

DCN: 4397
KRIEGER & ZAID, PLLC

1920 N STREET, N.W.
SUITE 300
WASHINGTON, DC 20036

RECEIVED

07052005

TELEPHONE (202) 223-9050
FACSIMILE (202) 293-4827

MARK S. ZAID, ESQ.
WRITER'S DIRECT DIAL: (202) 454-2809
EMAIL: ZaidMS@aol.com

30 June 2005

VIA MAIL AND E-MAIL

Anthony Principi, Chairman
Base Realignment and Closure Commission
2521 S. Clark Street
Suite 600
Arlington, Virginia 22202

Re: Realignment of the Defense Office and Hearings and Appeals

Dear Commissioner Principi:

I understand that your Commission is contemplating moving the Defense Office of Hearings and Appeals (DOHA) from its various locations around the country and consolidating them at Fort Meade, Maryland. I strongly implore you and your fellow Commission members to act against this recommendation.

I am an attorney who frequently represents defense contractors and military employees on security clearance matters before DOHA, particularly at its Arlington, Virginia location. To move DOHA's facilities, and especially its national office in Arlington, Virginia, to a more secure, difficult-to-access, location at Fort Meade, which houses the National Security Agency, would significantly hamper and outright harm the due process rights and other interests of those who appear before DOHA. It would not only increase the necessary costs these individuals must incur, but it would without question limit their ability to present witnesses on their behalf who are oftentimes crucial to the case.

For example, one of my most recent and successful DOHA hearings involved presentation of testimony of three Pentagon officials. Without their voluntary testimony (we have no subpoena power in DOHA proceedings) the defense contractor very likely would never have prevailed. These individuals were able to participate because it was an easy metro/car ride from their offices at the Pentagon to DOHA's building in Arlington.

I have little doubt that had the DOHA hearing been at Fort Meade, one or more of the three, and probably all three, would not have been so willing and able to make the trek to Fort Meade. Had that been the case, not only would my client have suffered but given that his clearance was

30 June 2005

Page 2

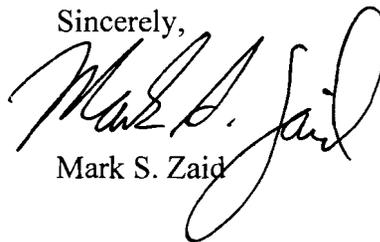
restored so too would the national security interests of the U.S. Government have been harmed for he would no longer be in a position to contribute to our national security efforts.

I understand that the stated justification for the relocation is that "Enhanced Force Protection [will be] afforded by a location within a military installation fence-line" and will reduce the number of locations from 13 to one." DOHA and its activities are not like or even closely related to "Enhanced Force Protection" in the same vein as most military activities. Additionally, the BRAC report notes that the alleged \$67 million dollar gain from this consolidation is not even expected to materialize for over a decade. There is simply no actionable justification to sanction this move.

Adopting the recommendation would cause real-time harm to the individuals involved, and the national security interests of the United States. I can attest to both. Therefore, I strongly urge you to delete the recommendation and permit DOHA to continue operating in its present locations.

If you or your staff wishes further information, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Zaid", written in a cursive style.

Mark S. Zaid