

COMMONWEALTH OF VIRGINIA
Office of the Governor

Timothy M. Kaine
Governor

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Contact: Kevin Hall
Phone: (804) 225-4260
Cell Phone: (804) 393-9406
Internet: www.governor.virginia.gov

J. Tucker Martin, Office of the Attorney General
(804) 786-2071
(804) 519-7645
<http://www.vaag.com>

Chuck Applebach, City of Virginia Beach
(757) 385-4876
(757) 651-0532
<http://www.vbgov.com>

**COMMONWEALTH OF VIRGINIA
AND CITY OF VIRGINIA BEACH WITHDRAW
LAWSUITS ON BRAC ORDER**

RICHMOND – Virginia Governor Timothy M. Kaine, Virginia Attorney General Bob McDonnell, and City of Virginia Beach Mayor Meyera E. Oberndorf today announced the withdrawal of two federal lawsuits challenging the legality of the 2005 Base Realignment and Closure (BRAC) Order regarding the U.S. Navy's East Coast Master Jet Base at Naval Air Station Oceana in Virginia Beach. The lawsuits were filed November 7 in the U.S. District Court for the District of Columbia. The lawsuits were not served.

"The Commonwealth and the City remain committed to ensuring that the Master Jet Base remains at Oceana, as indicated by our compliance with the BRAC Order," Governor Kaine said. "However, we no longer believe these lawsuits have to be litigated to secure the base."

The first lawsuit, *Commonwealth of Virginia v. Rumsfeld*, challenged the legality of the BRAC Order adopted by the President that called for the Master Jet Base to be moved from Virginia to the former Cecil Field in Jacksonville, and asked that this order be permanently enjoined. The suit argued that neither the BRAC Commission nor the President has the authority under the BRAC Act of 1990 to move a military function to a location that is not an existing military installation.

The second lawsuit, *Commonwealth of Virginia v. Gimble*, challenged a ruling by the Department of Defense's acting Inspector General regarding the conditions that must be satisfied to move the Master Jet Base from NAS Oceana to Cecil Field. The BRAC Order specifically was not to take effect unless the Virginia jurisdictions "fail(ed) to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006." The suit maintained that the Commonwealth and the cities of

Virginia Beach and Chesapeake have taken steps that satisfy, and even exceed, this requirement.

Attorney General Bob McDonnell noted, "We continue to believe that the Inspector General's decision finding that Virginia Beach failed to comply with the BRAC Order was legally incorrect. Our legal action filed in November was intended for the state to take all appropriate actions to maintain the East Cost Master Jet Base at its historic home at Naval Air Station Oceana. It is clear that the Inspector General's decision to not certify Cecil Field in Jacksonville ensures that the base will remain in Virginia Beach. Therefore, it is no longer necessary to pursue these legal remedies. I commend the city of Virginia Beach for its ongoing work to continue to comply with the spirit and the letter of the BRAC order, and to be a good working partner with the United States Navy."

Mayor Oberndorf added, "The state and the city have taken all necessary steps to retain the Master Jet Base in Virginia Beach. We are committed to keeping the promises we made during and after the BRAC process, and withdrawing these suits will not alter that commitment.

"We continue to assert that the Virginia plan fully complies with the BRAC Order, and we are working hard to keep Oceana in our future," Oberndorf said.

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