

DCN 4668  
Executive Correspondence



M. JODI RELL  
GOVERNOR

STATE OF CONNECTICUT  
EXECUTIVE CHAMBERS  
HARTFORD, CONNECTICUT  
06106

BRAC Commission

JUL 15 2005

Received

**FAX MEMORANDUM**

DATE: 7/15/05

TO: David Hague, Esq.

FAX NUMBER: (703) 699-2735

NO. OF PAGES: 3 including this cover sheet

FROM: Kevin J. Rasch  
Legal Counsel to the Governor  
State Capitol, Room 212  
Hartford, CT 06106  
  
Telephone Number: (860)-524-7316  
Fax Number: (860) 524-7391

SUBJECT:

*If you have any problems receiving this transmission, please call Meg at (860) 524-7316*

**Special Message:**

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July 15, 2005

David Hague, Esq.  
General Counsel  
2005 Defense Base Closure and Realignment Commission  
2521 S. Clark St., Ste. 600  
Arlington, VA 22202

Dear Attorney Hague:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. §552 ("FOIA"), I hereby request, on behalf of the State of Connecticut, access to and copies of any and all documents prepared by or for the 2005 Defense Base Closure and Realignment Commission (the "Commission") or the United States Department of Defense concerning the use of the Defense Base Closure and Realignment Act of 1990, as amended and codified at 10 U.S.C. §2687 (the "BRAC Act") to relocate, disband or move Air National Guard units from one state to another as part of the Commission's 2005 defense base closure and realignment recommendations. My request includes access to and copies of any and all documents concerning: 1) potential legal issues arising from deviation from closure criteria contained in the BRAC Act; 2) documents relating to the authority of the United States Department of Defense or the United States Air Force to reposition Air National Guard aircraft; and 3) interpretations of the legal relationship between the BRAC Act, 10 U.S.C. §18238, 32 U.S.C. §104 and the "militia clause" of the United States Constitution, art. I, § 8, cl.16. My request should be construed to include any documents which discuss or conclude that the Commission's and/or the Department of Defense's actions and/or recommendations create significant policy concerns or that federal law creates an outright legal bar to any actions by the Commission.

Please provide expedited review of my request because delay in disclosure could cause a loss of substantial due process rights to the State of Connecticut. In my June 14, 2005 letter to Secretary of Defense Donald H. Rumsfeld, I provided formal notification of my objection to the Commission's recommendation to "realign" the 103<sup>rd</sup> Fighter Wing, Connecticut Air National Guard, located at the Bradley International Airport, in East Granby, Connecticut. In my letter to Secretary Rumsfeld I reiterated that the Department of Defense did not coordinate its recommendation with the State of Connecticut and that no federal official contacted my office or the Connecticut Adjutant General to discuss any federal proposal concerning Air National Guard units or assets located in Connecticut. At no time have I given my consent to any changes with regard to Air National Guard units in the State of Connecticut.

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The State of Connecticut agrees to pay all reasonable duplication fees for the processing of this request. However, please notify me prior to your incurring any expenses in excess of \$1000. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all portions of otherwise exempt material which are subject to segregation. The State of Connecticut, of course, reserves the right to appeal your decision to withhold any information or to deny a waiver of fees. I hereby certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief. I look forward to your reply before the 20 business days which the FOIA requires.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Jodi Bell". The signature is written in a cursive style with a large, sweeping "M" and "B".

M. JODI BELL  
Governor