

BRIAN SCHWEITZER
GOVERNORJOHN BOHLINGER
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May 25, 2005

ORIGINAL

Donald Rumsfeld
Secretary of Defense
Department of Defense
1000 Defense, The Pentagon
Washington, D.C.20301-1000

Anthony J. Principi, Chairman
U.S. Base Realignment and Closure Commission
Polk Building, Suites 600 and 625
2521 South Clark Street
Arlington, Virginia 22202

Dear Secretary Rumsfeld and Chairman Principi:

As Governor of the State of Montana I am writing to urge you to seriously review the very preliminary recommendation to realign the Great Falls International Airport Air Guard Center. If the criteria set forth by the Base Realignment and Closure Commission (BRAC) is applied to the Great Falls International Guard Center the *only* logical conclusion is that realignment should not occur.

I am very concerned that Montana is not on the most recent list issued on May 19, 2005 of states scheduled for a public hearing on the BRAC list. I request and invite the U.S. Base Realignment and Closure Commission to visit Montana and schedule a public meeting in Great Falls, Montana for public comment and input into the realignment and closure process. It is only through public input and receipt of all the facts that the Commission can realistically apply the realignment and closure criteria without violating its own requirements. I hope that you will consider keeping the realignment and closure process fair and thorough by honoring my request and accepting my invitation so that all of the Commissioners can hear and convey to Secretary Rumsfeld and the President all the facts. As Governor I want to personally convey all of the reports and information about Montana being, among other things, the perfect place for current and future mission capabilities. We have the land, facilities and workforce to support the best trained National Guard operations in America.

Montana has very dedicated Air and Army National Guard units that have served proudly, most recently in supporting and deploying its units in Operation Iraqi Freedom. Montana has a proud tradition of its citizens serving in its National Guard and in the military in defense along our nation's northern border of the United States of America. Downsizing our Montana National Guard capabilities when the United States is still at

war and in this post-911 era seems both ill conceived and dangerous. Also, closures and downsizing overseas should occur first in order to keep our troops closer to home and lessen the impact of those actions on America's communities, including Great Falls, Montana.

Besides my concerns over how the Commission's process adheres to its own legal criteria for evaluating realignment and closure of bases and units and the soundness of the decision making, I want to insure that other federal laws are followed to the letter so that costly and protracted litigation between the Department of Defense and the State of Montana might be avoided. Both Titles 10 and 32 of the United States Code require the consent of each impacted state's Governor. 10 USC § 18238 reads:

Army National Guard of United States; Air National Guard of United States: limitation on relocation of units. A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter [10 USCS §§ 18231 et seq.] without the consent of the governor of the State or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.

32 U.S.C. § 104 of the National Guard Act that specifically addresses units, location, organization and command of National Guard Units reads:

(c) To secure a force the units of which when combined will form complete higher tactical units, the President may designate the units of the National Guard, by branch of the Army or organization of the Air Force, to be maintained in each State and Territory, Puerto Rico, and the District of Columbia. However, no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor.

The definitions of "military instillation" and "units" are also legally problematical for the Commission in making unilateral decisions about the National Guard. While I would prefer that the Commission's recommendations on realignment cease until public hearings are held in Montana and all other states and that federal law is complied with by consulting with each Governor and abiding by each Governor's decision, I will not hesitate to bring legal action to challenge the Commission's current recommendations concerning the Montana Air National Guard.

Thank you for your consideration in reviewing my request and this letter. I look forward to hearing from you both and assisting in arranging a meeting with the Commission on its recommendations in the coming months in Great Falls, Montana.

Sincerely,


Brian Schweitzer
Governor