

**Congress of the United States**  
**Washington, DC 20515**

January 16, 2008

Attorney General Michael B. Mukasey  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Mukasey,

We are writing today to request that you investigate whether officials within the Department of Defense and the Department of the Army deliberately and in violation of federal law withheld or otherwise sought to skew data presented to the 2005 Base Realignment and Closure (BRAC) Commission in support of DoD's recommendation to the BRAC Commission that Fort Monmouth, New Jersey be closed.

Just this week, we became aware of the egregious actions of a Department of the Army official, Deputy Assistant Chief of Staff for Installation Management Craig College. It has recently been brought to our attention that in 2005, Mr. College blocked the Army Audit Agency (AAA) from scrutinizing the Army's cost estimates for the closure of Fort Monmouth.

Recent press accounts have carried excerpts of an email sent by College to Dave Branham, a program director for the AAA. Branham had emailed College to notify him that he had "received a call from Fort Monmouth personnel today requesting that we validate some revised data (something to do with reimbursables that shouldn't have been included in earlier data calls, and it's considered significant.)" College subsequently responded to Branham, stating "This strikes me as something AAA should not participate in. Your work would become part of the community argument against the Army!"

Section 2903(c)(5) of the 1990 Base Realignment and Closure Act (P.L. 101-510) requires the Secretaries of the military departments, the heads of Defense Agencies, and "each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations" to certify that the information submitted is accurate and complete to the best of that person's knowledge.

The email exchange cited above provides documentary evidence that suggests that College knowingly encouraged the distribution of false cost estimates to the BRAC Commission. Additionally, we call your attention to the sworn testimony of Mr. Victor Ferlise, formerly the senior civilian official at Fort Monmouth during the 2005 BRAC round. On December 12, 2007, Mr. Ferlise testified before the Readiness subcommittee of the House Armed Services Committee regarding the issue of the certification of the cost data. Mr. Ferlise told the subcommittee "On July 14th I personally certified all of

that data, and that data was for \$1.44 billion, not \$700 million, and that data was transmitted to the Department of the Army, and I'm sure it went to DOD ultimately.”

A separate but related issue is evidence that some officials in the Department of Defense sought to withhold information from the BRAC Commission.

In January 2007, we became aware of an email from an official in the office of Dr. Ronald Sega, then Director of Defense Research and Engineering (DDR&E) at the Department of Defense, that appears to direct subordinates working on a report due to be submitted to the BRAC Commission to withhold data from the Commission.

The email reads in part:

“Dr. Sega has concerns that the aggregated list of 282 locations should be FOUO. He has concerns that the aggregation of work years, test hours and building information should be classified. The mention of technologies which may be important in the future might be controlled information too. He solicits the advice of the Principals concerning the specific classification of each section of Appendix A being withheld. The remainder of Appendix A will be offered to the Commission with the appropriate classification markings.”

The BRAC statute states that “Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.” Previous BRAC Commissions reviewed classified information in making their realignment and closure recommendations, as you will find if you examine previous BRAC Commission reports. Dr. Sega’s contention that any material be withheld from the Commission appears to us to be a violation of the BRAC statute, including his attempted assertion of the non-statutory dissemination restriction “For Official Use Only” and other assertions that the material in question was classified.

The fraudulent costs estimates offered to the Commission and the Congress, along with the effort to withhold relevant data from the Commission, call into question the entire BRAC process as it pertained to the Fort Monmouth closure decision. Those deceitful actions have resulted in massively increased costs for taxpayers (more than double the fraudulent \$780 million estimate offered by DoD to the Commission in 2005), and could place in jeopardy the continuity of Army communications and intelligence support to our troops in Iraq and Afghanistan. In light of the aforementioned documentary evidence and testimony, we request that the Department of Justice undertake a criminal investigation into this matter.

Sincerely,



FRANK PALLONE, JR.  
Member of Congress



FRANK LAUTENBERG  
United States Senator

*Chris Smith*

CHRISTOPHER SMITH  
Member of Congress

*Robert Menendez*

ROBERT MENENDEZ  
United States Senator

*Rush Holt*

RUSH HOLT  
Member of Congress