

1 THEY'RE BEING OFFERED AND TO EXEMPLIFY HIS TESTIMONY.
2 BUT THEY ARE OFFICIAL DOCUMENTS. OFFICIAL DOCUMENTS
3 HAVE LOTS OF HEARSAY IN THEM --

4 **MR. ZIMMER:** I UNDERSTAND.

5 **THE COURT:** -- AND THEY HAVE CONCLUSIONS IN THEM.

6 **MR. ZIMMER:** CORRECT. SO WHAT MY UNDERSTANDING
7 IS, THAT THEY'RE BEING ADMITTED SOLELY TO -- AS THEY
8 BEAR ON WHAT THE WITNESS TESTIFIED TO.

9 **THE COURT:** YES.

10 **MR. ZIMMER:** THANK YOU.

11 **BY MR. LEININGER:**

12 **Q** TURNING NOW TO EXHIBIT 15. WHAT IS THIS
13 DOCUMENT?

14 **A** THIS IS THE NEXT EXECUTIVE ORDER IN ORDER.

15 **Q** AND THAT'S FINE. WHAT'S THE DATE, PLEASE?

16 **A** THE DATE IS SEPTEMBER 11TH, 1937. IT'S
17 EXECUTIVE ORDER 7707.

18

19 (EXHIBIT 15, IDENTIFIED: EXECUTIVE
20 ORDER 7707.)

21

22 **BY MR. LEININGER:**

23 **Q** WHAT'S THE STATED PURPOSE OF 7707?

24 **A** AS STATED --

25 **MR. KUHS:** I'M SORRY, COUNSEL. I DIDN'T GET AN
26 EXHIBIT NUMBER.

27 **MR. LEININGER:** I'M SORRY. IT IS EXHIBIT 15, AND
28 IT IS BATES LABEL NUMBER U.S.A.F. 001650.

1 **THE WITNESS:** 56.

2 **MR. LEININGER:** YEAH. I'M SORRY. 1656.

3 **BY MR. LEININGER:**

4 **Q** SO, AGAIN, WHAT IS THE STATED PURPOSE OF
5 THIS?

6 **A** STATED AT THE VERY TOP, "WITHDRAWAL OF
7 PUBLIC LANDS FOR THE USE OF THE WAR DEPARTMENT FOR
8 MILITARY PURPOSES." THAT APPEARS AGAIN IN SECTION 2,
9 WHERE IT SAYS, AFTER LISTING THE LANDS WITHDRAWN,
10 "SUBJECT TO THE CONDITIONS EXPRESSED IN THE
11 ABOVE-MENTIONED ACTS AND TO ALL VALID EXISTING RIGHTS,
12 THE TRACTS OF LAND HEREIN DESCRIBED IN SECTION 1 OF THIS
13 ORDER ARE HEREBY TEMPORARILY WITHDRAWN FROM SETTLEMENT,
14 LOCATION, SALE, OR ENTRY, AND RESERVED FOR USE -- "

15 **THE COURT:** SLOW DOWN A LITTLE BIT. YOU'RE
16 READING FOR THE BENEFIT OF THE REPORTER. SHE WANTS TO
17 KEEP UP WITH YOU.

18 **THE WITNESS:** I'M SORRY. "... AND RESERVED FOR
19 THE USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES."

20 **MR. LEININGER:** CAN WE HAVE -- PLEASE SHOW
21 EXHIBIT 96.

22 **THE WITNESS:** YES. THIS EXHIBIT IS LIKE THE FIRST
23 ONE. IT BUILDS ON THE FIRST ONE. AND IF YOU NOTICE THE
24 DIFFERENT COLORS, THE DARKER BLUE, WHICH YOU CAN SEE
25 BETTER ON THE PAPER, IS THE LANDS DESCRIBED -- ARE THE
26 LANDS DESCRIBED IN EXECUTIVE ORDER 7077. THE LIGHTER
27 COLORS ARE THE ONES FROM EXECUTIVE ORDER 6580.

28 **MR. KUHS:** YOUR HONOR, WE HAVE THE SAME OBJECTION

1 TO THIS EXHIBIT AS WE DID TO EXHIBIT 95.

2 **THE COURT:** ALL RIGHT. SAME RULING.

3 **MR. LEININGER:** AND, YOUR HONOR, I SHOULD EXPLAIN
4 THERE WILL BE A NUMBER OF THESE BASED ON -- FOR LESSER
5 PURPOSES, BASED ON THE G.I.S. DATABASE AS WE BUILD
6 EDWARDS AIR FORCE BASE.

7 **BY MR. LEININGER:**

8 **Q** LET'S QUICKLY GO THROUGH THESE. LET'S GO
9 TO EXECUTIVE ORDER 7740, EXHIBIT 16.

10 **A** YES. THAT'S -- THAT IS THE NEXT EXECUTIVE
11 ORDER, 7740, SIGNED BY FRANKLIN ROOSEVELT,
12 NOVEMBER 15TH, 1937.

13

14 (EXHIBIT 16, IDENTIFIED: EXECUTIVE
15 ORDER 7740.)

16

17 **THE WITNESS:** AND LIKE THE PREVIOUS ONE, IT CULLS
18 OUT THE LAND RESERVE FOR THE USE OF THE WAR DEPARTMENT
19 FOR MILITARY PURPOSES.

20 **BY MR. LEININGER:**

21 **Q** AND DO YOU HAVE AN ILLUSTRATIVE EXAMPLE OF
22 THAT LAND?

23 **A** YES. AND IF YOU GO TO EXHIBIT 97, YOU CAN
24 SEE IT WAS NOT A LARGE WITHDRAWAL. IT'S THIS PIECE
25 (INDICATING).

26 **Q** OKAY. LET'S GO AHEAD. LET'S MOVE ON HERE.

27 SO YOU WERE TESTIFYING EARLIER, I BELIEVE,
28 THAT THE MILITARY ACTIVITIES AT THIS TIME CONSISTED OF A

1 RANGE, WHICH PLANES WERE LANDING. THERE WAS A
2 CANTAINMENT -- CANTONMENT, EXCUSE ME, AREA. THERE WAS A
3 WELL DRILLED. AND THEY WERE ACTIVELY ENGAGED IN
4 LANDING, TAKING OFF, AND PRACTICING THEIR TRAINING; IS
5 THAT CORRECT?

6 A THAT'S RIGHT.

7 Q OKAY. SO THE MILITARY'S DROPPING BOMBS.
8 WERE THEY DROPPING BOMBS OUT HERE ON PRIVATE LANDS, TOO?

9 A THEY WERE TRYING NOT TO. I THINK THE --
10 BUT THE -- IF YOU REFER TO THE -- OR THINK BACK TO THOSE
11 MAPS, YOU'LL REALIZE THAT IT'S A PATCHWORK OF -- OR A
12 CHECKERBOARD OF PRIVATE AND PUBLIC LANDS; PUBLIC LANDS
13 BEING WITHDRAWN, PRIVATE LANDS STILL IN PRIVATE HANDS.
14 SO THEY WERE TRYING TO USE THE PUBLIC LAND BUT
15 RECOGNIZED VERY EARLY ON THAT IT WAS SORT OF AN
16 UNTENABLE SITUATION.

17 Q CAN WE GO TO EXHIBIT 38, PLEASE?

18 A I HAVE THAT.

19 Q SORRY, YOUR HONOR.

20 CAN YOU JUST BRIEFLY EXPLAIN WHAT IS
21 EXHIBIT 38? LET'S BEGIN WITH THE DATES ON THIS PACKET,
22 LETTERS.

23 A THE DATES RUN FROM -- FIND IT HERE.

24 MR. MC LACHLAN: MR. LEININGER, WHAT'S THE BATES
25 NUMBER ON THAT ONE?

26 MR. LEININGER: I'M SORRY. THE BEGINNING BATES
27 NUMBER IS 35 -- 35356 THROUGH 35370.

28 THE WITNESS: THE BASIC LETTER IS DATED

1 AUGUST 22ND, 1936, AND THE LAST ENDORSEMENT IS DATED
2 JUNE 15TH, 1937.

3
4 (EXHIBIT 38, IDENTIFIED: [AS
5 DESCRIBED HEREIN.])
6

7 **BY MR. LEININGER:**

8 Q CAN YOU GO TO BATES LABEL NUMBER -- I THINK
9 IT'S THE FOURTH PAGE IN THIS DESCRIPTION FROM -- AND I'M
10 SORRY. WILL YOU PLEASE EXPLAIN A LITTLE BIT FURTHER ON
11 THE FIRST PAGE, WHAT'S THE ORIGIN OF THIS LETTER?

12 A THIS LETTER IS ENTITLED EXTENSION OF THE --
13 PARDON ME -- "EXTENSION OF MUROC BOMBING AND GUNNERY
14 RANGE," AND IT'S ADDRESSED TO THE COMMANDING GENERAL OF
15 THE G.H.Q. OF THE AIR FORCE, LANGLEY FIELD, HAMPTON,
16 VIRGINIA.

17 AND IT IS -- IF YOU REFER TO THE BATES PAGE
18 U.S.A.F. 035360, IT'S SIGNED BY BRIGADIER GENERAL
19 DELOS C. EMMONS, WHO AT THAT TIME WAS THE COMMANDING
20 GENERAL OF THE AIR CORPS.

21 Q OKAY. AND, AGAIN, I'M SORRY, IN GENERAL
22 WHAT IS -- WHAT'S THE GOAL? WHAT'S THE OBJECTIVE OF
23 THIS?

24 A IF YOU READ THROUGH THE LETTER, YOU SEE
25 THAT THEY ARE DELINEATING LANDS THAT THEY WOULD LIKE TO
26 ACQUIRE TO FLESH OUT AND CONSOLIDATE THEIR HOLDINGS AT
27 THE GUNNERY RANGE, THE MUROC GUNNERY RANGE.

28 Q AND COULD YOU TURN NOW TO 35359,

1 PARAGRAPH E, AND JUST READ THAT FIRST SENTENCE, PLEASE.

2 A YES. PARAGRAPH E DID YOU SAY?

3 Q E, YES.

4 A THAT'S AT THE VERY TOP OF THE PAGE.

5 GENERAL EMMONS STATES, "IT IS DESIRED TO ESTABLISH THE
6 PERMANENT CAMPSITE, WHEN APPROPRIATIONS FOR THIS BECOME
7 AVAILABLE, ON THE WEST SIDE OF THE LAKE BED NEAR THE
8 TOWN OF MUROC."

9 Q SO WHAT -- SO THERE WAS NOT -- THIS
10 CAMPSITE THEY WERE SHOWING WAS NOT AT THAT TIME ON THE
11 WEST SIDE?

12 A NO. IT WAS ON THE EAST SIDE OF THE LAKE,
13 YEAH.

14 Q SO WHY WERE THEY WISHING TO MOVE TO THE
15 WEST SIDE? IS THAT -- WELL, I WON'T ASK MY QUESTION.
16 GO AHEAD.

17 A WELL, IT'S STATED IN THE LETTER. HE'S
18 SAYING THAT THE LOCATION OFFERS BETTER RAIL AND ROAD
19 COMMUNICATION, A BETTER WATER SUPPLY, A BETTER CAMPSITE,
20 A BETTER LOCATION FOR A LANDING FIELD -- I'M JUST
21 PARAPHRASING -- SINCE THE PREVAILING WIND IS FROM THE
22 NORTHWEST AND SO ON. IT'S JUST A BETTER SPOT FOR THE
23 PERMANENT CAMPSITE.

24 Q AND WILL YOU READ THE FIRST SENTENCE OF
25 PARAGRAPH G ON THAT SAME PAGE, PLEASE?

26 A YES. IN THAT INSTANCE HE'S TALKING ABOUT
27 THE REASONS FOR IT AGAIN, ADDITIONAL REASONS. HE
28 STATES, "THE ACQUISITION OF THE ADDITIONAL LAND WILL

1 PROVIDE AN AREA SUITABLE FOR THE CONCENTRATION OF THE
2 G.H.Q. AIR FORCE FOR OPERATION INVOLVING BOMBING AND
3 GUNNERY. ITS EXTENT WILL ENABLE THE VARIOUS UNITS TO
4 OPERATE AGAINST DIFFERENT TARGETS SIMULTANEOUSLY, THUS
5 PERMITTING THE PLANNING, COORDINATION, AND EXECUTION OF
6 MASS ATTACKS AND THE EMPLOYMENT OF THE VARIOUS CLASSES
7 OF COMBAT AVIATION IN THEIR PROPER ROLE. IT WILL ALSO
8 FURNISH AN IDEAL LOCATION WHERE COMBINED OPERATIONS WITH
9 OTHER BRANCHES CAN BE CONDUCTED TO GREAT ADVANTAGE."

10 Q SO THE MILITARY NOW HAS EXPRESSED INTEREST
11 IN ACQUIRING THESE NONPUBLIC DOMAIN LANDS. HOW DO THEY
12 GO ABOUT DOING THAT?

13 A THEY WENT ABOUT IT THROUGH A PROCESS,
14 EITHER DIRECT PURCHASE, JUST A PURCHASE AGREEMENT WITH
15 THE LANDOWNER WHO IS A WILLING SELLER, OR THROUGH
16 CONDEMNATION AND THROUGH THE COURTS.

17 Q OKAY. COULD WE GO TO NOW EXHIBIT 17?

18 A I HAVE IT.

19 Q AND WHAT IS THAT?

20 A EXHIBIT 17 IS A DEED DATED MARCH 23RD,
21 1938, BETWEEN THE SOUTHERN PACIFIC LAND COMPANY AND THE
22 UNITED STATES OF AMERICA, AND CONVEYS FOR \$133,694.06
23 ABOUT 60,000 ACRES OF LAND WITHIN THIS AREA.

24
25 (EXHIBIT 17, IDENTIFIED: DEED,
26 MARCH 23, 1938.)
27
28

1 BY MR. LEININGER:

2 Q I'M SORRY. DID YOU GIVE ME THE DATE OF
3 THIS?

4 A YES. MARCH 23RD, 1938.

5 Q COULD YOU TURN TO THE SECOND PAGE OF THIS
6 DEED AND READ FROM THE SECOND FULL PARAGRAPH THE LAST
7 TWO LINES?

8 A YES. IT SAYS FINISHES THE PROPERTY
9 DESCRIPTION AND THEN ADDS, "TOGETHER WITH ALL RIGHTS,
10 PRIVILEGES, AND APPURTENANCES THEREUNTO BELONGING OR IN
11 ANY WISE APPERTAINING."

12 Q CAN WE NOW SHOW THIS LAND MASS, PLEASE, ON
13 YOUR NEXT EXHIBIT?

14 A THAT'S EXHIBIT 98. AND, AGAIN, WE HAVE
15 BUILT ON THE ORIGINAL BASE. THE BLUE PARCELS ARE THOSE
16 WITHDRAWN AND THE RED HATCH PARCELS ARE THOSE SOLD BY
17 THE SOUTHERN PACIFIC LAND COMPANY. SO YOU CAN SEE THAT
18 IN ONE PURCHASE THEY FILLED IN A LARGE AREA OF THE
19 FACILITY.

20 AND JUST FOR CLARIFICATION, FROM THIS POINT
21 ON CROSSHATCHED LAND IS PRIVATE LAND, OR ACQUIRED FROM
22 PRIVATE PARTIES I SHOULD SAY.

23 MR. KUHS: YOUR HONOR, SAME OBJECTION AS
24 PREVIOUSLY TO THIS DOCUMENT.

25 THE COURT: ALL RIGHT. SUSTAINED.

26 BY MR. LEININGER:

27 Q OKAY. SO LET'S JUST GO TO EXHIBIT 42,
28 PLEASE. I BELIEVE THAT'S THE NEXT EXHIBIT.

1 **A** I HAVE THAT.

2 **Q** AND THAT'S VERY DIFFICULT TO SEE, TOO. CAN
3 YOU EXPLAIN TO US, PLEASE, WHAT THIS IS?

4 **A** THIS IS A LETTER FROM THE COLLECTION
5 R.G. 107, RECORD GROUP 107, THE SECRETARY OF WAR,
6 GENERAL CORRESPONDENCE. IT'S FROM THE NATIONAL ARCHIVES
7 IN WASHINGTON, D.C. IT'S DATED NOVEMBER 8TH, 1939. IT
8 IS FROM HARRY W. [SIC] WOODRING, SECRETARY OF WAR, TO
9 THE ATTORNEY GENERAL OF THE UNITED STATES.

10

11 (EXHIBIT 42, IDENTIFIED: LETTER,
12 NOVEMBER 8, 1939, SECRETARY OF WAR
13 TO U.S. ATTORNEY GENERAL.)

14

15 **BY MR. LEININGER:**

16 **Q** THANK YOU. AND I'M SORRY. LET ME JUST GO
17 AHEAD AND READ THE BATES NUMBER INTO THE RECORD. THIS
18 FIRST PAGE IS U.S.A.F. 035724.

19 WILL YOU READ FROM THE FIRST SENTENCE OF
20 THE SECOND PARAGRAPH, PLEASE?

21 **A** YES. HE STATES, "YOU ARE ADVISED THAT IT
22 IS NECESSARY THAT IMMEDIATE POSSESSION OF CERTAIN
23 PARCELS OF LAND INCLUDED IN THE ABOVE REFERRED TO
24 PROCEEDINGS BE SECURED FOR MILITARY PURPOSES AT THE
25 EARLIEST PRACTICABLE DATE."

26 **Q** AND AGAIN, FOR THE RECORD, THE DATE THIS IS
27 SIGNED?

28 **A** NOVEMBER 8TH, 1939.

1 Q SO THIS IS ESSENTIALLY AUTHORIZATION TO
2 BEGIN A PROCESS OF ACQUIRING THESE LANDS THROUGH
3 CONDEMNATION; IS THAT --

4 MR. KUHS: OBJECTION. CALLS FOR LEGAL OPINION.

5 THE COURT: I THINK IT STATES THAT IN THE RECORD,
6 IN THE LETTER.

7 MR. KUHS: DOCUMENT SPEAKS FOR ITSELF.

8 THE COURT: IT DOES. SO HE'S JUST PARAPHRASING.

9 BY MR. LEININGER:

10 Q LET'S GO UNDER EXHIBIT 47. AND EXHIBIT 47
11 BEGINS WITH BATES NUMBER -- I'LL JUST READ THE LAST FOUR
12 DIGITS. IT'S 2669. SO WHAT IS THIS AN EXAMPLE -- WHAT
13 IS THIS DOCUMENT?

14 A THIS IS A COMPLAINT IN CONDEMNATION.

15
16 (EXHIBIT 47, IDENTIFIED: COMPLAINT
17 IN CONDEMNATION.)

18
19 THE WITNESS: IT'S A DOCUMENT FILED IN THE
20 SOUTHERN DISTRICT OF THE UNITED STATES DISTRICT COURT,
21 NORTHERN DIVISION. IT WAS FILED IN MARCH -- MARCH 11TH,
22 1952. IT'S NUMBER 1147-N.D. CIVIL. AND IT IS A
23 CONDEMNATION COMPLAINT AGAINST A SPECIFIED PIECE OF
24 PROPERTY.

25 BY MR. LEININGER:

26 Q AND, AGAIN, BECAUSE IT'S A LITTLE DIFFICULT
27 TO READ, WILL YOU READ FROM PARAGRAPH 2, PLEASE,
28 REGARDING AUTHORITY?

1 **A** YES. PARAGRAPH 2 LISTS THE ACTS OF
2 CONGRESS THAT PROVIDE THE AUTHORITY FOR THE ACQUISITION.
3 YOU'LL NOTICE THAT MIDWAY ON THAT PARAGRAPH IT STATES,
4 "... WHICH ACTS AUTHORIZE THE ACQUISITION OF LAND FOR
5 MILITARY PURPOSES."

6 AND THEN ANOTHER ACT -- I CAN'T READ THE
7 DATE HERE.

8 **Q** I BELIEVE IT'S 1935.

9 **A** I'M SORRY. AUGUST 12TH, 1935. AND NOW I'M
10 QUOTING, "... WHICH ACT AUTHORIZES THE ACQUISITION OF
11 LAND FOR AIR CORPS STATIONS AND DEPOTS."

12 **Q** WOULD YOU NOW TURN TO THE NEXT PAGE,
13 PARAGRAPH 3. AND JUST READ THAT LINE, PLEASE.

14 **A** THAT'S A STATEMENT. I'M QUOTING, "THE USE
15 FOR WHICH THE PROPERTY IS TO BE TAKEN IS FOR MILITARY
16 PURPOSES."

17 **Q** LET'S GO TO THE NEXT EXECUTIVE ORDER, AND
18 THAT'S EXHIBIT 18, BATES LABEL 1658.

19 **A** I HAVE THAT.

20 **Q** WHAT IS THIS?

21 **A** THIS IS EXECUTIVE ORDER NUMBER 8450, AND IT
22 IS A WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE WAR
23 DEPARTMENT AS A BOMBING AND GUNNERY RANGE.

24
25 (EXHIBIT 18, IDENTIFIED: EXECUTIVE
26 ORDER NUMBER 8450.)
27
28

1 BY MR. LEININGER:

2 Q OKAY. AND CAN YOU READ THE PURPOSES OF --
3 STATED PURPOSE ON THIS?

4 A WOULD YOU LIKE ME TO READ THE FULL
5 PARAGRAPH OR JUST THE LAST PART OF IT?

6 Q NO. I'M SORRY. THE "SUPERSEDES" LANGUAGE,
7 PLEASE.

8 A "THIS ORDER SUPERSEDES EXECUTIVE ORDERS
9 NUMBERS -- NUMBER 6588, OF FEBRUARY 6, 1934;
10 NUMBER 7707, OF SEPTEMBER 11TH, 1937; AND NUMBER 7740,
11 OF NOVEMBER 15TH, 1937."

12 Q SO LET ME STOP YOU RIGHT THERE. SO THOSE
13 ARE THE PREVIOUS EXECUTIVE ORDERS THAT WE'VE JUST BEEN
14 EXAMINING?

15 A THAT'S RIGHT.

16 THE COURT: WHAT EXHIBIT NUMBER ARE YOU LOOKING
17 AT?

18 MR. LEININGER: OH, I'M SORRY. THAT'S EXHIBIT 18.

19 THE COURT: 18.

20 MR. LEININGER: 18.

21 THE WITNESS: (INDICATING.)

22

23 (PAUSE IN THE PROCEEDINGS.)

24

25 BY MR. LEININGER:

26 Q OKAY. WILL YOU FINISH THAT SENTENCE,
27 PLEASE?

28 A I'M SORRY?

1 Q YOU -- AND I DIDN'T MEAN TO INTERRUPT YOU,
2 BUT YOU WERE COMPLETING THAT SENTENCE, PLEASE.

3 A I THINK I WAS DONE.

4 Q OH. IS THERE A STATED PURPOSE FOR THE
5 SUPERSEDING? AND I REFER YOU TO THE LAST SENTENCE UNDER
6 "CALIFORNIA" PARAGRAPH.

7 A OH, I'M LOST AS TO WHERE YOU ARE. "THIS
8 ORDER SHALL CONTINUE IN FORCE UNTIL REVOKED BY THE
9 PRESIDENT OR BY ACT OF CONGRESS"?

10 Q NO. I'M SORRY. RIGHT -- ON THE SECOND
11 FULL PARAGRAPH RIGHT UNDER --

12 A OH, I'M SORRY. I'M SORRY. YOU'RE TALKING
13 ABOUT THE SUBJECT OF VALID EXISTING RIGHTS FOR THE USE
14 OF THE WAR DEPARTMENT AS A BOMBING AND GUNNERY RANGE.

15 Q RIGHT. THANK YOU. SO THIS LETTER IS DATED
16 19 WHAT?

17 A THIS EXECUTIVE ORDER IS JUNE 22ND, 1940.

18 Q 1940. AND WHAT WERE THE ACTIVITIES ON
19 MUROC AT THAT TIME?

20 A THEY WERE A CONTINUATION OF THE TRAINING
21 AND OTHER ACTIVITIES ON THE FACILITIES; SO PLANES WERE
22 FLYING IN, UNITS WERE LANDING, TAKING OFF, BOMBING,
23 PRACTICING, DOING THE SORT OF AIR CORPS TACTICAL
24 TRAINING.

25 Q COULD YOU SHOW ME NOW EXHIBIT 99?

26 A YES. 99 IS A REPRESENTATION OF THE LAND
27 COVERED BY EXECUTIVE ORDER 8450;

28

1 (EXHIBIT 99, IDENTIFIED: LAND
2 COVERED BY EXECUTIVE ORDER 8450.)
3

4 **THE WITNESS:** SO IT'S PRETTY SIMILAR TO THE ONE
5 THAT WE SAW RELATED TO THE ACQUISITION, SOUTHERN PACIFIC
6 RAILROAD.

7 BUT ALL OF THE -- AGAIN, USING OUR COLOR
8 SCHEME, ALL OF THE DARK BLUE LAND (INDICATING) IN HERE
9 ARE THE LANDS THAT ARE COVERED BY THE EXECUTIVE ORDER.
10 THEY OVERLAP THE OTHER EXECUTIVE ORDERS.

11 **Q** OKAY. SO ALL THIS WAS WITHDRAWN AND
12 RESERVED FOR THESE PURPOSES AS OF 1940. CAN YOU GO TO
13 EXHIBIT --

14 **MR. KUHS:** YOUR HONOR, SAME OBJECTION.

15 **THE COURT:** ALL RIGHT. SUSTAINED.

16 **BY MR. LEININGER:**

17 **Q** EXHIBIT 56, PLEASE.

18 **A** YES, I HAVE THAT.

19 **Q** WHAT IS THIS?

20 **A** THIS IS A MEMORANDUM AND SERIES LIKE THE
21 OTHER. IT'S LONG SERIES OF A BASE LETTER AND
22 ENDORSEMENTS. AGAIN, IT IS FROM THE -- IT'S FROM RECORD
23 GROUP 18, ARMY AIR FORCES PROJECT FILES. AND THIS ONE
24 CONTAINS MUROC LAKE.

25
26 (EXHIBIT 56, IDENTIFIED:
27 MEMORANDUM, BASE LETTER, AND
28 ENDORSEMENTS.)

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THE WITNESS: WHAT -- THIS IS A MEMORANDUM ON THE CONSTRUCTION, IS THE TITLE ON THE FIRST PAGE OF THE BASE LETTER -- CONSTRUCTION ON PERMANENT SITE OF MUROC BOMBING FIELD.

THIS LETTER GOES THROUGH A DESCRIPTION OF THE DESIRED DEVELOPMENT AND -- NOT ONLY THE DESIRED DEVELOPMENT, THE CURRENT DEVELOPMENT AND THEN THE DESIRED DEVELOPMENT OF THE AIR CORPS FACILITY THERE.

BY MR. LEININGER:

Q IF YOU LOOK ON PARAGRAPH -- THE FIRST PAGE -- AND I'M SORRY. THE BATES LABEL IS 35701. IF YOU LOOK AT -- ON THE FIRST PAGE, PARAGRAPH 3, AT THE BOTTOM --

A YES.

Q -- THERE'S A MENTION OF TEMPORARY HOUSING.

A THAT'S RIGHT. AND, IN FACT, THERE'S A COUPLE OF INSTANCES WHERE THERE WERE TEMPORARY NATURE OF THE PRESENT HOUSING AND TEMPORARY HOUSING AND TEMPORARY TYPE CONSTRUCTION.

TEMPORARY CONSTRUCTION AT THIS TIME -- WELL, MILITARY CONSTRUCTION WAS DIVIDED INTO THREE CATEGORIES: TEMPORARY, SEMIPERMANENT AND PERMANENT. SO ALMOST ALL THE WORLD WAR II ERA, JUST IMMEDIATELY FOLLOWING THIS, ALL THAT CONSTRUCTION WAS CONSIDERED -- IT'S CLASSIFIED AS TEMPORARY CONSTRUCTION. IT'S CLASSIFIED AS TEMPORARY CONSTRUCTION TODAY.

SO BUILDINGS ON, SAY, CAMP PENDLETON -- THE

1 CAMP PENDLETON'S HEADQUARTER BUILDING IS CLASSED AS A
2 TEMPORARY BUILDING. SO IT'S JUST SIMPLY A
3 CLASSIFICATION OF THE LEVEL OF CONSTRUCTION THAT THEY'RE
4 ASKING FOR.

5 PERMANENT BUILDINGS TENDED TO BE THE BIG
6 HOSPITALS, THE CONCRETE BUILDINGS, MAJOR CONSTRUCTION.
7 SEMIPERMANENT TENDED TO BE THOSE TEMPORARY BUILDINGS
8 THAT HAD BEEN UPGRADED SUFFICIENTLY; SO THEY'RE CARRIED
9 ON THE BUILDING INVENTORIES AS TEMP -- AS NO LONGER
10 TEMPORARY. BUT WE HAVE 70 YEAR OLD TEMPORARY BUILDINGS
11 ON MILITARY BASES TODAY.

12 Q SO I JUST WANTED THAT CLARIFICATION. SO
13 SOME OF THESE BUILDINGS THAT WERE BUILT ON A TEMPORARY
14 STATUS IN THE WORLD WAR II ERA ARE STILL AROUND ON THESE
15 MILITARY INSTALLATIONS TODAY?

16 A RIGHT. IF YOU'RE FAMILIAR WITH, SAY,
17 FORT ORD, ANYONE DRIVING PAST FORT ORD SEES ALL THOSE
18 WORLD WAR II BARRACKS. THOSE WERE ALL TEMPORARY
19 BARRACKS.

20 Q CAN WE GO TO EXHIBIT 43, PLEASE?

21 THE COURT: YOU SAY 43?

22 MR. LEININGER: YES. I'M SORRY, YOUR HONOR. 43,
23 AND IT'S BATES LABEL 35743.

24 BY MR. LEININGER:

25 Q SO WHAT ELSE IS GOING ON OUT THERE?

26 A WELL, OTHER THAN THE ACTIVITIES OF THE AIR
27 FORCE ITSELF, AVIATION COMPANIES, AERONAUTICAL COMPANIES
28 IN THIS INSTANCE -- WE KNOW OF THIS ONE IN PARTICULAR --

1 USED OR ASKED TO USE THE FACILITY FOR TEST PURPOSES.

2 THIS IS A LETTER FROM JOHN K. NORTHROP,
3 PRESIDENT OF NORTHROP AVIATION, DATED APRIL 17TH, 1940,
4 AND HE'S ASKING PERMISSION TO USE THE FACILITY TO TEST A
5 SPECIFIC DESIGN.

6
7 (EXHIBIT 43, IDENTIFIED: JOHN K.
8 NORTHROP LETTER DATED 4/17/1940.)

9
10 **THE WITNESS:** AND HE SAYS ON THE FIRST PARAGRAPH,
11 "BETWEEN MAY 15TH AND JUNE 1ST, 1940, NORTHROP AIRCRAFT,
12 INC., WILL HAVE READY FOR TEST FLIGHT A, QUOTE, FLYING
13 MOCKUP OF AN AIRPLANE OF RATHER RADICAL DESIGN, WHICH
14 THIS COMPANY HAS UNDER DEVELOPMENT."

15 SO THEY'RE LOOKING FOR A PLACE TO TEST FLY
16 A RADICAL -- A NEW RADICAL DESIGN.

17 **BY MR. LEININGER:**

18 **Q** AND THAT RADICAL DESIGN ACTUALLY HAD A NAME
19 THAT REGISTERS TODAY. I ASSUME YOU RECALL THOSE.

20 **A** IT'S MY UNDERSTANDING THEY'RE REFERRING TO
21 THE FLYING WING --

22 **Q** LET'S GO TO EXHIBIT --

23 **A** -- A VERSION OF THE FLYING WING.

24 **Q** LET'S GO TO EXHIBIT 19.

25 **A** I'M GOING TO ADD THAT THERE'S A NOTE ON
26 THIS LETTER TO MR. NORTHROP FROM HAP ARNOLD, SAYING THAT
27 THEY WERE VITALLY INTERESTED IN THIS DESIGN AND URGING
28 THAT THEY ALLOW THEM TO MAKE THAT PLANE.

1 I'M SORRY. GO TO 19?

2 Q 19, PLEASE. IT IS BATES LABELED ...

3 A IT'S BATES 19535.

4 Q THANK YOU. WHAT DO WE HAVE HERE?

5 A THIS IS FROM -- THIS IS FROM A FILE AT THE
6 AERO -- AT THE EDWARDS AIR FORCE BASE HISTORY CENTER
7 BUILDING, AND IT WAS A -- IN A FILE ENTITLED "MUROC
8 A.A.F. WORLD -- WW II, 1940," AS THE BOX TITLE, AND THEN
9 THE FILE TITLE WAS "78 TITLE EDWARDS MUROC A.A.B.,
10 GENERAL CORRESPONDENCE." THIS WAS MATERIAL WE COLLECTED
11 AT THE EDWARDS HISTORY LOGS.

12 Q AND WHAT'S THE TITLE?

13 A THE TITLE IS "CONSTRUCTION PROGRAM AT AIR
14 CORPS STATIONS."

15

16 (EXHIBIT 19, IDENTIFIED:
17 CONSTRUCTION PROGRAM AT AIR CORPS
18 STATIONS.)

19

20 THE WITNESS: AND IT LISTS -- THIS IS DATED
21 JUNE 30TH, 1941. IT WAS PRIOR TO PEARL HARBOR, SIX
22 MONTHS BEFORE PEARL HARBOR. AND IT LISTS THE MUROC
23 BOMBING RANGE AS NUMBER 4 IN THE CONSTRUCTION PROGRAM AT
24 AIR CORPS STATIONS.

25 BY MR. LEININGER:

26 Q SO WHAT WAS BEING BUILT HERE?

27 A WELL, IF YOU LOOK AT PARAGRAPH NUMBER 1,
28 THE DESCRIPTION OF THE PROJECT IS, "CONSTRUCTION OF

1 TEMPORARY HOUSING FACILITIES, UTILITIES, AND TECHNICAL
2 FACILITIES FOR BOMBING RANGE AT MUROC DRY LAKE,
3 CALIFORNIA."

4 THE STATUS OF CONSTRUCTION IS LISTED IN
5 PARAGRAPH 3 -- WELL, EXCUSE ME. LET'S LOOK AT
6 PARAGRAPH 2, THOUGH. PARAGRAPH 2 DESCRIBES THE
7 AUTHORIZED CONSTRUCTION AS OF THE FALL OF 1940, AND THEN
8 ADDITIONAL NEW THINGS THAT ARE TO BE ISSUED.

9 STATUS OF CONSTRUCTION SAYS, "CONSTRUCTION
10 OF BARRACKS, DISPENSARY, RAILROAD, MAGAZINES, FENCING
11 AND APPURTENANT WORK. ENTIRE PROJECT (ORIGINALLY
12 AUTHORIZED WORK) APPROXIMATELY 98 PERCENT COMPLETE.
13 RIGHT-OF-WAY AVAILABLE. CONSTRUCTION OF ORDNANCE
14 FACILITIES, TARGET INSTALLATIONS, AND RUNWAYS HAVE BEEN
15 AUTHORIZED, BUT NO WORK IS UNDERWAY." SO IT'S A PROGRAM
16 TO DEVELOP THE FACILITIES ON THE BASE.

17 Q AND WHAT'S THAT BASE STILL BEING CALLED?

18 A THEY'RE STILL CALLING IT THE MUROC BOMBING
19 RANGE.

20 Q OKAY. LET'S SWITCH GEARS HERE AND -- ABOUT
21 EXCLUSIVE JURISDICTION. WHEN DID THE UNITED STATES
22 ESTABLISH EXCLUSIVE JURISDICTION WHERE WE ARE?

23 MR. MC LACHLAN: OBJECTION. CALLS FOR LEGAL
24 OPINION.

25 MR. ZIMMER: JOIN.

26 BY MR. LEININGER:

27 Q ALL RIGHT. LET'S GO TO EXHIBIT --

28 THE COURT: SUSTAINED.

1 **MR. LEININGER:** LET'S GO TO EXHIBIT 28.

2 **THE COURT:** 48?

3 **MR. LEININGER:** I'M SORRY TO INTERRUPT, YOUR
4 HONOR. THIS IS EXHIBIT 28.

5 **THE COURT:** 28.

6 **BY MR. LEININGER:**

7 **Q** 28. AND THE BATES LABEL -- I'M SORRY, IT'S
8 TOO SMALL FOR MY EYES.

9 **A** 12651.

10 **Q** THANK YOU.

11 **A** WAIT A MINUTE. I HAVE -- ARE WE ON 28?

12 **Q** YES.

13 **A** 28. ALL RIGHT.

14 **Q** WILL YOU READ -- LET'S HAVE A GENERAL
15 DESCRIPTION -- WELL, LET'S HAVE A SPECIFIC DESCRIPTION
16 OF THIS LETTER FIRST, PLEASE.

17 **A** THIS IS A LETTER THAT WE COLLECTED AT THE
18 CALIFORNIA STATE ARCHIVES, IN THE RECORDS OF THE
19 GOVERNOR'S PAPERS. IT'S A -- IF I CAN FIND THE FILE
20 FOLDER -- IT'S IN THE COLLECTION OF
21 GOVERNOR EARL WARREN'S FEDERAL LAND FILES. AND THE
22 FOLDER THAT IT IS LOCATED IN IS CALLED "JURISDICTION OF
23 LANDS." IT IS A LETTER DATED APRIL 16TH, 1943, FROM
24 HENRY L. STIMSON, SECRETARY OF WAR, TO GOVERNOR EARL
25 WARREN, STATE OF CALIFORNIA.

26

27 (EXHIBIT 28, IDENTIFIED: HENRY L.

28 STIMSON 4/16/1943 LETTER .)

1
2 BY MR. LEININGER:

3 Q AND WILL YOU READ FROM PARAGRAPH 3, PLEASE?

4 A THE THIRD FULL PARAGRAPH STATES,
5 "ACCORDINGLY, NOTICE IS HEREBY GIVEN THAT THE UNITED
6 STATES ACCEPTS EXCLUSIVE JURISDICTION OVER ALL LANDS
7 ACQUIRED BY IT FOR MILITARY PURPOSES WITHIN THE STATE OF
8 CALIFORNIA, TITLE TO WHICH HAS HERETOFORE VESTED IN THE
9 UNITED STATES AND OVER WHICH EXCLUSIVE JURISDICTION HAS
10 NOT HERETOFORE BEEN OBTAINED."

11 Q YOU ALSO HAVE A SERIES OF OTHER LETTERS
12 THAT I TAKE IT ALSO CAME OUT OF THE SAME FILE IN THIS --
13 AND I BELIEVE THEY'RE CHRONOLOGICAL. WHAT'S THE
14 SEQUENCE OF LETTERS HERE?

15 A THAT'S RIGHT. THIS IS A COLLECTION OF
16 LETTERS THAT ALL PERTAIN TO THIS TOPIC, AND WHERE IT WAS
17 SPECIFIC TO MUROC, WE LISTED MUROC OR WE MADE A SPECIAL
18 COLLECTION FOR THAT.

19 BUT THE NEXT LETTER IS FROM ROBERT KENNY,
20 THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, TO
21 EARL WARREN, DATED APRIL 28TH, 1943. AND HE HAS -- HE
22 IS ANSWERING A QUESTION THAT THE GOVERNOR HAS ASKED
23 ABOUT HENRY STIMSON'S LETTER, WHICH WE JUST DESCRIBED.

24 Q OKAY. NOW LET'S TURN TO EXHIBIT 29,
25 PLEASE. THIS IS BATES LABEL -- I CAN'T QUITE READ THAT
26 EITHER. ONE, TWO --

27 A I'M SORRY. IT'S 012651.

28 Q ALL RIGHT. CAN YOU DESCRIBE THIS LETTER?

1 **A** THIS IS A SECOND LETTER FROM SECRETARY OF
2 WAR STIMSON TO GOVERNOR WARREN. IT'S DATED MAY 23RD,
3 1945.

4
5 (EXHIBIT 29, IDENTIFIED: SECRETARY
6 OF WAR STIMSON LETTER DATED
7 5/23/1945 TO GOVERNOR WARREN.)

8
9 **THE WITNESS:** IT RESTATES IN THE THIRD PARAGRAPH,
10 I THINK, SUBSTANTIALLY THE SAME LANGUAGE THAT I READ
11 FROM HIS 1943 LETTER, REGARDING NOTICE IS HEREBY GIVEN
12 THE UNITED STATES ACCEPTS EXCLUSIVE JURISDICTION AND SO
13 FORTH.

14 **BY MR. LEININGER:**

15 **Q** AND I'M SORRY. WE MISSED AN IMPORTANT
16 POINT ON THAT LAST SET OF EXHIBITS; SO IF YOU COULD
17 PLEASE GO BACK TO EXHIBIT 28 FOR ONE MOMENT.

18 **A** SURE.

19 **Q** AND TURN IN THAT STACK OF CORRESPONDENCE
20 TO -- (SPOKE SOTTO VOCE) -- BATES LABEL 12643.

21 **A** YES, I HAVE THAT.

22 **Q** ALL RIGHT. AND YOU DESCRIBE THIS AS A
23 LETTER WHICH PROVIDED THE COMMUNICATION REGARDING THIS
24 TOPIC OF EXCLUSIVE JURISDICTION.

25 IS MUROC AIRFIELD ON THAT DOCUMENT?

26 **MR. ZIMMER:** YOUR HONOR, WHICH EXHIBIT IS THIS?

27 **MR. LEININGER:** I'M SORRY. IT'S EXHIBIT 28.

28 **MR. ZIMMER:** THANK YOU.

1 **THE WITNESS:** ARE YOU ASKING ON 12642? IS THAT
2 THE ONE YOU'RE ASKING ME?

3 **BY MR. LEININGER:**

4 **Q** NO. IT'S THE LIST OF DOCUMENTS THERE AT
5 THE END OF THE --

6 **A** ALL RIGHT. THE UNITED STATES PROVIDED A
7 LIST FOR THE STATE OF CALIFORNIA, IN RESPONSE TO THE --
8 A REQUEST BY THE GOVERNOR, OF THE SPECIFIC FACILITIES HE
9 WAS ASKING FOR EXCLUSIVE JURISDICTION OVER. AND IT'S AN
10 ALPHABETICAL LIST. YOU CAN SEE IT STARTS WITH THE
11 ALAMEDA TRANSIT DEPOT. AND IF YOU MOVE DOWN -- ONE,
12 TWO, THREE -- ON THE FOURTH PAGE OF THE LETTER -- OR THE
13 LIST, YOU SEE IT LISTS MUROC ARMY AIRFIELD IN
14 SAN BERNARDINO, KERN, AND LOS ANGELES COUNTIES.

15 **Q** CAN YOU GIVE THE BATES PAGE, PAGE NUMBER?

16 **A** I'M SORRY. IT IS 012645.

17 **Q** WE NOW GO TO EXHIBIT 102.

18 **A** OKAY.

19 **Q** AND, AGAIN, THIS IS A EXHIBIT YOU CREATED
20 OR YOUR OFFICE CREATED; IS THAT CORRECT?

21 **A** THAT'S RIGHT. THIS -- WE PUT THIS EXHIBIT
22 TOGETHER ON THE BASE THAT WE WERE -- THE BASE MAP THAT
23 WE WERE USING FOR ALL THE OTHERS, JUST TO KEEP A
24 CONTINUITY OF COMPARISON.

25
26 (EXHIBIT 102, IDENTIFIED: MAP OF
27 MILITARY BASE.)
28

1 BY MR. LEININGER:

2 Q SO THIS IS A DEMONSTRATION OF WHAT?

3 A THIS IS -- WE TOOK A -- AN ORIGINAL MAP
4 PROVIDED BY EDWARDS AIR FORCE BASE THAT DEPICTED THIS
5 AREA AND PUT IT ON OUR BASE.

6 Q DO YOU RECALL THE SOURCE? WAS IT EDWARDS
7 OR WAS IT THE ARMY CORPS OF ENGINEERS?

8 A THE MAP WAS PROVIDED BY EDWARDS. THE MAP
9 WAS PREPARED BY THE CORPS OF ENGINEERS.

10 Q OKAY. SO, AND DO YOU RECALL THE DATE OF
11 THAT MAP?

12 A YES. IT WAS JANUARY 28TH, 1958.

13 Q AND WHAT DID THAT DEPICT AND YOU HAVE
14 REPRESENTED HERE?

15 A THAT IS THE LAND THAT THEY DEPICTED ON THE
16 MAP AS FEDERAL JURISDICTION.

17 Q AND LET'S GO TO THE NEXT EXHIBIT, PLEASE.

18 MR. KUHS: YOUR HONOR, COULD WE HAVE CLARIFICATION
19 AS TO WHETHER IT'S THE CROSSHATCHED LANDS OR SOME OTHER
20 LANDS ALLEGED TO BE UNDER THE EXCLUSIVE JURISDICTION?

21 THE QUESTION IS VAGUE BECAUSE IT SIMPLY
22 ASKS, WAS THIS AN ACCURATE DEPICTION OF THE LANDS
23 SUBJECT TO FEDERAL JURISDICTION? I CAN'T TELL, AT LEAST
24 FROM THE EXHIBIT, WHICH LAND HE'S PURPORTING TO SHOW.

25 THE COURT: DO WE HAVE AN EXHIBIT THAT DOESN'T
26 SPEAK FOR ITSELF?

27 BY MR. LEININGER:

28 Q DO YOU KNOW WITHIN -- OR I GUESS SORT OF

1 THE PATCHWORK AROUND THOSE HATCHED EXHIBITS, DO YOU KNOW
2 WHAT THOSE WHITE SECTIONS OF LAND ARE?

3 A I THINK THE BEST THING TO DO IS JUST LOOK
4 AT THE LEGEND THAT'S ON THE MAP, IF THE CROSSHATCH LAND
5 SAYS AREA UNDER FEDERAL JURISDICTION AS PER REVISED
6 SUMMARY OF JANUARY 8 -- 28 JANUARY, 1958.

7 Q AND THE AREAS THAT ARE WITHIN THAT
8 CROSSHATCHED AREA, THE SQUARES, DO YOU RECALL EXACTLY
9 WHETHER OR NOT THAT IS FEDERAL LAND, WHETHER OR NOT THAT
10 WAS RESERVED FROM THE PUBLIC DOMAIN?

11 A THE LANDS THAT ARE SHOWN AS BLANK, WHITE,
12 THESE GUYS (INDICATING), THOSE OVERLAP WITH THE
13 WITHDRAWN LANDS. NOT PERFECTLY, BECAUSE SOME OF THIS
14 LAND WAS ACQUIRED LATER, AFTER 1958. BUT BY AND LARGE,
15 THIS IS THE WITHDRAWN AREAS FROM THE PREVIOUS EXECUTIVE
16 ORDERS.

17 Q LET'S GO TO THE NEXT EXHIBIT.

18 THIS IS EXHIBIT, YOUR HONOR, 257.

19 THE COURT: SAY THAT AGAIN.

20 MR. LEININGER: I'M SORRY. 257.

21 MR. MC LACHLAN: WHAT'S THE BATES NUMBER,
22 MR. LEININGER?

23 THE COURT: I DON'T HAVE A 257. I HAVE 256 AND
24 258.

25 MR. LEININGER: WE'LL GET YOU A -- I'LL BRING 257.
26 MAY I APPROACH?

27 THE COURT: YES, YOU MAY.

28 MR. LEININGER: (INDICATING.) SO --

1 **MR. KUHS:** DO YOU HAVE ANOTHER COPY?

2

3 (COUNSEL SPOKE SOTTO VOCE.)

4

5 **MR. LEININGER:** I'M SORRY, WE DON'T, BUT WE'LL
6 PROVIDE A COPY TONIGHT OR TOMORROW.

7 **BY MR. LEININGER:**

8 **Q** SO WHAT'S DEPICTED IN THE DARKENED AREA
9 HERE?

10 **A** THE DARKENED AREA IS DEPICTED -- IT'S GREEN
11 ON THIS MAP, EXCLUSIVE FEDERAL JURISDICTION PARCELS.

12 **Q** OKAY. SO, AND WHAT'S THE DATE OF THIS?

13 **A** THIS WAS -- IT SAYS "CURRENT AS OF
14 MARCH 2010."

15 **Q** SO IS IT FAIR THAT -- JUST STATING THE
16 FACTS, BECAUSE I KNOW YOU CAN'T DRAW LEGAL CONCLUSIONS.
17 BUT IS IT FAIR TO SAY THAT THIS IS MORE RECENT
18 INTERPRETATION OF -- BY THE AIR FORCE OF ITS EXCLUSIVE
19 JURISDICTION?

20 **MR. KUHS:** LACKS FOUNDATION.

21 **MR. LEININGER:** I'LL --

22 **THE COURT:** WHERE DID THIS DOCUMENT COME FROM?

23 **MR. LEININGER:** YOUR HONOR, I'LL DOUBLE-CHECK.
24 THANK YOU.

25 **BY MR. LEININGER:**

26 **Q** WHERE DID YOU RECEIVE THIS DOCUMENT FROM?

27 **A** I RECEIVED THIS DOCUMENT FROM EDWARDS AIR
28 FORCE BASE.

1 **Q** AND, AGAIN, THE CAPTION AT THE BOTTOM, WHAT
2 IS THAT?

3 **A** THE CAPTION ON THE LOWER LEFT SAYS,
4 "EDWARDS AIR FORCE BASE. EXCLUSIVE FEDERAL JURISDICTION
5 AREAS WITH MAJOR ROADS AND COUNTY LINES. CURRENT AS OF
6 MARCH 2010."

7
8 (EXHIBIT 257, IDENTIFIED: EDWARDS
9 AIR FORCE BASE. EXCLUSIVE FEDERAL
10 JURISDICTION AREAS WITH MAJOR ROADS
11 AND COUNTY LINES. CURRENT AS OF
12 MARCH 2010.)

13
14 **BY MR. LEININGER:**

15 **Q** OKAY. NOW LET'S GO BACK -- LET'S GO BACK
16 TO OUR TIME LINE NOW. LET'S GO BACK TO WORLD WAR II.

17 SO YOU GAVE US THE LETTERS WHICH WERE
18 CONTEMPORANEOUS WITH WORLD WAR II, 1943, 1945, WITH
19 REGARD TO EXCLUSIVE JURISDICTION. SO WHAT WAS HAPPENING
20 IN MUROC -- IT WAS STILL CALLED MUROC; RIGHT?

21 **A** MUROC ARMY AIRFIELD BY THAT TIME.

22 **Q** OKAY. SO WHAT WAS -- WHAT HAPPENED AFTER
23 WORLD WAR II?

24 LET ME BACK UP A LITTLE BIT. YOU DESCRIBED
25 THIS CONSTRUCTION PROGRAM. SO JUST BRIEFLY, WHAT WAS
26 MUROC USED FOR DURING WORLD WAR II?

27 **A** WELL, IT WAS USED FOR A COMBINATION OF
28 THINGS. IT WAS USED FOR TRAINING OF AIR CREWS FOR

1 FLIGHT TRAINING, FOR GUNNERY AND BOMBING AND SO FORTH,
2 BUT IT WAS ALSO -- DURING THE WAR, BEGAN TO BE USED FOR
3 TESTING OF MORE ADVANCED AND EXOTIC AIRCRAFT.

4 Q OKAY. AND THEN WHAT HAPPENED AFTER WORLD
5 WAR II?

6 A AFTER WORLD WAR II, THE AIR FORCE -- ARMY
7 AIR CORPS STILL AT THAT TIME, STILL -- OR CONTINUED ITS
8 PROGRAM OF LAND ACQUISITIONS, EITHER THROUGH EXECUTIVE
9 ORDERS -- BECAME KNOWN AS PUBLIC LAND ORDERS -- OR
10 PURCHASE OR CONDEMNATION.

11 Q SO IT WASN'T DECLARED SURPLUS?

12 A NO, IT WAS NOT.

13 Q SO IT WAS RETAINED -- LET'S GO TO
14 EXHIBIT 63.

15 A ALL RIGHT.

16 Q ALL RIGHT. AND SORRY, THIS IS BATES LABEL
17 NUMBER -- THERE WE GO -- 36293.

18 A I HAVE 036291.

19 Q OH.

20 A THAT'S THE START OF THE DOCUMENT.

21 Q YES. AND IF YOU GO TO PAGE 4 OF THE --
22 WELL, LET'S DESCRIBE THESE DOCUMENTS FIRST.

23 A ALL RIGHT. THIS IS A -- IT'S IN THE BACK
24 WHERE I HAVE MY CITATION. THIS IS A SET OF MEMORANDUM,
25 BASE LETTER, AND SO FORTH, FROM OUR RECORD GROUP 18,
26 ARMY AIR FORCES, AIR ADJUTANT GENERAL, UNCLASSIFIED
27 RECORDS SECTION DECIMAL FIVE, 1947. IT'S FROM THE
28 NATIONAL ARCHIVES IN WASHINGTON, D.C.

1
2 (EXHIBIT 63, IDENTIFIED: [AS
3 DESCRIBED HEREIN.])
4

5 **BY MR. LEININGER:**

6 Q AND ON PAGE 4 OF THIS DOCUMENT, THE BATES
7 STAMP 36294 --

8 A YES.

9 Q -- WHAT ARE THEY LISTING HERE?

10 A THIS IS A LISTING OF THE ADDITIONAL AREAS
11 THAT THE ARMY AIR FORCES WANT TO ACQUIRE TO EXPAND THE
12 FACILITY AND FURTHER THEIR BASIC MISSION OF TRAINING AND
13 TESTING. AND SO IT LISTS OFF SPECIFIC PARCELS IN
14 SPECIFIC AREAS.

15 Q ALL RIGHT. AND WHAT DO THEY COMMENCE TO
16 DO?

17 A THEY BEGAN PURCHASING LAND AND CONDEMNING
18 LAND FOR ACQUISITION.

19 Q OKAY. CAN WE SHOW -- CAN WE SEE
20 EXHIBIT 101, PLEASE?

21 A YES. THIS MAP, AGAIN, OVERLAY -- ITS
22 COLORS ARE OVERLAID ON THE BASE THAT WE'VE BEEN USING TO
23 REPRESENT EDWARDS, DEPICTS THE -- AND ON THE PAPER COPY,
24 THIS IS YELLOW AND THIS IS GREEN (INDICATING). IT
25 DEPICTS THE AREA OF THE FACILITY AS OF 1948 AND THE
26 LANDS DESCRIBED FOR ACQUISITION IN THAT PROGRAM OF
27 EXPANSION. YOU CAN SEE IT'S BECOMING MUCH MORE LIKE
28 WHAT WE THINK OF AS EDWARDS AIR FORCE BASE.

1 Q AND YOU HAVE A BLOCK QUOTATION THERE AT THE
2 TOP. WHAT IS -- CAN YOU ZOOM IN ON THAT, PLEASE?

3 A WOW. IT -- YEAH. IT SAYS, "ACQUISITION OF
4 THE ABOVE REAL ESTATE SHADED YELLOW IS ESSENTIAL TO
5 PREVENT A BREAKDOWN OF FUNCTIONS AT THE STATION FOR
6 FLIGHT TEST PURPOSES AND IS CONSIDERED ESSENTIAL FOR
7 MASTER PLAN CRITERIA AND FUTURE DEVELOPMENT."

8 Q WHAT IS THE SOURCE OF THAT QUOTATION?

9 A THAT WAS A LETTER BY LIEUTENANT COLONEL
10 STANLEY SMITH, DATED OCTOBER 1ST, 1946.

11 MR. KUHS: YOUR HONOR, I HAVE THE SAME OBJECTION
12 AS I HAD TO THE EARLIER EXHIBITS. THEY WEREN'T PROVIDED
13 IN DISCOVERY AND THEY LACK FOUNDATION. I DON'T KNOW THE
14 SOURCE OF WHO CREATED THE MAP OR WHERE THE NOTE COMES
15 FROM.

16 THE COURT: WELL, FIRST OF ALL, DO YOU AGREE THESE
17 WERE NOT PROVIDED IN DISCOVERY?

18 MR. LEININGER: THESE -- WELL, THE MAPS
19 THEMSELVES, YOUR HONOR, WERE CREATED FOR PURPOSES OF
20 THIS TESTIMONY. THEY WERE INTENDED TO BE DEMONSTRATIVE
21 AND ILLUSTRATIVE AS THE LANDS WERE RESERVED OR ACQUIRED.

22 THE COURT: WELL, YOU'RE OFFERING THIS, HOWEVER,
23 TO ESTABLISH THAT THIS WAS THE DESIRE OF THE AIR FORCE
24 TO ACQUIRE THIS LAND; IS THAT RIGHT?

25 MR. LEININGER: WELL, IT'S --

26 THE COURT: BECAUSE IT CLEARLY AT THE TIME WAS NOT
27 ACQUIRED --

28 MR. LEININGER: THAT'S CORRECT.

1 **THE COURT:** -- IF I UNDERSTAND YOU. SO IT REALLY
2 IS KIND OF AN INCREMENTAL MOVEMENT TOWARD YOUR
3 ATTEMPTING TO ESTABLISH WHAT ALL THE LAND IS THAT'S
4 SUBJECT TO MILITARY JURISDICTION.

5 **MR. LEININGER:** YES. BUT, YOUR HONOR, I SHOULD
6 CORRECT THAT. WHAT WE'RE ESTABLISHING HERE IS THESE
7 LANDS THAT -- 40 PERCENT OF THE LAND, WHICH IS NOT
8 SPECIFIC TO EXCLUSIVE JURISDICTION, WAS SUBSEQUENTLY
9 DESIGNATED, ACQUIRED, OR RESERVED FOR EDWARDS AIR FORCE
10 BASE AFTER WORLD WAR II. SO THIS IS AN ILLUSTRATION OF
11 THE FIRST INTENTION TO ACQUIRE ALL THIS ADDITIONAL LAND
12 FOR MILITARY PURPOSES.

13 **THE COURT:** WAS THIS WITNESS DEPOSED?

14 **MR. LEININGER:** YES.

15 **MR. KUHS:** HE WAS DEPOSED, YOUR HONOR, BUT HE
16 DIDN'T HAVE THE EXHIBITS WITH HIM IN HIS DEPOSITION.

17 **THE COURT:** DID HE TESTIFY AS TO THE PROGRESS OF
18 THE ACQUISITION OF THE LANDS PRIOR TO THE MILITARY AT
19 THE DEPOSITION?

20 **MR. KUHS:** MR. SHEFFIELD MIGHT KNOW THE ANSWER TO
21 THAT.

22 **MR. SHEFFIELD:** I WOULD TEND TO SAY NOT
23 SPECIFICALLY AS WE ARE TODAY, 'CAUSE ONE OF THE
24 QUESTIONS WERE ASKED ABOUT CAN YOU TELL US --

25 **THE COURT:** PLEASE STAND UP SO I CAN HEAR YOU.

26 **MR. SHEFFIELD:** NOT AS SPECIFICALLY AS WE HAVE
27 TODAY, BECAUSE WHEN HE WAS ASKED ABOUT, COULD YOU TELL
28 US THIS, HE SAID, "I HAVE TO GO TO THE RECORDS; I DON'T

1 KNOW IT OFF THE TOP OF MY HEAD."

2 **THE COURT:** ALL RIGHT. HERE'S WHAT I'M GOING TO
3 DO: I'M GOING TO OVERRULE THE OBJECTION. I'M GOING TO
4 LET THIS COME IN FOR WHATEVER VALUE IT MAY HAVE. IT'S
5 REFLECTIVE OF HIS OPINION OF THE EVOLUTION OF THE
6 ACQUISITION OF THE LAND.

7 I'M EXPECTING YOU TO TIE IT IN AT SOME
8 POINT TO SHOW THAT THIS IS ALL OF THE LAND ULTIMATELY
9 ACQUIRED SUBJECT TO A MOTION TO STRIKE, THEN, IF YOU
10 DON'T TIE IT UP.

11 **BY MR. LEININGER:**

12 **Q** SO LET'S GO --

13 **THE COURT:** FOR WHATEVER IT MAY --

14 **BY MR. LEININGER:**

15 **Q** LET'S GET BEYOND THIS AND TALK ABOUT
16 ADDITIONAL ACQUISITIONS, OF WHAT YOU HAD SHOWN AS THE
17 YELLOW SHADED AREA. LET'S GO TO EXHIBIT 21.

18 **A** ALL RIGHT.

19 **Q** AND BATES NUMBER FOR 21 IS 23436. SO WHAT
20 IS THIS?

21 **A** THIS IS A PUBLIC LAND ORDER WITHDRAWING
22 PUBLIC LANDS FOR MUROC STATION, MUROC AIRFIELD.

23
24 (EXHIBIT 21, IDENTIFIED: PUBLIC
25 LAND ORDER 480, DATED 6/2/1948.)
26

27 **BY MR. LEININGER:**

28 **Q** DOES IT STATE THE PURPOSE FOR THE

1 WITHDRAWAL?

2 **A** YES. IT IS DATED JUNE 11TH, 19 -- OR
3 JUNE 2ND, 1948. AND IT STATES, "RESERVED FOR THE USE OF
4 THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES."

5 **Q** OKAY. CAN YOU SHOW ME EXHIBIT 103?

6 **A** AND, AGAIN, FOLLOWING OUR COLOR SCHEME, YOU
7 CAN SEE THE CROSSHATCH. PRIVATE LANDS LIGHTER COLORED.
8 BLUE LANDS, THIS IS THE SMALL PIECE OF LAND WITHDRAWN
9 UNDER THE CIRCUMSTANCES.

10

11 (EXHIBIT 103, IDENTIFIED: MAP.)

12

13 **BY MR. LEININGER:**

14 **Q** CORRECTION FOR THE RECORD: THE
15 CROSSHATCHED LANDS ARE NO LONGER PRIVATE; ARE THEY?

16 **A** WELL, I'M SORRY. YES, THAT'S RIGHT. THEY
17 DERIVED -- THEY'RE DERIVED FROM A PUBLIC -- OR A PRIVATE
18 PURCHASE OR CONDEMNATION.

19 **Q** NEXT EXHIBIT, 22.

20 **A** THIS IS A COPY OF PUBLIC LAND ORDER 613.
21 IT IS A WITHDRAWAL OF PUBLIC LANDS FOR USE OF THE
22 DEPARTMENT OF THE AIR FORCE. IT'S DATED OCTOBER 19TH,
23 1949. AND IT SAYS THAT IT IS RESERVED FOR THE USE OF
24 THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH AN
25 AIR FORCE BASE.

26

27 (EXHIBIT 22, IDENTIFIED: PUBLIC

28 LAND ORDER 613.)

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BY MR. LEININGER:

Q COULD YOU SHOW ME EXHIBIT 104, PLEASE?

A AND, AGAIN, IT'S A SMALL ONE. IT'S THIS
PIECE AND THIS SMALL PIECE HERE (INDICATING).

Q LET'S KEEP GOING. EXHIBIT 23.

MR. LEININGER: AND I'M SORRY, YOUR HONOR. I HAD
NOT MENTIONED THE BATES NUMBERS. BATES NUMBER 1661.

THE WITNESS: ALL RIGHT. THIS IS PUBLIC LAND
ORDER 646. IT IS A WITHDRAWAL OF LAND RESERVED -- I'M
QUOTING -- "RESERVED FOR THE USE OF THE DEPARTMENT OF
THE AIR FORCE AS AN AIR FORCE BASE." IT LISTS OFF SOME
20,901 ACRES BY SECTION IN -- TOWNSHIP RANGE AND
SECTION.

(EXHIBIT 23, IDENTIFIED: PUBLIC
LAND ORDER 646, DATED 5/10/1950.)

BY MR. LEININGER:

Q WHAT'S THE DATE OF THIS DOCUMENT?

A MAY 10TH, 1950.

MR. LEININGER: AND LET'S SHOW THE NEXT EXHIBIT,
PLEASE. BATES LABELED 50782.

THE COURT: THIS IS PART OF WHAT EXHIBIT?

MR. LEININGER: OH, I'M SORRY, YOUR HONOR. THIS
IS EXHIBIT 105.

THE WITNESS: AND THIS IS AGAIN USING THE COLOR
SCHEME, THE DARKER PARCELS BEING THOSE SUBJECT TO THIS

1 PUBLIC LAND ORDER, AND YOU CAN SEE IT'S A MUCH LARGER
2 ONE THAN THE TWO OR THREE PREVIOUS.

3 **BY MR. LEININGER:**

4 **Q** SO BEFORE WE MOVE ON TO THE NEXT EXHIBIT,
5 THEN, AFTER WORLD WAR II WE'VE HAD A NUMBER -- LET'S
6 JUST RECAP. YOU GOT A NUMBER OF WITHDRAWALS, PUBLIC
7 LAND ORDERS, AND THEY HAD MENTIONED THEM VARIOUSLY. CAN
8 YOU SUMMARIZE?

9 **A** MILITARY PURPOSES FOR USE AS AN AIR BASE OR
10 FOR THE USE OF THE AIR FORCE.

11 **Q** OKAY. LET'S MOVE ON TO THE NEXT EXHIBIT,
12 PLEASE, EXHIBIT 106. THIS IS BATES NUMBER 50783.

13 **A** YES. THIS IS A DEPICTION -- AND WE'RE
14 USING THE COLOR GREEN FOR THIS PURPOSE -- OF LANDS
15 PURCHASED OR ACQUIRED BETWEEN 1947 AND 1952.

16
17 (EXHIBIT 106, IDENTIFIED: DEPICTION
18 OF LANDS PURCHASED OR ACQUIRED
19 BETWEEN 1947 AND 1952.)

20
21 **THE WITNESS:** AND YOU CAN SEE THEY'RE FILLED IN,
22 THIS AREAS, AND THEN A SCATTERING OF PARCELS AROUND
23 THE -- THIS IS THE BUILT UP AREA OF THE BASE RIGHT HERE,
24 THAT MAIN SECTION OF THE BASE.

25 THIS IS THE DRY LAKE BED, THE ROGERS DRY
26 LAKE BED AREA. THIS IS THE ROSAMOND DRY LAKE BED AREA.
27 SO THEY'RE FILLING IN AND MOVING -- ESSENTIALLY SORT OF
28 MOVING WEST.

1 BY MR. LEININGER:

2 Q YOU SEE THE DATE RANGE ON HERE. IS
3 THAT ...

4 A THAT'S RIGHT. WE HAD LOTS OF ACQUISITIONS
5 BY CONDEMNATION OR PURCHASE. SO IN ORDER TO JUST MASS
6 THEM ON THE ONE MAP, WE PUT THEM ALL ONTO THIS ONE AND
7 DEPICTED A RANGE OF FIVE YEARS.

8 THIS QUOTATION UP HERE IS FROM ONE OF THE
9 CONDEMNATION SUITS, AND IT'S THE STATEMENT -- PURPOSE OF
10 THE CONDEMNATION.

11 MR. LEININGER: CAN YOU MOVE THAT OVER, THAT
12 BLOCK?

13 BY MR. LEININGER:

14 Q SO FROM THESE CONDEMNATION SUITS YOU
15 EXTRACTED THESE QUOTATIONS. CAN YOU JUST READ THEM,
16 PLEASE?

17 A YES. THE FIRST IS FROM NUMBER 889-N.D.
18 CIVIL, DECEMBER 30TH, 1949. IT STATES, "FOR USE IN
19 CONNECTION WITH THE MUROC AIR FORCE BASE, MUROC,
20 CALIFORNIA, BY THE DEPARTMENT OF THE AIR FORCE, FOR AN
21 ALL ALTITUDE SPEED COURSE AND FOR SUCH OTHER USES AS MAY
22 BE AUTHORIZED BY CONGRESS OR BY EXECUTIVE ORDER."

23 THE SECOND, JUST FROM NUMBER 1147-N.D.,
24 CIVIL -- IT'S A FEDERAL COURT RECORD -- STATES IT IS,
25 QUOTE, "THE USE FOR WHICH THE PROPERTY IS TO BE TAKEN IS
26 FOR MILITARY PURPOSE."

27 Q LET'S MOVE ON TO THE NEXT EXHIBIT, 24.

28 A RIGHT. THIS IS ANOTHER PUBLIC LAND ORDER.

1 IT IS NUMBER 1126. IT IS DATED APRIL 15TH, 1955.

2

3 (EXHIBIT 24, IDENTIFIED: PUBLIC
4 LAND ORDER 1126, DATED 4/14/1955.)

5

6 **THE WITNESS:** IT STATES THAT THE LAND IS, QUOTING,
7 "RESERVED FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE
8 FOR MILITARY PURPOSES IN CONNECTION WITH EDWARDS AIR
9 FORCE BASE."

10 **BY MR. LEININGER:**

11 **Q** AND DO YOU HAVE THAT DEPICTED ON THE MAP,
12 ON YOUR G.I.S. MAP?

13 **A** YES, THE SAME BASE AS THE OTHERS.

14 **Q** YES. BATES NUMBER FOR THIS PARTICULAR
15 DOCUMENT IS 1666.

16 AND IF YOU CAN GO TO THE NEXT EXHIBIT,
17 PLEASE.

18 **A** AND THIS LITTLE, TINY PARCEL HERE IS THE
19 PIECE TAKEN BY THAT PUBLIC LAND ORDER.

20 **Q** AND THIS IS EXHIBIT 107; IS THAT CORRECT?

21 **A** YES, 107.

22 **MR. LEININGER:** BATES LABELED 50784, YOUR HONOR.

23

24 (EXHIBIT 107, IDENTIFIED: PARCEL OF
25 LAND TAKEN BY PUBLIC LAND ORDER
26 1126.)

27

28

1 BY MR. LEININGER:

2 Q DID THESE -- SO YOU'VE GOT THE OUTLINES OF
3 EDWARDS AIR FORCE BASE. AND AS OF 1955, YOU MADE THIS
4 P.L.O. DID THESE ACQUISITIONS THEN CONTINUE INTO THE
5 1950S?

6 A YES, THEY DID.

7 Q CAN WE SHOW EXHIBIT 27, PLEASE?

8 A THIS IS A DECLARATION OF TAKING BY THE
9 UNITED STATES VERSUS 2183.44 ACRES OF LAND. IT IS CIVIL
10 NUMBER 16661-W.B., AND IT'S AN EXAMPLE OF A DECLARATION
11 OF TAKING IN A CONDEMNATION SUIT.

12
13 (EXHIBIT 27, IDENTIFIED:
14 DECLARATION OF TAKING NUMBER
15 16661-W.B.)
16

17 BY MR. LEININGER:

18 Q LET'S GO TO PAGE 2, PLEASE, OF THIS
19 PARTICULAR EXHIBIT. AND IT'S BATES LABELED 3331,
20 LINE 10. COULD YOU READ THAT PARAGRAPH?

21 A YES. PARAGRAPH B, AND I'M QUOTING, "THE
22 PUBLIC USES FOR WHICH SAID LANDS ARE TAKEN ARE AS
23 FOLLOWS: THE SAID LANDS ARE NECESSARY ADEQUATELY TO
24 PROVIDE FOR EXPANDING NEEDS AND REQUIREMENTS OF THE
25 DEPARTMENT OF THE AIR FORCE AND OTHER MILITARY USES
26 INCIDENT THERETO."

27 Q AND I HAVE LOST MY PLACE MARKER, BUT
28 THERE'S A STATEMENT I BELIEVE IN HERE ABOUT SUBJECT

1 TO -- CAN YOU RECALL WHERE THAT IS?

2 **A** OH, YES. IF YOU LOOK AT PARAGRAPH 3, IT
3 SAYS, "THE ESTATE HEREBY TAKEN FOR SAID PUBLIC USES IS
4 THE FEE SIMPLE TITLE SUBJECT, HOWEVER, TO EXISTING
5 EASEMENTS FOR PUBLIC ROADS AND HIGHWAYS, PUBLIC
6 UTILITIES, RAILROADS, AND PIPELINES."

7 **Q** LET'S TALK ABOUT THIS "SUBJECT TO" LANGUAGE
8 THAT HAS APPEARED IN THESE DOCUMENTS. IS THAT FAIRLY
9 TYPICAL FOR EXPRESSION OF WHAT THESE ACQUISITIONS ARE
10 SUBJECT TO?

11 **A** YES.

12 **MR. KUHS:** VAGUE. CALLS FOR A LEGAL CONCLUSION.

13 **MR. SHEFFIELD:** JOIN.

14 **THE COURT:** SUSTAINED.

15

16 (REPORTER'S INTERRUPTION.)

17

18 **BY MR. LEININGER:**

19 **Q** MR. HERBERT, I'M GOING TO ASK YOU FOR A
20 LEGAL CONCLUSION. IN REVIEWING THESE DOCUMENTS, YOU
21 STATED THAT YOU HAVE REVIEWED HUNDREDS OF THESE
22 CONDEMNATION LAWSUITS; IS THAT CORRECT?

23 **A** YES. WELL, ME AND MY STAFF BOTH; RIGHT.

24 **Q** AND SO YOU'RE FAMILIAR WITH THE LANGUAGE
25 THAT APPEARED IN THESE DOCUMENTS; IS THAT CORRECT?

26 **A** THAT'S RIGHT.

27 **Q** AND SO THE QUESTION IS, THE LANGUAGE THAT
28 YOU JUST READ, "SUBJECT TO" LANGUAGE, IN YOUR

1 EXPERIENCE, HAVING READ THROUGH HUNDREDS OF THE
2 ORDERS -- YOU AND YOUR STAFF, HUNDREDS OF THESE, IS THAT
3 FAIRLY TYPICAL LANGUAGE THAT APPEARS WHEN YOU'RE
4 DISCUSSING SUBJECT TO?

5 A I CAN'T SAY THAT THEY'RE ALL THE SAME,
6 EXACT PHRASE, BUT THERE IS TYPICALLY A PHRASE LIKE THAT.
7 IT'S LIKE THE RAILROAD DEED HAD SUBJECT TO CERTAIN
8 RIGHTS. IT'S PRETTY COMMON.

9 Q SO IT IS SUBJECT TO EASEMENTS, RAILROADS,
10 AND THOSE SUBJECT TO LANGUAGES, THEN, ARE THESE
11 APPURTENANCES ON THOSE TRACTS?

12 MR. ZIMMER: OBJECTION. VAGUE.

13 MR. KUHS: OVERBROAD, VAGUE, CALLS FOR A LEGAL
14 OPINION.

15 MR. LEININGER: I'LL MOVE ON, YOUR HONOR.

16 CAN WE SEE EXHIBIT 108, PLEASE?

17 BY MR. LEININGER:

18 Q WHAT IS THIS?

19 A WELL, THIS IS A CONTINUATION OF THE -- IT'S
20 A CONTINUATION OF OUR -- THE MAP SERIES WE DID TO GET
21 OUR HEAD AROUND HOW EDWARDS WAS EXPANDED THROUGH
22 RESERVATIONS AND PURCHASES AND CONDEMNATIONS. SO THIS
23 REPRESENTS THE PERIOD 1953 TO 1958.

24
25 (EXHIBIT 108, IDENTIFIED: MAP
26 SERIES REPRESENTING PERIOD 1953 TO
27 1958.)
28