



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

2521 South Clark Street, Suite 600

Arlington, VA 22202

Telephone: 703-699-2950

DCN: 2875

June 21, 2005

*The Honorable Ted Stevens
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510*

Dear Senator Stevens,

Thank you for your and Senator Warner's letter of June 17, 2005, regarding the 2005 Defense Base Closure and Realignment (BRAC) Commission procedural rules. You have expressed concern about the affect of Commissioner recusals and certain Commission rules on the ability of the Commission to carry out its statutory duties.

I understand and share your concerns about the soundness, correctness, and integrity of the BRAC process. Your letter prompted me to closely re-examine Commission practice and procedures and to review our current situation. I have discussed matters at length with my Executive Director, General Counsel, and counsel from the Senate Armed Services Committee. Others have contributed to the dialogue, including several individuals who were intimately involved with the most recent amendments to the BRAC statute and past BRAC Commissions.

Matters as they now stand are that four Commissioners have recused themselves from participation in matters relating to installations in their home states. Commissioners Coyle and Gehman recused themselves, in accordance with ethics agreements they signed during the nomination process, because of BRAC-related activity in California and Virginia respectively. Commissioner Bilbray recused himself because of his long-time representation of Nevada in the Congress and other public offices. Commissioner Hansen recused himself with regard to Utah for the same reason.

Each of the Commissioners made his recusal publicly at a Commission hearing held on May 19, 2005. As a result of these recusals, the Commissioners cannot

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

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deliberate or vote on matters relating to installations in their home states or to installations in other states that are substantially affected by closures and realignments or installations in their home states.

The procedural rules adopted by the Commission at an open hearing on May 19, 2005 are, with one significant exception, the same as the rules that guided the previous three BRAC Commissions. Unlike in the past, a super majority of seven of nine Commissioners is now required to add, realign, or increase the realignment of a base not included on the Secretary of Defense's list of bases to be closed or realigned.

As you noted in your letter, with the exception of the seven-of-nine vote requirement, no guidance is provided in the statute for voting; such as what constitutes a quorum or a majority. The Commission rules describe three situations in which a majority of the Commissioners serving is required to conduct business. Only issues such as motions to extend meetings and to adjourn are resolved by a simple majority of Commissioners present. A majority of Commissioners serving is always five unless by resignation or other loss without replacement the total number of Commissioners serving is reduced below nine.

You have proposed a recusal-based rule, with a majority determined by the number of Commissioners voting. The practical effect of such a rule is that when eight Commissioners vote, a majority would be five, the same as when nine Commissioners vote. When six or seven Commissioners vote, a majority would be four.

The majority of the votes anticipated during Commission hearings to consider additions to the Secretary's list and to conduct final deliberations will not be affected by recusals. Only one Commissioner will be recused from most of the remaining votes. In only a very limited number of actions will two or three Commissioners be disqualified from deliberating and voting.

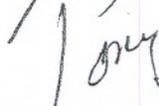
I know that we are of like mind that the Commission and its individual members must be above reproach and free from any real or perceived bias. The actions of Commissioners Bilbray, Coyle, Gehman, and Hansen in limiting their participation in certain Commission actions reflect the importance they place on their personal integrity and the public trust. Their actions can only serve to enhance the reality and perception of the Commission as independent, open, and honest.

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I thank you again and assure you that the Commission will be able to carry out its statutory responsibilities as currently configured and with its adopted rules. We will scrupulously adhere to our controlling statute and rules and allow no breach of faith or trust.

Sincerely,



Anthony J. Principi
Chairman

*It was a
pleasure to see you in
Fairbanks. I'll be right
and happy with my information.*



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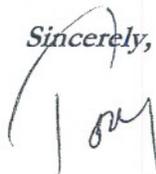
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Sincerely,

A handwritten signature in black ink, appearing to read 'AJ Principi', with a large, sweeping flourish above the first part of the name.

*Anthony J. Principi
Chairman*