE ACFT				
Capital (Springfield), IL	183 FW	F-16	15						
	Indiana					YES			YES
Ft Wayne, IN	122 FW	F-16	15	24	MORE ACFT		24	MORE ACFT	
Hulman, IN	181 FW	F-16	15						
	Iowa					YES			YES
Des Moines, IA	132 FW	F-16	15	18	MORE ACFT		18	MORE ACFT	

Base	Wing	Cur Acft	# acft now	AF BRAC #	AF ACTION	ACFT IN STATE?	ALT #	ALT ACTION	ACFT IN STATE?
	Kansas					YES			YES
McConnell AFB, KS	184 ARW	KC-135	9						
Forbes, KS	190 ARW	KC-135	8	12	MORE ACFT		12	MORE ACFT	
	Kentucky					YES			YES
Louisville, KY	123 AW	C-130	8	12	MORE ACFT				
	Louisiana					YES			YES
New Orleans, LA	159 FW	F-15	15	24	MORE ACFT		18	MORE ACFT	
	Maine					YES			YES
Bangor, ME	101 ARW	KC-135	8	12	MORE ACFT		10	MORE ACFT	
	Maryland					YES			YES
Martin State (Baltimore), MD	175 WG	A-10	15	18	MORE ACFT		18	MORE ACFT	
Martin State (Baltimore), MD	175 WG	C-130	8						
	Massachusetts					YES			YES
Otis, MA	102 FW	F-15	15						
Barnes, MA	104 FW	A-10	15	24	MORE ACFT		0		
Barnes, MA	104 FW	F-15	0	0			18	MORE ACFT	
	Michigan					YES			YES
Kellogg, MI	110 FW	A-10	15						
Selfridge, MI	127 WG	C-130	8	0			0		
Selfridge, MI	127 WG	KC-135	0	12	MORE ACFT		12	MORE ACFT	
Selfridge, MI	127 WG	F-16	15	0			0		
Selfridge, MI	127 WG	A-10	0	18	MORE ACFT		24	MORE ACFT	
	Minnesota					YES	C-130 UNIT IN ST PAUL		YES
Duluth, MN	148 FW	F-16	15						
	Mississippi					YES	C-17 UNIT IN JACKSON		YES
Key Field, MS	186 ARW	KC-135	9						
	Missouri					YES			YES
Lambert (St Louis) MO	131 FW	F-15	15				18	MORE ACFT	
Rosecrans (St Jo)	139 AW	C-130	8	12	MORE ACFT		12	MORE ACFT	
	Montana								YES
Great Falls, MT	120 FW	F-16	15				0		
Great Falls, MT	120 AW?	C-130	0	0			8	CONVERSION	
	Nevada								
Reno, NV	152 AW	C-130	8						
	New Hampshire					YES			YES
Pease ANGB, NH	157 ARW	KC-135	9	12	MORE ACFT		10	MORE ACFT	
	New Jersey					YES			YES
McGuire AFB, NJ	108 ARW	KC-135	16						
Atlantic City, NJ	177 FW	F-16	15	0			18	MORE ACFT	
Atlantic City, NJ	177 FW	F-15	0	24	MORE ACFT		0		
	New Mexico					YES			YES
Kirtland AFB, NM	150 FW	F-16	15	18			18		
	New York					YES			YES
Niagara Falls, NY	107 ARW	KC-135	8						
Schenectady, NY	109 AW	C-130	14						
Hancock IAP, NY	174 FW	F-16	15						

Base	Wing	Cur Acft	# acft now	AF BRAC #	AF ACTION	ACFT IN STATE?	ALT #	ALT ACTION	ACFT IN STATE?
	North Carolina					YES			YES
Douglas IAP (Charlotte)	145 AW	C-130	8	12	MORE ACFT				
	North Dakota								
Hector IAP, ND	119 FW	F-16	15						
	Ohio					YES			YES
Springfield-Beckley, OH	178 FW	F-16	15						
Mansfield, OH	179 AW	C-130	8						
Toledo, OH	180 FW	F-16	15	24	MORE ACFT		24	MORE ACFT	
	Oklahoma					YES			YES
Will Rogers (Ok City), OK	137 AW	C-130	8						
Tulsa, OK	138 FW	F-16	15	24	MORE ACFT		24	MORE ACFT	
	Oregon					YES			YES
Portland, OR	142 FW	F-15	15						
Klamath Falls, OR	173 FW	F-15	18	24	MORE ACFT		24	MORE ACFT	
	Pennsylvania					YES			YES
Willow Grove, PA	111 FW	A-10	15						
	Rhode Island					YES			YES
Quonset, RI	143 AW	C-130	9	12	MORE ACFT				
	South Carolina					YES			YES
McEntire, SC	169 FW	F-16	15	24	MORE ACFT		24	MORE ACFT	
	South Dakota					YES			YES
Joe Foss Field, SD	114 FW	F-16	15	18	MORE ACFT		18	MORE ACFT	
	Tennesse					YES			YES
Nashville, TN	118 AW	C-130	8						
McGhee-Tyson, TN	134 ARW	KC-135	8	12	MORE ACFT		10	MORE ACFT	
	Texas					YES			YES
Ft Worth, TX	136 AW	C-130	8	12					
Ellington, TX	147 FW	F-16	15						
Lackland AFB, TX	149 FW	F-16	18	24	MORE ACFT		24	MORE ACFT	
	Vermont					YES			YES
Burlington, VT	158 FW	F-16	15	18	MORE ACFT		18	MORE ACFT	
	Virginia					YES			YES
Richmond, VA	192 FW	F-16	15						
	Washington								
Fairchild AFB, WA	141 ARW	KC-135	8						
	West Virginia					YES			YES
Yeager (Charleston) WV	130 AW	C-130	8						
	Wisconsin					YES			YES
Truax Field, WI	115 FW	F-16	15	18	MORE ACFT		18	MORE ACFT	
Gen Mitchell Field, WI	128 ARW	KC-135	9	12	MORE ACFT				
	Wyoming					YES			YES
Cheyenne, WY	153 AW	C-130	8	12	MORE ACFT		12	MORE ACFT	

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 C. HAGUE
General Counsel

DCN 3767

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
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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

2 3 MAY 2005

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

Defense Base Closure and Realignment Commission

EARLY BIRD

September 3, 2005

Department of Defense Releases
N/A

National News Articles
Guard, Tags Aim To Repair Relationship With USAF Strained By BRAC Round

BRAC Commissioners Vote To Keep Ellsworth And Cannon Open

Local News Articles
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Group Files Lawsuit to Keep N.J. Base Open (Washington DC)

Air base's outlook remains unclear (Little Rock, AR)

Judge to rule on blocking transfer of fighter wing (Springfield, IL)

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Base Closings; State officials get credit for persistence in bid to save Willow Grove's fighter wing (Allentown, PA)

Additional Notes
N/A

Department of Defense Releases

N/A

National News Articles

Guard, Tags Aim To Repair Relationship With USAF Strained By BRAC Round

Inside the Air Force
Martin Matishak
September 2, 2005

Air National Guard officials and adjutants general this week said they are optimistic about repairing their strained relationship with Air Force officials after the Base Realignment and Closure Commission last week voted to curb several Pentagon plans to consolidate a list of Guard bases and move aircraft to new facilities.

The Defense Department had recommended shuttering 10 Air Force installations and

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realigning another 62 in its May base realignment and closure report. The majority of the Air Force-related proposals pitched by the department called for a significant overhaul of Guard and Air Force Reserve bases, urging seven base closures and 35 realignments. Those proposals also sparked one of the most contentious debates of the months-long BRAC round, as state adjutants general argued they were not consulted when the Air Force compiled its portion of the Pentagon's report.

Last month, late in the 2005 BRAC process, the Adjutants General Association of the United States (AGAUS) submitted its own plan to the BRAC Commission that urged the panel to vote down many of DOD's recommendations.

Ultimately, the panel last week decided to keep aircraft at 10 of the Guard and Reserve bases defense officials had targeted for changes. The commissioners also distributed existing airframes among a number of bases so a flying unit will be located in nearly every state.

"We're actually pretty pleased with the results," Maj. Gen. Roger Lempke, Adjutant General (TAG) of Nebraska and AGAUS president told Inside the Air Force Sept. 1.

Commissioners also included language in their proposals that force the service to keep aircraft at those bases that will receive new emerging missions, such as the family of UAVs at Grand Forks Air Force Base, ND, Lempke continued.

"When we looked through the whole thing . . . we found we got about 70 percent . . . of what we asked for," Air Force Chief of Staff Gen. John Jumper told reporters during an Aug. 29 Pentagon roundtable. The commission's recommendations must still be approved by President Bush and Congress.

"So, we're fully prepared to accept the outcome of the process that we signed up for . . . I don't look at it as a severe blow; I look at it as getting most of what we asked for," the outgoing chief of staff said. "I'm not disappointed" in the BRAC panel's decisions.

Jumper added that the most difficult issue the commissioners had to examine was the Air Force's move to transform the ANG's overall mission.

However, Maj. Gen. Frank Vavala, TAG of Delaware, disagreed with Jumper, saying his analysts have closely dissected the commission's votes and determined the panel approved about "85 percent" of the Pentagon's proposals.

With the commission's work largely complete, Air Force and TAG officials must turn their focus toward repairing what has become a rather strained relationship, he added.

"That's going to be a real tough chasm to negotiate," the two-star said. "That relationship is only going to improve by good faith and inclusion by the Air Force in allowing us to participate in Future Total Force . . . especially as it relates" to the Quadrennial Defense Review, Vavala added.

Senior Air Force officials this week declined to comment on the commission's decisions and how it would respond to panel's highly publicized moves.

The Future Total Force (FTF) plan is envisioned by service officials as a comprehensive path for the Air Force -- taking into account equipment modernization and divestment, along with the optimal active, Guard and Reserve force mix.

Lempke said the TAG's relationship with senior Air Force officials "has been improving as of late."

"Our plan is to work with the Air Force towards defining our role in the [FTF] and working to change our force structure to meet those needs," he said. Meetings already have been scheduled for later this month with the incoming Air Force chief of staff, Gen. Michael Moseley, to address the issue, Lempke added.

Moseley is slated to take over as service chief Sept. 2 for the soon-to-retire Jumper.

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While Guard and Reserve officials were conciliatory this week, several states targeted for changes by the BRAC panel responded to last week's votes by filing lawsuits in an effort to block the commission's recommendations.

Connecticut and Missouri this week joined three other states -- Pennsylvania, Illinois and Tennessee -- in challenging the Pentagon's authority to shutter Guard bases or strip them of aircraft. Connecticut's lawsuit also is directed against the independent commission, seeking a court order to block it from sending its recommendation to the president.

The commission approved the Pentagon's proposal to remove all 17 A-10 attack aircraft from the 103rd Fighter Wing at Bradley Air National Guard Base, CT, Aug. 26.

"I have said from the beginning that the Department of Defense and the BRAC Commission need my permission as commander-in-chief of the Connecticut National Guard to take any action regarding the 103rd Fighting Wing at Bradley," Connecticut Gov. M. Jodi Rell (R) said in a statement. "I didn't give my permission then, and I am not giving it now."

Missouri filed a lawsuit Aug. 30 contesting a commission proposal to remove all 15 F-15 fighters from Lambert-St. Louis International Air Guard Station.

"It is incomprehensible to me that the recommendation to close the 131st Air National Guard Fighter Wing was adopted by the BRAC Commission," Gov. Matt Blunt (R) said in a statement.

Massachusetts Gov. Mitt Romney (R) also is considering a lawsuit after the commission approved DOD's plan to Close Otis Air National Guard Base and redistribute that base's F-15 fleet.

However, of all the pending legal actions, Pennsylvania's has progressed the furthest.

A federal court judge late last month ruled the BRAC panel's decisions on the 111th Fighter Wing at Willow Grove, PA, and its A-10 attack planes were both "null and void." The decision came within hours of the commission's Aug. 26 vote to approve DOD's plan to retain the facility and add an Army "enclave."

That federal court ruling came just weeks after the Justice Department sided with the Pentagon in the dispute over whether governors or the Pentagon possesses the right to move ANG units. Justice officials argued in a statement that even though the Guard descends from the nation's earliest militias, the Constitution states Congress has the power to "provide for organizing, arming and disciplining" such units when they are called on for national service.

At press time (Sept. 1), a spokeswoman from Pennsylvania Gov. Ed Rendell's (D) office did not respond to questions about the governor's planned next steps in the litigation process.

The BRAC Commission will send it's report to the White House by Sept. 8. By law, the president must approve or reject the commission's list by the end of this month. The recommendations will become law if the president approves the proposals and Congress does not object within 45 legislative days.

BRAC Commissioners Vote To Keep Ellsworth And Cannon Open

Inside the Air Force
Martin Matishak
September 2, 2005

The Base Realignment and Closure Commission voted last week to keep open two major Air Force bases, rejecting Pentagon plans that would have altered the service's bomber and fighter compositions.

Commissioners voted 8-1 Aug. 26 against the Defense Department's proposal to shutter Ellsworth Air Force Base, SD, and move its B-1 bombers to Dyess AFB, TX. Hours later, the panel approved by a 6-1 vote the decision to break up the F-16 fighter fleet at Cannon AFB,

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NM, but to "enclave" the base for possible future missions rather than shutter it, meaning the aircraft would be moved but the infrastructure and personnel would remain.

The independent panel approved the Pentagon's recommendation to lose Onizuka Air Force Station, CA, in order to consolidate satellite command-and-control operations. The facility's missions would be moved to Vandenberg AFB, CA.

The Defense Department estimated shifting Ellsworth's 24 B-1 bombers would save $1.8 billion but the panel concluded it actually would generate a net cost of $19.4 million over 20 years.

Ellsworth was considered for closure in the 1995 BRAC round but that proposal was dropped to avoid having the Air Force's entire B-1 fleet in a single location. Half the U.S. military's B-1 fleet is located at Ellsworth. However, a July 1 Government Accountability Office report found that service officials had stopped worrying over such consolidation.

The Air Force would just be moving the bombers from one quality base to another, but without any actual cost savings, commission member retired Adm. Harold Gehman, argued.

The panel's staff found the proposed closure of South Dakota's second-largest employer would result in an 8.5 percent job loss, compared to the DOD average for BRAC-related economic impact of plus or minus 1.5 percent. The figure increased due to South Dakota's low population and the base's rural location, according to staff members.

During the debate, commissioners also expressed apprehension over how the Pentagon's proposed move would be affected by a pending lawsuit in Texas from residents near the Dyess base. They claim bombers fly so low that the turbulence affects their homes and are seeking to change local laws to redetermine the aircraft's altitude. Their lawsuit would raise the bomber's "floor" from 300 feet to 500 feet.

The commission's decision on Ellsworth was a major victory for freshman Sen. John Thune (R-SD), who promised voters throughout his 2004 campaign that his ties to President Bush would help keep the base open. That promise helped nudge Thune over former Senate Majority Leader Tom Daschle (D) in the election.

"I commend the BRAC commissioners and their staff for listening to our arguments and recognizing Ellsworth's military value," Thune said in a statement immediately following the decision. "Ellsworth Air Force Base is integral to America's current and future security needs."

Meanwhile, with Cannon the panel partially embraced the Pentagon's plan for that base. The department's plan called for removing the base's F-16 aircraft and distributing them among Andrews AFB, MD; Nellis AFB, NV; Hill AFB, UT; Joe Foss Field Air Guard Station, SD; and Truax Field Air Guard Station, WI.

The Pentagon estimated closing Cannon and moving its fighter fleet would save the department $2.7 billion over 20 years but again the panel's math came out differently, concluding the change would save only $216.5 million.

Commission member and retired Air Force Gen. Lloyd Newton introduced a motion that would have broken up the fleet as intended but replace those jets with training aircraft from Moody AFB, GA. Cannon could have increased utility for future aircraft training, specifically the F-35 Joint Strike Fighter, and could serve as a hub for coalition exercises, he argued.

However, BRAC Commission Chairman Anthony Principi and other panel members felt "uncomfortable" dictating moves to the Air Force and the Pentagon.

When Newton's motion failed, former chief of staff for the first President Bush Samuel Skinner, introduced another amendment to "enclave" the base. He said he understood reducing the base to that status would impact the local economy negatively but the half-dozen

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communities proposed to receive F-16s would suffer if the fleet was not dispersed.

Skinner's motion also asked Defense Secretary Donald Rumsfeld to consider finding a new mission for the facility before Dec. 31, 2009. If the Pentagon fails to do so, the base would close.

Local News Articles

Suit Aims To Prevent Closing Of Fort Monmouth

New York Times (New York, NY)
Damien Cave
September 3, 2005

A coalition of state and local elected officials, as well as soldiers, unions and defense contractors in New Jersey, filed a federal lawsuit yesterday that seeks to keep Fort Monmouth from being closed based on a recommendation by the Base Closure and Realignment Commission.

The lawsuit, filed in Federal District Court in Trenton, argues that the commission, known as BRAC, exceeded its authority by voting to close Fort Monmouth while adding a condition: that the Army first create safeguards to ensure that shuttering the base will not hamper the war efforts in Iraq and Afghanistan.

Since the law that gives the nine-member commission its authority over bases does not include a provision for amendments, the suit said, the panel overstepped its authority.

"We are simply asking the court to review the process and determine whether the BRAC commission failed to comply with the BRAC Acts of 2005 and 1990," said United States Representative Rush Holt, a Democrat whose district includes parts of the base. "If we win, the remedy is simple: Take the fort off the list."

The base will close only if President Bush approves the commission's recommendation next month. He can makes changes to the panel's list before submitting it to Congress for an up-or-down vote, but neither the president nor lawmakers are expected to overturn the commission's decisions.

In the case of Fort Monmouth, the closing of the base would mean the end of nearly 5,200 jobs, both civilian and military.

Representative Frank Pallone Jr., a Monmouth County Democrat, said the lawsuit also argued that the commission should not have voted to shutter the base because it found that it did not meet the legal criteria for closing, which led to the additional condition. "It's like saying we want to close it even though we think we shouldn't," he said. "From a legal point of view, we don't believe they had the authority to close the base when most of the criteria were violated."

A federal judge is scheduled to hear the case on Tuesday.

States Take Legal Steps To Block Loss Of Fighter Wings

St. Louis Post-Dispatch (St. Louis, MO)
Philip Dine
September 2, 2005

WASHINGTON - Missouri and Illinois took separate legal steps Thursday to try to block the loss of Air National Guard fighter wings in their states.

Missouri filed a motion for a preliminary injunction against the closing of the 131st Air National Guard F-15 Fighter Wing at Lambert Field and had a teleconference with the federal judge involved, said Scott Holste, spokesman for Missouri Attorney General Jay Nixon.

The judge ordered the Department of Justice to file a brief in response today and told Missouri to file its reply on Monday, Holste said. If the judge hears arguments on the case, it would be on Tuesday.

The Base Realignment and Closure Commission voted last week to move St. Louis' F-15s to other states and to take similar action with the Air

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National Guard F-16 Fighter Wing in Springfield, Ill.

In Springfield, Ill., officials requested a temporary restraining order to block the BRAC Commission from sending to President George W. Bush its recommendation for the 183rd Fighter Wing in Springfield.

A court hearing has been set for 10 a.m. today, said Illinois assistant Attorney General Terence Corrigan.

Illinois, along with Missouri and Pennsylvania, has already filed suit against the Pentagon for recommending that Air National Guard bases in the respective states be closed. The suits assert that such action can't be taken without the consent of the governor involved. A District Court judge in Pennsylvania ruled in favor of the state last week; the other cases are pending.

Corrigan said Illinois took the additional action Thursday because it is trying to block the BRAC Commission from sending its list of closures and realignments to Bush, who has indicated he would approve the list and send it on to Congress. The commission must send its list to Bush by Thursday.

In its suit, which requested an expedited ruling, Pennsylvania argued that once the list is forwarded to the president, action can no longer be reviewed by the court, Corrigan said. While Illinois does not agree with that interpretation, it filed Thursday's request "to protect us if that's a correct interpretation of the law," Corrigan said. Missouri is also trying to beat the Thursday date, Holste said.

Group Files Lawsuit to Keep N.J. Base Open

The Washington Post (Washington DC)
Jeff Linkous
September 2, 2005

TRENTON, N.J. -- A group of politicians, unions, contractors and soldiers filed a lawsuit Friday seeking to overturn a federal panel's decision to close Fort Monmouth, making New Jersey at least the fifth state where suits have been filed over the federal base closings plan.

"We're doing this for the men and women overseas whose lives depend on the work at Fort Monmouth," Rep. Rush Holt said of the lawsuit asking that Fort Monmouth be taken off the list of bases slated for closure.

"If they're fighting for us, we think we shouldn't give up on them," Holt said.

A hearing was scheduled for Tuesday, two days before the deadline for the Base Realignment and Closure Commission to present a list to President Bush. Bush and Congress have veto power over the final plan.

The commission voted last month to close Fort Monmouth and send thousands of jobs to the Aberdeen Proving Ground in Maryland. The panel said, however, that shuttering the base could not interfere with the ongoing war on terror. Holt said that condition was one of several moves targeted by the lawsuit.

Commission spokesman Robert McCreary believed the panel's members had not seen the lawsuit yet. However, he said, "We're following the court proceedings and will act accordingly."

Lawsuits over the commission's closure recommendations also have been filed in Connecticut, Illinois, Pennsylvania and Tennessee.

On Friday, a federal judge said he would rule promptly on Tennessee's request for a temporary injunction that would halt the Pentagon's recommendation to relocate the Tennessee Air National Guard's 118th Air Lift Wing.

Another federal judge, in Connecticut, this week temporarily halted the national base closings commission from recommending a realignment of a Connecticut Air National Guard base, which the governor contends cannot be done without her approval.

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Illinois filed a similar lawsuit in an attempt to prevent an F-16 fighter squadron in Springfield from being moved to Indiana. A federal judge recently ruled in favor of Pennsylvania's governor after that state argued the Defense Department needs the governor's approval to dissolve an Air National Guard division there.

Air base's outlook remains unclear
Officials can't say how decisions of panel will impact Jacksonville
Arkansas Democrat-Gazette (Little Rock, AR)
Brandon Tubbs
September 2, 2005

A week has passed since a federal panel assembled to help reorganize the nation's military cast votes that affect Little Rock Air Force Base and still no one is saying exactly how many additional planes and jobs the base will land.

Under Defense Department recommendations released in May, Little Rock was to add dozens of C-130s to its fleet of an estimated 73. The Air National Guard was to gain 10 for a total of 18. The Jacksonville base also was to receive 3,000 to 4,000 jobs over the next two to six years.

But the Base Realignment and Closure Commission voted last week to keep open two Air Force bases, meaning that the Jacksonville base likely will not be getting as many new planes and jobs.

Members of Arkansas' congressional delegation believe the base will gain only nine C-130s, based on initial counts by the Air Force.

"I wish I could share with you exactly where we're at with Little Rock Air Force Base," U.S. Rep. Vic Snyder, D-Ark., said at a meeting of the North Little Rock Rotary Club at Alltel Arena on Thursday. "Every time I think I'm getting the exact information, it seems to be in conflict with the information I got just before or the information I'm about to get about ... what kind of changes are going to hap- pen at Little Rock Air Force Base.

"My guess is that we will probably see a small, net increase in the number of planes and the accompanying personnel, but I would expect it's going to be pretty small."

The commission's work has left others trying to interpret the impact on the base near Jacksonville .

"I thought the picture of Little Rock would be clearer," Democratic Sen. Mark Pryor said Thursday. "It's still like a jigsaw puzzle and there's a few pieces missing."

Sen. Blanche Lincoln, D-Ark., spoke with commission Chairman Anthony Principi late Wednesday, and she said he reassured her that Little Rock will not lose any planes.

But no one has said how a motion made by another commissioner, retired Adm. Harold Gehman, will affect the base. The motion, according to the uncertified transcript of the commission's deliberations, reads, "realign Little Rock Air Force Base, Arkansas, distribute 42 of the C-130 aircraft assigned to Little Rock, Arkansas."

Gehman was not available for comment.

Jacksonville Mayor Tommy Swaim said, "We've just resolved to be patient. The point that I think is important to us is the Air Force will ultimately have authority to disperse planes that weren't addressed" by the commission.

As of September 2004, the Jacksonville base had 56 C-130 Es, 14 C-130 Hs and three C-130 Js authorized to the 314 th Airlift Wing, which is the primary training wing for C-130s. The Air National Guard 189 th Airlift Wing has eight C-130 Es and two in reserve.

The realignment and closure process began in the 1980s to transform the military by cutting excess facilities and combining others to create a more efficient fighting force. In the most recent round, the Defense Department developed an initial list of proposed changes, which were evaluated by the nine-member commission. The commission visited bases and held public

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hearings before finalizing its own recommendations.

The commission's report will be forwarded to President Bush, who can accept it, reject it or send it back for additional work. Congress will review the final recommendations, but it can only veto the plan in its entirety or allow it to take effect.

Judge to rule on blocking transfer of fighter wing

Copley News Service (Springfield, IL)
Adriana Colindres
September 2, 2005

A federal judge plans to rule Tuesday on state officials' request for a temporary restraining order that would block the transfer of the 183rd Fighter Wing's F-16s from Springfield to Fort Wayne, Ind.

Judge Jeanne Scott said at a hearing Friday that the legal effort to preserve the 183rd's jets must face a couple of "really big issues," including whether the federal court has jurisdiction to act.

She cited a 1994 U.S. Supreme Court decision that found it was a president's action, and not a report submitted by the Base Realignment and Closure Commission, that had a direct impact on military base closings. That position could weaken Illinois officials' legal argument that Gov. Rod Blagojevich's rights have been violated by a recommendation to move the jets out of Springfield, she said.

Blagojevich and Attorney General Lisa Madigan on Thursday filed a motion in federal court for the temporary restraining order. They contend that governors must agree to any type of realignment involving a state's National Guard bases, and Blagojevich did not give his consent to the plan to move the F-16s.

The motion was filed against U.S. Secretary of Defense Donald Rumsfeld and the BRAC commission. Last week, the commission endorsed the Pentagon's recommendation to transfer the 183rd's jets, headquartered at Springfield's Abraham Lincoln Capital Airport.

"The bottom line is what they are doing is deactivating the Fighter Wing by removing the elements that make it a Fighter Wing," Assistant Attorney General Matt Bilinsky told Scott in U.S. District Court in Springfield.

But Assistant U.S. Attorney Rodger Heaton told the judge that the governor's rights have not been violated.

Scott said she plans to rule by noon Tuesday on the temporary restraining order. She also scheduled a hearing for 10 a.m. Wednesday on state officials' motion for a preliminary injunction that would stop the BRAC commission from sending President Bush its recommendation to realign the 183rd.

States go to court to block loss of National Guard fighter wings

Missouri seeks injunction

St. Louis Post-Dispatch (St. Louis, MO)
Philip Dine
September 2, 2005

WASHINGTON -- Missouri and Illinois took separate legal steps Thursday to try to block the loss of Air National Guard fighter wings in their states.

Missouri filed a motion for a preliminary injunction against the closing of the 131st Air National Guard F-15 Fighter Wing at Lambert Field and had a teleconference with the federal judge involved, said Scott Holste, spokesman for Missouri Attorney General Jay Nixon.

The judge ordered the Department of Justice to file a brief in response today and told Missouri to file its reply on Monday, Holste said. If the judge hears arguments on the case, it would be on Tuesday.

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National Guard F-16 Fighter Wing in Springfield, Ill.

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A court hearing has been set for 10 a.m. today, said Illinois assistant Attorney General Terence Corrigan.

Illinois, along with Missouri and Pennsylvania, has already filed suit against the Pentagon for recommending that Air National Guard bases in the respective states be closed. The suits assert that such action can't be taken without the consent of the governor involved. A District Court judge in Pennsylvania ruled in favor of the state last week; the other cases are pending.

Corrigan said Illinois took the additional action Thursday because it is trying urgently to block the BRAC Commission from sending its list of closures and realignments to Bush, who has indicated he would approve the list and send it on to Congress. The commission must send its list to Bush by Thursday.

In its suit, which requested an expedited ruling, Pennsylvania argued that once the list is forwarded to the president, action can no longer be reviewed by the court, Corrigan said. While Illinois does not agree with that interpretation, it filed Thursday's request "to protect us if that's a correct interpretation of the law," Corrigan said. Missouri is also trying to beat the Thursday date, Holste said.

Residents resist reopening Cecil Field air base

Gainesville Sun (Gainesville, FL)
September 3, 2005

JACKSONVILLE - Some residents are opposed to reopening Cecil Field, a naval air station that closed in 1999, and are angry they were not asked before state and city officials lobbied for its return.

Almost 500 residents attended a meeting at an equestrian center on Cecil Field that included an appearance by Jacksonville Mayor John Peyton, The Florida Times-Union reported in Friday's editions.

Peyton and Gov. Jeb Bush have spoken with lawmakers about the possibility of reopening the base and offered $200 million to relocate businesses at Cecil, plus another $100 million for housing.

The Base Realignment and Closure Commission has voted to give Oceana Naval Air Station in Virginia officials six months to begin reducing encroachment by homes and businesses that has caused safety problems. They are also to start acquiring properties in areas with the greatest accident potential.

Criteria was set for reopening Cecil Field if Virginia and the Navy fail to take steps to curb encroachment.

City officials and lawmakers claim the move best for the community, but some have criticized it.

"Unfortunately, what we may have here this evening is packaged information made to sell an already-made decision," resident Katja Palmer said.

City Councilman Daniel Davis is against it, and an opposition group has formed called "Say No To Cecil."

"You have conveyed the message to Washington that our area is eager for the Navy to return," said the group's leader, Vickie Grant of Middleburg, in a letter. "These positions do not properly represent the citizens of this area."

Many people complained about the potential noise of the Navy jets in a residential area

"I heard the people say we should just be able to put up with a little bit of noise," said Velma Blizzard. She has lived nearby for 35 years.

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Oceana has 12,000 military and civilian jobs and nearly 250 aircraft. But more than 145,000 people live around Oceana, and only 10,000 near Cecil. About 5,000 homes are in Oceana's crash zones, while none are in Cecil's, according to the city.

"It's about our Navy. It's about our national security, and for me, it's about something patriotic," Peyton said.

Opinions/ Editorials

Politics as usual: BRAC officials ignore Rumsfeld to appease friends;

Duluth News-Tribune (Duluth, MN)
J.R. Labbe
September 2, 2005

Say what you will about BRAC -- and plenty is being said today through clenched teeth in states that view themselves as big losers in the Base Realignment and Closure process -- the commission managed to prove one thing: It was no rubber stamp for Donald Rumsfeld.

Were the Secretary of Defense a thin-skinned fellow, he might take the changes made to his list by the commission as refutation of his vision for the military's future. Given how many times commissioners chanted that the Department of Defense "substantially deviated from the final selection criteria" before they ignored the Pentagon's recommendations, Rumsfeld could be feeling downright unappreciated.

Take the vote to keep open Connecticut's Naval Submarine Base New London. Under Rumsfeld's future force scenario, the Navy won't need that sub capacity in New England. The commissioners effectively said: "We think there are more subs in our future than you do, Mr. Secretary, and we'll be keeping this place open, if you don't mind."

Same goes for keeping open Ellsworth Air Force Base in South Dakota. The commissioners were concerned that the "eggs in one basket" consolidation achieved by moving B-1 bombers from that base to Dyess Air Force Base in Abilene, Texas, would make the fleet vulnerable to attack. At last check, Mexico wasn't altogether happy with the current U.S. administration, but it's hard to imagine that it would attack over it.

Surely the Ellsworth turn-around had nothing to do with the fact that John Thune, a rookie Republican senator who defeated one of the Democratic lions of lawmaking (like him or don't, Tom Daschle was a force to contend with in Washington), staked his entire political career on keeping Ellsworth open.

Everyone with a piece on the BRAC chessboard has said from the get-go that the process was designed to keep politics out of the game. They just forgot to tell the politicians.

New Mexico Gov. Bill Richardson was blabbering on
C-SPAN about how he lobbied the commission hard to keep Cannon Air Force Base open. Richardson claimed that he had made friends with some of the commissioners. Samuel Skinner was obviously one of them, considering that he jumped through all kinds of hoops to keep Cannon open until at least December 2009 rather than close it. Richardson's justification for Cannon's continued operational status had nothing to do with military readiness or future force structure. All he could talk about was the need to keep those jobs on line.

BRAC watchers who rightfully preach the "there's life after BRAC" message in their belief that the Defense Department should be something more than a jobs program contend that politics has been part of this round more clearly than in some previous rounds -- with the exception of the
in-your-face decision made in 1995, right before President Clinton's re-election push, to "privatize in place" rather than close McClellan AFB.

If the Air Force is unhappy with the 2005 commission's decisions, it has to take some of the blame for doing a half-hearted job of putting together a BRAC package that demonstrated strategic coherence. (Of course, the flying brass

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were kind of distracted by that pesky Boeing tanker fiasco and sexual harassment charges at the academy.)

It's interesting to note that some lawmakers are taking heat for not politicking enough.

U.S. Sen. Kay Bailey Hutchison is, as they say, being dog-cussed for not doing enough to protect every Texas facility that landed on Rumsfeld's list. Community leaders think she spent too much time focusing on the Red River Army Depot in Texarkana. She is many things, but stupid is not one of them. She knew where to invest her capital.

BRAC never has been, and never will be, a process devoid of political influences, but it's the only way that the Pentagon has to change its infrastructure in response to evolving force strategies. The end result of this round is less than it should be, but it's unlikely that President Bush or Congress will turn it down because the cuts weren't deep enough.

They are, after all, politicians.

In The Mail : N.D. can celebrate BRAC results

Grand Forks Herald (Grand Forks, ND)
September 2, 2005

WASHINGTON - Many observers doubted North Dakota would get through another round of Base Realignment and Closure or BRAC without the closure of one of our military bases. But we did.

Last week, a number of states got the bad news that one of their military bases would be closed. The news we received here in North Dakota was that our military bases would stay open.

The congressional delegation, the governor, the communities and many others worked together successfully to achieve this result.

Our three bases were kept open because of their military value to our country, but they also are major sources of jobs in North Dakota and critically important to our economy. So, the fact that we are not on the list for closure is great news for our state.

Actions by the BRAC commission will mean some changes in the missions at the Grand Forks Air Force Base and also at the Fargo Air National Guard. Grand Forks will be the site of the growing, new and exciting unmanned aerial vehicles (UAV) missions. And Fargo's Air National Guard unit will be connected to those UAV missions at Grand Forks as well.

We also expect the Grand Forks Air Force Base to be the future home of some new, modern tankers that will replace the KC-135s in the longer term.

And we are determined to get the Air Force to replace the F-16 fighter mission for the Happy Hooligans. It doesn't make sense to take fighter jets away from America's best pilots.

So, there is some more work to be done. But the work we have done during this BRAC Commission's effort has paid real dividends for our state.

When the BRAC recommendations become law later this fall following final up or down decisions - no changes permitted - by the president and Congress, the future of North Dakota military bases is secure.

Byron Dorgan
Dorgan, a Democrat, represents North Dakota in the U.S. Senate.

Base Closings; State officials get credit for persistence in bid to save Willow Grove's fighter wing

The Morning Call (Allentown, PA)
September 2, 2005

The 111th Fighter Wing, a part of the Pennsylvania Air National Guard at Willow Grove Naval Air Station, went on a wild rollercoaster ride Friday. And, unfortunately, the 1,025-member fighter wing's destination still is

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uncertain. But Gov. Ed Rendell and some other state officials deserve a lot of credit for putting up a tough fight with the Base Realignment and Closure Commission. They haven't given up yet, nor should they.

Nationwide, the Pentagon recommended that the commission close 33 major bases and realign 29 others. The recommendation covered 13 Pennsylvania military sites, including Willow Grove in Horsham, Montgomery County. The Democratic governor, Republican Sens. Arlen Specter and Rick Santorum, and U.S. Rep. Allyson Schwartz, D-13th District, heavily lobbied the nine-member base closure commission before its unusual, ill-advised decision on Friday.

Gov. Rendell had filed suit in federal court in Philadelphia last month, claiming that Defense Secretary Donald Rumsfeld overstepped his authority when he targeted Willow Grove. As governor and commander of the Pennsylvania Air National Guard, the governor contended, only he can recommend its deactivation.

The argument made sense, since the Air National Guard has a dual mission. Though it is part of the nation's military force, it is also responsible to the state, helping in emergencies such as hurricanes, floods, tornadoes and forest fires. Of course, in these times, homeland security also is a concern.

So, on Aug. 26, U.S. District Judge John R. Padova agreed, ruling that the Pentagon lacks the authority to disband the unit without the governor's approval. Just two hours later, however, the base closure commission cast a bizarre, unanimous vote to move the unit's A-10 fighter planes to bases in Idaho, Maryland and Michigan -- but not to move the unit itself. The commission also voted to convert the Willow Grove base into a dormant "enclave" with a skeleton staff of Army reservists. In addition, the commission voted to move Navy and Marine Corps squadrons and aircraft, plus some other units.

On Monday, Gov. Rendell called upon the Department of Defense to maintain military operations and aircraft at Willow Grove. If this fails, the governor has talked about taking over the base under the control of the Pennsylvania Air National Guard. There is a precedent for this last resort. The U.S. Army gave the state National Guard control of Fort Indiantown Gap in 1998, three years after a closure committee recommended that the Army leave.

The base closure committee must give its final report to President Bush by Sept. 8. He can accept, reject or send it back for revisions. Congress will have the opportunity to veto the plan in its entirety, but this state hasn't given up on Willow Grove.

Additional Notes

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Defense Base Closure and Realignment Commission

EARLY BIRD

July 28, 2005

Department of Defense Releases
N/A

National News Articles
Door shuts on delaying list of bases

Local News Articles
Dole, Burr Promote Pope (Fayetteville, NC)

Experts say states need to focus on both defense and high tech (Uncasville, NC)

Delegation says mistake could cause job loss at arsenal (Rock Island, IA)

Base closing commissioners tour Maine military facilities (Kittery, ME)

Base-closing official questions data justifying Nevada cuts (Carson City, NV)

Defense Department firms up troop movements for Fort Riley (Fort Riley, KS)

Navy makes it clear it does not want to see BNAS closed (Portland, ME)

Beyond the economic hit, a base closure in New Mexico would tear apart families, friendships (Clovis, NM)

State's challenge to base closures heats up (Harrisburg, PA)

Norco Base Has Closure Issues (Los Angeles, CA)

Visiting panelists praise strategic value of BNAS (Portland, ME)

Shipyard backers welcome BRAC officials (Portland, ME)

Opinions/Editorials
N/A

Additional Notes
N/A

Department of Defense Releases
N/A

National News Articles

Door shuts on delaying list of bases
Portland Press Herald (Portland, ME)
Bart Jansen
July 27, 2005

Opponents of the latest round of military base closures won a Senate battle Tuesday but might have lost the legislative war to stop any closures. Sens. Olympia Snowe and Susan Collins, both R-Maine, are among lawmakers seeking to block base closures through legislation they are trying to attach to a defense policy bill being debated this week.

Majority Leader Bill Frist, R-Tenn., proposed limiting debate on the defense bill, which under

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military's capability to quickly react in crisis situations," Dole wrote.

Reps. Robin Hayes, Mike McIntyre and Bob Etheridge also signed the letter.

September deadline

The nine-member BRAC commission is the only body that can make changes to the Pentagon's recommendations. Its report is due to the president Sept. 8.

The president and Congress can only accept or reject the entire package.

"Closing Pope Air Force Base also violates BRAC guidance and principles, and it is a mistake we cannot afford to make," Dole's letter said.

"The secretary of defense has directed that any BRAC actions not reduce our warfighting capability."

Fort Bragg airborne and special operations forces board Air Force airplanes at Pope's Green Ramp for local airborne training as well as overseas deployments.

Gov. Mike Easley and other North Carolina elected officials urged a panel of BRAC members in a hearing June 28 in Charlotte to support recommendations that add people to the state and reject proposals to take large groups of people away.

The nine-member commission voted July 19 to set aside Pope for further consideration.

Two of the nine BRAC commissioners will visit Pope on Tuesday to gather information.

Five commissioners will hold a public hearing Aug. 10 in Washington.

The hearing will consider proposals at military bases in North Carolina, Indiana, Ohio, Maine, Virginia and the District of Columbia. Final decisions are due the week of Aug. 22.

States' arguments

The Pentagon proposals are coming under fire from state governors and National Guard officials who do not want to give up airplanes.

State officials are questioning the legality of the Pentagon taking away their airplanes that have roles in responding to state emergencies and Homeland Security missions.

Some BRAC commissioners have questioned how much coordination has been done between the Defense Department and the Department of Homeland Security and to what extent the requirements have been formalized.

The Government Accountability Office has questioned the Pentagon's estimates of savings.

"The projected cost analysis and cost savings are seriously flawed and inaccurate," Dole's letter said.

"In reality, while those savings will save the Air Force money, the Army and DoD will pay dearly for those savings."

Retired Brig. Gen. Paul Dordal, a former Pope wing commander who is working with the Cumberland County Business Council, said the Army lacks personnel to do jobs such as fighting airplane fires and loading munitions onto Air Force airplanes.

"If Pope AFB kept facilities to the same standards that exist today, the cost of maintaining and operating these facilities will increase as the Army replicates functions and assigns personnel to duties that were run by and have been unique to the Air Force," Dole's letter said.

In a supplement to the letter, Dole addressed the argument that other Army posts - such as Fort Bliss and Fort Hood, Texas, and Fort Campbell, Ky. - are able to operate runways that can accommodate large aircraft.

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be prepared for "the worst case of scenario" of it closing.

"We should be preparing for the 'what if,'" Amann said. "We should be pro-active on both sides."

Macdonald suggested the state of Connecticut designate a powerful, local redevelopment authority to oversee the sub base property. If BRAC does recommend closure and the president and Congress agree, then the authority will be able to oversee the environmental cleanup and make sure the site can be used for a new industry.

Delegation says mistake could cause job loss at arsenal

The Associated Press State and Local Wire
(Rock Island, IA)
July 27, 2005

Members of the congressional delegation from the Quad Cities area urged the Army to correct a mistake that could cause Rock Island Arsenal to lose up to 180 jobs to Army depots in Alabama and Pennsylvania.

Rock Island Arsenal builds armor door kits for soldiers in Iraq, but the congressional delegation said that work was incorrectly categorized by the Pentagon as "depot maintenance."

The delegation sent a letter to Army Secretary Francis Harvey urging that the mistake be corrected and forwarded it to the Base Realignment and Closure Commission, which is reviewing Pentagon proposals.

The letter was signed by all members of both states' delegations.

Thom Hart, president of the Arsenal and Quad-City Development Group, said the commission staff appeared receptive, but that time was short. The commission will vote on the Pentagon's recommendations in late August.

The Defense Department has made several recommendations affecting the Arsenal. They could result in a net loss of about 1,600 jobs if implemented.

Base closing commissioners tour Maine military facilities

The Associated Press State & Local Wire
(Kittery, ME)
Jerry Harkavy
July 28, 2005

Retired Air Force Brig. Gen. Sue Turner requested a low-key reception for her visit to Portsmouth Naval Shipyard. She didn't get it.

Though smaller than last month's rally for base closing commissioners, several hundred workers and supporters wearing yellow T-shirts and led by bagpipes greeted Tuesday's arrival of Turner and former Transportation Secretary Samuel Skinner.

Afterward, Skinner joked that that "low-key is an oxymoron here." However, he suggested that the community's efforts to show support were not for naught.

"These things do make a difference. It shows the kind of support that a community has for its Navy," he said. "That's not true in all of the places we go."

Tuesday's visit, which also included a visit by Skinner and Turner to Brunswick Naval Air Station, means two-thirds of the nine-member panel deciding the fate of the Navy bases in Maine will have toured the two facilities.

If the Kittery shipyard closes, it would result in more than 4,500 job losses and a ripple effect through the Maine and New Hampshire economies.

Shipyard supporters contend there's enough submarine repair and overhaul work to keep all four existing public shipyards open. Of the four, Portsmouth is the most efficient, so it definitely makes no sense to close the yard, they say.

"Why would you close down a place like that?" said Tyler Foss, a 25-year shipyard worker from

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"I'm not sure I would use the word 'shocking' but obviously I'm concerned by what I've learned compared to what the military told us and we need to take that into consideration without question," the head of the federal Base Realignment and Closure Commission added.

Principi said there are more bombs and other ammunition stored at Hawthorne than the commission had realized - some 300,000 tons. He also mentioned accuracy of cost savings and the cost of relocating all the ammunition elsewhere.

While the Department of Defense had figured relocation costs at about $383 million, Day & Zimmerman Hawthorne Corp., which operates the depot under contract from the Army, has put closure costs at $1.46 billion.

Principi also said economic impact is an important consideration, and clearly the ammunition depot closure "would be devastating to the town of Hawthorne."

Local officials say base closure would result in the loss of about 1,200 jobs at the depot and elsewhere in the community about 130 miles south of Reno. That's two-thirds of all jobs in Mineral County, which encompasses Hawthorne.

Principi also repeated earlier comments supporting Air Guard activity around the nation, saying, "It's important that we have Air Guards and that they be in our communities, that the military and our communities are interrelated."

The commission also is still waiting for a Justice Department analysis of whether cutbacks or closures of Air Guard facilities without the consent of governors in affected states is legal, Principi said.

Mike Hillerby, chief of staff for Gov. Kenny Guinn, said Nevada hasn't joined in lawsuits launched by some other states over the legality issue, but has brought up that issue in dealings with the BRAC. Signing onto that litigation is "one of the potentials," he added.

Guard Brig. Gen. Cindy Kirkland said that in her discussions Tuesday with Principi she got the impression that commissioners "really are trying to put the commonsense check on this process - and they're looking at the (Pentagon) recommendations and scratching their heads just like we are."

U.S. Rep. Jim Gibbons, R-Nev., who made the tour with Principi, said it's significant that the chairman of the nine-member BRAC came to Nevada. Principi's visit followed an early tour by commission member Philip Coyle.

Shelley Hartmann, director of Mineral County's economic development authority, said she's encouraged by Principi's mention of information discrepancies regarding the Army ammunition depot.

"But I'm not going to be encouraged completely until Aug. 22 when the commission votes" on its recommendations, she added.

The DOD has proposed removing C-130 transport plans in Reno. Guard commanders said that would leave them with only one set of C-130s west of the Rockies, based in the Los Angeles area.

The DOD's plan for Hawthorne would close a facility that has been operating for 75 years. Ammunition stored in 2,500 bunkers at the depot, which sprawls over 230 square miles, would be moved to the Tooele Army Depot near Salt Lake City, Utah.

Defense Department firms up troop movements for Fort Riley

The Associated Press State & Local Wire (Fort Riley, KS)
John Milburn
July 27, 2005

A decade ago, Fort Riley said goodbye to the Big Red One, watching the U.S. Army division pack up and go to Germany.

On Wednesday, the Pentagon confirmed that the historic 1st Infantry Division, known as the Big

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The Navy made it clear in a letter to U.S. Sen. Susan Collins that it does not want to see the Brunswick Naval Air Station closed and envisions a continued role in NATO exercises, refueling aircraft and hosting a Navy survival school.

The Brunswick base has "enormous strategic value as the last remaining active duty airfield in the Northeast," wrote Ann Rathmell Davis, an assistant to the Navy secretary on base realignment and closure issues, in a letter Tuesday.

In fact, the Navy continues to view Brunswick as "the optimal site in New England for P-3 detachment missions," she wrote.

Collins, R-Maine, said the letter will be used as Brunswick supporters press their case for keeping the base at full strength during a public hearing of the Base Realignment and Closure Commission on Aug. 10 in Washington, D.C.

"It is the strongest statement that I have seen from the Navy about the value of the Brunswick Naval Air Station," she said Wednesday. "It's ironic because it makes the case for having Brunswick as a fully operational base."

The Pentagon originally proposed moving P-3 Orion patrol aircraft to Jacksonville, Fla., and reassigning 2,300 military personnel. But the base closing commission voted 8-1 to add Brunswick to the list of those being considered for closure.

Base supporters have contended that the base's strategic value makes it too important to close. And they say it doesn't make sense to scale it back, either, because doing so would eliminate any possibility that it could be redeveloped.

In her letter, Davis acknowledged that scaling back Brunswick would lengthen the response time to maritime threats in the Northeast.

The Navy supports keeping Brunswick Naval Air Station open in a limited role because it would support future requirements for homeland defense, as well as providing "surge capacity" for the Navy, she wrote.

The base has a fully functional weapons facility, an ability to service all aircraft in the Defense Department arsenal and a geographic location that allows maritime patrol aircraft to avoid passing over inhabited areas, she wrote.

In addition, the Pentagon envisions Navy and Marine Reserve units to continue to operate in Brunswick and for the Brunswick to continue to serve as home to the Navy's Survival, Evasion, Resistance and Escape School in western Maine.

Beyond the economic hit, a base closure in New Mexico would tear apart families, friendships

The Associated Press State & Local Wire
(Clovis, NM)
Anne Aguayo
July 27, 2005

The thought of losing Cannon Air Force Base tugs at the heart of Betty Tiedemann.

It would mean a separation from her 20-year-old daughter and the two young grandchildren. Her son-in-law is stationed at the base.

"My daughter's really my best friend," said Tiedemann, 46, her eyes tearing up.

"She's never been away from home. We talk on the phone about two or three times a day ... My grandkids, one is my sunshine boy and the other is my pumpkin girl. My son-in-law, he taught me how to ride an ATV."

Tiedemann, a bookkeeper, typifies what often gets lost in debates over threatened military base closures: losing a base could leave a community reeling emotionally as well as financially.

Residents of southeastern New Mexico contend that, beyond thrusting the region into economic gloom, closing Cannon would tear asunder families and friendships. Also shuttered would be three public schools where the kids of cattle

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Special Advocates in Curry and Roosevelt counties.

With CASA, volunteers ensure that abused children are represented in court when a judge considers their custody.

"When it comes to children - the innocent and the vulnerable - their effort is phenomenal," Johnson said.

Twelve of CASA's 20 volunteers would leave if Cannon closed. That, would be a "major loss," Johnson said.

The Clovis and Portales Habitat for Humanity would miss its volunteers, too, said project director Joyce Davis. Ninety percent of the group's volunteers are military families. They've shared carpentry and plumbing skills and have given some 8,000 hours to construct four homes.

"The men and women of the base make a significant difference in how fast we can accomplish things," Davis said.

Developer Craig Chapman also is in limbo. He bought 84 home lots before the base's fate was put in jeopardy.

"It's been very stressful," he said. "I'll probably have to lay off people. There will be a ripple effect. The lumber yard is going to slow down. The plumber, dry wall contractors, painters and floor covering people won't have work."

Chapman said that lately his nights have been sleepless.

"I won't be eating out as much," Chapman said before digging in to a spicy dish at a popular Mexican restaurant. "I feel despair. It makes me take a little bit more time for prayer in my office every day."

Even the normally jovial bunch at Clovis' Mainline Bowling Alley wear pained expressions when asked to envision life without their military friends, among them the leader of their bowling association.

"There's some darn good bowlers at the base," said Barbara Roberts, an artist and competitive bowler.

Lansford said residents are striving to keep a positive attitude. Leaders have started talking about how they might redevelop the base property.

"This community is not made of a bunch of whiners," he said. "We're not saying to government" 'Help us. Help us. Help us.'

"Our agrarian roots have shown us that we're responsible for our own livelihood. No matter what, we'll survive."

State's challenge to base closures heats up
Centre Daily Times (Harrisburg, PA)
Marc Levy
July 27, 2005

HARRISBURG -- The Air Force "misused" this year's round of base closures by attempting to disband or move National Guard units without state input, drawing sustained criticism and two lawsuits, a senior adviser to Gov. Ed Rendell said Tuesday.

Adrian R. King Jr., who is spearheading Rendell's response to the base closure proposals, said Pennsylvania's lawsuit against the Pentagon over the proposed deactivation of a Pennsylvania National Guard unit, if successful, could ify many of the Air Force's proposed changes nationwide.

He also said the state is exploring the idea of taking over operation of Willow Grove Naval Air Station, where the Guard unit is based.

King, a lawyer, spoke with The Associated Press in a 90-minute interview at the offices of the Pennsylvania Emergency Management Agency, which he has headed since January, following two years on Rendell's staff.

The state's lawsuit against the Pentagon protests the proposed deactivation of the 111th Fighter Wing without Rendell's consent in the cost-

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Norco is one of 62 communities nationwide -- including 25 in California -- that are starting to grapple with the changes a closure can bring, even as they lobby to keep their bases open. When it appeared in May on the list of sites recommended for relocation in the current round of military downsizing, it wasn't the first time. Ten years ago, during the last major round of post-Cold War closures, the base was on the list.

Although the closure is not definite, the employees, scientists and engineers who test the value and efficiency of weapons before the Navy purchases them in bulk, have been through this before.

Pfouts, an engineering technician, is one. She is a 19-year employee of Computer Services Corp., a contracted electronics services company involved in nearly every division of the base. The company has about 300 employees at Norco.

Pfouts said her husband already makes a 45-minute commute to the City of Industry, where he is a warehouse manager, and her two college-age children live at home and attend area schools. She wouldn't want to make any of them move to Ventura County, even if she could afford the higher housing prices.

"My other daughter lives in Riverside with my grandchild and another one on the way; I'm not going to move away from them," she said.

Karen Curp, 50, has spent 16 years at the company, living one block from the base. She said the housing market in Ventura County is out of reach for her family. The current median price of a home in Riverside County is $393,000, and the Ventura County median is $584,000.

"I can't afford to move. It's just too expensive. My husband has a job here, and he obviously makes more than me. I have a kid in college and another in school, and I can't move them either," she said.

Rep. Ken Calvert (R-Corona) has been working behind the scenes in Washington to keep the base active.

"Especially now in a time of war, it is not the right thing to do," Calvert said "Plus, in my mind, it's a recommendation that's trying to fix a problem that does not exist. It's the least cost-saving of all the [recommended closures] in the country."

According to the Navy's estimates, closing the base would save about $400,000 over 20 years. The facilities at Norco were upgraded 10 years ago, and Calvert and Norco base proponents say that the Point Mugu site has nothing comparable, requiring the building of a weapons analysis site at a minimum cost of $40 million.

"So, it's actually going to cost them money to move the base," Calvert said. "If it doesn't save money and it doesn't help the national defense of the country, why do it?"

Roberta Spieler, spokeswoman for the Norco base, said the base's position is steadfast: "We're dedicated to follow through the [realignment and closure] process .... That's what we're about right now."

Many employees, however, are reluctant. Most have spent their careers at the Norco base, which the Navy purchased the day before Pearl Harbor was attacked in 1941.

Even newcomers, such as Mary Koster, 43, of Norco, a computer programmer who has been at the base for 1 1/2 years, are feeling the pressure.

"It's an awesome team of people," Koster said, "almost like a family. It'd be great to keep it here. I've worked [other jobs] for 20 years, and I don't think I've ever had such a good job with nice people."

Koster, too, can't move her family to Ventura County and said she would need to find another job in the Inland Empire.

Like Curp and Pfouts, Koster was one of 60 base employees who took their lunch hour to protest

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They then met privately with members of the Brunswick Naval Air Station Task Force. Their visit means that six of the nine members of the BRAC commission have visited Brunswick.

The stakes for Brunswick are much higher now than they were during the commissioners' June 2 visit. At that time, the Pentagon had recommended that BNAS be realigned, which means the base would stay open but its fleet of P-3 Orion planes would be moved to Jacksonville and more than 2,300 personnel would be laid off or reassigned.

Base supporters thought realignment was the worst option because it would prevent the town or state from redeveloping the property, which would remain in federal hands.

But earlier this month, the commission voted 8-1 to put BNAS on its closure list, a move that local supporters speculate was designed to force the Pentagon's hand by making it decide between closure or keeping it open.

"It's a great facility. Really up to date and they have an important mission," Skinner said during a brief press conference. "They certainly present a compelling argument. Its strategic location and the fact that it's up and ready to go into action are important facts for us to consider."

Skinner cautioned against trying to read between the lines of his comments. He stressed that the commission has not made up its mind about Brunswick.

Skinner said commissioners must weigh all factors - from the base's military value to the economic impact its closure would have on the community - before deciding Brunswick's fate.

For now, BNAS remains on both the realignment and closure lists.

"I am really, really happy that we had the opportunity to come up here and visit Brunswick," Turner said. "For me, it had become apparent that it was really important to get up here and see the base for myself."

On Aug. 10, commissioners will hold a hearing in Washington to receive testimony on their decision to add BNAS to the closure list. The panel will decide what to do with BNAS on Aug. 23.

Commissioners' recommendations must be given to the president no later than Sept. 8.

Unlike the commissioners' earlier visit to Brunswick, where dozens of base supporters holding signs lined the street to the base entrance, Tuesday's tour was purposely kept low-key at the commissioners' request, said Rick Tetrev, chairman of the Brunswick Naval Air Station Task Force.

"Brunswick is totally different than Kittery," said task force member Joseph Byrnes. "All they have to do is snap their fingers and 8,000 shipyard workers wearing yellow T-shirts show up for a rally. That doesn't mean we don't have the community's support here, because we do."

Gov. John Baldacci and task force members spent about an hour in private with Turner and Skinner. Retired Navy Capt. Ralph Dean, a task force member, made a presentation that focused on military value rather than economic impact.

Dean said BNAS could play a vital role in the war on terrorism by intercepting ships that could be carrying weapons of mass destruction. He also noted the base's proximity to sea lanes and to Europe.

The commissioners asked a lot of "penetrating" questions during the session, members said.

"I think the commissioners are leaning toward closing it or keeping it open. I am inclined to believe that they are not looking favorably on realignment," said Ed Anderson, a former P-3 pilot who serves as the task force's financial analyst. "It doesn't make good strategic sense to close it or good fiscal sense to realign it. And in my mind that only leaves one option."

Shipyard backers welcome BRAC officials;

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New Hampshire Gov. John Lynch at a press conference after the tour.

Opinions/ Editorials

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