



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION  
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**Chairman:** The Honorable Anthony J. Principi  
**Commissioners:** The Honorable James H. Bilbray • The Honorable Philip E. Coyle III • Admirable Harold W. Gehman, Jr., USN (Ret.) • The Honorable James V. Hansen  
General James T. Hill, USA (Ret.) • General Lloyd W. Newton, USAF (Ret.) • The Honorable Samuel K. Skinner • Brigadier General Sue Ellen Turner, USAF (Ret.)  
**Executive Director:** Charles Battaglia

June 17, 2005

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

Dear Senator Stevens:

Thank you for your kind and generous hospitality during our visit to Alaska. The materials and insights that you, your staff, and your constituents provided to the Defense Base Closure and Realignment Commission will be vital to the formulation of well-informed and well-reasoned recommendations. I assure you that the Commission will do its utmost to ensure that every recommendation that goes forward to the President, and ultimately to Congress, is sound and sensible.

During our visit in Alaska, you expressed a concern that the Commission's ability to fully consider some Department of Defense recommendations might be impaired by the fact that four of our Commissioners have recused themselves from deliberating or voting on recommendations that have a substantial impact on their home states.

As you requested, I have enclosed a copy of the portion of the transcript from our May 19, 2005 public meeting where Commissioners Bilbray, Coyle, Gehman and Hansen announced their self-recusals. Each of the four Commissioners recused themselves in order to place the impartiality of the Commission beyond question. Commissioners Hansen and Bilbray recused themselves for reasons identical to those that caused Senator Dixon to recuse himself in 1995 when he served as Chairman of that Commission. Commissioners Gehman and Coyle recused themselves for similar reasons, but also in part as a consequence of the binding ethics agreements that all of the Commissioners signed during the vetting process associated with our nominations. I have attached a copy of that agreement.

Be assured that these recusals were not made lightly, but were the result of careful analysis. Nonetheless, I will meet with the Commission's Executive Director, General Counsel and others on Monday to review the basis and effect of the recusals, as well as the potential impact that the recusals might have on the Commission's work. I will advise you of the outcome of that meeting.

Sincerely,



Anthony S. Principi  
Chairman

2 Enclosures

- 1) Extract of Transcript of the May 19, 2005 Public Meeting of the Base Closure and Realignment Commission
- 2) Ethics Agreement, March 8, 2005

EXTRACT FROM THE TRANSCRIPT OF THE MAY 19, 2005 PUBLIC MEETING OF  
THE BASE CLOSURE AND REALIGNMENT COMMISSION

ADMIRAL GEHMAN: Next item, administrative item. I'm going to say a few things about my prior involvement in BRAC-related activities and how those activities will impact my work as a commissioner. It's a matter of public record that I served for a time in a non-paid advisory capacity to the Governor of the Commonwealth of Virginia, helping the governor develop and understanding the BRAC process and devise an appropriate game plan for providing an input to the BRAC process at the state and local level. These activities, by the way, the activities of retired senior offense officials, working with local communities to assure the decisions of the Department of Defense and the BRAC Commission are informed by the best possible data are essential to the work of this Commission. This Commission would not be doing its job if we did not go out and get public input and listen very carefully to their insights, observations and criticisms. Once I was nominated to this Commission, I immediately resigned from the Governor of Virginia's Advisory Commission; but because of my prior work for the Governor of Virginia regarding the BRAC process, I believe that it's in the best interest of the Commission for me to recuse myself from any substantial participation for any decisions involving Virginia military facilities and from any substantial participation in any decisions involving any facilities which are proposed to be realigned in favor of the Commonwealth of Virginia. I understand that the law does not require me to take this step, but I believe that this recusal is necessary to ensure the public's confidence in the BRAC Commission's work. I don't want even the appearance of an impropriety to in any way affect the Commission's final recommendations. This process is far too important and involves far too many people.

MR. HANSEN: Thank you, Mr. Chairman. I too have a recusal. I've served the people of Utah for forty-two years; twelve years as a city councilman, eight years has a legislator, two years as speaker of the house, and my last twenty-two years as a member of Congress. My role now as a member of the Base Closure and Realignment Commission requires that I set aside any special interest in my home state to represent the nation as a whole. I must be beyond challenge regarding my fairness and impartiality. Because of the importance of public confidence in our work and to avoid even the appearance of conflict of interest, I am recusing myself from substantial participation in any part of the BRAC process that should affect any installation in the State of Utah. Thank you, Mr. Chairman.

ADMIRAL GEHMAN: Thank you, Mr. Hansen. Mr. Bilbray.

MR. BILBRAY: Yes. Mr. Chairman, I have some of the same problems Congressman Hansen has. I advocated for the State of Nevada for many years as a member of the Nevada State Senate and in the United States Congress. Therefore, in advice of the Ethics Council to our Commission, I am recusing myself from any substantial work in regard to the State of Nevada in these particular deliberations.

ADMIRAL GEHMAN: Thank you very much. Anybody else? Mr. Coyle.

MR. COYLE: Thank you, Mr. Chairman. As you know, I served briefly on an advisory council formed by Governor Arnold Schwarzenegger, whose purpose was to help California communities understand and prepare for BRAC 2005. I resigned from that council as soon as I knew that I would be nominated to this commission. During my brief service on the council, I took no position one way or the other on which military base would be affected. Further, I did not participate in deliberations or votes resulting in recommendations or findings regarding specific California bases. Also, from what I've understood since leaving the council, the council made no recommendations regarding the closure or realignment of specific California bases. Nevertheless, I understand that my service on the council could be viewed as creating the appearance of a loss of impartiality regarding California. I've been a resident of California for most of my adult life; and all of our children were born or raised there. Accordingly, I will recuse myself from substantial participation relative to military installations in California. Mr. Chairman, it is my intent and commitment to conduct myself with integrity on the 2005 Defense Base Realignment and Closure Commission and to act in an independent, open, fair and impartial manner. Thank you.

ADMIRAL GEHMAN: Thank you very much. There's no more business. After a short recess, several members of the Commission will be available to meet with the press. Thank you again, witnesses. Commission's adjourned.

3/8/05

This ethics agreement reflects my understanding of, and agreement to follow, the following rules regarding my membership on the Base Realignment and Closure Commission (BRAC), if confirmed for such membership.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Also, under 5 C.F.R. § 2635.502, I will not participate in any particular matter involving specific parties if a person or entity with whom I have a covered relationship is, or represents, a party, unless I am authorized to participate. Under the ethics rules, a Federal employee has a covered relationship with:

- Persons or entities with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction;
- Members of the employee's household and relatives with whom the employee has a close personal relationship;
- Persons or entities for whom the employee's spouse, parent or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;
- Persons or entities for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or
- Organizations, other than a political party, in which the employee is an active participant.

Additionally, in order to avoid an appearance of loss of impartiality that could arise from my participation in or representation of a state, local, or private-sector BRAC-related entity, I will not participate in any particular matter affecting that state, local or private-sector BRAC-related entity, or its geographic region, unless I am authorized to participate by BRAC's designated agency ethics official. This recusal will bar my participation in any particular matter regarding facilities whose forces, missions, or installations may be transferred to, as well as from, the geographic region of that state, local, or private sector BRAC-related entity.