



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

2521 South Clark Street, Suite 600

Arlington, VA 22202

Telephone: 703-699-2950

September 8, 2005

George W. Bush  
President of the United States  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

On September 7, 2005, at approximately 3:30 p.m. Eastern Standard Time, Judge Alfred V. Covello of the United States District Court in the District of Connecticut enjoined the Defense Base Closure and Realignment Commission from transmitting to you a report "that includes the recommendation to realign the Connecticut 103<sup>d</sup> Fighter Wing located at Bradley Air National Guard Station in Windsor Locks, Connecticut." Judge Covello issued this injunction in Rell v. Rumsfeld, Civil Action Number 3:05CV1363(AVC). The order of the court is enclosed.

Under the Defense Base Closure and Realignment Act of 1990, as amended, the Commission can only make a discretionary change to the Secretary of Defense's list of recommended closures and realignments of military installations based upon a finding by the Commission that the Secretary substantially deviated from the Final Selection Criteria and the Force Structure Plan. Although the Base Closure Act requires that the Commission meet in open public forum for the Commission to make any discretionary change to the recommendations of the Secretary of Defense, I have not called the Commission to meet for deliberations as a result of the injunction. Because the injunction of the court does not alter the Final Selection Criteria or Force Structure Plan, and because the injunction deprives the Commission of any discretion relative to the inclusion of a recommendation to realign the 103<sup>d</sup> Fighter Wing, there is nothing for the Commission to deliberate or decide.

As a result of the order issued by Judge Covello, you should consider the portion of Recommendation 85, titled "Bradley International Airport Air Guard Station, Connecticut, Barnes Air Guard Station, Massachusetts, Selfridge Air National Guard Base, Michigan, Shaw Air Force Base, South Carolina, and Martin State Air Guard Station, Maryland," that recommends the realignment of the Connecticut 103<sup>d</sup> Fighter Wing withdrawn from the Commission's report. If the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's Report, delivered to you this day.

Respectfully yours,

A handwritten signature in black ink, reading "Anthony J. Principi".

Anthony J. Principi  
Chairman

Enclosure: Rell v. Rumsfeld, Civil Action Number 3:05CV1363(AVC)

**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

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

FILED

GOVERNOR M. JODI RELL et al., :  
Plaintiffs, :

VS. :

DONALD RUMSFELD and THE :  
DEFENSE BASE CLOSURE AND :  
REALIGNMENT COMMISSION et :  
al., :  
Defendants. :

2005 SEP -7 P 7:00  
Civil No. 3:05CV1363 (AVC)

PRELIMINARY INJUNCTION

Pursuant to the court's ruling issued this day, it is hereby ORDERED, ADJUDGED, AND DECREED that the plaintiffs motion for preliminary injunction is GRANTED and, therefore, the defendant, Base Closure and Realignment Commission, is hereby enjoined from forwarding any recommendation to the President of the United States that transfers, distributes, or reassigns to any unit or station outside of the State of Connecticut any of the A-10 aircraft assigned to the 103<sup>rd</sup> Fighter Wing of the Connecticut Air National Guard.

It is so ordered this 7<sup>th</sup> day of September 2005 at Hartford, Connecticut.

*Alfred Y. Covello*  
Alfred Y. Covello  
United States District Judge