SYNOPSIS

Issue: Did Pentagon officials deliberately mislead the Base Realignment and Closure (BRAC) Commission, thereby deceiving the President, the U.S. Congress, the rest of the Department of Defense (DoD), and the American public about the fairness of the closure process and the validity of proposals as they affected the Defense Department's laboratories?

Fact: Tab (1) is the May 10, 2005 version of the final report of the Technical Joint Cross Service Group (TJCSG). Appendix A contains 267 pages of data that quantifies current *and future* excess capacity. *This data was collected to validate the need for closures.*

Fact: Tab (2) is the official report submitted to the BRAC Commission on May 20, 2005. But unlike the earlier version, Appendix A contains only 13 pages. A total of 254 pages are missing. Current excess capacity data is shown, *but data on future excess capacity are gone.*

Fact: Tab (2) was submitted seven days after the closure list was sent to the Commission, four days after Under Secretary Wynne (Chair of the Infrastructure Steering Group and responsible for managing the DoD BRAC process) testified to the Commission, and one day after Dr. Sega (Chair, TJCSG) testified. The timing is significant in that the Commissioners were unable to analyze and question the data while Wynne and Sega were under oath. In testimony, Dr. Sega conceded his report was late by telling the Commissioners they will be receiving it "later today" (May 19 Hearing Transcript, p.10).[1] He also never mentioned the future capacity data.

Fact: Tab (2) contains no data on future excess capacity, but it nonetheless states that the analysis of future capacity was a "discrete phase" in the process (p. 17) and that the "TJCSG also estimated future excess capacity" (p. A-3). No explanation is given as to why the data were not reported.

Fact: Tab (3) is a post-BRAC "lessons learned" analysis that was submitted to the TJCSG on November 29, 2005 by Don J. DeYoung, a Senior Research Fellow of the National Defense University. Mr. DeYoung was a member of the TJCSG. He was also a Navy analyst for the 1995 closure round and the DoD VISION 21 Technical Infrastructure Study from 1996 to 1997. In his paper, "The Conduct and Lessons of BRAC-05" (Tab 3), DeYoung makes the following statements:

- "Data on *future required* capacity are the key to knowing if cuts in technical infrastructure support the DoD's Force Structure Plan… our final report did not contain any of the essential data on future capacity." (p.3, para. 2)

- "The data disappeared just after a 10 May issue paper called attention to the serious ramifications of proposing BRAC cuts when data show that (a) excess capacity will vanish completely without the cuts, and (b) the Force Structure Plan will not be supported with the cuts. The paper's argument was never refuted. Instead, the paper itself was withheld from Senator Warner when he requested… the 'prompt transmittal of the requested documents, *and all other BRAC related papers* written by Mr. DeYoung'." (p.3, para. 3) Senator Warner's letter to the DoD, the DoD's less-than-forthcoming response to Senator Warner, and the suppressed May 10 issue paper are provided at Tabs (3-H), (3-I), and (3-G) respectively.

- "A concern about security was the declared reason for expunging the data. On 16 May the TJCSG were notified via email that the DDR&E 'has concerns

[1] The final report can be downloaded at http://www.dod.mil/brac. Its cover shows May 19, 2005, the day of Dr. Sega's testimony, *but the file's creation date is May 20, 2005.*

that the aggregation of work years, test hours, and building information should be classified… the vast majority of appendix A is gone (all but 13 pages)'." (p.3, para. 4) The OSD email is provided at Tab (3-J) in an abridged and for some reason censored form, and at Tab (4) in its entirety.

- "Whatever classification was intended to protect, evidence does not point to it being national security — especially since, in the end, *the data were never made classified…*" (p.3, para. 5)

- "The only documentation of the decision to expunge data appears to be the above email… Moreover, the decision was not made in a deliberative session and documented in official minutes, and the email's distribution did not include the DoD IG's office." (p.3. para 6)

- "The data would have made for an awkward situation were it not expunged because it showed that excess capacity will vanish without any BRAC actions taken. This undermines the very basis for which the U.S. Congress approved the 2005 round… In other words, the primary reason for a BRAC round no longer existed." (p.3, para. 7)

- "A look at the Department of the Navy's BRAC-05 report reveals a sharp contrast with our process:
  'The capacities of all installations performing a given function were summed and then compared with the capacity required to support the future force structure…'
  The Navy's approach in BRAC-95 was also the same… If the TJCSG had conducted its analysis in that way (and in the way originally planned), it would have reported total current capacity as less than the level required to support the future force structure…" (p.4, para. 2)

- "By expunging the future required capacity data, OSD in effect based all BRAC-05 technical proposals – such as the one to close Ft. Monmouth or those that send thousands of personnel from sites along the Pacific coast and Potomac River to a Mohave Desert site - on *today's* force, not the *future* force." (p.4, para. 3)

- "Three weeks before the closure list was announced, the TJCSG Executive Director asserted that 'we have excess capacity *at present*, so it is ok to cut'… That would have been a fair decision – *if* we had also (a) publicly released the other half of the capacity data, and (b) articulated a reasonable and supportable defense as to why making cuts was appropriate even though data showed a deficit of future required capacity. Instead, the decision lacked integrity because the essential data on future required capacity was expunged and withheld. A necessary and appropriate public debate was thereby eliminated." (p.4, para. 4-5)

- "It was unethical to expunge critical data from the official process, and then withhold it from the public and the affected DoD workforces. In addition, Section 2903(c)(4) of the Title 10, U.S. Code requires the DoD to provide to the Congress and Commission *all* information used by the Secretary to prepare his recommendations." (p.4, para. 6)

Discussion: In his July 2005 testimony to the BRAC Commission, Sen. John Warner observed that within the TJCSG there was "an internal collapse of the quantitative analytical foundation." DeYoung's papers confirm the Senator's conclusion. For example, in Tab 3 (p.5-6), he states:

> "Some maintain that the proposals were based on data. That is a specious argument. It is true that a number of scenarios realigned functions to larger sites based on preliminary data regarding workforce size. This is not the same thing as quantitative analysis… Our proposals were developed well before the data were received and processed. Not one was developed from a quantitative analysis of military value and excess capacity determinations… The TJCSG's proposals were, by no means, data-driven… To solve the problem of late arriving data, the TJCSG resorted to a strategy-driven approach."

DeYoung's analysis also shows that the strategy-driven approach, used in lieu of data by the TJCSG, was applied inconsistently in the case of the

Ft. Monmouth laboratory. So, with a subjective process, validated only by the collective judgment of individuals within the TJCSG, it is easy to see an incentive to suppress data that clearly undermined the TJCSG's proposals. But what about the alleged classified nature of the data?

If one assumes the future capacity data were truly of a classified nature, then seven problem areas arise:

One, how did the Navy manage to use future work-year data without classification issues?

Two, why didn't the TJCSG's final report, instead of suppressing the data, simply use percentages when referring to future capacity and report what that data meant to the Force Structure Plan, as DeYoung did in his paper that was suppressed by the TJCSG (Tab 3-G, p.2)?

Three, the TJCSG's original report (May 10 version) described how future excess capacity was determined, and it declared that "*this step was critical to ensure that the TJCSG recommendations provided the Department with sufficient technical infrastructure to meet the future threats described in the force structure plan*" (p.25). Just days later, that statement was gone along with the data. The need to "meet the future threats" was not important enough to warrant: (1) a public release of future capacity data *in percentages*, (2) a publicly stated finding based on the percentages, and (3), a classified addendum for the U.S. Congress?

Four, the email alert that stated the DDR&E's concern about the data also says, "the mention of technologies which may be important in the future might be controlled information too." Why then were future technological capabilities included in the report? More to the point, why was the information on *specific* future technologies, like "electromagnetic guns," less risky to disclose than were the future required work-years[2] for *extremely broad* and *non-specific* technical areas, like "Weapons"?

Five, why was the email alert not sent to the DoD's Inspector General, who would have had a central and necessary role to play in the special treatment of the allegedly classified data? And, why was the decision remove the data not documented in the TJCSG's official minutes, as was required by the BRAC process?

Six, if the data is sensitive because it reveals the future workforce levels required by the DoD through the year 2025, *then why did the TJCSG propose cuts to the workforce*? It is a strange logic that finds the future workforce levels to be too important for our adversaries to know, yet unimportant for us to actually achieve.

Seven, why had the DoD not officially classified and secured the data by late-November 2005, the time of DeYoung's post–BRAC analysis?

Conclusion: Security concerns were used as a pretext to suppress data that threatened to publicly expose a severely flawed and fatally compromised process. The attached material provides convincing evidence that essential BRAC data were suppressed because it showed no future excess capacity and thereby *revealed that the TJCSG's closure and realignment proposals failed to meet the legal requirement of supporting the DoD's Force Structure Plan*. There is firm evidence that some Pentagon officials deliberately misled the BRAC Commission, thereby deceiving the President, the U.S. Congress, the rest of the DoD, and the American public about the fairness of the closure process and the validity of proposals affecting the Defense Department's laboratories and technical centers.

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[2] *"Work-year" capacity was the threatening metric, not the others.* Tab (3) explains why the Work-Year is the only reliable measure of capacity, as compared to square footage, test hours, funding, etc. Square footage was particularly favored by the TJCSG because it yielded an enormous estimate of excess infrastructure (i.e., 48%). Of square footage, DeYoung states: "Our approach was flawed by its failure to identify space that is unusable for personnel, such as that used for equipment and technical facilities, as well as auditoriums and conference rooms… This flaw was anticipated and communicated to the TJCSG Executive Director one year before the end of the analytical process… [p.2]"