

Defense Base Closure and Realignment Commission

EARLY



BIRD

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State's suit may sway balance of power; Fight to keep air station leads others opposing feds on Guard control.

Morning Call
Elliot Grossman
September 7, 2005

Nearly two months ago, Pennsylvania leaders launched a daring attack that had never been attempted, not here or in any other state: Pennsylvania sued the Defense Department to preserve an Air National Guard unit.

Since Pennsylvania filed its suit, hoping to protect the Willow Grove National Guard unit, four other states have gone to court with similar suits.

John Goheen, spokesman for the National Guard Association, a Washington, D.C., lobbying group, credited Gov. Ed Rendell and U.S. Sens. Arlen Specter and Rick Santorum with leading the way.

"What they did was a brave stroke," he said. "It was a bold stroke. And it's been rewarded."

In an Aug. 26 ruling, U.S. District Judge John Padova declared that the recommendation of Defense Secretary Donald Rumsfeld to disband the Willow Grove Air National Guard unit was "null and void."

Because Rumsfeld had not consulted Rendell, according to the judge, the defense secretary usurped Rendell's authority to control the Air National Guard, a power granted by federal law. Federal law characterizes governors as the commanders-in-chief of National Guard units, the Philadelphia judge noted.

Illinois, Tennessee, Connecticut and Missouri followed Pennsylvania into federal court, hoping to save jobs, protect homeland security and provide relief during natural disasters. Each state has an Air National Guard that would be severely reduced in size, moved out of state or disbanded if proposed changes go into effect.

A judge dismissed the Illinois case Tuesday. The other cases are shaping up as legal battles that could further define the balance of power between the state and federal governments.

Federal law gives National Guard units dual missions -- serving the state and federal governments.

The governors claim control of the National Guard is supposed to be shared between them and the Defense Department.

Each of the other states cited roughly the same federal laws as Pennsylvania in their suits. One law cited in all of the suits says a National Guard unit shall not be relocated without the approval of the governor.

Pennsylvania was the first state to sue, on July 11. Illinois sued Rumsfeld 10 days later, and Tennessee took action more than a month later.

Last week, after Padova ruled, Connecticut and Missouri filed their own suits. They repeatedly cited Padova's ruling.

Richard Blumenthal, the Connecticut attorney general, said, "It's a necessary move to preserve our governor's authority."

He said it's obvious Rumsfeld should have consulted the governors about disbanding National Guard units or reducing them in size. "The law's pretty clear," Blumenthal said. "It didn't take a legal scholar to see that the governor's consent is required."

So far, a federal judge has been receptive to Blumenthal's arguments. Last week, U.S. District Judge Alfred Covello of Connecticut issued a temporary restraining order. It blocks the Base Realignment and Closure Commission from including the Connecticut Air National Guard on a list of units that essentially would be disbanded.

Covello concluded Connecticut officials had shown a "likelihood of success" that they will prevail in the case. He scheduled a hearing for today to decide whether to issue a preliminary injunction, an order that would last longer than the temporary restraining order.

The BRAC Commission is required to send its list of recommended base closings to President Bush by Thursday.

On Tuesday, U.S. District Judge Jeanne Scott of Illinois ruled that Gov. Rod Blagojevich cannot proceed with his suit because he has not been harmed legally. Rumsfeld and the BRAC Commission issued recommendations that, so far, have not resulted in an Air National Guard unit being affected, Scott noted.

If Bush and Congress approve the list of base closings, Blagojevich will not have a right to refile his suit, according to Scott, because the U.S. Supreme Court has ruled that the final actions in the base closing process cannot be reviewed in court.

If it's upheld, Padova's decision could have broad implications for the base closing process now and in the future.

For the first time, a judge recognized the power of a single elected official -- a governor -- to block part of the base closing process. Congress designed the base closure law to prevent individual politicians from protecting jobs and facilities in specific communities.

Even the president does not have such power. The president and Congress must accept or reject the entire list of base closings recommended by the BRAC Commission.

There's no question that Pennsylvania's court victory put a huge obstacle in the Pentagon's path to disband the Willow Grove Air National Guard unit, though it's still unclear what will happen next.

Only hours after Padova declared Rumsfeld's recommendation invalid, the BRAC Commission acted on it anyway, proposing the Air National Guard in Willow Grove be stripped of its aircraft. But last week, Rendell pledged to keep the Air National Guard in Willow Grove.

A few days after making his statement, Rendell sent National Guard units to Louisiana, Mississippi and Alabama to help those states recover from Hurricane Katrina. The units included the 111th Fighter Wing of the Air National Guard, the unit the Pentagon wants to disband.

"Quite frankly," said Adrian King, Rendell's deputy chief of staff, "Hurricane Katrina is a prime example of why we need a strong National Guard."

2 states win base-closing injunctions

Associated Press
September 8, 2005

HARTFORD, Conn. -- Two federal judges agreed Wednesday to block the base closings commission from recommending changes at Air National Guard bases in Connecticut and

Tennessee, which the governors argued couldn't be altered without their authority.

A federal judge in St. Louis, however, threw out a similar Missouri lawsuit, saying she had no authority to hear the case because the decision on the move was still preliminary.

The Pentagon's base realignment plan still requires the approval of President Bush, who can accept it, reject it or send it back for changes. Congress also has a say over the final plan.

In the Connecticut case, U.S. District Judge Alfred V. Covello wrote that the governor would suffer significant hardship if the state's lawsuit wasn't considered, since the recommendation would not be subject to judicial review once it was submitted to the president.

"Our authority has been recognized," said Gov. M. Jodi Rell, who by statute is commander in chief of the state's National Guard.

BRAC report due today

Grand Forks Herald
Elisa L. Rineheart
September 8, 2005

The final report of the Base Realignment and Closure Commission, due on the president's desk today, contains no surprises, said Robert McCreary, deputy director of communication for the BRAC commission.

It reflects decisions the commissioners made during a nearly four-month base trimming process and in final hearings held in late August in Arlington, Va., McCreary said.

John Marshall, base retention committee chairman, agreed.

"If there's any changes, they will be minimal," he said.

Excerpts of the document regarding Grand Forks Air Force Base and Fargo's 119th Air National Guard Fighter Wing will be published at

www.gfherald.com shortly after the president receives it today.

The president has said he would approve the commission's revised list of bases to be closed or realigned. He must sign the report by Sept. 23 and send it to Congress for approval by Nov. 7. The document becomes binding 45 days later unless Congress rejects it, which would terminate the process.

The base closure commission voted unanimously Aug. 26 to realign Grand Forks Air Force Base. The commission called for the removal of most of the base's flying tankers and 80 percent of its personnel. But it allowed the base to keep eight tankers until the end of 2010 to bridge a time gap between the departure of the KC-135R Stratotankers and the arrival of a new generation of tankers expected in 2012.

Under the Defense Department's plan, the Air Force would have moved all of the GFAFB tankers by 2009.

The nine-member commission also adopted the Defense Department's recommendation to base unmanned aerial vehicles in Grand Forks.

Fargo's fate

The BRAC commissioners also changed language in the Pentagon's recommendation to allow the "Happy Hooligans" to receive a new flying mission after the Guard's aging F-16 fleet retires in 2007.

The decision was part of a broader initiative that deviated from Pentagon recommendations to realign the Air Guard.

The amendment approved in late August was designed to ensure that every state with an existing Air Guard unit would retain some airplanes.

BRAC recommendations go to Bush

Potomac News
James W. Crawley
September 8, 2005

What do you think?

WASHINGTON - Despite two federal court decisions that have cast uncertainty over the military base closure process, the independent panel plans to hand over its final report to President Bush today.

Today is the deadline for the Base Realignment and Closure Commission to submit the list of military installations to be shuttered or consolidated during the next six years.

The commission finished three days of deliberations Aug. 26 and voted on each of the bases recommended for closure or consolidation by the Pentagon, along with several proposed by the panel.

The nine-member commission agreed with about 80 percent of the military's recommendations with some significant changes.

The panel voted to close Fort Monroe in Hampton and move more than 10,000 military and civilian personnel from leased office space in Northern Virginia to military bases. The panel also took steps to move aircraft and people from Oceana Naval Air Station, unless state and local officials meet development restrictions.

Bucking the Pentagon, the commission voted to save two historic New England bases, the submarine homeport in Groton, Conn., and the naval shipyard in Maine. It also recommended keeping South Dakota's Ellsworth Air Force Base open.

Several governors, unhappy with proposals to reduce the National Guard presence, went to court.

Wednesday, U.S. District Judge Alfred Covello in Hartford, Conn., granted an injunction to block the commission from moving 15 Air National Guard attack jets from a base in Connecticut. Last week, a federal judge in Pennsylvania took similar action to block another Air National Guard move.

In both cases, governors argued the Pentagon could not close bases or transfer National Guard personnel or aircraft without their consent.

Earlier this week, federal judges in Illinois and New Jersey ruled against those states' governors.

Appeals are likely.

"This will play out for weeks, months, years," said Chris Hellman, a defense analyst with the Center for Arms Control and Non-Proliferation.

Commission spokesman Jim Schaefer said the list will be accompanied by a letter noting the Connecticut judge's injunction. The Pennsylvania case involved the Defense Department, not the independent BRAC panel.

After the commission submits its report, the White House has until Sept. 23 to decide whether to accept it and pass it to Congress or to return it for changes. Most observers believe it will pass presidential muster.

Congress cannot alter the list and has 45 days to veto it. Otherwise, the base closures go into effect. The Pentagon will have six years to shut down bases and transfer units.

Local News Articles

Judge Blocks BRAC's Air Guard Plan; Feds Appeal

Hartford Courant (Hartford, CT)

Lynne Tuohy,
September 8, 2005

A federal judge in Hartford Wednesday took the extraordinary step of barring the Base Realignment and Closure Commission from recommending that the state be stripped of its entire squadron of Air National Guard A-10 fighters, the strongest attack to date on BRAC's authority and tactics.

The injunction ordered by U.S. District Judge Alfred V. Covello does not stop BRAC from forwarding its recommendations for military

base closures and reconfigurations nationwide to President Bush by today's deadline. But it exempts from those sweeping recommendations inclusion of the A-10 Thunderbolts now under the command of the Connecticut Air National Guard and Gov. M. Jodi Rell, as the state's commander in chief.

Rell was at Air National Guard headquarters at Bradley International Airport attending a send-off party for a National Guard contingent heading to the hurricane-ravaged South when word of the ruling reached her.

"She was ecstatic," said Kevin Rasch, Rell's legal counsel, who informed her of the ruling that is bound to resonate in other states.

The commission had recommended retiring or removing all the planes of the 103rd Fighter Wing, a squadron with an 82-year history in Connecticut. The Pentagon sought to consolidate the Bradley-based unit with another A-10 wing at Barnes Air National Guard Base in Westfield, Mass.

Lawyers for the U.S. Department of Justice, representing BRAC, filed notice Wednesday evening that they would appeal Covello's ruling to the U.S. 2nd Circuit Court of Appeals in Manhattan.

The commission's proposals for removing and consolidating Air National Guard units have created a political and legal maelstrom that has intensified as today's deadline approached.

Covello's ruling was filed just hours after a federal judge rejected a challenge in Missouri to BRAC recommendations to close an air base in St. Louis. Also on Wednesday, Massachusetts state officials launched their federal court attack on BRAC recommendations affecting bases there, principally the closing of Otis Air National Guard Base.

A federal judge in Philadelphia sided recently with Pennsylvania's governor in challenging a proposal to remove Air National Guard forces from Willow Grove, while federal courts in New

Jersey and Illinois have rejected similar challenges by officials in those states.

Only in Connecticut have opponents of BRAC recommendations scored such a resounding - though potentially short-lived - victory.

"We are in seriously uncharted legal territory," Attorney General Richard Blumenthal said in an effort to temper his optimism. "But there is no precedent for a state winning when BRAC acted lawlessly."

If BRAC lawyers prevail in the 2nd Circuit before the recommendations reach the president, Connecticut officials would have little viable recourse. A 1994 U.S. Supreme Court ruling held that once BRAC "commits decision making to the discretion of the President, judicial review of the President's decision is not available."

Bush has said he will forward BRAC's recommendations to Congress for final action, rather than back to BRAC for reconsideration.

Although more than a dozen lawsuits have been filed challenging BRAC's authority and recommendations, Connecticut's was unique for several reasons.

It was the only state facing elimination of its entire Air National Guard fleet, which brought into play federal laws dictating when a state's governor had to consent to changes in the "branch, organization or allotment" of a National Guard unit.

Covello said this was such a case, despite arguments by Justice Department lawyer Matthew Lepore that BRAC's recommendations centered on taking aircraft already owned by the federal government and not disrupting personnel.

"Certainly, relocation of the aircraft in this case would leave pilots and other military personnel trained to support a flying mission with nothing to do and, in this way, constitute a dramatic change in the allocation and allotment of that unit," Covello stated.

Blumenthal had secured a temporary restraining order and then filed a request for a preliminary injunction - a legal strategy designed to seek instant relief while leaving a fall-back lawsuit in place. It was a risk that paid off, but only after Blumenthal convinced Covello the state would suffer irreparable harm in the interim, but would win in the end.

Covello ruled that the state already suffered harm when the federal government disregarded Rell's right to veto any changes to the guard unit, and would suffer permanent harm once the recommendation to remove the planes reached the president. Lepore's arguments that any BRAC plan adopted by Congress might not be acted upon before the 2011 deadline did not dissuade Covello.

Connecticut also offered the testimony of Thaddeus J. Martin, adjutant general for the state of Connecticut and commander of its National Guard forces. Martin said he'd been involved in many National Guard conversions of equipment and operations in the course of his career, but none before this in which the federal government showed no deference to the state and its leadership. And, he noted, the BRAC recommendation flies in the face of its own stated objective of saving money.

"What we're dealing with here is a disconnect," Martin testified Wednesday. "The aircraft are moving. The people are staying. The infrastructure is staying. Hence, there's no cost savings. ... I know of no cost savings derived from the decision to take the aircraft out of the Bradley air base."

Martin said that over 1,200 employees in his command, 384 are directly linked to the A-10 planes, either as pilots or maintenance staff. And because it was made public in May that the government wanted to remove Connecticut's planes, Martin said he has had great difficulty recruiting new staff.

"It's affected our ability to recruit pilots into a unit with a target on our backs," Martin said.

Lawmakers Appeal Ft. Monmouth Ruling

Philadelphia Inquirer (Philadelphia, PA)

Geoff Mulvihill

September 8, 2005

New Jersey lawmakers yesterday appealed a U.S. District Court ruling that the courts cannot intervene in a federal commission's decision to close Fort Monmouth.

The appeal was filed with the U.S. Court of Appeals for the Third Circuit in Philadelphia, said Andrew Souvall, spokesman for U.S. Rep. Frank Pallone (D., N.J.), one of the plaintiffs. No hearing date has been set, Souvall said.

Members of New Jersey's congressional delegation, other state and local politicians, and union officials sued last week in an effort to save Fort Monmouth, which the Defense Base Closure and Realignment Commission recommended closing. Late Tuesday, Judge Mary L. Cooper ruled in Trenton that she did not have jurisdiction over the commission's action.

The fort is headquarters of the Army's Communications Electronics Command, which designs radios, computers and software that keep troops in contact with one another. Closing it would move thousands of military and civilian jobs out of New Jersey, many to Aberdeen Proving Ground in Maryland.

"We'll take it to the Supreme Court if necessary. No one is arguing this is a high-probability case, but we'll fight it out," said U.S. Sen. Jon S. Corzine (D., N.J.), another plaintiff.

The commission recommended that the government close or consolidate 62 major bases and 775 smaller military installations. The list is expected to go today to President Bush, who has pledged to send it unchanged to Congress. Congress can vote the plan up or down but cannot modify it.

The lawsuit contends that the commission recommended closing Fort Monmouth even though the fort did not meet six of Congress' eight criteria. The criteria dealt largely with how the restructuring would affect the military and

how much money it would save.

Judge Rejects Missouri Bid To Halt Base Closing**Mass. officials sue to prevent Otis shutdown**

Boston Globe (Boston, MA)

David Lawder

September 8, 2005

WASHINGTON -- A federal judge yesterday threw out Missouri's lawsuit to halt the shutdown of an Air National Guard base, marking the second time in two days that a state challenge to such cutbacks has failed.

US District Judge Jean Hamilton in St. Louis dismissed the case on the same grounds used by a judge in Springfield, Ill., to dismiss a similar challenge: The state has no standing to bring the claim because the moves by a federal commission are only recommendations at this point.

Meanwhile, a federal judge in Connecticut yesterday took the opposite tack, agreeing to block the base closings commission from recommending changes at an Air National Guard base, which the governor says cannot be altered without her authority.

The temporary injunction granted by US District Judge Alfred V. Covello involves Bradley Air National Guard Base, which would lose fighter jets now based there under the Pentagon's plan.

Also yesterday, Governor Mitt Romney of Massachusetts and Attorney General Thomas F. Reilly filed suit to prevent the closure of the Otis Air National Guard Base on Cape Cod.

Massachusetts will use the same argument posed by other state officials: The governor's permission is needed to close the base since the governor is commander in chief of the National Guard. In the Connecticut case, Covello wrote that the governor would suffer significant hardship if the state's lawsuit wasn't considered, because the recommendation would not be subject to judicial review once it was submitted to President Bush.

Missouri had sued to block the Base Realignment and Closure Commission from stripping the Missouri Air National Guard's 131st Fighter Wing of its F-15 fighter jets. The plan would effectively shutter the Guard post with about 1,100 members at Lambert-St. Louis International Airport.

It is one of dozens of cuts to Air National Guard bases proposed by the Pentagon and approved by the commission.

In the Missouri decision, Hamilton wrote that because Bush and Congress have not acted on the commission's recommendations, "any alleged injury to [the] plaintiff is speculative. Plaintiff's claims therefore are not ripe for judicial review."

The commission is due to deliver to Bush today its changes to the Defense Department's first round of domestic base closings in a decade. Bush can ask once for revisions. After that, he must reject the entire list or send it on to Congress for approval.

Coalition wants Fort Monmouth suit expedited;

Judge might rule on request today

The Record (Bergen County, NJ)

Tom Davis

September 7, 2005

TRENTON - A coalition of the state's top political leaders, local officials, unions and soldiers' families wants a federal judge to move quickly on a lawsuit that would block efforts to close Fort Monmouth.

Attorneys representing the coalition asked U.S. District Judge Mary L. Cooper on Tuesday for an "expedited review" of the group's case because the Pentagon would endanger troops in the Middle East if it were to close the base.

Cooper said she would consider the matter and might rule on the review request by today.

"The war fighter is potentially at risk," said Eugene LaVergne, an attorney representing the coalition. "This is serious stuff here."

But lawyers representing the Pentagon and the Base Realignment and Closure Commission - citing court precedent - argued that judicial intervention can't happen until the base-closing process is final.

Carl Nichols, a deputy U.S. attorney general, also noted that military officials have disputed the coalition's claim that closing Fort Monmouth would be unlawful and threaten national security.

"The secretary of the Army said he wouldn't do anything to put troops in harm's way," Nichols said.

The BRAC Commission voted two weeks ago to support the Pentagon's recommendation to move the base's functions to Maryland. The suit lists Defense Secretary Donald Rumsfeld and the base closure commission as defendants.

President Bush and Congress would have until the end of the year to approve the entire list of recommendations. The coalition hopes that Cooper will ultimately rule to remove Fort Monmouth from the list, saying its closing would violate the 2005 BRAC Act's provisions that protect national security.

The commission did say the Army must first prove that shifting its hub for communications research and development won't compromise the war on terrorism. Rep. Frank Pallone, D-Long Branch, has asked Pentagon officials to appear before a congressional committee to address the issue.

Nichols suggested that congressional review could determine whether the coalition's complaints have merit.

"We believe judicial review would be most appropriate after the process is over," he said.

The lawsuit was filed by Sens. Jon S. Corzine and Frank R. Lautenberg; Reps. Rush Holt, D-

Hopewell Township, Chris Smith, R-Hamilton, and Pallone; the mayors of three towns near the base; two unions; an Army reservist; the mother and the wife of two soldiers serving in Iraq; and local defense contractors. Acting Governor Codey is also expected to join the lawsuit.

The suit alleges that the base closure commission and Rumsfeld failed to comply with the 2005 BRAC Act by seeking to close an installation that supports troops in Iraq and Afghanistan, according to Corzine's office.

It also says the costs of moving the base's functions to Maryland - more than \$1.5 billion - are "likewise unacceptable as the nation copes with the costs of ongoing war on terrorism and a record national disaster."

LaVergne said Congress established safeguards in the 2005 BRAC Act ensuring that bases considered vital to the battlefield would survive, he said. Many were uneasy about closing military facilities in a time of war, he said.

"We argue that now is the appropriate time for an expedited review, and not after Congress votes on it," said Frank Capece, another attorney representing the coalition.

Judge blocks Connecticut base changes

Chicago Tribune (Chicago, IL)
September 8, 2005

HARTFORD, Conn. -- A federal judge agreed Wednesday to block the base-closing commission from recommending changes at an Air National Guard base, which the governor says cannot be altered without her authority.

Another judge threw out a Missouri lawsuit that opposed closing an air base in St. Louis.

The Pentagon's base realignment plan, which the Base Closure and Realignment Commission approved last month, would remove the fighter jets at Connecticut's Bradley Air National Guard Base.

But the temporary restraining order issued by U.S. District Judge Alfred Covello stops the commission from recommending the Bradley changes to President Bush.

The judge wrote that the governor would suffer significant hardship if the state's lawsuit wasn't considered because the recommendation would not be subject to judicial review once it was submitted to the president.

Gov. M. Jodi Rell, who by statute is commander in chief of the state's National Guard, said she was pleased with the ruling.

The federal government contends the commission's recommendations are not reviewable by the courts. It quickly filed a notice of appeal.

In the Missouri case, U.S. District Judge Jean Hamilton ruled that she has no authority to hear the lawsuit because the decision to close the unit is still preliminary, subject to approval by the president and Congress. Courts in Illinois and New Jersey have concluded they don't have jurisdiction over the base-closing commission process.

Thursday is the deadline for the commission to make its final report to President Bush, who has pledged to send it unchanged to Congress. Congress can vote the entire plan up or down but cannot modify it, according to law.

Judge's order takes 118th off base-closings list

The Tennessean (TN)
Bonna de la Cruz
September 8, 2005

An Air National Guard unit from Nashville — one that has been ferrying supplies and soldiers to the hurricane-stricken Gulf Coast and carrying evacuees here — has a strong chance of being saved from the chopping block, according to a federal judge's order.

U.S. District Judge Robert Echols ruled yesterday that the 118th Airlift Wing will not be

included in a federal commission's list of base closures.

The decision comes in the nick of time. The report of the Base Realignment and Closure Commission is due on President Bush's desk by today.

"I think this gives us real hope that we can keep the eight C-130 airplanes that are the heart and soul of the Airlift Wing," said U.S. Rep. Jim Cooper, D-Nashville. He and the state's four Democratic U.S. House members joined in Gov. Phil Bredesen's lawsuit against the Pentagon to keep the planes.

In a 28-page ruling, Echols granted a temporary restraining order to block the commission from asking the president to reassign the planes to bases in Kentucky and Illinois.

A last-minute appeal by the federal government could overturn the ruling, but state officials yesterday were confident. The state expects to request a full hearing on the merits of its case.

Should the legal case move forward, Echols said in his order that the state has a strong chance to succeed in its argument that the Pentagon cannot move the planes without the consent of the governor.

Tennessee Attorney General Paul Summers called the ruling a "clear victory." Bredesen said it was a "great ruling."

In his order, the judge said the state was able to show in last week's hearing that its residents would be harmed without the 118th, the third-oldest Air National Guard unit in the nation.

Losing its planes would leave 702 military and civilian employees without jobs, the judge said. Also, residents of the state would lose protection that the unit could offer in times of natural disasters and terrorist attacks.

Those interests outweigh the government's argument that closing the unit is projected to save \$120 million over 10 years, the judge said.

The ruling "absolutely underscores the vital role the 118th plays in the safety and security of our state and its citizens," the governor said in a prepared statement. "You need look no further than the tragedy unfolding in the wake of Hurricane Katrina to understand just how critical this unit is to Tennessee's response to emergencies both at home and beyond our borders."

The 118th, which has eight huge C-130 cargo planes, was formed during World War I and most recently served in both Afghanistan and Iraq. It makes its home in a new, multimillion-dollar facility at Berry Field at Nashville International Airport.

Attorneys for the Department of Justice said they are unsure if they will appeal. Michael Roden, deputy civil chief in the U.S. attorney's office in Nashville, said he will talk today to Justice attorneys in Washington who argued the case last week, to make a decision.

Once the president receives the commission's report, he has until Sept. 23 to accept or reject the entire document. If he disapproves, the report goes back to the commission for a redo.

Lexington, Concord send letter to BRAC

Lexington Minuteman (Lexington, MA)
Maureen O'Connell
September 8, 2005

Following the lead of the Lexington Board of Selectmen, the Concord board met Tuesday afternoon to draft a letter to the chairman of the Base Realignment and Closure Commission asking it to spare the 230 jobs it plans to take from Hanscom Air Force Base.

On Aug. 25, the BRAC Commission dashed the hopes of Bedford, Concord, Lexington, Lincoln and other friends of the Air Force Base when it recommended Hanscom not expand, as it has been announced in May, but continue to operate minus two operations. With the Sensors Directorate and Space Vehicles Directorate moving to Ohio and New Mexico, respectively, under BRAC's August recommendation,

approximately 200 jobs are expected to move from Hanscom.

The letter, signed by Selectman Chairman Anne Shapiro, expresses gratitude to BRAC for recognizing Hanscom's importance to both the Defense Department and the region, but asks it to reconsider its recommendation to remove the two units from Massachusetts.

"The deadline for decision-making is fast approaching, but we believe strongly that the analysis of this proposal should be reviewed immediately, before the final recommendations are made," the letter states. "This decision should be reversed."

It continues, "The proposed move would result in an enormous loss of valuable technological know-how for the Air Force. (Department of Defense) operations at Hanscom benefit from the constant, daily collaboration between personnel at the base and the Boston scientific and academic community.

"Many of the civilian researchers working on (Department of Defense) projects are unlikely to relocate to these other bases, and it is quite likely that their experience and expertise will be lost," Shapiro wrote.

Lincoln selectmen did not consider a letter at its meeting Tuesday night, but Bedford's board said such a letter was not something it would be undertaking.

Calling the letter a "bad move," Bedford Selectman Sheldon Moll said the letter was discussed at the last selectmen's meeting, but was not signed.

"This is not something that I think is appropriate at this time. We are basically blessed in having the base remain...," he said.

Moll said he felt sympathy for the 200 people that would be asked to move or retire, but noted he was happier the bulk of jobs at the base would remain unaffected by any BRAC decisions.

"We should be thankful for what we have," he said.

Concord board members disagreed.

"The loss of (these) operations from Hanscom (Air Force Base) will not only be a significant economic loss for our region, but it will also represent a very real loss to our nation's defense capability," wrote Shapiro.

Base Closing Request Granted, but Connecticut Fight Lingers

New York Times (New York, NY)
William Yardley
September 8, 2005

HARTFORD, Sept. 7 - A federal judge on Wednesday granted the state's request to stop an independent commission from including in its final report to President Bush a recommendation to remove fighter jets from the Air National Guard base at Bradley International Airport.

But a spokesman for the panel, the Defense Base Closure and Realignment Commission, said after the ruling, by Judge Alfred V. Covello of United States District Court in Hartford, that the two-volume report would go forward with a qualifier.

"We're making it clear that that particular, specific recommendation is subject to a preliminary injunction," said Jim Schaefer, a commission spokesman. "It's the only one."

The commission is required to forward to President Bush by Thursday its recommendations on closing or realigning hundreds of military bases nationwide.

It was unclear on Wednesday whether Judge Covello's ruling would hold. The Department of Justice filed a notice of appeal late Wednesday with the United States Court of Appeals for the Second Circuit in Manhattan, a department spokesman said.

Connecticut National Guard and other state officials have argued that the commission's

decision last month to transfer or retire 15 A-10 fighter jets from the Bradley base would leave Connecticut as the only state where an Air National Guard Unit has no active aircraft. Gov. M. Jodi Rell, a Republican, and Attorney General Richard Blumenthal, a Democrat, fought the decision, saying that federal law makes clear that Guard units cannot be reorganized without the governor's consent. Mrs. Rell has said she was not consulted about the transfer of the planes.

"The conduct presented here constitutes a continuing violation of the governor's authority," Judge Covello wrote, adding that the commission decision "jeopardizes the state's ability to protect its citizens."

Guard officials say that 384 of the base's 926 members would have no clear role without the A-10 planes.

Other states have fought the commission's plans to close or realign Air National Guard bases. In Pennsylvania last month, a judge ruled that the commission needed Gov. Edward G. Rendell's consent to reorganize one of several bases in that state. But the judge ruled before the commission adopted its recommendations, and the commission later revised its plan for Pennsylvania.

Mr. Blumenthal said Connecticut was the only state that had been successful in winning an injunction to stop the commission's recommendation, at least to this point.

Opinions/ Editorials

Additional Notes