



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
2521 South Clark Street, Suite 600
Arlington, VA 22202
Telephone: 703-699-2950

July 25, 2005

The Honorable Michael W. Wynne
Chairman, Infrastructure Steering Group
3010 Defense Pentagon
Washington, D.C., 20301-3010

Dear Mr. Wynne:

Thank you for your testimony before the Commission on July 18, 2005. I would also like to express my appreciation for the valuable testimony presented by your colleagues.

During your testimony, you agreed to respond expeditiously to any questions for the record that the Commission might devise. Enclosed please find a question for the record. I would appreciate your response no later than August 1, 2005.

Thank you again for your cooperation in this regard. Your continued assistance is critical as the Commission strives to create a fair, open, and constructive deliberative process.

Sincerely,

Handwritten signature of Anthony J. Principi in cursive script.

Anthony J. Principi
Chairman

Enclosure.

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

Question for the Record
Base Closure and Realignment Commission

Department of Defense Panel

The Honorable Michael W. Wynne, Chairman of the Infrastructure
Steering Group;

General William L. Nyland, Assistant Commandant of the Marine
Corps;

General T. Michael Moseley, Vice Chief of Staff of the Air Force; and
Admiral Robert F. Willard, Vice Chief of Naval Operations

July 18, 2005

1. At the July 18 hearing, Commissioner Coyle asked for the Department of Defense legal analysis of whether the Defense Base Closure and Realignment Act would trump other statutory or legal authority, such as the prohibitions against retiring KC-135E or C-130H aircraft, or 10 USC 18238, or 32 USC 104. Secretary Wynne indicated he was confident that the Air National Guard recommendations were lawful, yet the Air Force witnesses indicated that no legal analysis had been performed. Please clarify this discrepancy and provide the information requested by Commissioner Coyle, if it exists.