



**DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1800 DEFENSE PENTAGON
WASHINGTON, DC 20301-1800**



July 5, 2005

Mr. Dan Cowhig
Deputy General Counsel
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

Dear Mr. Cowhig:

This letter responds to your e-mail to the BRAC Clearinghouse, dated June 24, 2005. You asked for the legal advice the Department of Defense received regarding the authority of the Department to make and implement certain recommendations affecting the Air National Guard. You also requested copies of any pertinent documents.

Those involved in developing BRAC recommendations for the Secretary's consideration were advised by counsel regarding the authority of the Department of Defense to make and implement certain recommendations affecting the Air National Guard. The substance of this advice is protected from disclosure by the attorney-client privilege.

If you have any questions concerning this response, please contact Mrs. Nicole D. Bayert, Associate General Counsel for Environment & Installations, at 703-693-4842 or nicolc.bayert@osd.pentagon.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank R. Jimenez".

Frank R. Jimenez
Acting Deputy General Counsel
(Legal Counsel)

