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Training facility

Blumenthal Fights To See Army Legal Opinion

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Attorney General Richard Blumenthal has appealed a decision by the judge advocate general not to release a copy of a legal opinion that says a planned Army training facility must be built in Middletown.

Blumenthal, who appealed to the secretary of the Army, said the "opinion and the outcome of this appeal could substantially impact — if not determine — the location of the training facility."

Blumenthal maintains that the Base Realignment and Closing Act of 2005 states that the Army training facility is to be built in Middletown only "if a suitable site can be obtained."

The Army Corps of Engineers is reviewing four locations: the 35-acre Bysiewicz Industrial Park on Middle Street; Louis F. Cucia Park, a 4-acre pocket park with a small pond and 36 surrounding acres at Smith and Industrial roads; 125 acres along Kenneth Dooley Drive/Boardman Lane; and the 25-acre federally owned site of the former Middletown Reserve Center on Mile Lane.

Blumenthal said the Corps' representatives repeatedly claimed that the judge advocate general determined in a May 21, 2007, letter that this language means that the facility "must" be built in Middletown, regardless of whether a suitable site is available. Maj. Gen. Scott C. Black, the judge advocate general, has rejected a Freedom of Information Act request by Blumenthal to provide a copy of the legal opinion.

Blumenthal appealed this rejection to Secretary of the Army Pete Geren, rejecting the JAG's claim that the letter is protected as intra-agency legal advice or attorney-client privilege. Blumenthal urged immediate release of the opinion.

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