



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

BRAC Commission

AUG 29 2005

August 26, 2005

Received

THE GOVERNOR

The Honorable Anthony J. Principi
Chairman
2005 Defense Base Closure Realignment Commission
2521 S. Clark Street
Suite 600
Arlington, VA 22202

Dear Chairman Principi:

At approximately 1:30 p.m. today, the Honorable John R. Padova, United States District Judge for the Eastern District of Pennsylvania, issued an 54 page Opinion and Order in the case of *Rendell, et al. v. Rumsfeld*, Civil Action No. 05-CV-3563.

In his Order, Judge Padova dismissed Defendant's Motion to Dismiss the action and granted the Plaintiffs' Motion for Summary Judgment. Judge Padova's Order further provides: Secretary Rumsfeld, by designating the 111th Fighter Wing of the Pennsylvania Air National Guard without first obtaining the approval of Governor Rendell, has violated 32 U.S.C. s 104(c). The portion of the BRAC DoD Report that recommends deactivation of the 111th Fighter Wing of the Pennsylvania Air National Guard is **null and void** (emphasis added).

Given Judge Padova's ruling, it was improper for the Commission to vote on that portion of the DoD recommendations dealing with the 111th. Clearly, the Commission could not consider a recommendation that, as a matter of law, was declared null and void by the Court. Accordingly, I respectfully request that the Commission acknowledge its inability to consider the 111th recommendation and rescind its decision today with respect to the 111th, its aircraft, and associated equipment.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ed Rendell".

Edward G. Rendell
Governor



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