

Lands Jurisdiction of

C O P Y

WAR DEPARTMENT
Washington

April 16, 1943

Honorable Earl Warren,
Governor of California,
Sacramento, California.

Dear Governor Warren:

The laws of the State of California, (Section 33 of the Political Code of California, and section 34 of said code as amended by an act of the legislature of California approved July 5, 1939 (Cal. Stat., 1939, chap. 710, p. 2231), permit the assumption of exclusive Federal jurisdiction over lands within that State, acquired by the United States for military and certain other purposes.

Under section 355, Revised Statutes, as amended by the act of February 1, 1940 (54 Stat. 19), and by the act of October 9, 1940 (54 Stat. 1083; 40 U.S.C. 255), it is provided in effect that unless and until the United States has accepted jurisdiction over lands acquired or in which any interest shall have been acquired after February 1, 1940, it shall be conclusively presumed that no such jurisdiction has been accepted.

Accordingly, notice is hereby given that the United States accepts exclusive jurisdiction over all lands acquired by it for military purposes within the State of California, title to which has heretofore vested in the United States, and over which exclusive jurisdiction has not heretofore been obtained.

It is requested that you return the inclosed copy of this letter, with an indorsement thereon over your signature stating the date of your receipt of this notice.

Sincerely yours,

(signed)

Henry L. Stimson
Secretary of War

Jurisdiction of Lands

California State Archives

AN: 2008-218

ID# - Agency/Source - Record Title - Dates
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Governor Earl Warren

Federal Land Files

1943-1953

Loc: B 2593

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24933

Jurisdiction of Lands

October 22, 1943

W. L. Stimson
Secretary of War
Washington, D.C.

Secretary:

Governor Warren has directed me to
further concerning your letter of
accepting in behalf of the United
States Government jurisdiction over all lands acquired
for military purposes in the State of
California. District Attorney Arthur J. An-
derson of Lassen County has called to the
Governor's attention the fact that the town
of Marysville is situated on land owned by the
United States Government. He asks that the
Governor request information from you as to
whether the town is part of the Sierra Ord-
nance Depot under the exclusive jurisdiction
of the United States Government.

For your information a copy of Mr.
Warren's letter is enclosed. The Governor
appreciate any assistance your depart-
ment be able to give him in this matter.

Sincerely,

(Miss) Helen R. MacGregor
Private Secretary

W. L. Stimson
W. L. Stimson

(215 pgs)

ROBERT W. KENNY
ATTORNEY GENERAL

STATE OF CALIFORNIA
LEGAL DEPARTMENT

San Francisco, April 28, 1943.

Honorable Earl Warren
Governor of California
Sacramento, California.

Dear Sir:

By letter of April 22, 1943, you have transmitted a copy of a letter addressed to you on April 16, 1943, by the Hon. Henry L. Stimson, Secretary of War, in which he accepts, upon behalf of the United States, exclusive jurisdiction "over all lands acquired by it for military purposes within the State of California, title to which has heretofore vested in the United States and over which exclusive jurisdiction has not heretofore been obtained". You ask that I advise you whether you should request detailed information as to the property affected by this notice.

By Act of Congress, effective Feb. 1, 1940, section 355 of the Revised Statutes of the United States was amended and the following language added: (54 Stats. 19)

"Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not

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Jurisdiction of Lands

"theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."

The reason for the enactment of this provision is found in the case of Mason Co. vs. Tax Comm'on, 302 U.S. 186, wherein the court said at page 207:

"Even if it were assumed that the state statute should be construed to apply to the federal acquisitions here involved, we should still be met by the contention of the Government that it was not compelled to accept, and has not accepted, a transfer of exclusive jurisdiction. As such a transfer rests upon a grant by the State, through consent or cession, it follows, in accordance with familiar principles applicable to grants, that the grant may be accepted or declined. Acceptance may be presumed in the absence of evidence of a contrary intent, but we know of no constitutional principle which compels acceptance by the United States of an exclusive jurisdiction contrary to its own conception of its interests. The mere fact that the Government needs title to property within the boundaries of a State, which may be acquired irrespective of the consent of the State (Kohl v. United States, 91 U.S. 367, 371, 372), does not necessitate the assumption by the Government of the burdens incident to an exclusive jurisdiction." (Emphasis added)

While section 355 has been construed by the Supreme Court of this State in the case of Johnson vs. Morrill, 20 Cal. (2) 446, I have found no case in which any court has considered the question of the degree of particularity of the description of the property which must be made by the officer executing an

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acceptance of exclusive jurisdiction upon behalf of the United States. If the "familiar principles applicable to grants" are to be applied, as the Supreme Court has indicated in Mason Co. vs. Tax Comm'n., supra, then a general description of the land which furnishes a means by which it can be identified is sufficient. (G.R. Holcomb Estate Co. vs. Burke, 4 Cal. (2) 289; 26 C.J.S. sec. 30(a) p. 211). Considered by this test, the acceptance addressed to you by the Secretary of War would undoubtedly be held sufficient.

However, the question whether a particular tract of land is or is not within the exclusive jurisdiction of the United States is a question of the utmost importance to State and local officers. Upon the determination of it will depend the scope and authority of officers charged with the administration of taxing laws, school laws, police and sanitation laws, and fire protection laws. Upon its determination depends the right of persons residing in an area to vote, to send their children to schools within this State and to look to local authorities for police and fire protection. The importance of a proper determination is manifest and therefore I suggest that you request the Secretary of War to specify the particular tracts of land to which his acceptance is applicable, for, as it now reads, the situation in each case must depend upon a determination whether the title to the land had vested in the

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United States on or before April 16, 1943, and whether the land had been acquired by the United States "for military purposes".

Very truly yours,

ROBERT W. KENNY, Attorney General

By

Char. W. Johnson
Deputy

CWJ:W

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June 7, 1943
(14)
June 7, 1943

Honorable Henry L. Stimson
Secretary of War
Washington, D. C.

My dear Secretary Stimson:

On April 16 you wrote to me concerning the acquisition of exclusive jurisdiction by the United States over land acquired by it for military purposes within the State of California. The notice was given in the following language:

"Accordingly, notice is hereby given that the United States accepts exclusive jurisdiction over all lands acquired by it for military purposes within the State of California, title to which has heretofore vested in the United States, and over which exclusive jurisdiction has not heretofore been obtained."

I have consulted the Attorney General of California as to whether or not this notice is sufficiently specific to meet the requirements of the Laws of California. He advises me that since the land can be identified from the reference made, the notice from you would undoubtedly be held to be legally sufficient for the purpose of completing the acquisition of jurisdiction by the United States. However, the notice is not sufficient to enable me to comply with the provisions of Chapter 536 of the Statutes of 1943 which added Section 120 to the Government Code of California. This was an urgency measure, and became effective when I signed it on May 17. The duties imposed upon me thereby are as follows:

"Upon receipt of notification of the acceptance by the United States of exclusive jurisdiction over lands situated within the State of California, the Governor shall cause to be filed a true and correct copy of said notification in the office of the recorder of the county in which said lands are located and in the office of the clerk of the board of supervisors of the county in which said lands are located."

Memorandum - Acknowledgments, Jurisdiction of Lands

Folder 3 (171 pgs)

Secretary Stimson - Page 2

June 7, 1943

WAR DEPARTMENT

WASHINGTON

You may be interested to know the reason the Legislature assigned for declaring it to be an urgency measure. Its language in this connection is as follows:

"Vast tracts of land have been and now are being acquired by the United States for the prosecution of the war effort throughout the State. Under the laws of the United States such lands may be made subject to the exclusive jurisdiction of the United States by notification given to the Governor of this State. No procedure now exists whereby notice of such acquisition is required to be given to local officers and it is necessary that this law shall become effective immediately so that confusion in the enforcement of the law by local officers may be avoided, so that the public peace, health, and safety may be preserved."

I shall therefore appreciate it if you will send to me a notice describing with sufficient particularity to permit recordation the property in each county of the State over which the United States has accepted exclusive jurisdiction.

Thank you for your cooperation in this matter.

With best wishes, I am, inclosed copy of this letter, with an endorsement, signed over your signature stating the date of your receipt of this notice. Sincerely,

Sincerely yours,

Governor

Henry L. Stimson
Secretary of War.

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WAR DEPARTMENT
WASHINGTON, D. C.

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Honorable Earl Warren,
Governor of California,
Sacramento, California.

Dear Governor Warren:

Reference is made to my letter of August 16, 1944, accepting exclusive jurisdiction over certain lands acquired by the United States for military purposes, in which it was stated that information was being assembled to assist you in complying with an act of the Legislature of California approved May 17, 1943 (Calif. Stat., 1943, Chap. 536).

There has now been prepared and is inclosed a list of military reservations in the State of California acquired either in whole or in part by the United States from February 1, 1940, to August 16, 1944, inclusive. For convenience in locating and identifying these establishments, the counties in which they are located and former designation, if any, are also furnished.

It is believed that this list is complete and accurate. However, because of the large number of land acquisitions in California, it cannot be warranted to be complete and is not to be considered as limiting the scope of my letters accepting exclusive jurisdiction dated April 16, 1943, January 3, 1944, and August 16, 1944.

Sincerely yours,

Henry L. Stimson

Secretary of War.

1 Incl.
List of reservations.



SEP 29 1944

Honorable Earl Warren,
Governor of California,
Sacramento, California.

Dear Governor Warren:

Reference is made to my letter of August 16, 1944, accepting exclusive jurisdiction over certain lands acquired by the United States for military purposes, in which it was stated that information was being assembled to assist you in complying with an act of the Legislature of California approved May 17, 1943 (Calif. Stat., 1943, Chap. 536).

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Sincerely yours,

HENRY L. STIMSON

Secretary of War.

1 Incl.
List of reservations.

OSW 680.2 California (9/29/44).

LIST OF MILITARY RESERVATIONS IN THE STATE OF CALIFORNIA
ACQUIRED EITHER IN WHOLE OR IN PART
FROM FEBRUARY 1, 1940, TO AUGUST 16, 1944, INCLUSIVE

<u>Designation</u>	<u>County</u>	<u>Remarks</u>
Alameda Intransit Depot	Alameda	
Anza, Camp	Riverside	Formerly Arlington Staging Area
Bakersfield Army Air Field	Kern	Formerly Oildale Field
Beale, Camp	Yuba and Nevada	
Benicia Arsenal	Solano	
Birmingham General Hospital	Los Angeles	Formerly Van Nuys General Hospital
Blythe Army Air Field	Riverside	
Cal-Aero Academy	San Bernardino	
California Quartermaster Depot	Alameda	
Campbell Auxiliary Field	Tehama	Aux. #4 to Chico A. A. Field
Chico Army Air Field	Butte	
Clover Field	Los Angeles	
Concord Army Air Field	Contra Costa	Formerly Buchanan Field
Cooke, Camp	San Luis Obispo and Santa Barbara	
Delano Army Air Field	Kern	
Desert Army Air Field	Riverside	
Dewitt General Hospital	Placer	Formerly Auburn General Hospital
Dibble General Hospital	San Mateo	Formerly Palo Alto General Hospital

<u>Designation</u>	<u>County</u>	<u>Remarks</u>
Dunlap Auxiliary Field	Kern	Aux. #4 to Minter Field
Eagle Field	Fresno	
Elk Grove Auxiliary Field	Sacramento	Aux. #5 to Mather Field
Estrella Army Air Field	San Luis Obispo	
Eureka Auxiliary Field	Humboldt	Aux. to Hamilton Field
Fairfield-Suisun Army Air Field	Solano	
Fontana Ordnance		
Manufacturing Plant	San Bernardino	
Franklin Auxiliary Field	Sacramento	Aux. #6 to Mather Field
Fresno Reception Center	Fresno	
Gardner Field	Kern	
Glendale Ordnance Plant	Los Angeles	Formerly Kinmer Motors
Golden Gate National Cemetery	San Mateo	
Haan, Camp	Riverside	
Half Moon Bay Flight Strip	San Mateo	
Hamilton Field	Marin	
Hamilton Gunnery Range	Sanoma (Tubbs Island)	
Hammer Field	Fresno	Formerly Fresno Air Base
Hammond General Hospital	Stanislaus	
Hayward Army Air Field	Alameda	Formerly Russell City Army Air Field
Helendale Auxiliary Field	San Bernardino	Aux. #2 to Victorville Army Air Field
Helm Auxiliary Field	Fresno	Aux. A-7 to Lemoore A. A. Field
Hoff General Hospital	Santa Barbara	
Howard Auxiliary Field	Merced	Aux. #3 to Merced A. A. Field
Hunter-Liggett Military Res.	Monterey	

<u>Designation</u>	<u>County</u>	<u>Remarks</u>
Huron Auxiliary Field	Fresno	Aux. #2 to Lemoore A. A. Field. Formerly Coalinga Air Field
Indian Satellite Field	Fresno	Aux. #3 to Lemoore A. A. Field
Inyokern Auxiliary Field	Kern	Aux. to Muroc A. A. Field
Irwin, Camp	San Bernardino	Formerly Mojave Desert A. A. Range
Kingsbury Auxiliary Field	San Joaquin	Aux. #1 to Stockton Air Base
Kirkwood Auxiliary Field	Glenn	Aux. #2 to Chico A. A. Field. Form- erly Malton Aux. Field
Kohler, Camp	Sacramento	
Lathrop Engineer Depot	San Joaquin	Formerly Stockton Holding and Recon- signment Depot
Lemoore Army Air Field	Kings	
Lincoln Auxiliary Field	Placer	Aux. #2 to Mather Field
Lockett, Camp	San Diego	
Lockheed Air Terminal	Los Angeles	
Lomita Flight Strip	Los Angeles	
Long Beach Army Air Field	Los Angeles	
Los Angeles Back Up Storage	San Bernardino	Formerly Fontana Back Up Storage Depot
Los Angeles Harbor Defense	Orange & Los Angeles	7 Installations
Los Angeles Intransit Depot	Los Angeles	
Los Angeles Port of Embarkation	Los Angeles	
Lost Hills Auxiliary Field	Kern	Aux. #A-7 to Minter Field
March Field	Riverside	
Marysville Army Air Field	Yuba	

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<u>Designation</u>	<u>County</u>	<u>Remarks</u>
Marysville Reception Center	Yuba	
Mather Field	Sacramento	
McClellan Field	Sacramento	
McQuaide, Camp	Monterey	
Merced Army Air Field	Merced	
Merced, Camp	Merced	Formerly Reception Center
Minter Field	Kern	
Mira Loma Engineer Sub Depot	San Bernardino	Formerly Quarter-master Depot
Muroc Army Air Field	San Bernardino, Kern and Los Angeles	
New Jerusalem Auxiliary Field	San Joaquin	Aux. #3 to Stockton Air Base
Oakland Army Air Field	Alameda	
Oakland Port of Embarkation	Alameda	
Ontario Army Air Field	San Bernardino	
Ord, Fort	Monterey	
Orland Auxiliary Field	Glenn	Aux. #1 to Chico A. A. Field
Oroville Army Air Field	Butte	
Oroville Auxiliary Field	Butte	Aux. #5 to Chico A. A. Field
Oxnard Flight Strip	Ventura	
Pasadena Station Hospital	Pasadena	Formerly Vista Del Arroyo General Hosp.
Palm Springs Army Air Field	Riverside	
Polaris Flying Academy	Los Angeles	
Pomona Ordnance Depot	Los Angeles	
Pomona Remount Station	Los Angeles	Formerly Kellogg Ranch
Porterville Army Air Field	Tulare	
Poso Auxiliary Field	Kern	Aux. #6 to Minter Field
Potter Auxiliary Field	Merced	Aux. #5 to Merced A. A. Field

<u>Designation</u>	<u>County</u>	<u>Remarks</u>
Redding Army Air Field	Shasta	
Rice Army Air Field	Riverside	
✓ Roberts, Camp	Monterey and San Luis Obispo	
Sacramento Army Air Field	Sacramento	Formerly Sutterville Field
Salinas Army Air Base	Monterey	
San Bernardino Air Depot	San Bernardino	
San Bernardino Army Air Field	San Bernardino	Formerly Morrow Field
San Diego Harbor Defenses	San Diego	6 Installations
San Francisco Harbor Defenses	Marin, San Francisco and San Mateo	8 Installations
San Francisco Port of Embarkation	San Francisco	Includes Classifi- cation Yards
San Luis Obispo Camp	San Luis Obispo	
Santa Ana Army Air Base	Orange	
Santa Maria Army Air Field	Santa Barbara	
Santa Rosa Army Air Field	Sonoma	
Semi-Tropic Auxiliary Field	Kern	Aux. #5 to Winter Field. Formerly Wasco Aux. Field
Shavers Summit Auxiliary Field	Riverside	Aux. to Thermal A. A. Field
Sierra Ordnance Depot	Lassen	
Stockton Intransit Depot	San Joaquin	Formerly 4th Echelon Base and Ord. Motor Base and Q.M. and Ord. Depot
Stockton Army Air Field	San Joaquin	
Stoneman, Camp	Contra Costa	Formerly Pittsburg Staging Area
Summit Lake Auxiliary Field	Kings	Aux. #7 to Lemoore A. A. Field
Thermal Army Air Field	Riverside	
Torney General Hospital	Riverside	

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<u>Designation</u>	<u>County</u>	<u>Remarks</u>
Tracy Auxiliary Field	San Joaquin	Aux. #5 to Stockton Air Base
Tracy Quartermaster Depot	San Joaquin	
Turlock Rehabilitation Center	Stanislaus	
Two Rocks Station	Sonoma	
✓ Van Nuys Army Air Field	Los Angeles	
Victorville Army Air Field	San Bernardino	
Victorville Auxiliary Fields 1 and 3	San Bernardino	
Vina Auxiliary Field	Tehana	Aux. #3 to Chico A. A. Field. Formerly Copeland Aux. Field
Visalia Army Air Field	Tulare	Formerly Sequio Field
West Auxiliary Field	Fresno	Aux. #5 to Lemoore A. A. Field. Formerly Huron Aux. Field
Winters Flight Strip	Yolo	Aux. to Hamilton Field. Formerly Winters-Davis Field
Yermo Holding and Reconsignment Depot	San Bernardino	
Young, Camp	Riverside	

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