1	SUPERIOR COURT OF THE STATE OF CALIFORNIA				
2	FOR THE COUNTY OF LOS ANGELES				
3	DEPARTMENT 3 HON. JACK KOMAR, JUDGE				
4 5	IN RE )				
6	ANTELOPE VALLEY GROUNDWATER CASES. )				
7	) CASE NO. JCCP4408				
8	CERTIFIED				
9	)				
10	REPORTER'S TRANSCRIPT OF PROCEEDINGS				
11	TRIAL				
12	FEBRUARY 11, 2014				
13	APPEARANCES:				
14	FOR PLAINTIFF UNITES U.S. DEPARTMENT OF JUSTICE				
15	STATES OF AMERICA: ENVIRONMENT & NATURAL RESOURCES DIVISION BY: R. LEE LEININGER, ESQ.				
16	JAMES J. DUBOIS, ESQ.				
17	FOR PLAINTIFF RICHARD LAW OFFICE OF WOOD: MICHAEL D. MC LACHLAN				
18	BY: , ESQ.				
19	PHELAN PINON HILLS ALESHIRE & WYNDER LLP COMMUNITY SERVICE BY: WESLEY A. MILIBAND, ESQ.				
20	FOR DEFENDANT BOLTHOUSE CLIFFORD & BROWN				
21	PROPERTIES, LLC: BY: RICHARD ZIMMER, ESQ.				
22	FOR DEFENDANT ANTELOPE BROWNSTEIN HYATT VALLEY GROUNDWATER FARBER SCHRECK				
23	AGREEMENT ASSOC.: BY: MICHAEL T. FIFE, ESQ. BRADLEY J. HERREMA, ESQ.				
24	FOR CROSS-DEFENDANT BRUNICK, MC ELHANEY & KENNEDY				
25	AVEK:  BY: WILLIAM J. BRUNICK, ESQ.				
26	FOR DEFENDANT L.A. BEST BEST & KRIEGER COUNTY WATERWORKS BY: JEFFREY V. DUNN, ESQ.				
27	DISTRICT NO. 40: WENDY Y. WANG, ESQ.				
28	(CONTINUED)				

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1	1 APPEARANCES:					
2	2 (CONTINUED)					
3						
4		BY: ROBERT G. KUHS, ESQ. (VIA COURTCALL)				
5						
6	ORGANICS, DIAMOND BY: AND FARMING, REMRY FARMS AND LAPIS LAND COMPANY:	ond in ondiring, reg.				
7	7	CDECHAM CAMACE				
8	FOR CROSS-DEFENDANTS GRESHAN  A.V. UNITED MUTUALS BY: MIC  GROUP, ADAMS BENNETT DEF	BY: MICHAEL D. DAVIS, ESQ.				
9	A LINA., GOTDEN SANDS,	KEK K. HOFFMAN, ESQ.				
10	SHEEP CREEK WATER CO., SERVICE ROCK PRODUCTS, ST. ANDREWS ABBEY:					
11	1					
12						
13	BY: MAI	OF THE ATTORNEY GENERAL RILYN H. LEVIN PUTY ATTORNEY GENERAL				
14						
15		LLIAM M. SLOAN, ESQ.				
16	5					
17	7					
18		ID FODCE				
19		N REGION				
20		EDWIN CIANZO, ESQ.				
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22	2					
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27	7					
28	REPORTED BY: RHONA S. REDDIX, OFFICIAL REPORTER	CSR RPR CRR RMR NO. 10807				

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3	PLAINTIFF'S WITNESSI	<del></del> _		62	RECROSS
	RICHARD PAUL HALLION	N JR. 6	38 53	62	
4	MICHAEL THOMAS BREW	ER 66	114	136	138
5	JAMES EARL JUDKINS	141	192		
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1	CASE NUMBER:	JCCP4408
2	CASE NAME:	ANTELOPE VALLEY GROUNDWATER
3	LOS ANGELES, CALIFORNIA	FEBRUARY 11, 2014
4	DEPARTMENT 1	HON. JACK KOMAR
5	REPORTER:	RHONA S. REDDIX, CSR 10807
6	TIME:	A.M. SESSIONS
7	APPEARANCES:	(SEE TITLE PAGE.)
8		
9		
10	THE COURT: GOOD MORN	ING.
11		
12	(RESPONSES.)	
13		
14	THE COURT: ALL RIGHT	. WE'RE GOING TO RESUME WITH
15	THE GOVERNMENT'S CASE. I UN	NDERSTAND WE HAVE A NUMBER OF
16	PARTIES WHO ARE ON COURTCAL	L. THEY ARE ON A LISTEN ONLY
17	MODE. IF ANY COUNSEL WISHES	S TO BE HEARD, THEY HAVE TO
18	BE PRESENT IN THE COURTROOM	
19	ALL RIGHT, MR.	LEININGER.
20	MR. LEININGER: GOOD N	MORNING, YOUR HONOR. IS THIS
21	WORKING? IS THAT BETTER?	(INDICATING.)
22	THE COURT: IT'S ON.	
23	MR. LEININGER: GOOD N	MORNING, YOUR HONOR. JUST AS
24	A BOOKKEEPING MATTER FROM Y	ESTERDAY, WE HAD CONCLUDED
25	THE TESTIMONY OF MR. RAND H	ERBERT.
26	THE COURT: YES.	
27	MR. LEININGER: AND A	T THIS TIME I'D LIKE TO MOVE
28	FOR SUBMISSION OF OUR EXHIB:	ITS INTO THE RECORD.

THE COURT: MR. KUHS?

MR. KUHS: YEAH. YOUR HONOR, I WENT BACK
YESTERDAY AND REVIEWED MR. HERBERT'S DEPOSITION.
UNFORTUNATELY, I LEFT IT IN THE HOTEL THIS MORNING; SO
MR. FIFE WAS KIND ENOUGH TO GO BACK AND GET IT FOR ME.

MAPS THAT WERE REFERRED TO IN TESTIMONY YOU HEARD
YESTERDAY, FROM THE DEPOSITION, ARE MAPS THAT WERE NOT
PRODUCED PHYSICALLY. THEY WERE PRODUCED IN ELECTRONIC
FORMAT. AND THE WITNESS TESTIFIED THEY WERE DRAFTS, BUT
HE DIDN'T HAVE A LOT OF INFORMATION ON THEM AND HE
DIDN'T PREPARE THEM, BUT THEY WERE PREPARED BASED UPON
DATA FROM THE UNITED STATES IN CONJUNCTION WITH SOMEBODY
IN HIS OFFICE, AND HE COULDN'T GIVE MR. JOYCE, WHO WAS
DOING THE EXAMINATION, ANY DETAILS.

SO WHEN I HAD DIALOGUE WITH MR. LEININGER,
THE REPRESENTATION WAS THAT THESE WITNESSES HAVE NOT
DONE ANY ADDITIONAL WORK SINCE THEIR LAST DEPOSITION.
IF YOU'VE GOT DRAFT EXHIBITS AT YOUR DEPOSITION AND
YOU'RE BRINGING A DIFFERENT DOCUMENT TO TRIAL, THAT'S
WORK WE'VE NOT SEEN BEFORE. AND SO I RESUME MY
OBJECTION. I'M HAPPY TO READ THAT PORTION OF THE
TRANSCRIPT IN WHEN IT COMES BACK, IN FAIRNESS TO
MR. LEININGER.

THE COURT: DO YOU WANT TO RESPOND TO THAT,

MR. LEININGER?

MR. LEININGER: YES, YOUR HONOR. I BELIEVE IT IS
IMPORTANT THAT WE GET THE ORIGINAL TRANSCRIPT IN HERE

FOR PURPOSES OF CLARIFICATION.

THERE WAS A SUBMISSION OF A NUMBER OF

DOCUMENTS MR. HERBERT BROUGHT TO HIS DECLARATION [SIC].

AND, IN FACT, THESE DRAFTS WERE -- WE CAN PROVIDE THE

FILE NUMBER. WE CAN PROVIDE THE DISK NUMBER THAT WAS

PROVIDED AS A COPY TO MR. KUHS.

WITH REGARD TO ANY CHANGES IN HIS

DOCUMENTATION, MY UNDERSTANDING, THOSE WERE PREPARED BY

OR AT THE DIRECTION OF MR. HERBERT, IN MR. HERBERT'S

OFFICE, AND THE CHANGE THAT WAS MADE FROM THE DRAFT TO

THE FINAL PRESENTATION WAS MERELY THE BLOCK QUOTATIONS

THAT WERE ATTACHED TO THE TOPS OF THE MAPS. THE MAPS

THEMSELVES, I UNDERSTAND, HAD NO SIGNIFICANT

ALTERATIONS.

THE COURT: (INDICATING.) WELL, LET'S CUT THIS SHORT. IT SEEMS TO ME THAT THEY ARE EXEMPLARY. I HEARD HIS TESTIMONY. THEY'RE HELPFUL TO THE COURT. THEY DESCRIBE GRAPHICALLY WHAT HE WAS TESTIFYING TO. THEY WERE USEFUL IN GENERALIZED SORT OF WAY.

THEY DON'T REALLY ESTABLISH ANY PARTICULAR FACT THAT IS IN DISPUTE; THEREFORE, I'M GOING TO ADMIT THEM. I OVERRULE YOUR OBJECTION. AND I APPRECIATE --

MR. KUHS: I WAS GOING TO SAY FOR THE RECORD, YOUR HONOR, I HAVE NO OBJECTION TO THEM COMING IN AS DEMONSTRATIVE EVIDENCE, BUT I DIDN'T WANT THEM TO COME IN JUST AS FOR TRUTH AS TO GEOGRAPHICALLY WHERE THESE GRANTS AND RESERVATIONS WERE.

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THE COURT: THAT OBJECTION IS APPROPRIATE AND THAT

1 RESERVATION IS APPROPRIATE. THEY'LL COME IN AS 2 DEMONSTRATIVE EXHIBITS FOR THE REASONS THAT I JUST 3 INDICATED. 4 MR. KUHS: THANK YOU, YOUR HONOR. 5 THE COURT: THANK YOU, MR. KUHS. ALL RIGHT. LET'S -- MR. ZIMMER. 6 7 MR. ZIMMER: I'LL BE BRIEF, YOUR HONOR. I WOULD RENEW THE OBJECTION I MADE YESTERDAY, WHICH I THINK WAS 8 9 SUSTAINED, THAT ALL OF THESE EXHIBITS, SHORT OF THE 10 COLEMAN CASE AND THE CONTINENTAL CASE, ARE BEING --CONTAIN HEARSAY. THAT HEARSAY IS NEVERTHELESS 11 INADMISSIBLE HEARSAY. IT IS BEING RELIED UPON BY AN 12 EXPERT WITNESS AS A BASIS FOR THE EXPERT'S OPINION ONLY, 13 AND IT IS ONLY CONSIDERED FOR THAT PURPOSE ONLY. BUT 14 THE TESTIMONY ITSELF IS INADMISSIBLE AND IT WOULD ONLY 15 APPLY AS TO THE SPECIFIC MATTERS DISCUSSED BY THE 16 WITNESS DURING THE TESTIMONY. 17 THE COURT: ALL RIGHT. I PREVIOUSLY RULED. 18 19 ALL RIGHT. MR. LEININGER. 20 MR. LEININGER: THANK YOU, YOUR HONOR. UNITED STATES NOW CALLS DR. RICHARD HALLION. 21 22 THE COURT: ALL RIGHT. PLEASE COME FORWARD, SIR. 23 UNFORTUNATELY, WE DO NOT HAVE A DECENT WITNESS BOX FOR YOU TO SIT IN. 24 25 THE WITNESS: THAT'S QUITE ALL RIGHT, YOUR HONOR. 26 I'LL BE HAPPY TO. 27 THE COURT: WE'RE SCRUNCHED UP THERE, I'M AFRAID.

YOU WOULD SOUND (INAUDIBLE: COUGHING) IF YOU WOULD BE

```
1
     HAPPY.
 2
                  ALL RIGHT. STATE YOUR FULL NAME AND SPELL
 3
     IT, PLEASE, AND STATE YOUR BUSINESS ADDRESS FOR THE
 4
     RECORD.
 5
           THE WITNESS: MY NAME IS RICHARD PAUL HALLION,
     JR., R-I-C-H-A-R-D, P-A-U-L, H-A-L-L-I-O-N, J-R. MY
 6
 7
     ADDRESS IS 897-V MASTERS BOULEVARD, SHALIMAR, FLORIDA,
 8
     32579-1665.
 9
           THE COURT:
                      THANK YOU, SIR.
10
           THE CLERK: (SPOKE SOTTO VOCE.)
11
           THE COURT: YEAH, LET'S HAVE HIM SWORN.
12
          THE CLERK: SIR, WOULD YOU PLEASE RAISE YOUR RIGHT
13
    HAND.
14
                  YOU DO SOLEMNLY STATE THAT THE TESTIMONY
     YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
15
     SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
16
17
     TRUTH, SO HELP YOU GOD?
18
           THE WITNESS: I DO.
19
           THE CLERK: THANK YOU.
          MR. LEININGER: YOUR HONOR, MAY -- SORRY. MAY
20
21
    MR. OYARZO APPROACH, PLEASE, WITH EXHIBITS?
22
          THE COURT: YES.
23
          MR. LEININGER: YOUR HONOR, WE'RE --
    MR. HALLION'S -- DR. HALLION IS ONLY GOING TO HAVE THREE
24
25
    EXHIBITS. FIRST ONE IS HIS C.V., HIS RESUME; SECOND ONE
26
     IS ONE EXHIBIT WHICH CONTAINS A NUMBER OF PHOTOS; AND
27
     THE LAST EXHIBIT IS JUST A CHART.
```

THE COURT: ALL RIGHT.

1	MR. LEININGER: SO THIS SHOULD GO FAIRLY RAPIDLY.
2	AND IF IT'S OKAY ARE THEY PREVIOUSLY MARKED?
3	MR. OYARZO: (INDICATING.)
4	MR. LEININGER: SO THEY'VE BEEN PREVIOUSLY MARKED
5	BY THE COURT. IF IT'S PERMISSIBLE WITH THE COURT, WE'LL
6	JUST ALLOW THE EXHIBITS TO STAY THERE.
7	THE COURT: JUST REFER TO THEM BY NUMBER, PLEASE.
8	MR. LEININGER: YES.
9	
10	DIRECT EXAMINATION
11	BY MR. LEININGER:
12	Q SO WE'LL BEGIN WITH EXHIBIT NUMBER 3.
13	DR. HALLION, CAN YOU TURN TO NUMBER 3, PLEASE?
14	A YES. THANK YOU.
15	$oldsymbol{Q}$ And the bates number on the first page of
16	EXHIBIT NUMBER 3 IS U.S.A.F. 042201. ARE YOU FAMILIAR
17	WITH THIS DOCUMENT?
18	A YES, I AM.
19	Q AND DID YOU PREPARE IT OR HELP PREPARE IT?
20	A YES, I DID.
21	Q DOES IT REFLECT YOUR TRAINING AND
22	EXPERIENCE?
23	A YES, IT DOES.
24	Q IS IT UP TO DATE?
25	A YES, IT IS.
26	
27	(EXHIBIT 3, IDENTIFIED: DR.
28	HALLION'S C.V., RESUME.)

2 BY MR. LEININGER:

Q OKAY. SO LET'S START WITH YOUR EDUCATIONAL BACKGROUND, IF YOU'D JUST BRIEFLY DISCUSS THAT.

A I RECEIVED MY BACHELOR'S IN HISTORY FROM
THE UNIVERSITY OF MARYLAND IN 1970. THE FIELD I DID MY
MAJOR WORK IN WAS AMERICAN HISTORY, WITH A MINOR IN THE
HISTORY OF TECHNOLOGY AND A SPECIALTY AREA IN AEROSPACE
HISTORY.

I THEN RECEIVED MY DOCTORATE FROM THE SAME UNIVERSITY, THE UNIVERSITY OF MARYLAND, 1975, AND MY DISSERTATION WAS AGAIN IN THE FIELD OF AEROSPACE HISTORY.

I HAVE ALSO, AS A FEDERAL WORKER, ATTENDED A LEADERSHIP PROGRAM WITH THE FEDERAL EXECUTIVE INSTITUTE. GRADUATED FROM THAT IN 1992. AND I GRADUATED FROM THE NATIONAL SECURITY STUDIES PROGRAM OF THE JOHN F. KENNEDY SCHOOL OF GOVERNMENT AT HARVARD UNIVERSITY IN 1993.

Q AND JUST BRIEFLY CAN YOU DESCRIBE YOUR
MAJOR PROFESSIONAL AFFILIATIONS?

A MY MAJOR PROFESSIONAL AFFILIATIONS ARE I AM
A FELLOW OF THE AMERICAN INSTITUTE OF AERONAUTICS AND
ASTRONAUTICS. I AM A FELLOW OF THE ROYAL AERONAUTICAL
SOCIETY AND A FELLOW OF THE ROYAL HISTORICAL SOCIETY.

I AM A MEMBER OF A COMMITTEE IN AIRPOWER EXCELLENCE, WORKING FOR THE MITCHELL INSTITUTE OF THE AIR FORCE ASSOCIATION. AND I AM CURRENTLY A SENIOR

CONSULTANT TO THE SCIENCE AND TECHNOLOGY POLICY
INSTITUTE OF THE INSTITUTE FOR DEFENSE ANALYSIS IN
WASHINGTON, D.C.

Q LET'S SHIFT TO YOUR EXPERIENCE AS A
HISTORIAN, PARTICULARLY FOR THE AIR FORCE. CAN YOU
BRIEFLY DESCRIBE YOUR EXPERIENCE OR GIVE A SYNOPSIS OF
YOUR EXPERIENCE AS A MILITARY HISTORIAN?

A I BEGAN MY CAREER AS A CURATOR AT THE SMITHSONIAN INSTITUTION. THAT BROUGHT ME INTO CONTACT WITH THE UNITED STATES AIR FORCE. AND IN 1982 I JOINED THE PROFESSIONAL STAFF OF THE UNITED STATES AIR FORCE AS THE HISTORIAN AT THE AIR FORCE FLIGHT TEST CENTER AT EDWARDS AIR FORCE BASE, CALIFORNIA, NOW CALLED THE AIR FORCE TEST CENTER.

I HELD A SERIES OF POSITIONS IN THE AIR

FORCE IN THE HISTORICAL CAPACITY FROM THAT POINT

ONWARDS. I SERVED AS A SENIOR STAFF MEMBER OF THE

SECRETARIAL'S EXECUTIVE -- SECRETARY'S EXECUTIVE STAFF

FOR SECRETARY DONALD RICE. AND THEN IN 1991 I BECAME

THE CHIEF HISTORIAN OF THE UNITED STATES AIR FORCE. I

HELD THAT POSITION TILL THE YEAR 2002.

AFTER THAT, I SWITCHED INTO THE DIRECTOR OF SECURITY, COUNTERINTELLIGENCE AND SPECIAL PROGRAMS

OVERSIGHT. AND I FINISHED MY AIR FORCE CAREER AS SENIOR ADVISER FOR AEROSPACE ISSUES, WITHIN THE DIRECTOR OF SECURITY, COUNTERINTELLIGENCE AND SPECIAL PROGRAMS OVERSIGHT.

Q SO IT SOUNDS LIKE YOU HAVE EXPERIENCE

DIRECTLY AT EDWARDS AIR FORCE BASE. IS THAT WHAT I UNDERSTOOD?

A YES. I FIRST WENT TO EDWARDS AIR FORCE BASE IN APRIL OF 1976 ON A JOINT, INTERAGENCY STUDY EFFORT BETWEEN THE SMITHSONIAN AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO TRACE THE HISTORY OF THE DRYDEN FLIGHT RESEARCH CENTER.

WHEN I WENT OUT AS AN AIR FORCE STAFF
MEMBER IN 1992, JANUARY OF 1992, I WAS PERMANENTLY
STATIONED AT EDWARDS FROM THAT TIME UNTIL MAY OF 1986.

AFTERWARDS, IN A VARIETY OF CAPACITIES,
WORKING WITH AIR FORCE SYSTEMS COMMAND, I MAINTAINED A
ROUTINE AND STEADY CONTACT WITH THE TEST FORCES OF
EDWARDS, PARTICULARLY THE B-2 TEST FORCE, AND SOME
OTHERS IN CLASSIFIED NATURE, AND THEN CONTINUED THAT
BASICALLY THROUGH THE REST OF MY AIR FORCE CAREER.

Q DO YOU HAVE ANY PUBLICATIONS RELATED DIRECTLY TO EDWARDS AIR FORCE BASE?

A YES, I DO. I HAVE A BOOK THAT WAS

PUBLISHED IN 1984 BY THE GOVERNMENT PRINTING OFFICE,

CALLED ON THE FRONTIER. IT IS A HISTORY OF FLIGHT

TESTING AND FLIGHT RESEARCH AT THE DRYDEN CENTER FROM

1946 THROUGH 1981.

I HAD PUBLISHED ARTICLES ON EDWARDS AIR
FORCE BASE, TRACING ITS DEVELOPMENT THROUGH THE 1980S.

AND I PUBLISHED A BOOK ON FLIGHT RESEARCH THROUGH THE
PERSPECTIVE OF THE TEST PILOT, A BOOK CALLED SIMPLY TEST
PILOTS, THAT -- IN WHICH I WAS FIGURED PROMINENTLY.

1 CURRENTLY, I'M WORKING WITH THE NATIONAL 2 AERONAUTICS AND SPACE ADMINISTRATION AS AN EDITOR ON A 3 SERIES OF BOOKS TRACING FLIGHT RESEARCH PROJECTS CONDUCTED AT EDWARDS INTO THE LATE 1990S AND EARLY 2000 4 5 TIME PERIOD. 6 MR. LEININGER: AT THIS TIME, YOUR HONOR, THE 7 UNITED STATES PROFFERS DR. HALLION AS AN EXPERT IN MILITARY HISTORY, SPECIFICALLY MILITARY AERONAUTICAL 8 9 HISTORY. 10 THE COURT: IN PARTICULAR WITH REGARD TO EDWARDS AIR FORCE BASE? 11 12 MR. LEININGER: YES. 13 THE COURT: IS THERE ANY VOIR DIRE OF THE WITNESS? 14 MR. ZIMMER: NO, YOUR HONOR. 15 THE COURT: ANY OBJECTION? 16 MR. LEININGER: YOUR HONOR, I APOLOGIZE. AND 17 PLANT 42. HE WILL BE OPINING ON HISTORY OF PLANT 42. 18 THE COURT: ALL RIGHT. AND THE COURT FINDS THE WITNESS IS QUALIFIED. HE MAY SO TESTIFY. 19 20 BY MR. LEININGER: 21 SO BASED ON YOUR EXPERIENCE AND YOUR 0 22 HISTORICAL INVESTIGATIONS -- LET'S JUST START WITH AN 23 OVERVIEW. LOOKING AT THE HISTORY OF EDWARDS AIR FORCE 24 BASE, HOW DO YOU DESCRIBE ITS CHANGE AND -- ITS CHANGE 25 IN MISSION AT THE TIME, IN A SYNOPSIS? 26 MR. KUHS: OBJECTION, VAGUE AS TO THE DEFINITION 27 OF "MISSION."

THE COURT: WHY DON'T YOU REPHRASE THAT, PLEASE.

# 1 BY MR. LEININGER:

Q HOW DO YOU SUMMARIZE ACTIVITIES THROUGH
HISTORY, BEGINNING WITH THE EARLY YEARS OF EDWARDS AIR
FORCE BASE THROUGH THE PRESENT?

A WHAT I FIND ABOUT THE HISTORY OF EDWARDS

AIR FORCE BASE IS A REMARKABLE CONSTANCY. THERE HAS

BEEN A EVOLUTION OF THE CENTER SINCE ITS FOUNDING IN THE

1930S. BUT OVER THAT TIME, WE FIND THAT THERE HAVE BEEN

A NUMBER OF ACTIVITIES, TESTING, TRAINING, OPERATIONAL

DEPLOYMENTS, RESEARCH, DEVELOPMENT, TESTING, EVALUATION,

THAT HAVE REMAINED RELATIVELY CONSTANT OVER TIME IN

TERMS OF THE THRUST OF THE CENTER'S ACTIVITY.

AS THE AIR FORCE HAS GROWN IN CAPABILITIES,
IT HAS FOUND THAT IT HAS NEEDED EDWARDS TO BE THE CENTER
FOR THOSE CAPABILITIES TO BE EXPLORED. THAT HAS BEEN
TRUE FOR AMERICAN AEROSPACE IN GENERAL AS WELL. FOR
EXAMPLE, IF WE LOOK AT THE SPACE SHUTTLE, THERE WAS
REALLY NO OTHER PLACE TO REALLY DO THE INITIAL APPROACH
AND LANDING TEST OTHER THAN EDWARDS AIR FORCE BASE. SO
WE HAVE SEEN THAT CONSTANT PATTERN OVER TIME.

Q LET'S TURN NOW TO EXHIBIT 125. AND

EXHIBIT 125 IS A SERIES OF PHOTOGRAPHS; IS THAT CORRECT?

A YES, IT IS.

(EXHIBIT 126, IDENTIFIED:

26 PHOTOGRAPHS.)

## BY MR. LEININGER: 1 SO LET'S BEGIN WITH BATES LABEL NUMBER --2 3 MR. LEININGER: CAN YOU ENLARGE THAT? TECHNICAL ASSISTANT: (INDICATING.) 4 5 BY MR. LEININGER: -- U.S.A.F. 044004. YOU DESCRIBE THIS --6 0 7 FIRST OF ALL, LET'S TALK BRIEFLY ABOUT THE SOURCE OF THIS AND OTHER INFORMATION, PLEASE. 8 9 THIS PHOTOGRAPH AND THE OTHER PHOTOGRAPHS Α 10 I'M SHOWING COME FROM THE COLLECTIONS OF THE NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE AND ALSO FROM THE 11 COLLECTIONS OF THE EDWARDS AIR FORCE BASE HISTORY OFFICE 12 13 AND THE DRYDEN FLIGHT RESEARCH CENTER AT EDWARDS 14 CALIFORNIA. MR. KUHS: YOUR HONOR, AS I UNDERSTAND IT, WE'RE 15 GOING TO GO THROUGH A SERIES OF PHOTOGRAPHS OF 16 AIRPLANES. I'D LIKE AN OFFER OF PROOF AS TO DEVELOPMENT 17 OF THOSE PICTURES. I THINK IT'S INTERESTING FROM A 18 19 HISTORICAL STANDPOINT, BUT I'M NOT SURE THERE'S ANY 20 LEGAL ISSUE INDICATED. 21 THE COURT: WELL, I'M GOING TO GIVE HIM SOME LEEWAY IN SHOWING THESE VERY INTERESTING PHOTOGRAPHS. 22 MR. KUHS: UNDERSTAND. 23 THE COURT: THANK YOU. 24 BY MR. LEININGER: 25 26 WHAT DOES THIS FIRST PHOTOGRAPH SHOW? 0 27 THIS FIRST PHOTOGRAPH IS OF AN EARLY 28 MONOPLANE FIGHTER, ALL METAL AIRCRAFT, TESTED BY THE

ARMY AIR CORPS IN THE EARLY 1930S AND THEN PLACED INTO OPERATIONAL SERVICE.

IT'S A EXAMPLE OF IN-BETWEEN TECHNOLOGY.

WE HAVE SOME OF THE ATTRIBUTES OF MODERN TECHNOLOGY. WE

HAVE AN ALL METAL STRUCTURE, SINGLE WING, BUT WE HAVE

SOME OF THE ATTRIBUTES OF OLDER TECHNOLOGY OF THE

BIPLANE ERA, OPEN COCKPITS, FIXED LANDING GEAR --

Q DR. HALLION, I'M SORRY. I DON'T MEAN TO

INTERRUPT. BUT RATHER THAN DISCUSSING THE TECHNOLOGY OF

THE PLANE ITSELF, WHERE IS THIS PICTURE TAKEN?

A THIS PICTURE IS TAKEN OVER MUROC DRY LAKE, CALIFORNIA, IN APPROXIMATELY THE 1934 TIME PERIOD. AND THE REASON THIS IS SIGNIFICANT IS BECAUSE THE TECHNOLOGY OF THE AIRCRAFT OF THAT DAY DEMANDED NEW AND GREATER SPACES IN WHICH THESE AIRCRAFT COULD BE EVALUATED, IN WHICH PILOTS COULD LEARN TO USE THEM MOST EFFECTIVELY, IN WHICH PILOTS COULD TRAIN.

MARCH FIELD AT THIS TIME HAD A VERY

FARSEEING COMMANDER, COLONEL HENRY H., HAP, ARNOLD, WHO

LATER BECAME THE CHIEF OF STAFF OF THE ARMY AIR FORCES

IN WORLD WAR II. AND ARNOLD REALIZED THAT IF HE WAS TO

PREPARE THE NATION FOR FUTURE WAR, HE NEEDED TO HAVE A

LARGE, OPEN TRAINING AREA, RELATIVELY REMOTE, THAT WOULD

NOT REALLY INTERFERE WITH COMMERCIAL, CIVIL AIRCRAFT

OPERATIONS, AND THAT THE DRY LAKE AT MUROC WAS EMINENTLY

SUITABLE FOR THIS PURPOSE.

IN SEPTEMBER 1933, HE SENT A SURVEY PARTY
OF ENLISTED PERSONNEL, WHO ARRIVED AT MUROC, SCOUTED THE

LAKE, DETERMINED THAT THE EAST LAKE SHORE WAS SUITABLE
TO ESTABLISH AN ENCAMPMENT, A TRAINING ENCAMPMENT, AND
FROM THAT POINT ON THE LAKE BED WAS USED AND THE
SURROUNDING AREA WAS USED FOR MILITARY PURPOSES.

Q SO THESE PLANES JUST FLY OVER EDWARDS?

AND I'M SORRY. I'LL USE THE TERM

"EDWARDS," BUT THE FUTURE NAME OF THIS FACILITY IS

EDWARDS; IS THAT CORRECT?

A YES. TO PUT IT IN PERSPECTIVE, THIS LAKE
WAS ORIGINALLY CALLED RODRIGUEZ DRY LAKE. THAT WAS
CHANGED TO MUROC DRY LAKE BY THE FIRST SETTLERS, AND
THEN THE BASE THAT EVOLVED THERE WAS FIRST CALLED MUROC.

AND THEN IN 1949, FOLLOWING THE DEATH OF A TEST PILOT, NAME GLEN EDWARDS, THE BASE WAS REDESIGNATED AS EDWARDS AIR FORCE BASE, AND IT BECAME EDWARDS AIR FORCE BASE IN JANUARY OF 1950 AND HAS BEEN KNOWN BY THAT NAME SINCE.

Q SO THESE PLANES, ARE THEY MERELY FLYING
OVER EDWARDS AIR FORCE BASE?

A NO. ACTUALLY, THE LAKE WAS USED AS A LANDING SITE SO THAT THE AIRCRAFT TYPICALLY WOULD, AS WE WOULD SAY IN THE MODERN SENSE, DEPLOY. THEY WOULD TAKE OFF FROM WHATEVER THEIR HOME FIELD WAS, FOR EXAMPLE, HAMILTON FIELD UP NEAR SAN FRANCISCO OR FROM MARCH FIELD. AIRCRAFT FLEW IN FROM VARIOUS SPACES, WOULD LAND HERE, WOULD DEPLOY TO MUROC.

THE MAINTENANCE CREWS, THE MAINTAINERS AS
WE SAY, AND THE AIR CREWS WOULD LIVE IN WHAT WAS THEN A

TENT-LIKE ENVIRONMENT. THE AIRCRAFT WOULD BE MAINTAINED
BY FUEL TRUCKED IN BY TRUCKS FROM SURROUNDING

COMMUNITIES. AND YOU WOULD HAVE AN EXERCISE TAKE PLACE
OVER SEVERAL DAYS. EVENTUALLY, BY THE MID 1930S, THIS
EXPANDED TO FULL SCALE MILITARY MANEUVERS.

Q MAY WE SEE THE NEXT PHOTO?

A OKAY. THE NEXT PHOTO SHOWS, IN FACT, THE

A OKAY. THE NEXT PHOTO SHOWS, IN FACT, THE AIRCRAFT OPERATORS OF THE LAKE. THIS IS A MODERN B-10 BOMBER, ONE OF THE PREMIER MILITARY AIRCRAFT TO THIS DAY. VERY INFLUENTIAL AIRPLANE, OPERATING RIGHT OFF THE LAKE WITH FUEL, AS YOU CAN SEE, TRUCKED IN.

THE POINT WE NEED TO KEEP IN MIND FOR THE PRESENT DAY IS THAT THESE AIRCRAFT IN THEIR TIME WERE FULLY EQUIVALENT TO A B-2 OR A B-1 OR AN F-35 OR SOMETHING LIKE THAT SEEN TODAY. THESE WERE THE CUTTING EDGE AIRCRAFT OF MILITARY AIRPOWER AT THE TIME.

• AND THIS PICTURE WAS TAKEN WHERE?

A THIS WAS TAKEN AT MUROC DRY LAKE ON THE EAST LAKE SHORE.

Q AND I'M SORRY. THE APPROXIMATE AGE OF THIS PHOTO?

A THE APPROXIMATE DATE, I BELIEVE, IS 1936 ON THIS PARTICULAR PHOTOGRAPH. BY THIS TIME, THE WORLD SITUATION, OF COURSE, IS DETERIORATING RAPIDLY --

MR. KUHS: OBJECTION, YOUR HONOR (INAUDIBLE).

THE REPORTER: I'M SORRY. I DIDN'T HEAR THE OBJECTION.

THE COURT: WE ALL KNOW WHAT IT IS.

THE REPORTER: I'M HAVING PROBLEMS HEARING. 1 2 THE WITNESS: BY THIS TIME, THE WORLD SITUATION 3 WAS DETERIORATING VERY RAPIDLY; SO THERE WAS A NEED FOR 4 THE AIR FORCE TO EXPAND ITSELF AND TO ADDRESS POSSIBLE 5 FUTURE COMBAT SITUATIONS. WE STARTED TO SEE THE TRAINING OF 6 7 ANTI-AIRCRAFT CREWS, WHERE THEY WOULD COME TO MUROC AND THEY WOULD TEST THEIR EQUIPMENT AND THEIR TACTICS 8 AGAINST ATTACKING AIRCRAFT, BASICALLY RUNNING WHAT WE 9 10 WOULD CALL THE RED FLAG, IF YOU WILL, TODAY, SUCH AS RED FLAG TRAINING EXERCISES THAT WE RUN. 11 WE, OF COURSE, HAD A WORLD MARKED BY THINGS 12 13 LIKE THE WAR IN SPAIN, THE SINO-JAPANESE WAR, THE DESCENT INTO WAR IN EUROPE. AND THE AIR FORCE, WHICH AT 14 THIS TIME CONSISTED OF ABOUT 14,000 PEOPLE AND 1,400 15 AIRCRAFT, IS ON THE VERGE OF A MASSIVE EXPANSION, AND 16 WE'VE JUST SEEN THE VERY BEGINNINGS OF THAT IN THE 1930S 17 AS WE MOVE FORWARD. 18 19 BY MR. LEININGER: 20 0 MAY WE SEE THE NEXT PHOTO? 21 A YES. AND WHAT IS THIS? AND I APOLOGIZE. I'LL 22 Q 23 TRY TO GIVE OUT THE BATES LABEL NUMBERS. 24 THIS IS AN AIRCRAFT CALLED A NORTHROP Α 25 FLYING WING. 26 EXCUSE ME, DR. HALLION. LET ME IDENTIFY 27 THIS FOR THE RECORD. BATES LABEL U.S.A.F. 044007. 28 Α THIS IS AN AIRCRAFT CALLED THE NORTHROP

FLYING WING. IT'S DESIGNED BY ONE OF AMERICA'S PREMIER AIRCRAFT DESIGNERS, JACK NORTHROP. FLYING WINGS WERE A SPECIALTY INTEREST OF HIS, AND HE NEEDED A REMOTE SITE TO TEST THIS AIRCRAFT.

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THIS WAS A CONCEPT THAT WAS CONSIDERED VERY INTRIGUING BY THE MILITARY. IT TOOK YEARS FOR US TO FINALLY REFINE IT. THE B-2 TODAY EXEMPLIFIES IT. BUT NORTHROP NEEDED TO USE MUROC DRY LAKE FOR THIS TESTING, AND HE HAD ARRANGED TO DO SO AT MUROC DRY LAKE.

HAP ARNOLD -- WE HEARD IN TESTIMONY
YESTERDAY HAP ARNOLD PENNED ON THE SIDE OF A NOTE THAT
THIS WAS SOMETHING THAT HE WANTED THE ARMY AIR CORPS TO
WATCH VERY, VERY CAREFULLY.

MUROC HAD BEEN USED AS A LAKE FROM WHICH AIRCRAFT OPERATED AS EARLY AS THE 1920S, WITH CIVIL PILOTS AND SOME AIRCRAFT BEING TESTED AND EVALUATED THERE. EARLY LOCKHEED AIRCRAFT DESIGNS, FOR EXAMPLE. SO THIS TESTING FUNCTION STARTED AT MUROC VERY, VERY EARLY ON.

THIS PHOTOGRAPH HERE IS TAKEN IN 1941. THE TESTING OF THIS AIRCRAFT STARTED IN 1940. AND, OF COURSE, THAT COINCIDES WITH THE MASSIVE BUILDUP IN THE AIR FORCE. THE AIR FORCE AT THIS TIME IS ABOUT 26,000 PEOPLE, HAS ABOUT 2,000 AIRPLANES; SO WE CAN SEE THAT INCREASE HAS TAKEN PLACE OVER A FEW YEARS. BUT VERY SHORTLY WE WILL BE GETTING INTO WORLD WAR II, AND WHEN WE GET INTO WORLD WAR II, THIS SPACE WILL EXPLODE. IT WILL GO TO 40,000 PEOPLE.

1 Q DR. HALLION, BEFORE WE GO TO WORLD WAR II, 2 WHAT'S THE APPROXIMATE AGE OF THIS PHOTO? 3 THE DATE? Α 4 Q THE DATE. 5 Α THE DATE IS 1941. 6 YESTERDAY, WE HEARD SOME TESTIMONY FROM --Q 7 I BELIEVE IT WAS CORRESPONDENCE FROM NORTHROP WITH 8 REGARD TO TESTING. I BELIEVE IT WAS TESTING OF THIS 9 PLANE AT EDWARDS AIR FORCE BASE. 10 AND THE OUESTION AROSE AS TO WHETHER THERE 11 WERE OTHER PRIVATE AIR FORCE CONTRACTORS INTERESTED OR ACTUALLY USING EDWARDS AIR FORCE BASE AT THIS TIME. CAN 12 13 YOU PROVIDE ANY ADDITIONAL INFORMATION? 14 Α YES, INDEED. NORTHROP WAS NOT THE ONLY COMPANY THAT WAS TESTING VEHICLES IN THIS 1941 TIME 15 PERIOD AT MUROC. YOU WOULD HAVE HAD THE CURTISS 16 17 COMPANY, WHICH DEVELOPED AN EXPERIMENTAL DESIGN ITSELF 18 OF THE -- AN AIRCRAFT CALLED THE ASCENDER. IT WAS A 19 TAILLESS DESIGN. IT WAS TESTED AT MUROC IN THIS TIME 20 PERIOD, A VERY EARLY PROTOTYPE. 21 YOU HAD THE FIRST CONCENTRATED TESTING OF 22 WHAT WE WOULD TERM TODAY "DRONE TECHNOLOGY." YOU HAD 23 FLEET WINGS, RADIO CONTROLLED AIRCRAFT, RADIO PLANE, 24 RADIO CONTROLLED AIRCRAFT FLOWN FROM MUROC AT THE SAME 25 TIME, WORKING IN CONCERT WITH THE MILITARY. SO 26 CERTAINLY IT'S NOT ACCURATE TO SAY THAT THE TESTS OF THE 27 MUROC -- OF THE FLYING WING AT MUROC WERE A ONE-OFF 28 EVENT, IF YOU WILL.

1 Q WHY, IN YOUR OPINION, WERE THESE 2 CONTRACTORS INTERESTED IN COMING TO EDWARDS? 3 EDWARDS OFFERED THREE REMARKABLE FEATURES 4 THAT IT STILL HAS. IT HAD A UNIQUE LAKE, 65 SQUARE 5 MILES, FIRM ENOUGH TO LAND THE LARGEST AIRCRAFT IN THE WORLD. STILL CAN ON THAT LAKE. 6 IT HAD TREMENDOUS OPEN SPACE IN CASE 7 ANYTHING WENT WRONG. YOU WERE NOT ENDANGERING THE 8 CIVILIAN AREA OR CIVILIAN POPULATION. IT HAD FANTASTIC 9 10 WEATHER THAT GAVE YOU VIRTUALLY YEAR-ROUND FLYING 11 CONDITIONS. BUT THE LAKE -- YOU FIND THAT THE LAKE IS 12 13 REALLY THE CORE, THEN AND NOW, TO WHY PEOPLE ZEROED IN 14 TO MUROC SLASH EDWARDS AS A TRAINING SITE, AS A MANEUVER SITE, AS A FLIGHT TEST SITE, AS AN OPERATIONAL 15 16 DEPLOYMENT CENTER. 17 SO I'M SORRY TO HAVE INTERRUPTED YOUR 0 CHRONOLOGY. SO WE'RE IN WORLD WAR II. AND YOU'RE 18 19 SAYING THAT THERE WAS A BUILDUP, I BELIEVE, OF 20 POPULATION IN TRAINING? 21 YES. THE POPULATION OF MUROC AT THIS TIME Α 22 WENT TO 40,000 PEOPLE. NOW, THEY WERE SPLIT REALLY BETWEEN TWO ACTIVITIES. YOU HAD A VERY SMALL NUMBER 23 24 THAT BEGAN WORKING AT WHAT BECAME NORTH BASE, THE 25 SO-CALLED MUROC FLIGHT TEST BASE, EVALUATING VERY 26 SENSITIVE -- WHAT WE WOULD IN TODAY'S WORLD TERM "BLACK 27 WORLD TECHNOLOGY."

THEY WERE EVALUATING TURBOJET (PHONETIC)

AIRCRAFT, THE BELL P-59, THE FIRST AMERICAN JET

AIRPLANE. THEY WERE EVALUATING OTHER JET AIRCRAFT THAT

FOLLOWED IT. THEY WERE CONDUCTING ROUTINE TESTS ON

COMBAT TACTICS TO USE AGAINST ENEMY JET AIRCRAFT. WE

HAD A TRAINING FUNCTION ON THE WESTERN LAKESHORE THAT

WAS ESTABLISHED. A RUNWAY COMPLEX WAS BUILT, PERMANENT

HANGARS, RAMP SPACE WAS BUILT.

AND THIS TRAINED BOMBER CREWS, BOMBER CREWS
OPERATING AIRCRAFT OVER ON MISSIONS THAT SOMETIMES WOULD
FLY AS MUCH AS A THOUSAND OR MORE MILES FROM MUROC TO
TRAIN THEM IN FORMATION FLYING, DEFENSIVE FLYING AGAINST
ATTACKING ENEMY FIGHTERS, THE RUDIMENTARY BASICS OF
BOMBER OPERATIONS THAT WE WOULD SEE INCORPORATED IN THE
AIR WAR AGAINST NAZI GERMANY AND IMPERIAL JAPAN.

WE HAD THE TRAINING OF LEAD AIR CREWS, IN
OTHER WORDS, THE BOMBER ELITE THAT WOULD GO OUT AND MARK
TARGETS AND WOULD LEAD FORMATIONS OF BOMBERS TO ATTACK
TARGETS.

WE HAD THE INSTALLATION OF A WOODEN MOCK-UP
OF A JAPANESE SHIP ON THE SOUTH LAKESHORE THAT WAS USED
TO TRAIN ANTISHIPPING STRIKE CREWS IN BASICALLY
ATTACKING SHIPS AT LOW ALTITUDE IN WHAT WAS CALLED "SKIP
BOMBING."

WE HAD THE TESTS THERE OF THE AERODYNAMIC SHAPE OF THE FIRST ATOMIC BOMB. THE AERODYNAMIC SHAPE OF THE FIRST ATOMIC BOMB THAT WAS USED AT HIROSHIMA WAS AERODYNAMICALLY EVALUATED IN TERMS OF ITS BALLISTIC PROPERTIES, FIRST AT MUROC AND THEN THAT WAS MOVED TO

1 WENDOVER, UTAH.

BASICALLY, WE STARTED TO SEE WHAT HAPPENED HERE TO MUROC-EDWARDS IN THE POST WORLD WAR II ERA. WE STARTED TO SEE IT PARTICIPATING IN TWO GREAT REVOLUTIONS, THE TURBINE ENGINE REVOLUTION AND THE REVOLUTION OF HIGH SPEED FLIGHT.

Q MAY WE HAVE THE NEXT PHOTO? WHAT IS THIS PHOTO OF?

A THIS IS A PHOTO OF THE BELL XS-1 SUPERSONIC RESEARCH AIRCRAFT, COMMONLY KNOWN TO AVIATION HISTORY AS THE BELL X-1. THIS AIRCRAFT EXEMPLIFIES REALLY THE TRANSFORMATION OF FLIGHT WORLDWIDE FROM THE TECTONIC TO THE SUPERSONIC ERA. AT MUROC, ON OCTOBER 14, 1947, THIS AIRCRAFT BECAME THE FIRST AIRPLANE IN THE HISTORY OF FLIGHT TO EXCEED THE SPEED OF SOUND, CARRYING A HUMAN PILOT.

NOW, IF WE LOOK AT THIS REVOLUTION, WHAT'S INTERESTING IS THAT THE BELL X-1 HAD BEEN DESIGNED TO OPERATE FROM A CONVENTIONAL AIRFIELD, AND AS IT WAS BEING DEVELOPED, IT WAS REALIZED THAT THIS MADE NO SENSE; THAT FOR SAFETY, FOR SECRECY, BUT ABOVE ALL FOR FLIGHT SAFETY, THE ONLY PLACE THAT ONE COULD SAFELY TEST THIS AIRCRAFT WAS THE DRY LAKE AT WHAT WAS THEN MUROC, MUROC FIELD.

AND FLIGHT TESTING OF THIS AIRCRAFT BEGAN
IN OCTOBER 1946. IN OCTOBER 1947, A YEAR LATER, WE HAD
THAT FIRST SUPERSONIC FLIGHT. WE HAD SUCCESSES OF THIS
AIRCRAFT THAT WERE CALLED THE "X SERIES." WE HAVE THOSE

AIRCRAFT UP TO THE PRESENT DAY, AS WE SHALL SEE IN SOME 1 2 OF THE OTHER EXHIBITS. 3 CAN WE HAVE THE NEXT PHOTO, PLEASE? 4 Α YES. 5 WHAT DOES THIS PHOTO SHOW? THIS PHOTO SHOWS AN EXAMPLE OF FOUR EARLY 6 A 7 AMERICAN SO-CALLED "CENTURY SERIES SUPERSONIC JET 8 FIGHTERS." THESE ARE CALLED THE "CENTURY SERIES" 9 BECAUSE THEIR NUMBERS BEGIN WITH A HUNDRED. 10 YOU HAVE -- IN THESE PHOTOS YOU HAVE THE 11 F-100, THE F-102, THE F-104, THE F-101. THREE OF THESE 12 ATRPLANES ARE MANUFACTURED AT PLANT 42. 13 LET'S STOP YOU THERE FOR ONE MOMENT. Q. 14 WHAT'S THE AGE OF THIS PHOTO? 15 THIS PHOTO IS, I WOULD SAY, CIRCA 1955. Α 16 JUST TO REFRESH EVERYONE'S MEMORY, WHAT IS AIR FORCE PLANT 42 AND WHAT WAS IT USED FOR AT THIS 17 18 TIME? 19 AIR FORCE PLANT 42 WAS ORIGINALLY A Α CIVILIAN FLYING FIELD IN THE SECOND WORLD WAR. IT WAS 20 21 TAKEN OVER BY THE ARMY AIR FORCES, AND IT WAS USED AS A 22 FIELD FROM WHICH WE DEPLOYED OPERATIONAL BOMBERS AND 23 FIGHTER AIRCRAFT, DID A GREAT DEAL OF FIGHTER AND 24 BOMBING TRAINING, AND HEADQUARTERED THE FIRST AMERICAN 25 JET FIGHTER TRAINING GROUP, THE 412 FIGHTER GROUP, FROM 26 THAT BASE. 27 AFTER THE SECOND WORLD WAR, IT RETURNED 28 BRIEFLY TO CIVILIAN HANDS AND THEN WAS TAKEN OVER AGAIN, IN RESPONSE TO THE KOREAN WAR, AS A MAJOR PRODUCTION FACILITY FOR THE AIR FORCE AS PLANT 42.

IT IS IMPORTANT TO DISTINGUISH THAT EDWARDS UNDERTOOK DEVELOPMENTAL FLIGHT TEST WORK. AT PLANT 42, YOU HAD PRODUCTION FLIGHT TEST WORK, IN OTHER WORDS, VERIFYING THAT THE AIRCRAFT PRODUCED WERE SAFE TO BE TRANSFERRED TO THE CUSTOMER, WHOEVER THAT WAS. NAVY AIRCRAFT WOULD GO TO PLANT 42. AIR FORCE AIRCRAFT WOULD GO TO PLANT 42.

AND THERE WAS A PARTNERSHIP SO THAT EVEN THOUGH THESE WERE GEOGRAPHICALLY SEPARATE ENTITIES, THERE WAS A PARTNERSHIP BACK AND FORTH BETWEEN THE FLIGHT TEST CENTER AT EDWARDS AIR FORCE BASE AND PLANT 42, WHERE THE PRODUCTION FLIGHT TEST AND THE DEVELOPMENT FLIGHT TEST TEAMS WOULD WORK VERY, VERY CLOSELY TOGETHER TO REFINE THESE AIRCRAFT.

SO AS I SAID, YOU HAVE THREE OF THESE AIRPLANES HERE MANUFACTURED AT PLANT 42, AND THEY'RE SHOWN ON THE RAMP HERE OF EDWARDS AIR FORCE BASE. THEY WERE UNDERGOING DEVELOPMENTAL FLIGHT TESTS AT THAT POINT.

Q SHOW THE NEXT SLIDE, PLEASE.

WHAT IS THIS PICTURE OF?

A THIS IS A PHOTO OF THE NORTHROP B-2, THE SO-CALLED STEALTH BOMBER. IT'S A PHOTO I TOOK MYSELF AT THE TIME OF ITS FIRST FLIGHT AT PALMDALE IN 1989.

Q SO I'M SORRY, LET ME INTERRUPT. PALMDALE?

A PALMDALE IS COMMON SHORTHAND FOR AIR FORCE

1 PLANT 42. THIS AIRCRAFT WAS PRODUCED -- WAS BUILT AT 2 3 AIR FORCE PLANT 42 ON THE CONDITION THAT IT STAY IN 4 SECRECY, AND THEN WAS FLOWN ON ITS FIRST FLIGHT FROM THE 5 PALMDALE PLANT TO EDWARDS AIR FORCE BASE, WHERE, OF 6 COURSE, IT THEN ENTERED INTO DEVELOPMENTAL FLIGHT TESTS 7 AT A SPECIAL FLIGHT TEST FACILITY LOCATED ON WHAT HAD BEEN SOUTH BASE OF THE INITIAL EDWARDS AIR FORCE BASE. 8 AND I'M SORRY. THE AGE OF THIS PHOTO? 9 0 10 Α THIS PHOTO IS 1989. SO IN 1989 THIS LINK BETWEEN EDWARDS AIR 11 FORCE BASE AND AIR FORCE PLANT 42 CONTINUES? 12 YES. THE LINK BETWEEN EDWARDS AIR FORCE 13 Α BASE AND PLANT 42, WHICH EXISTED IN A TRAINING SENSE AS 14 15 FAR BACK -- BEFORE PLANT 42, AS FAR BACK AS OPERATIONS 16 IN WORLD WAR II, WITH THE BOMBER TRAINING AND THINGS OF 17 THAT SORT, THAT LINK BECAME PROFOUND IN THE 1950S, AS YOU HAD THE PRODUCTION ACTIVITIES AT AIR FORCE PLANT 42 18 19 AND THE FLIGHT TEST ACTIVITIES AT EDWARDS, AND THEN HAS 20 CONTINUED LARGELY UP TO THE PRESENT DAY. BASICALLY, THERE'S STILL THAT NEXUS TO THE PRESENT DAY. 21 22 CAN WE HAVE THE NEXT? Q 23 AND I BELIEVE THE NEXT, YOUR HONOR, IS ACTUALLY A SHORT VIDEO. 24 25 26 (AT THIS TIME A VIDEO WAS SHOWN.)

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### 1 BY MR. LEININGER: 2 CAN YOU EXPLAIN WHAT THIS IS? 3 Α YES. THIS IS AN F-16 FIGHTER THAT'S GOTTEN 4 INTO SOME DIFFICULTY. IT CANNOT EXTEND ITS LANDING 5 GEAR. NOW, UNDER THE --LET'S PAUSE THAT FOR ONE SECOND. I'M 6 Q 7 SORRY. 8 Α OKAY. 9 IT SEEMS TO BE OFF THE IMAGE. Q 10 MR. LEININGER: SEE IF WE CAN BACK THAT UP. 11 SORRY, YOUR HONOR. ONE OF THE MAJOR VALUES OF THE DRY 12 THE WITNESS: 13 LAKE OF EDWARDS HAS BEEN AS A RECOVERY AIRCRAFT AREA FOR 14 AIRCRAFT IN DISTRESS. WE HAVE HAD HUNDREDS, HUNDREDS OF PASSENGERS' LIVES SAVED IN COMMERCIAL AIRCRAFT THAT HAVE 1.5 16 MADE EMERGENCY LANDINGS ON THE DRY LAKE. 17 IT HAS BEEN A SITE WHERE WE HAVE MADE 18 NUMEROUS LANDINGS OF AIRCRAFT THAT WERE IN DISTRESS, 19 SUCH AS THIS F-16 SHOWN HERE, WHICH, AS THIS FILM PROGRESSES, YOU SEE TOUCHED DOWN VERY, VERY SMOOTHLY ON 20 21 THE LAKE'S SURFACE. 22 WHY HERE? WHY NOT A RUNWAY? WELL, BECAUSE AN AIRCRAFT CAN DIVERGE OFF A RUNWAY. THERE ARE 23 24 OBSTRUCTIONS TYPICALLY ON THE SIDES OF RUNWAYS. THERE 25 ARE BUILDINGS. YOU MAY ENDANGER OTHER PEOPLE WHEREAS 26 HERE YOU HAVE THIS WIDE, WONDERFULLY OPEN, 65 SQUARE

AS LONG AS THAT -- AS LONG AS THAT LAKE IS

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MILE AREA.

ABLE TO BE USED OVER THE ENTIRE AREA OF THE LAKE, WHICH
IS DEPENDENT ON A LOT OF FACTORS, THIS, OF COURSE,
CONSTITUTES A UNIQUE SAFETY ATTRIBUTE OF AMERICAN
AVIATION.

MR. LEININGER: CAN YOU SHOW THE NEXT SLIDE,
PLEASE?

THE WITNESS: THIS IS ANOTHER EXAMPLE, PERHAPS, I
THINK, ONE OF THE MOST CHALLENGING. WE HAD A B-2 -- I'M
SORRY -- A B-1 BOMBER THAT GOT INTO DIFFICULTY AND COULD
NOT EXTEND ITS NOSE GEAR. NOW, IF YOU TAKE A LOOK AT
THE -- AT THIS PHOTOGRAPH, THE NOSE GEAR WOULD BE JUST
ABOUT HERE (INDICATING).

NOW, NOTICE THAT THE B-1 HAS THIS COMPLEX

ARRANGEMENT WHERE YOU HAVE THE ENGINES LOCATED BELOW THE

CENTER SECTION OF THE WING FUSELAGE STRUCTURE AND YOU

HAVE AN EXTENDED LANDING GEAR.

THE PILOT HERE HAD TO MAKE A VERY, VERY
TRICKY APPROACH, KEEPING JUST THE RIGHT AMOUNT OF ANGLE
OF ATTACK DURING HIS APPROACH TO LAND. TOO MUCH, AND
WHEN THE AIRCRAFT STALLED OUT, THE NOSE WOULD SMASH
DOWN, BREAKING OFF THE FUSELAGE AND LIKELY RESULTING IN
AN ACCIDENT THAT WOULD HAVE KILLED ALL ON BOARD. BUT AS
WE'LL SEE IN THE NEXT PHOTOS --

#### BY MR. LEININGER:

Q LET ME PAUSE, STOP YOU RIGHT THERE FOR A OUESTION.

A YES.

Q SO YOU SAID THAT THIS APPROACH FOR THIS

PLANE IN JEOPARDY HAD TO BE AT A LOW ANGLE OVER A LARGE,

VAST DISTANCE?

A YOU WOULD HAVE TO MAKE A VERY FLAT, VERY
CAREFUL APPROACH. AND BECAUSE OF THAT, THE TERRAIN
AROUND EDWARDS AND THAT LONG LENGTH OF THAT LAKE,
PERFECTLY SMOOTH, PERFECTLY FLAT LAKE IS IDEALLY SUITED
FOR THIS.

WE WILL NOTE THAT IF YOU LOOK AT AN OVERHEAD IMAGE OF THE DRY LAKE BED, YOU HAVE RUNWAYS MARKED OUT ALL OVER THAT LAKE, CRISSCROSSING THAT LAKE. DEPENDING ON THE WIND CONDITIONS, THE SURFACE CONDITIONS, YOU HAD A WIDE RANGE OF LANDING OPPORTUNITIES THERE.

O NEXT SLIDE.

A THE NEXT SLIDE SHOWS, OF COURSE, THE LAST STAGES OF THE APPROACH, WITH THE EMERGENCY VEHICLES ALREADY DEPLOYED (INDICATING).

Q NEXT SLIDE.

M THERE'S THE TOUCHDOWN, AN EXTRAORDINARILY SMOOTH TOUCHDOWN. F-111 CHASE AIRCRAFT HERE. AND THERE'S THE AIRCRAFT AT REST. AND AS YOU CAN SEE, IT'S -- YOU HAVE THE FEELING ONE CAN SIMPLY JACK THIS UP, LOAD THE GEAR, FIX THE PROBLEM, AND RETURN THE AIRCRAFT TO OPERATIONAL SERVICE. NOT QUITE THAT EASY, BUT HAVING SAID THAT, THIS IS A LOT BETTER THAN A SMOKING HOLE AND A FLAMING AIRPLANE.

O NEXT SLIDE.

A THIS IS INTERESTING BECAUSE WHAT WE SEE

1 HERE IS THE DIVERGENCE OF THE AIRCRAFT OFF THE RUNWAY. 2 HAD THIS BEEN RECOVERED AT A CONVENTIONAL B-1 FIELD, SAY 3 ELLSWORTH AIR FORCE BASE, SOMETHING OF THIS SORT WHERE 4 YOU HAD TO RECOVER THE AIRCRAFT ON A CONVENTIONAL 5 RUNWAY, YOU MIGHT WELL HAVE HAD A DISASTER, BUT HERE, 6 WITH THIS OPEN SPACE, IT WAS NO BIG DEAL. 7 Q NEXT SLIDE. 8 Α THIS SLIDE I THINK IS USEFUL TO US BECAUSE 9 ONCE AGAIN IT SHOWS THE DIVERGENCE OF THE AIRCRAFT 10 TOWARD THE END OF THE LANDING RUN, BUT ALSO IT SHOWS THE INTERSECTION OF RUNWAYS AND THE COMPASS ROADS THAT IS 11 PAINTED INTO THE LAKE SURFACE, OILED INTO THE LAKE 12 SURFACE, SO THAT PEOPLE GET A COMPREHENSION OF THE 13 14 HEADINGS, WHERE THEY CAN LAND AND THINGS OF THAT SORT. SO LET'S CONTINUE WITH THE NEXT SLIDE. 15 Q 16 SO WE'VE GONE PAST WORLD WAR II. YOU'VE 17 TESTIFIED WITH REGARD TO THIS.

I THINK WE CAN SKIP THIS SLIDE THAT'S Α SHOWN.

> Q OH, YES. SKIP THIS, PLEASE. WHAT'S THIS A PICTURE OF?

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A THE CAPABILITIES OF EDWARDS AND THE FACILITIES AT EDWARDS HAD TO MATCH CHANGES IN NATIONAL STRATEGY, NATIONAL SECURITY POLICY, AND ALSO THE STRUCTURE AND THE NEEDS OF THE AMERICAN MILITARY ESTABLISHMENT.

SO EXAMPLE, IN THE MIDDLE 1950S WE WERE BEGINNING TO ENTER INTO WHAT WAS COMMONLY CALLED THE "SPACE AGE," WHICH INITIALLY BEGAN IN 1957. WE WERE
VERY CONCERNED ABOUT DEVELOPMENT OF ROCKET ENGINE
TECHNOLOGY, TO PLACE PAYLOADS NOT ONLY INTO SPACE, BUT
ALSO TO PROPEL BALLISTIC VEHICLES AROUND THE WORLD, TO
DEVELOP INTO BALLISTIC MISSILES.

SO WE ESTABLISHED LEUHMAN -- THE AIR FORCE ROCKET LABORATORY ON LEUHMAN RIDGE, ABOVE THE EAST LAKESHORE, AND WE BUILT THESE HUGE TEST STANDS (INDICATING) WHICH REQUIRED THE USE OF, IN SOME CASES, EXOTIC PROPELLANTS, WHAT WE WOULD CONSIDER COMMONPLACE TODAY BUT WHICH WERE EXOTIC IN THEIR DAY, LIQUID OXYGEN, WATER, ALCOHOL.

BUT ALSO WHEN WE WOULD FIRE THESE ENGINES,
SOME OF WHICH HAD THRUST RATINGS OF UP TO

175,000 POUNDS, WE HAD TO QUENCH THE STRUCTURE AND
QUENCH THE BLAST SHIELDS THAT DEFLECTED THE HOT,
INTENSELY HOT ROCKET EXHAUST HERE WITH LARGE AMOUNTS OF
WATER.

Q CAN WE HAVE THE NEXT SLIDE?

A THAT HAS CONTINUED TO THE PRESENT DAY.

LEUHMAN RIDGE TESTED THE ENGINES AND TOOK US TO THE

MOON. LITERALLY, THE SATURN F-1 ENGINE WAS TESTED AT

LEUHMAN RIDGE.

THIS IS A VERY IMPORTANT FACILITY FOR THE AIR FORCE TODAY BECAUSE SOME OF THE ROCKET ENGINE TEST SITES THAT WE HAVE USED IN THE PAST, FOR EXAMPLE, SANTA SUSANA IN THE L.A. HILLS, IS NO LONGER WITH US.

AND SO THIS IS A PHOTO TAKEN, OF PERHAPS

THREE YEARS AGO, SHOWING A AEROJET, SOLID ROCKET

BOOSTER, DESIGNED TO HELP RESTORE AMERICA -- AMERICAN

SUPREMACY IN SPACE, BEING TESTED AT LEUHMAN RIDGE AT THE

AIR FORCE ROCKET LAB.

Q DO YOU HAVE ANY ESTIMATE OF HOW MUCH WATER WAS USED TO QUENCH THESE, YOU SAID?

A YOU WOULD BE USING AT LEAST TENS OF
THOUSANDS OF GALLONS. IN SOME CASES, I WOULD SUSPECT
YOU WERE USING -- FOR SOMETHING LIKE AN F-1 YOU WERE
USING HUNDREDS OF THOUSANDS OF GALLONS.

WE HAD A QUESTION YESTERDAY DURING
TESTIMONY WHERE THERE WAS AN APPARENT INDICATION OF A
DROP AND RISE AND DROP IN THE USE OF WATER IN 1960S. I
AM CONVINCED THAT WHAT THAT REFLECTED, YOU COULD
PROBABLY CORRELATE THAT TESTING TO ROCKET ENGINE TESTING
OF THE SATURN F-1 ENGINES WHICH WERE BEING TESTED AT THE
SITE.

WE HAVE TESTED THE ENGINES FOR THE LARGE
COMMERCIAL BOOSTERS, THINGS LIKE THE SATURN 5, THE LARGE
MILITARY AIRCRAFT, MILITARY BOOSTERS UP THROUGH THE MX.
BASICALLY, EDWARDS HAS BEEN CRUCIAL TO BUILDING AMERICAN
SPACE POWER AS WELL AS AERONAUTICS POWER.

MR. ZIMMER: OBJECTION, YOUR HONOR. MR. ZIMMER
FOR BOLTHOUSE. THERE WAS NO TESTIMONY BY THIS WITNESS
IN HIS DEPOSITION WHEN HE GAVE ALL HIS OPINIONS WITH
REGARD TO WATER USAGE ON THE BASE. I MOVE TO STRIKE THE
PORTIONS OF THAT TESTIMONY THAT RELATE TO WATER USAGE.

MR. KUHS: I WOULD JOIN, YOUR HONOR. HE'S BEEN

IDENTIFIED AS AN HISTORIAN, NOT AS AN EXPERT ON WATER USE AND CONSUMPTION.

THE COURT: WELL, I THINK THAT IT BROADLY IS

ENCOMPASSED BY THE KNOWLEDGE OF HISTORIAN. I'M GOING TO

OVERRULE IT.

#### BY MR. LEININGER:

**Q** LET'S GO TO THE NEXT SLIDE, PLEASE. WHAT DOES THIS SHOW?

A THIS AIRCRAFT IS A GLOBAL HAWK. WE WOULD COMMONLY CALL THIS A DRONE. MORE PROFESSIONALLY, IT WOULD BE CALLED A "REMOTELY PILOTED AIRCRAFT SYSTEM."

IT IS A I.S.R. SYSTEM, INTELLIGENCE, SURVEILLANCE, AND RECONNOISSANCE SYSTEM.

ONCE AGAIN, IT SHOWS THE NEXUS WE HAVE HERE BETWEEN PLANT 42 AND EDWARDS; BUILT AT PLANT 42, TESTED AT EDWARDS, FLOWN OVER THE EDWARDS RANGE, DEPLOYED AT VERY LONG DISTANCE FROM EDWARDS, EVEN INTERCONTINENTAL DISTANCES FROM EDWARDS.

IT'S REMARKABLE TO ME THAT THIS REALLY KIND OF TAKES US BACK REALLY TO THE ORIGINAL PURPOSES OF EDWARDS, WHERE WE HAD THOSE FIRST EARLY DRONE TESTS IN 1940 AND '41, WHERE WE SEE THAT REMARKABLE CONSTANCY OF PURPOSE, WHERE WE HAVE THE SITE USED FOR ITS LAKE, FOR ITS LARGE, OPEN SPACE, AS FAR AS WEATHER CONDITIONS.

THIS IS, ONCE AGAIN, REPRESENTING THE LINKAGE OF TWO GREAT REVOLUTIONS, THE CLASSIC AERONAUTICS REVOLUTION, STRUCTURES, AERODYNAMICS, PROPULSION, CONTROLS, AND THE COMPUTER REVOLUTION.

THESE GET FUSED TOGETHER.

THAT B-2 WE SAW EARLIER WAS AN AIRCRAFT

THAT SIMPLY COULD NOT HAVE BEEN DESIGNED, BUILT, FLIGHT

TESTED, OR USED OPERATIONALLY WITHOUT THE INTEGRATION OF

THE COMPUTER IN AEROSPACE, AND WE SEE THAT IN THIS

SYSTEM HERE AS WELL.

Q LET'S CONTINUE WITH THIS THEME OF

REVOLUTION. COULD WE HAVE THE NEXT SLIDE, PLEASE?

A ONCE AGAIN, JUST AS WE SAW THE FIRST
TESTING OF THE NORTHROP FLYING WING AT EDWARDS IN THE
1940S, THEN WE SAW THE FLIGHT OF THE B-2 FLYING WING IN
THE LATE 1980S AND ITS INCORPORATION OF FLIGHT TESTING,
WE SEE A NEW FLYING WING APPEARING IN THE SKIES OVER
EDWARDS.

THIS IS THE SO-CALLED X-48. IT IS

TECHNICALLY CALLED A BLENDED WING BODY DESIGN. IT

REPRESENTS, LIKE SO MANY OF THE RESEARCH AIRCRAFT

PROJECTS HAVE WITH HIGH TECHNOLOGY, A PARTNERSHIP

BETWEEN NASA AND THE AIR FORCE, IF YOU TAKE A LOOK AT

THE ORGANIZATIONAL SYMBOLS, AND THE INDUSTRIAL WORLD, IN

THIS CASE BOEING.

THIS IS A SUBSCALE DEMONSTRATOR OF A
CONFIGURATION THAT IS BEING EXPLORED FOR A VARIETY OF
CIVIL AND MILITARY MISSIONS. SOME OF THOSE INCLUDE
PASSENGER CARRYING, FREIGHT CARRYING, AERIAL REFUELING,
LONG-RANGE, STANDOFF MISSILE LAUNCHING, ADVANCED
INTELLIGENCE SURVEILLANCE, RECONNAISSANCE APPLICATIONS,
THINGS OF THAT SORT. THIS, I THINK, REPRESENTS ONE

1 ASPECT OF THE FUTURE OF FLIGHT. 2 THE COURT: IS THIS A HYPERSONIC MODEL? 3 THE WITNESS: NO, YOUR HONOR. THIS IS NOT A 4 HYPERSONIC AIRCRAFT, BUT I WILL HAVE ONE FOR YOU 5 SHORTLY. I'M VERY FOND OF HYPERSONICS --6 THE COURT: ALL RIGHT. 7 THE WITNESS: -- SINCE MY E-MAIL IS 8 DRHYPERSONIC@AOL.COM. 9 MR. ZIMMER: WELL DISCIPLINED. 10 BY MR. LEININGER: LET'S TALK -- BEFORE WE LEAVE THIS PHOTO, I 11 JUST WANT TO EXPLORE A LITTLE MORE THIS PARTNERSHIP YOU 12 13 SAY BETWEEN NASA AND THE MILITARY. CAN YOU ELABORATE A LITTLE BIT MORE? YOU POINTED, I BELIEVE, AT THE NASA 14 15 SYMBOL ON THIS AIRCRAFT. YES, I DID. THE RELATIONSHIP BETWEEN NASA 16 Α 17 AND THE MILITARY IS A LONG AND INEXTRICABLY BOUND ONE. 18 IT ACTUALLY PREDATES THE AGENCY. IT GOES BACK TO AN 19 OLDER ORGANIZATION FROM WHENCE NASA SPRANG, THE NATIONAL 20 ADVISORY COMMITTEE FOR AERONAUTICS, ESTABLISHED IN 1915 21 BY A CONGRESSIONAL ACT --22 MR. ZIMMER: YOUR HONOR. 23 THE WITNESS: -- A MILITARY APPROPRIATION ACT. 24 MR. ZIMMER: OBJECTION. 25 THE COURT: HOLD ON JUST A MINUTE, PLEASE. 26 WHAT'S THE OBJECTION? 27 MR. ZIMMER: ANTICIPATING A LENGTHY RESPONSE, THE 28 OBJECTION IS THAT THERE WAS NO DISCUSSION BY THIS

1 WITNESS IN DEPOSITION TESTIMONY, WHERE HE GAVE ALL HIS OPINIONS, AS TO THE INTERRELATIONSHIP BETWEEN NASA AND 2 THE UNITED STATES AIR FORCE. 3 MR. LEININGER: HE WAS DISCUSSING MILITARY 4 5 HISTORY, YOUR HONOR. AND WE'RE PROVIDING THE LINK 6 BETWEEN NASA AND THESE MILITARY HISTORIAN PURPOSES. 7 THE COURT: I DON'T KNOW WHAT QUESTIONS WERE ASKED 8 AT THE DEPOSITION. 9 MR. ZIMMER: THESE QUESTIONS WERE NOT ASKED. 10 THINK WE CAN HAVE AN AGREEMENT ON THAT. 11 THE COURT: WELL, I MEAN, ON CROSS-EXAMINATION WERE THEY ASKED? 12 MR. ZIMMER: HE WAS ASKED FOR ALL THOSE OPINIONS, 13 AND HE NEVER GAVE ANY OPINION THAT DEALT WITH NASA 14 WHATSOEVER. WE'RE TALKING ABOUT THE HISTORY OF EDWARDS 15 16 AIR FORCE BASE, NOT NASA. THE COURT: ALL RIGHT. I'M GOING TO TAKE THIS 17 TESTIMONY SUBJECT TO MOTION TO STRIKE. YOU WILL BE ABLE 18 TO CROSS-EXAMINE HIM. IF YOU NEED ADDITIONAL TIME TO 19 20 PRESENT CONTRARY EVIDENCE, YOU WILL HAVE THAT. 21 BY MR. LEININGER: 22 SO BRIEFLY, THE LINK HERE WE WERE Q 23 DISCUSSING BETWEEN NASA AND MILITARY OPERATIONS AND 24 PURPOSES. 25 NASA AND MILITARY PERSONNEL SERVED ON JOINT Α 26 PROGRAMS. THEY SERVED ON JOINT ASSIGNMENTS. THEY 27 SERVED ON JOINT AIRCRAFT DEVELOPMENT PROGRAMS, FOR

EXAMPLE, OF SOME OF THE SLIDES WE SHOWED HERE, THE BELL

28

1 X-1, OTHER RESEARCH AIRPLANES, THE NORTH AMERICAN X-15 2 HYPERSONIC VEHICLE. THEY DETERMINED IN MANY CASES THE 3 RECONNAISANCE, THE AIRCRAFT THAT WE WOULD DO. AND IN THE 1950S, ON THE CENTURY SERIES 4 5 THAT I SHOWED YOU, THE NACA PLAYED A VITAL ROLE IN RESOLVING SOME OF THE VERY SERIOUS DEVELOPMENTAL FLIGHT 6 7 TEST PROBLEMS THAT WE HAD WITH AIR FORCE FIGHTERS IN 8 THAT TIME PERIOD. I'M THINKING PARTICULARLY OF A 9 PROBLEM CALLED "AERODYNAMIC PITCH-UP." I'M THINKING 10 ALSO OF ANOTHER PROBLEM CALLED "INERTIAL COUPLING." NASA RESEARCH ON ELECTRONIC FLIGHT CONTROLS 11 WAS CRUCIAL TO THE DEVELOPMENT OF THE F-16. IT WAS 12 CRUCIAL TO THE DEVELOPMENT OF THE B-2. 13 WE HAD A JOINT NASA, AIR FORCE RESEARCH 14 15 EFFORT AT EDWARDS AIR FORCE BASE IN THE 1980S CALLED 16 A.F.T.I., ADVANCED FIGHTER TECHNOLOGY INTEGRATION. WE 17 HAD T.A.C.T., TRANSONIC AIRCRAFT TECHNOLOGY PROGRAM. 18 THESE WERE PROGRAMS IN WHICH NASA AND THE AIR FORCE 19 PEOPLE SERVED SIDE BY SIDE, IN SOME CASES SHARED 20 OFFICES. AND IT'S TRUE FOR SOME OF THE ACTIVITIES THAT 21 WE HAVE IN THE PRESENT DAY, TODAY, SUCH AS THE X-51 22 HYPERSONIC RESEARCH AIRPLANE. 23 WHICH I BELIEVE IS YOUR NEXT SLIDE. BUT 24 BEFORE WE LEAVE THIS SLIDE, WHAT IS THE DATE OR THE AGE 25 OF THIS PICTURE? THIS SLIDE IS I WOULD SAY APPROXIMATELY 26 27 FOUR YEARS OLD, THREE TO FOUR YEARS OLD. 28 NEXT SLIDE, PLEASE. Q

1 WHAT IS THIS PLANE, BEFORE WE TALK ABOUT 2 IT? 3 THE PLANE IS A VENERABLE AIRCRAFT, BUT IT'S Α 4 ONE THAT'S GOING TO BE IN THE AIR FORCE SERVICE TILL 5 ABOUT 2040. IT'S A BOEING B-52, WHICH WAS ITSELF AN AIRCRAFT THAT WAS FLIGHT TESTED AT EDWARDS. 6 7 Q WHAT IS THE DATE OF THIS PHOTO? THIS PHOTO IS MAY 2010. 8 A 9 WHY DID YOU SELECT THIS PHOTO? Q 10 Α ACTUALLY, I TAKE THAT BACK. I CORRECT THE RECORD. THIS IS MAY 2013, THIS PARTICULAR PHOTO. 11 12 2013. Q 13 Α 2013. THE REASON I SELECTED THIS PHOTO IS 14 THIS LITTLE ELEMENT HERE. IF WE CAN BRING THAT OUT MORE 15 STRONGLY. THIS IS A -- WHAT LOOKS LIKE A MISSILE. THIS 16 IS ACTUALLY A HIGHLY SOPHISTICATED, AIR BREATHING 17 RESEARCH VEHICLE CALLED A SCRAMJET. THAT STANDS FOR SUPERSONIC COMBUSTION SCRAMJET. 18 19 THIS VEHICLE DEMONSTRATED A ACCELERATING FLIGHT USING AN AIR BREATHING, HYPERSONIC ENGINE, TO 20 21 OVER FIVE TIMES THE SPEED OF SOUND. WHAT IS IMPORTANT 22 HERE IS THAT THIS REPRESENTS THE FUTURE OF HIGH SPEED 23 FLIGHT. 24 IT WAS UNDERTAKEN AT EDWARDS, ONCE AGAIN, 25 BECAUSE THAT WAS THE ONLY REASONABLE, SAFE TEST 26 ENVIRONMENT IN WHICH THIS AIRCRAFT COULD BE OPERATED. 27 YOU HAD THE FLIGHT TEST ESTABLISHMENT. YOU HAD THE 28 RANGE CAPABILITIES. YOU HAD THE ABILITY TO HAND THIS

OFF BETWEEN VARIOUS PARTNERS AND CONDUCT A FLIGHT TEST 1 OVER THE PACIFIC MISSILE RANGE. ALL THIS CAME TOGETHER 2 TO GENERATE A MILESTONE BREAKTHROUGH IN FLIGHT. 3 IF WE TAKE A LOOK AT WHERE THIS FITS WITHIN 4 5 THE HISTORY OF FLIGHT, I THINK WE CAN PUT THIS IN THE CONTEXT OF MOBILITY RATES. 6 7 IF WE COULD HAVE THE NEXT SLIDE. WHAT STRIKES ME AS A HISTORIAN WHO'S LOOKED 8 9 AT AEROSPACE TECHNOLOGY IS THE IMPACT, THE DEVELOPMENT 10 OF BOEING OVER TIME. WE ENTERED THE 19TH CENTURY AT 11 6 MILES AS HOUR, THE SPEED OF A STEAM LOCOMOTIVE. 12 DR. HALLION, LET ME INTERRUPT YOU JUST FOR Q 13 ONE MOMENT. 14 Α YES. 15 MR. LEININGER: THIS IS EXHIBIT 260, YOUR HONOR, AND BATES NUMBER ON THIS EXHIBIT IS U.S.A.F. 051949. 16 17 18 (EXHIBIT 260, IDENTIFIED: [AS 19 DESCRIBED HEREIN.]) 20 MR. LEININGER: SORRY. WE HAD LEFT THE PREVIOUS 21 22 EXHIBITS. THIS IS THE LAST EXHIBIT. 23 THE WITNESS: WE ENTERED THE 19TH CENTURY AT 6 MILES AN HOUR, THE SPEED OF A HORSE-DRAWN VEHICLE. 24 25 ENTERED THE -- THINK MILITARY MOBILITY IN THOSE TERMS. WE ENTERED THE 20TH CENTURY AT THE SPEED OF ABOUT 26 27 60 MILES AN HOUR, THE STRATEGIC MOBILITY OF THE 28 RAILROAD. WE ENTERED THE 21ST CENTURY AT 600 MILES AN

1 HOUR, THE SPEED OF THE INTERCONTINENTAL JET AIRLINE OR 2 JET AIR LIFTER. 3 WE ARE LIKELY TO ENTER -- WE ARE ON TRACK 4 TO ENTER THE NEXT CENTURY AT 6,000 MILES PER HOUR, THE 5 SPEED OF A HYPERSONIC GLOBAL RANGING VEHICLE. IF IT IS THE UNITED STATES THAT ACHIEVES THAT, ALMOST CERTAINLY 6 7 THAT VEHICLE WILL BE DEVELOPED AND EXPLOITED AND TESTED AT EDWARDS AIR FORCE BASE, PRECISELY BECAUSE IT HAS THE 8 9 OUALITIES THAT IT HAD AND DEMONSTRATED DURING THE FIRST 10 CENTURY OF FLIGHT, THE UNIQUENESS OF THE LAKE, THE VAST SPACE OF THAT REGION, AND THE WONDERFUL FLYING 11 CONDITIONS THAT YOU HAVE VIRTUALLY YEAR-ROUND. 12 BY MR. LEININGER: 13 14 SO I THINK YOU JUST ANSWERED THE LAST 0 15 OUESTION. SO THAT IS YOUR OPINION WITH REGARD TO THE 16 FUTURE CAPABILITIES OF EDWARDS AIR FORCE BASE? YES. EDWARDS AIR FORCE BASE HAS BEEN THE 17 BASE THAT WE HAVE BUILT AMERICAN MILITARY AIRPOWER, AND 18 19 IT WILL CONTINUE TO BE IF WE ARE GOOD CUSTODIANS OF THAT 20 BASE. MR. LEININGER: NO FURTHER QUESTIONS, YOUR HONOR. 21 22 THE COURT: ALL RIGHT. THANK YOU. 23 ALL RIGHT. WHO IS GOING TO 24 DO CROSS-EXAMINATION? MR. ZIMMER. 25 26 **CROSS-EXAMINATION** 2.7 BY MR. ZIMMER: 28 GOOD MORNING, DR. HALLION. HOW ARE YOU? Q

1	A	GOOD MORNING. THANK YOU VERY MUCH. FINE.
2	Q	THAT'S FASCINATING STUFF.
3	A	THANK YOU.
4	Q	I FOUND PARTICULARLY INTERESTING THE
5	SHOOTING THR	OUGH THE PROPELLERS. I WAS THINKING ABOUT
6	BEING IN ONE	OF THOSE PLANES, WONDERING WHETHER THE
7	PROPELLER WA	S REALLY SYNCHRONIZED CORRECTLY.
8	A	VERY OFTEN IT WASN'T.
9	Q	NOTWITHSTANDING MY INTEREST IN MANY THINGS
10	YOU WOULD HA	VE TO SAY, I'M GOING TO TRY AND KEEP MY
11	QUESTIONS TO	YOU KIND OF DRY AND BLAND PROBABLY FROM
12	YOUR PERSPEC	TIVE
13	A	OKAY.
14	Q	BUT SOME THINGS THAT WE NEED TO KNOW FOR
15	OUR CASE.	
16		I THINK YOU DESCRIBE YOURSELF IN YOUR
17	DEPOSITION A	S A PLANE GUY PRIMARILY. DO YOU RECALL
18	THAT?	
19	A	UH-HUH.
20	Q	IT'S OBVIOUS
21	A	YES, I DO.
22	Q	YOU HAVE A LOT OF KNOWLEDGE IN AIRPLANES
23	AND DEVELOPM	ENT OF THE AIRPLANES.
24		I THINK IT'S FAIR TO SAY THAT HOW THE BASE
25	HAS BEEN USE	O OVER THE YEARS HAS CHANGED SUBSTANTIALLY.
26	A	NO, I WOULD DISAGREE.
27	Q	VERY WELL. IN THE BEGINNING, IT WAS USED
28	AS A BOMBING	AND GUNNERY RANGE; TRUE?

A NOT EXCLUSIVELY.

Q BUT THEY DID USE IT, AS IT WAS ORIGINALLY RESERVED, AS A BOMBING AND GUNNERY RANGE WE HEARD YESTERDAY.

A THAT WAS ONE OF THE PURPOSES, BUT VIRTUALLY FROM THE BEGINNING YOU STARTED TO HAVE TRAINING IN THE SENSE OF MILITARY MANEUVERS. YOU HAD TESTING OF NEW WEAPONS AND TACTICS. SO I WOULD -- YOU KNOW, TO THINK OF THIS AS A DRY, NO PUN INTENDED, STRETCH OF LAND THAT'S JUST OPEN, THAT PEOPLE FLY OVER, DROP BOMBS, STRAFE, I THINK THAT REALLY IS ADOPTING A VIEW THAT'S TOO NARROW OF A SCOPE.

YOU DID TESTIFY, SIR, IN YOUR DEPOSITION

THAT IT WAS ORIGINALLY USED FOR BOMBING AND GUNNERY AND

THAT THE AERONAUTICS ASPECT OF IT, AT LEAST FROM A

MILITARY STANDPOINT, DID NOT DEVELOP UNTIL LATER.

A I THINK WE WERE TALKING THERE ABOUT THE FLIGHT TESTING, BECAUSE I RECALL THE THRUST OF THAT QUESTION WAS GOING TOWARDS WHEN DID WE INTRODUCE EXPERIMENTAL FLIGHT TESTING, AND THAT'S WHY IN THIS TESTIMONY WE BROUGHT UP THE NORTHROP FLYING WING. THERE IS A CHANGE TOWARD FLIGHT TESTING IN 1940 WHICH ENCOMPASSES THE NORTHROP FLYING WING, THE DRONE TESTING, THINGS OF THAT SORT.

Q ALL RIGHT. BECAUSE MR. JOYCE ASKED YOU IN YOUR DEPOSITION THAT IF YOU WERE BOMBING THESE DRY LAKES, IT WOULDN'T NECESSARILY BE GOOD FOR LANDING AIRCRAFT, AND YOU AGREED WITH THAT; CORRECT?

A THE LAKE IS A VERY LARGE LAKE. YOU
WOULDN'T LAND CERTAINLY IN THE MIDDLE OF YOUR BOMB
PATTERN, BUT THAT DID NOT MEAN THAT YOU COULD NOT LAND
ON THE LAKE.

AND REMEMBER, THE BOMBS WE'RE TALKING ABOUT ARE PRACTICE BOMBS. WE'RE NOT TALKING ABOUT 2000-POUND BOMBS OR THINGS LIKE THAT. WE'RE TALKING ABOUT BOMBS THAT ARE PERHAPS 25 POUNDS.

Q AT YOUR DEPOSITION, YOU SAID THAT EDWARDS

CAME INTO PLAY WITH MUROC IN 1944.

A I THINK -- I'M NOT CERTAIN THE -- THE

CONTEXT IN WHICH THAT WAS ASKED. I THINK PERHAPS THAT

WAS REFERRING TO WHEN WE SAW THE INTRODUCTION OF THE

P-80 FLIGHT TEST PROGRAM AT MUROC, WHICH WAS THE FIRST

COMBAT-WORTHY JET AIRCRAFT.

Q YEAH. I THINK WHAT YOU SAID WAS WHERE
EDWARDS CAME INTO PLAY -- WHERE MUROC, THEN EDWARDS CAME
INTO PLAY WAS IN 1944. WE HAD A DECISION TO REACH TO
ESTABLISH A TRANSONIC RESEARCH AIRCRAFT PROGRAM. IS
THAT CORRECT?

A THAT RELATES TO THE EVOLUTION OF THE X-1 RESEARCH AIRCRAFT PROGRAM THAT YOU SAW PRESENTED THIS MORNING. THERE WAS A CONFERENCE ON MARCH 16, 1944, THAT LAUNCHED THAT PROGRAM. BUT AS I SAID, WHEN THAT PROGRAM WAS ORIGINALLY DEVELOPED, THE INTENT WAS TO USE IT FROM LANGLEY FIELD AND PERHAPS WRIGHT FIELD, OHIO.

WHAT WE CAME TO APPRECIATE VERY QUICKLY WAS
THAT THAT AIRCRAFT, FOR SAFETY REASONS, HAD TO BE FLOWN

1 AT EDWARDS. AND SO WE CAN DATE, IF YOU WILL, THE ONSET 2 OF THE SUPERSONIC RESEARCH AIRCRAFT PROGRAM 1944, WHICH 3 MEANS THAT THE CLOCK WAS TICKING AT THAT POINT TOWARDS EDWARDS' ULTIMATE INVOLVEMENT IN THE PROGRAM. 4 5 YOU WOULD AGREE, SIR, THAT IN 1933 THEY 6 CERTAINLY DID NOT INTEND TO USE THE FIELD FOR A SPACE 7 SHUTTLE? I WOULD SAY THAT THE LEADERSHIP AT THAT 8 Α 9 TIME, HAVING READ -- HAVING GONE EXTENSIVELY THROUGH HAP 10 ARNOLD'S --11 I DON'T WANT YOU TO SPECULATE. I WANT TO 0 12 KNOW WHETHER THERE'S ANYTHING IN YOUR HISTORICAL RECORD 13 THAT SHOWS IN 1933 THEY INTENDED TO LAND A SPACE SHUTTLE 14 THERE. 15 BY 1933, PEOPLE WERE SPECULATING ABOUT A SPACE SHUTTLES. IT WAS A POPULAR --16 17 THAT WASN'T MY QUESTION, ABOUT SPECULATING. 18 WAS THERE ANYTHING IN THE HISTORICAL RECORD THAT 19 INDICATES THEY INTENDED TO LAND A SPACE SHUTTLE ON 20 EDWARDS DRY LAKE IN 1933? 21 Α NO. 22 AND THAT WOULD BE TRUE AS TO SUPERSONIC OR O 23 HYPERSONIC, SUPERSONIC AIRCRAFT, BECAUSE THEY DIDN'T 24 EXIST EITHER; CORRECT? 25 THAT IS TRUE, BUT I WOULD OFFER THE 26 FOLLOWING THOUGHT: CERTAINLY, WE ARE NOT SUGGESTING 27 · THAT, WHEN WE DEVELOP A CAPABILITY AT A BASE, WE ARE

TAKING A LOOK AT A SLICE IN TIME AND NOT FEELING THAT

28

THE TECHNICAL FIELD THAT THE BASE IS INVOLVED WITH IS DYNAMIC. AVIATION IS A DYNAMIC PROCESS.

THE PEOPLE WHO -- HAP ARNOLD HAD LEARNED TO FLY WITH THE WRIGHT BROTHERS IN A PUSHER BIPLANE. BY THE EARLY 1930S, HE'S LEADING ALL-METAL, MONOPLANE BOMBERS ON A FLIGHT TO ALASKA. HE HAS SEEN THE EVOLUTION OF FLIGHT. HE WOULD CLEARLY RECOGNIZE -- THE PEOPLE AT THAT TIME TOOK IT AS A GIVEN. YOU SEE THIS IN THEIR PAPERS. YOU SEE THIS IN THEIR DOCUMENTS. THEY ACCEPT AS A GIVEN THAT THERE WILL BE A STEADY ADVANCEMENT IN THE CAPABILITIES OF FLIGHT.

I THINK THAT THEY WOULD NOT HAVE -- THEY

MAY NOT HAVE ENVISIONED A SPACE SHUTTLE, BUT THEY

CERTAINLY DID NOT THINK THAT EDWARDS WOULD BE FURTHER

CONSTRAINED TO OPERATING A KIND OF TECHNOLOGY THAT THEY

WERE OPERATING AT THAT TIME.

Q BUT SO WHAT YOU SAID WAS YOU WOULD TAKE IT
A SLICE IN TIME; SO AT ANY GIVEN TIME THE AIR FORCE
WOULD LOOK AT THE BASE AND USE IT FOR WHAT PURPOSE THEY
NEEDED AT THAT TIME?

A AT ANY GIVEN TIME, THE STATE OF THE TECHNOLOGY INVOLVES CERTAIN PARAMETERS OF AIRCRAFT PERFORMANCE. IN 1944, WE'RE DEALING WITH SUBSONIC AIRPLANES. IN 1954, WE'RE DEALING WITH SUPERSONIC AIRPLANES. IN 1964, WE HAVE THE FIRST HYPERSONIC AIRCRAFT.

YOU KNOW, SO AT ANY GIVEN TIME THERE, YOU KNOW, ARE WE TO THINK THAT, YOU KNOW, WE WOULD DRAW A

LINE THEN AND LIMIT THAT, YOU KNOW, LIMIT THE FUTURE 1 2 EXPRESSION OF THAT TECHNOLOGY OR HOW THAT TECHNOLOGY 3 EVOLVED? FOR EXAMPLE, DRONES. WE DID NOT ENVISION 4 5 DRONES BEING AS BIG, AS SOPHISTICATED, OR AS COMPLEX AS 6 THEY ARE TODAY WHEN WE DID OUR FIRST LITTLE, INITIAL 7 EXPERIMENTS TO WHAT WERE ESSENTIALLY LITTLE MORE THAN 8 MODEL AIRPLANES AT THAT TIME IN 1940, AND YET NOW WE 9 HAVE DRONES THAT ARE AS BIG AS COMMERCIAL AIRLINERS. 10 Q SO THEY WOULD USE IT FOR WHAT THEY NEEDED AT ANY GIVEN TIME; IS THAT CORRECT? 11 12 I THINK THAT WOULD BE A CORRECT WAY OF Α 13 LOOKING AT IT. 14 LET ME MOVE TO SOMETHING --0 15 THE MILITARY DETERMINES REQUIREMENTS. THE Α MILITARY DETERMINES WHAT IT NEEDS TO ACHIEVE AND THEN 16 17 SEEKS WEAPON SYSTEMS AND TECHNICAL ATTRIBUTES THAT 18 ENABLES IT TO DO SO. THE COURT: ALL RIGHT. NEXT QUESTION. 19 20 MR. ZIMMER: THANK YOU, YOUR HONOR. BY MR. ZIMMER: 21 22 LET ME TURN TO THIS. YOU TESTIFIED THAT Q 23 MUROC WAS EXTREMELY ATTRACTIVE BECAUSE OF THREE 24 QUALITIES: ONE, THEY HAD AN EXTRAORDINARILY DRY LAKE 25 THAT ENABLED IT TO OPERATE EXPERIMENTAL AIRCRAFT AND 26 RECOVER THEM ON A 64 SQUARE MILE LAKE BED; TWO, IT HAD 27 TREMENDOUS WEATHER; AND, THREE, IT WAS REMOTE. 28 THAT YOU HAVE VAST OPEN SPACE, I THINK I Α

1 ALSO MENTIONED THAT AS WELL. 2 THE SPACE? Q 3 Α THAT IT HAD VAST OPEN SPACE. YOU HAD VAST 4 OPEN AREA, BOTH A BLOCK OF AIR SPACE, A BLOCK OF LAND 5 OVER WHICH YOU CAN OPERATE. AND THEN THE LAKE ITSELF, NOT JUST LOOKING AT THE CONSTRAINTS OF THE GEOGRAPHICAL 6 7 OUTLINE OF THE LAKE, BUT THE LAKE ITSELF, OF COURSE, 8 GIVES YOU THIS LANDING AREA. BUT BEYOND THAT YOU HAVE 9 THE WHOLE MOJAVE OF THAT REGION OF THE ANTELOPE VALLEY. 10 Q SO IN TERMS OF THE DRY LAKE ITSELF, IT'S 11 EXTREMELY HARD? 12 A RIGHT. 13 Q AND SO YOU DON'T HAVE TO PAVE IT? 14 Α I'M SORRY. YOU DON'T HAVE TO PAVE IT? 15 0 16 Α YOU DON'T REALLY HAVE TO PAVE IT, ALTHOUGH 17 IF YOU'RE DOING ROUTINE AIRCRAFT OPERATIONS OVER THE 18 SAME TRACT OVER AND OVER AGAIN, LIKE YOU WOULD ON DAILY 19 OPERATIONS, THEN YOU WOULD NEED TO HAVE SOME SORT OF 20 PREPARED SURFACE, WHICH IS WHY WE HAD THE INTRODUCTION 21 OF A HARD RUNWAY IN THE 1940, '41 TIME PERIOD. 22 BUT IN TERMS OF THE SELECTION OF THAT LAKE Q 23 BED, IT WAS SELECTED BECAUSE IT WAS HUGE, IT WAS VERY 24 DRY, IT WAS VERY HARD, AND PLANES COULD LAND THERE? 25 A YES. 26 AND IT WOULDN'T BE DRY IF THERE WAS WATER Q 27 THERE. 28 THERE IS WATER THERE, BUT THE WATER -- AS Α

1 YOU KNOW, YOU GET WINTER RAINS. THE RAINS BLOW BACK AND 2 FORTH, ARE BLOWN BACK AND FORTH OVER THE LAKE SURFACE. 3 IT SMOOTHS THE LAKE. AND THEN THAT WATER EITHER EVAPORATES OR IT DISAPPEARS INTO THE WATER TABLE. AND 4 5 THAT IS THE SUM KNOWLEDGE OF MY EXPERTISE IN WATER. WE DON'T NEED TO GO THERE. LET'S TALK 6 Q 7 ABOUT THE SECOND ASPECT, THE FACT THAT IT HAD TREMENDOUS WEATHER. 8 9 Α YES. 10 Q THAT'S ALSO BECAUSE IT DOESN'T RAIN VERY MUCH THERE; RIGHT? 11 12 A I'M NOT --13 Q SELECTED BECAUSE IT DOESN'T RAIN VERY MUCH THERE? 14 I'M NOT A METEOROLOGIST. I THINK IT'S 15 A PROBABLY A VARIETY OF FACTORS, INCLUDING THE PROXIMITY 16 TO THE L.A. HILLS AND THE SAN GABRIELS. SO IT'S MORE 17 18 THAN JUST THE RAIN ISSUE. I THINK IT'S A WEATHER PATTERN ISSUE AS WELL. BUT THAT'S -- AGAIN, THAT'S AN 19 20 AREA THAT I HAVE TO BE VERY CAREFUL TRAIPSING INTO. 21 THE THIRD IMPORTANT FACTOR YOU SAID WAS Q BECAUSE IT WAS REMOTE. 22 23 Α YES. AND THAT IS PROBABLY FOR TWO REASONS: ONE, 24 0 IT'S REMOTE, SO YOU DON'T HAVE TO CRASH AN AIRPLANE ON 25 26 PEOPLE'S HOUSES, BUT ALSO, AS YOU POINTED OUT IN YOUR 27 TESTIMONY, BECAUSE OF THE SECRECY. YOU DON'T WANT 28 PEOPLE SEEING WHAT YOU'RE DOING OUT THERE IN TERMS OF

TESTING THESE EXPERIMENTAL AIRCRAFT; TRUE?

A THAT'S TRUE. YEAH, THAT'S TRUE. THERE -I WOULD SAY THAT THAT WAS VERY TRUE AT THE TIME OF THE
SECOND WORLD WAR, WHEN WE WERE DEALING WITH WHAT WE SAW
AS POTENTIALLY PIVOTAL TECHNOLOGIES LIKE THE JET ENGINE,
AND IT'S TRUE TO A DEGREE TODAY.

Q AND YOU BROUGHT UP WORLD WAR II. IT'S

CLEAR THAT OVER TIME THE EXTENT TO WHICH THE BASE HAS

BEEN USED HAS CHANGED. I THINK YOU SAID IT BOOMED WITH

WORLD WAR II, WHAT WAS HAPPENING AT THE BASE.

**A** IT --

**Q** IS THAT TRUE?

A IT EXPLODED. AS I SAID, IT EXPLODED IN SIZE. IT WENT TO 40,000 PEOPLE, WHICH WAS ALMOST THREE TIMES WHAT THE ENTIRE SIZE OF THE AIR CORPS HAD BEEN IN THE 1930S, BUT THAT DOESN'T REPRESENT A CHANGE IN WHAT THE BASE IS DOING. IT JUST MEANS YOU HAVE MANY MORE PEOPLE AND MANY MORE ACTIVITIES, DOING THE SAME THINGS THAT BASICALLY THEY'VE ALWAYS DONE.

AS THE AIR FORCE RISES AND FALLS IN SIZE,
YOU DON'T SEE THINGS BEING TAKEN AWAY FROM MUROC IN
THOSE DAYS AND EDWARDS LATER. YOU FIND THEY'RE DOING
THE SAME SORTS OF ACTIVITIES. YOU'RE DOING TRAINING.
YOU'RE DOING OPERATIONAL DEPLOYMENTS OF AIRCRAFT IN
WORLD WAR II, WHEN YOU FLEW 97 SORTIES FROM EDWARDS.

AND THAT MAY SOUND FOOLISH. WHO WAS
WORRIED ABOUT SUBMARINES IN 1942? WELL, WE MUST
REMEMBER THAT SANTA BARBARA WAS SHELLED BY A JAPANESE

1	SUBMARINE IN 1942. SO THERE WAS A REAL INTEREST HERE IN
2	EDWARDS BEING A FULL SERVICE, IF YOU WILL, MILITARY
3	BASE.
4	Q YOU TESTIFIED, DIDN'T YOU, THAT YOU FOUND
5	NO EVIDENCE THAT THE ARMY AIR CORPS SPECIFICALLY THOUGHT
6	THAT MUROC DRY LAKE IN THE 1930 TIME PERIOD AS BEING A
7	POTENTIAL FLIGHT TEST CENTER?
8	A I'M NOT SURE I RECALL SAYING THAT,
9	ACTUALLY. I WOULD LIKE TO TAKE A LOOK AT THE
10	MR. ZIMMER: APPROACH THE WITNESS, YOUR HONOR?
11	THE WITNESS: DEPOSITION.
12	THE COURT: GO AHEAD.
13	BY MR. ZIMMER:
14	Q SEE IF THIS REFRESHES YOUR RECOLLECTION.
15	PAY NO ATTENTION TO ALL MY HIGHLIGHTING (INDICATING).
16	MR. LEININGER: COULD WE HAVE THE PAGE? EXCUSE
17	ME, YOUR HONOR.
18	MR. ZIMMER: IT'S LET ME HAVE THE WITNESS READ
19	IT, AND THEN I'LL
20	MR. LEININGER: YOUR HONOR, MAY WE HAVE ONE MOMENT
21	WHILE WE RETRIEVE OUR COPY?
22	THE COURT: YES. GO AHEAD.
23	MR. ZIMMER: IT'S PAGE 35, LINES 7 THROUGH 10.
24	
25	(PAUSE IN THE PROCEEDINGS.)
26	
27	MR. LEININGER: PAGE 35?
28	MR. ZIMMER: YEP.

(COUNSEL SPOKE SOTTO VOCE.)

2.5

THE COURT: GO AHEAD.

BY MR. ZIMMER:

Q SIR, YOU DID TESTIFY TO THAT; CORRECT?

A YEAH. AND THERE'S A STRAIGHTFORWARD EXPLANATION OF THAT. THE FLIGHT TEST CENTER, THE OFFICIALLY DESIGNATED FLIGHT TEST CENTER FOR THE ARMY AIR SERVICE, LIKE THE ARMY AIR CORPS IN THE 1920S AND 1930S, WAS AT WRIGHT FIELD, OHIO.

WE MUST REMEMBER, THEN AS NOW, THAT THE AIR FORCE AND ITS PREDECESSORS, THE AIR CORPS, THE ARMY AIR FORCES, THE ARMY AIR SERVICE BEFORE THAT, UNDERTAKE A VARIETY OF TESTING AT MANY DIFFERENT INSTALLATIONS AND BASES. WE HAD ONE PRIMARY FLIGHT TEST CENTER, AND THAT WAS WRIGHT FIELD, OHIO, IN THE 1920S AND 1930S.

AS THE TECHNOLOGY EVOLVED, WE SAW -- AFTER WORLD WAR II WE SAW EDWARDS EMERGE AS THE AIR FORCE FLIGHT TEST CENTER, BUT THAT DID NOT MEAN THAT AT THAT TIME OR ANY PREVIOUS TIME THAT THERE WAS NOT TESTING TAKING PLACE AT MUROC OR, FOR THAT MATTER, ANY OTHER OF THE ARMY AIR CORPS, ARMY AIR SERVICE BEFORE THAT, ARMY AIR FORCES LATER, BASES SUCH AS THE COOK FIELD -- SUCH AS, I SHOULD SAY, MITCHELL FIELD, LONG ISLAND OR LANGLEY FIELD, WHERE WE UNDERTOOK TESTING OF BOMBERS, OR EGLIN FIELD IN FLORIDA, WHERE WE WERE DOING WEAPONS TESTING AND WE WERE DOING TACTICS DEVELOPMENT. TESTING TAKES

```
PLACE THROUGHOUT THE SERVICE.
 1
                  SO THE FACT THAT IT WAS NOT YET DESIGNATED
 2
 3
     AS THE CENTRAL FLIGHT TEST CENTER FOR THE AIR SERVICE,
 4
     AIR CORPS, AIR FORCES BEFORE WE HAD THE POST WAR
 5
     EVOLUTION OF EDWARDS AIR FORCE BASE, THAT REALLY,
 6
     FRANKLY, MEANS VERY, VERY LITTLE, BECAUSE WE HAD SO MUCH
 7
     OTHER TESTING GOING ON.
                  IT WAS COMPLETELY CONSISTENT THAT, FOR
 8
     EXAMPLE, IN THE LATE 1930S YOU FIND THAT WE HAD THIS --
 9
10
     THIS -- THESE TRIALS OF ANTIAIRCRAFT GUN CREWS EXPLORING
     HOW TO DEFEND AGAINST AIR ATTACK. IT WAS VERY
11
     CONSISTENT WITH THE TRAINING THAT WAS BEING DONE AT THAT
12
13
     TIME.
           TRAINING AND TESTING GO HAND AND HAND.
                                                     THEY'RE
    NOT THE SORT OF THINGS THAT YOU CAN READILY AND EASILY
14
15
     DIVIDE.
                  I'M GOING TO TRY AND MOVE THROUGH THIS A
16
     LITTLE -- FAIRLY OUICKLY. I KNOW THAT YOU HAVE A LOT OF
17
    KNOWLEDGE AND YOU WANT TO EXPLAIN EVERYTHING.
                                                     I'M GOING
18
19
     TO TRY AND GET SOME ANSWERS, AND YOUR LAWYERS CAN COME
20
     BACK TO SOME EXTENT IF THEY WANT TO.
21
                  I WANT TO TALK TO YOU ABOUT A QUOTE OUT OF
22
     YOUR BOOK.
23
           Α
                  UH-HUH.
24
           Q
                  YOU WROTE A BOOK CALLED ON THE FRONTIER.
25
           A
                  YES.
26
                  AND YOU QUOTED THAT BOOK IN YOUR
27
     DEPOSITION --
28
           Α
                  YES.
```

```
-- IN YOUR DEPOSITION, AT PAGE 37, ON
 1
           Q
 2
     LINES 22 THROUGH 25, FROM PAGE 16 OF YOUR BOOK. AND YOU
 3
     SAID, QUOTE, "THE CHARACTER OF OPERATIONS AT MUROC
 4
     CHANGED. WHAT HAD BEEN A USEFUL BOMBING AND GUNNERY
 5
     SITE NOW BECAME A REMOTE TESTING SITE."
                  DID YOU TESTIFY TO THAT?
 6
 7
           A
                  I WOULD LIKE TO SEE THE SECTION OF THE BOOK
     IF YOU HAVE IT.
 8
                  I DON'T HAVE THE BOOK, BUT I HAVE YOUR
 9
10
     TESTIMONY ON IT.
                  WELL, I'LL ADDRESS IT THIS WAY: IN THE
11
           Α
     BROADEST SENSE --
12
                  WELL, I'M NOT ASKING YOU TO EXPLAIN IT.
13
           Q
     I'M JUST ASKING DID YOU TESTIFY TO THAT?
14
15
          MR. DUNN: OBJECTION, YOUR HONOR.
           THE WITNESS: I DON'T RECALL TESTIFYING TO THAT.
16
          MR. DUNN: OBJECTION, YOUR HONOR. THIS IS
17
     IMPROPER OUESTIONING OF A WITNESS USING DEPOSITION
18
     TESTIMONY FOR IMPEACHMENT. IT REALLY IS BADGERING THE
19
20
    WITNESS. THE DEPOSITION TESTIMONY HAS BEEN PRESENTED.
21
    THERE'S NO FURTHER QUESTION TO OFFER AS TO WHETHER OR
22
    NOT HE TESTIFIED TO IT. HE DID. IT'S THERE.
23
           THE COURT: I'M GOING TO OVERRULE THAT OBJECTION.
    HE CAN ASK HIM WHAT HIS TESTIMONY IS TODAY BASED UPON
24
25
    WHAT HE SAID AT A PRIOR OCCASION.
          MR. ZIMMER: IF I COULD REFRESH YOUR MEMORY, YOUR
26
27
    HONOR.
28
           THE WITNESS: THAT'S -- IN THE BROADEST SENSE I --
```

1 BY MR. ZIMMER: DID YOU TESTIFY TO THAT? 2 I DID TESTIFY TO THAT, AND I WOULD ACCEPT 3 4 THAT. I THINK IN THE BROADEST SENSE THAT IS ACCURATE, 5 BUT THAT DOES NOT MEAN THAT THERE WERE NOT MANY OTHER THINGS GOING ON. 6 7 8 (PAUSE IN THE PROCEEDINGS.) 9 10 BY MR. ZIMMER: 11 IS IT TRUE THAT PLANT 42 IS PREDOMINANTLY A Q 12 CIVILIAN, FOR PROFIT FACILITY? 13 I DON'T REALLY HAVE -- I DON'T REALLY HAVE 14 THE SPECIFIC ADMINISTRATIVE BACKGROUND TO ADDRESS THAT. 15 CERTAINLY, THERE ARE CONTRACTORS THERE WORKING ON A AIR 16 FORCE PLANT. PRESUMABLY, THEY'RE IN PROFIT MAKING 17 BUSINESS. BUT I WOULD DEFER TO MY COLLEAGUE WHO HAS PLANT 42 TO ADDRESS THAT MORE ACCURATELY THAN I CAN. 18 DID YOU TESTIFY THAT PREDOMINANTLY IT WAS 19 20 YOUR APPRECIATION THAT A CIVIL, FOR PROFIT PROPERTY 21 OCCUPIED THAT FACILITY? 22 Α YES. 23 MR. DUNN: OB --24 THE COURT: HE JUST SAID YES. IT'S A BELATED 25 OBJECTION. MR. HALLION, YOU MIGHT PAUSE IN YOUR 26 27 ANSWERS TO GIVE COUNSEL AN OPPORTUNITY TO INTERPOSE

OBJECTIONS IF THEY THINK IT APPROPRIATE.

28

ı	
1	THE WITNESS: THANK YOU, YOUR HONOR.
2	THE COURT: JUST TAKE A BREATH.
3	GO AHEAD, MR. ZIMMER.
4	BY MR. ZIMMER:
5	Q IT IS TRUE, SIR, THAT YOU DID NOT LOOK AT
6	ANY HISTORICAL DOCUMENTS TO DETERMINE THE RATIONALE OR
7	REASONING WHY THE FEDERAL GOVERNMENT ACQUIRED AN
8	AGGREGATED PROPERTY?
9	A NO.
10	Q CORRECT?
11	A YES, THAT'S CORRECT.
12	
13	(PAUSE IN THE PROCEEDINGS.)
14	
15	MR. ZIMMER: THANK YOU, DOCTOR. I HAVE NO OTHER
16	QUESTIONS.
17	THE WITNESS: THANK YOU VERY MUCH.
18	THE COURT: WELL, BEFORE WE GET TO REDIRECT, ANY
19	FURTHER CROSS-EXAMINATION? MR. KUHS?
20	MR. KUHS: YES.
21	
22	FURTHER CROSS-EXAMINATION
23	BY MR. KUHS:
24	Q GOOD MORNING, DR. HALLION. MY NAME IS
25	ROBERT KUHS. I WANTED TO ASK YOU A FEW FOLLOW-UP
26	QUESTIONS.
27	A FINE.
28	Q ARE YOU FAMILIAR WITH MURPHY'S LAW?

1	A YES.
2	Q DID YOU KNOW CAPTAIN MURPHY?
3	A I DID NOT KNOW CAPTAIN MURPHY. I HAVE
4	HEARD THE STORY THAT MURPHY'S LAW ORIGINATED AT EDWARDS.
5	I CAN'T CONFIRM THAT.
6	Q LET ME START WITH YOUR DISCUSSION OF NASA.
7	NASA IS A CIVILIAN ORGANIZATION; CORRECT?
8	A YES.
9	Q THEY ARE NOT UNDER THE DEPARTMENT OF
10	DEFENSE CONTROL; CORRECT?
11	A THAT IS CORRECT.
12	Q THEY DON'T DROP LIVE MUNITIONS; CORRECT?
13	A I CAN'T CONFIRM THAT. IN THE COURSE OF
14	SOME OF THEIR TESTING, THEY MIGHT. I KNOW THAT IN SOME
15	TESTING THAT NASA HAS DONE THEY HAVE DONE THEY HAVE
16	DONE TESTING RELATED TO WEAPON SYSTEM DEVELOPMENT,
17	TRACKING TARGETS, TRYING TO OBTAIN OPTIMUM FIRING
18	SOLUTIONS; SO THAT MAY POSSIBLY HAVE INVOLVED ACTUALLY
19	FIRING ORDNANCE.
20	Q DO YOU HAVE ANY PERSONAL KNOWLEDGE THAT ANY
21	ORDNANCE HAS EVER BEEN FIRED BY NASA?
22	A I BELIEVE THAT IN THE F-16 XL FLIGHT TEST
23	PROGRAM IN THE 1990S, THAT THERE WAS THERE WAS
24	ORDNANCE MOUNTED ON THE AIRCRAFT. NOW, I HAVE TO
25	CONFESS THAT THIS IS A RECOLLECTION FROM YEARS AGO. BUT
26	ASIDE FROM THAT, I CAN'T RECALL I CAN'T RECALL OF
27	OTHER CASES.
28	I CAN RECALL THIS: THAT THERE WERE DROP

1 TANKS AND BOMB SHAPES INSTALLED ON NASA RESEARCH 2 AIRPLANES AND, BEFORE THAT, NACA AIRPLANES; AND THAT IN 3 THE 1980S, UNDER THE TACT PROGRAM, THE TRANSONIC AIRCRAFT TECHNOLOGY PROGRAM, WE WERE FLYING A MODIFIED 4 5 F-111 AIRCRAFT IN A JOINT NASA-AIR FORCE PROGRAM, THAT 6 HAD BOMB PYLONS WITH 500-POUND BOMBS, MACH 82 BOMBS ON 7 IT. 8 NOW, I DO NOT KNOW IF THAT WAS LIVE 9 ORDNANCE. I SUSPECT THAT IT WAS PROBABLY NOT LIVE ORDNANCE, BUT IT WAS DEFINITELY A 500-POUND BOMB. 10 ALL RIGHT. APPRECIATE THAT. 11 Q ONE THING THAT MIGHT HELP MOVE THIS ALONG 12 13 IS THAT -- IT SOUNDS LIKE YOU'RE SORT OF THINKING 14 THROUGH THE PROCESS ON THE RECORD. AND WHAT MIGHT HELP IS TO HEAR MY QUESTION, UNDERSTAND THE QUESTION, PROCESS 15 16 THE ANSWER, AND THEN JUST GIVE ME A YES OR NO, IF IT CALLS FOR A YES OR NO. WOULD YOU DO THAT? 17 18 I WILL TRY. THE COURT: WELL, JUST A MINUTE. THIS IS NOT A 19 20 DEPOSITION, COUNSEL. THAT'S AN IMPROPER INSTRUCTION. 21 BY MR. KUHS: 22 WHAT YEAR --Q 23 THE COURT: JUST LISTEN TO THE QUESTION, 24 DR. HALLION, AND ANSWER IT AS BEST YOU CAN. TRY NOT TO 25 GET INTO A NARRATIVE BEYOND THE QUESTION. 26 THE WITNESS: THANK YOU, YOUR HONOR. 27 THE COURT: THANK YOU.

28

## BY MR. KUHS:

Q WHAT YEAR WAS NASA FIRST PRESENT AT EDWARDS
AIR FORCE BASE?

A 1946. REMEMBER, WHEN YOU TALK ABOUT NASA, YOU CANNOT SEPARATE THE HISTORY OF NASA FROM THE HISTORY OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS.

THERE WAS A NAME CHANGE FOLLOWING THE 1958 NATIONAL SPACE ACT. THERE WAS A NAME CHANGE IN 1959, WHERE THE NACA FACILITIES BECAME THE NASA FACILITIES.

BUT IF YOU ARE TRACING WHEN YOU HAD THE PRESENCE OF THAT, IT DATES TO 1949, WHEN A SMALL TEAM OF PEOPLE -- 1946, WHEN A SMALL TEAM OF PEOPLE WERE SENT FROM THE LANGLEY RESEARCH CENTER TO WHAT WAS THEN MUROC, AND THEY WERE LIVING IN MILITARY HOUSING AT THE TIME.

Q AND DO YOU KNOW HOW MANY PERSONNEL ARE ON THE BASE TODAY THAT ARE ASSOCIATED WITH NASA?

A I DON'T.

18 Q DID NASA ALSO HAVE A JET ENGINE TEST
19 FACILITY?

A THEY HAVE HAD -- THEY HAVE DONE ENGINE

TESTING AT EDWARDS, BUT IN -- AS I RECALL, TYPICALLY IN

RELATION TO A SPECIFIC PROGRAM. FOR EXAMPLE, THEY WERE

DOING ENGINE TESTING WHEN I WAS AT EDWARDS, ON THE YF-12

BLACKBIRD PROGRAM, WHICH WAS ONE OF THE MACH 3 RESEARCH

AIRPLANES THAT THEY HAD.

THEY WERE DOING -- THEY WERE DOING A GREAT

AND HAVE DONE A GREAT DEAL OF IN-FLIGHT TESTING OF

DIGITAL ELECTRONIC ENGINE CONTROLS UNDER A JOINT AIR

FORCE-NASA PROGRAM, USING A MODIFIED F-15 AIRCRAFT, AND THAT WOULD HAVE INVOLVED ENGINE RUNS ON THE GROUND, CALIBRATION RUNS, TOGETHER WITH FLIGHT TEST DEMONSTRATIONS OF THAT ENTRY IN FLIGHT.

BUT BEYOND THAT I DON'T -- I HAVE TO

CONFESS I DO NOT KNOW OF A SPECIFIC DESIGNATED TEST

FACILITY OR TEST CELL OR WHATNOT THAT IS DEVOTED JUST TO ENGINE TESTING.

Q IN REFERENCE TO PLANT 42 AND THE
RELATIONSHIP WITH EDWARDS, YOU USED A NUMBER OF PHRASES
LIKE NEXUS AND PARTNERSHIP. WERE YOU USING THOSE TERMS
NOT IN A LEGAL SENSE BUT SIMPLY TO SHOW A LEVEL OF
COOPERATION BETWEEN THOSE TWO FACILITIES?

A I'M NOT A LAWYER; SO I WOULD NOT BE ABLE TO DEFINE WHAT CONSTITUTES THAT DEFINITION IN A LEGAL SENSE. SO I WAS JUST LOOKING AT THE MACRO, IF YOU WILL, OVERVIEW, A 40,000-FOOT VIEW OF THE RELATIONSHIP BETWEEN PLANT 42 AND EDWARDS.

Q YOU QUOTED SOME FIGURES EARLY ON. I THINK
YOU SAID AT ONE STAGE IN 1936 THERE WAS APPROXIMATELY
1,400 AIRCRAFT AT EDWARDS AIR FORCE BASE.

A NO. I WAS REFERRING TO THE TOTAL SIZE OF THE ARMY AIR CORPS AT THAT TIME, AND THE TOTAL SIZE OF THE ARMY AIR CORPS AT THAT TIME WAS ROUGHLY 14,000 PEOPLE AND 1,400 AIRPLANES.

IT'S FUNNY THAT IT SEEMS TO BE A RELATIVELY CONSISTENT 10-TO-1 RELATIONSHIP IN PERSONNEL VERSUS AIRCRAFT IN THIS TIME. THE NUMBER LEAPT TO ABOUT 26,000

PEOPLE AND 2,200 AIRPLANES ON THE ROAD TO WORLD WAR II. 1 2 AND THEN, OF COURSE, IN WORLD WAR II WE 3 WOUND UP WITH A NATION THAT PRODUCED 300,000 AIRPLANES 4 BEFORE THE END OF THE WAR; SO THE NUMBERS OF AIRCRAFT 5 AND MILITARY SERVICE JUMPED BY THE TENS OF THOUSANDS. SO I THINK, AGAIN, I NEED YOU TO LISTEN TO 6 Q 7 MY QUESTION. DO YOU KNOW HOW MANY AIRCRAFT WERE STATIONED AT EDWARDS AIR FORCE BASE IN 1936? 8 I DON'T. 9 Α 10 YOU MENTIONED THAT IN 1941 THERE WAS A MASSIVE BUILDUP, SOME 40,000 PEOPLE. WERE THOSE 40,000 11 PEOPLE STATIONED AT EDWARDS? 12 13 Α THERE WERE 40,000 PEOPLE STATIONED AT MUROC IN THE -- DURING THE WAR. AT ANY ONE PARTICULAR TIME, 14 YOU'D FIND 40,000 PEOPLE THERE. 15 16 IT WOULD BE COMPRISED OF A RANGE OF 17 INDIVIDUALS. YOU WOULD HAVE MAINTAINERS OF THE 18 AIRCRAFT. YOU WOULD HAVE TRANS AND GUNNERY CREWS, ARMOR 19 CREWS, THINGS LIKE THAT. YOU WOULD HAVE FLIGHT TEST 20 CREWS. YOU MIGHT HAVE HAD A CIVILIAN TEST FORCE. 21 YOU MIGHT HAVE HAD CIVILIANS LIVING IN HOUSING IN 22 SURROUNDING COMMUNITIES. YOU MIGHT HAVE EVEN HAD -- YOU 23 24 KNOW, YOU MIGHT HAVE EVEN HAD PEOPLE DETAIL FROM THE 25 BASE TO LIVE IN OFFSHORE -- IN OFF-BASE HOUSING. BUT THE ASSIGNED NUMBER OF PEOPLE WAS 40,000. 26 MR. KUHS: I'LL MOVE TO STRIKE EVERYTHING IN HIS 27 28 RESPONSE AFTER YES.

1 THE COURT: I'M GOING TO DENY THAT REQUEST. 2 BY MR. KUHS: 3 WHEN DID WORLD WAR II START, DR. HALLION? 0 4 WORLD WAR II STARTED IN SEPTEMBER 1939. 5 AND AMERICAN INVOLVEMENT IN WORLD WAR II BEGAN ON 6 DECEMBER 7, 1941. AND, OF COURSE, IT ENDED, THEN, IN 7 AUGUST OF 1945. 8 SO THIS TROOP BUILDUP WOULD HAVE BEEN IN Q PREPARATION FOR WAR? 9 THERE WAS A STEADY EXPANSION -- YES. THERE 10 11 WAS A STEADY EXPANSION IN THE AMERICAN MILITARY NATIONWIDE, YOU KNOW, RESPONDING TO DICTATES OF 12 PRESIDENT ROOSEVELT, FROM LATE 1930S ONWARDS. 13 ONCE WE HAD THE OUTBREAK OF THE WAR IN 14 15 SEPTEMBER 1939, THE ACOUISITION OF MATERIAL AND THE IMPOSITION OF A DRAFT, I MEAN, THAT ALL WORKED TO 16 ACCELERATE THE GROWTH OF AMERICAN MILITARY FORCES. 17 AND HOW MANY PERSONNEL ARE STATIONED AT 18 19 EDWARDS TODAY? 20 I DON'T KNOW. Α IS IT FAIR TO DESCRIBE WORLD WAR II AS A 21 Q WAR OF ATTRITION? 22 MR. LEININGER: OBJECTION, VAGUE. 23 THE COURT: SUSTAINED. 24 25 BY MR. KUHS: 26 HAVE YOU EVER DESCRIBED WORLD WAR II AS A 0 27 WAR OF ATTRITION? 28 MR. LEININGER: RENEWED OBJECTION.

THE COURT: WHY IS THAT RELEVANT TO HIS TESTIMONY 1 2 OR THE ISSUES IN THIS CASE? 3 MR. KUHS: YOUR HONOR, TRYING TO ESTABLISH THAT 4 WAR AND PERSONNEL AND MILITARY AIRCRAFT BUILDUP IN WORLD 5 WAR II IS COMPLETELY DIFFERENT THAN THE SITUATION TODAY. 6 WE NO LONGER HAVE WARS OF ATTRITION. 7 THE COURT: WELL, I'M NOT SO SURE THAT'S TRUE. BUT I'M GOING TO SUSTAIN THE OBJECTION. I THINK IT'S 8 9 FAR AFIELD. BY MR. KUHS: 10 DOCTOR, YOU MENTIONED THAT THERE WAS SOME 11 12 ROCKET TESTING DONE AT LEEMAN RIDGE. DO I HAVE THAT 13 CORRECT? A YES. LEUHMAN RIDGE. 14 15 OH. IN WHAT PART OF THE BASE IS LEUHMAN 0 16 RIDGE? IT'S ON THE EAST -- IT'S A RIDGE THAT RISES 17 Α ON THE EAST LAKESHORE OF ROGERS DRY LAKE. 18 19 DO YOU KNOW HOW MANY ROCKET FIRINGS TOOK 20 PLACE ON LEUHMAN RIDGE IN 1965? 21 Α I DON'T KNOW THE PRECISE NUMBER. DO YOU KNOW HOW MANY ROCKET FIRINGS TOOK 22 Q 23 PLACE ON LEUHMAN RIDGE IN 1966? 2.4 I DON'T KNOW THE PRECISE NUMBER. Α 25 MR. KUHS: YOUR HONOR, YOU WANT TO TAKE A BREAK? 26 THE COURT: IF YOU'RE DONE, I'M GOING TO TAKE A 27 BREAK. IF YOU'RE NOT DONE, I MIGHT GIVE YOU ANOTHER 28 MINUTE OR TWO.

1 2 (PAUSE IN THE PROCEEDINGS.) 3 4 THE COURT: WELL, I DON'T WANT TO RUSH YOU, 5 MR. KUHS. IF YOU WANT TIME TO LOOK THROUGH YOUR NOTES 6 AND DECIDE IF YOU'VE GOT MORE QUESTIONS, WE'LL TAKE OUR 7 MIDMORNING BREAK AT THIS TIME, FOR 15 MINUTES. MR. KUHS: THANK YOU. 8 9 10 (RECESS.) 11 12 THE COURT: ALL RIGHT. LET'S HAVE THE WITNESS 13 RETURN TO THE STAND. ASK EVERYBODY TO BE SEATED, 14 PLEASE. 15 MR. KUHS. MR. KUHS: I'M GOING TO REST, YOUR HONOR. 16 17 THE COURT: I'M SORRY? 18 MR. KUHS: I'M GOING TO REST. 19 MR. ZIMMER: NO MORE QUESTIONS? YOU DON'T WANT TO 20 REST. 21 MR. KUHS: NO MORE QUESTIONS. 22 THE COURT: TOO EARLY FOR YOU TO REST. ALL RIGHT. ANYBODY ELSE WISH TO 23 24 CROSS-EXAMINE THE WITNESS? 25 ALL RIGHT. REDIRECT. 26 MR. LEININGER: THANK YOU, YOUR HONOR. AND JUST TO -- ACTUALLY, A BOOKKEEPING ISSUE. WITH REGARD TO THE 27 28 VIDEO THAT WAS THE EXHIBIT 255, IT DOES HAVE A BATES

1 LABEL IN THE DATABASE, 045930. AND THE PHOTOS OF THE 2 B-1 CRASH -- I'M SORRY. I WAS TOLD NOT TO CALL THAT A 3 CRASH. THE B-1 LANDING WAS A BATES LABEL 45931 TO 4 45940. 5 THE COURT: WAS THAT A CRASH LANDING? THE WITNESS: IN-FLIGHT EMERGENCY. IN-FLIGHT 6 7 EMERGENCY AND UNUSUAL RECOVERY. THE COURT: WELL, ALL RIGHT. 8 9 MR. LEININGER: NOT A CRASH, YOUR HONOR. JUST ONE QUESTION ON REDIRECT, YOUR HONOR. 10 11 12 REDIRECT EXAMINATION BY MR. LEININGER: 13 DR. HALLION, YOU HAD TESTIFIED ABOUT THE 14 Q BEST ATTRIBUTES OF EDWARDS AIR FORCE BASE, AND I BELIEVE 15 ONE OF THEM WAS ITS REMOTENESS; SO I WANT YOU TO 16 DESCRIBE IN A LITTLE MORE DETAIL WHAT IS MEANT BY 17 "REMOTENESS." IS THAT A DISTANCE FROM POPULATION 18 CENTERS? 19 20 YES, IT IS. AND REMOTENESS IS MORE THAN Α 21 MERELY HAVING SOMETHING AT A DISTANCE SO THAT YOU CAN'T SEE IT. REMOTENESS INVOLVES A WHOLE LOT OF ISSUES. 22 CAN INVOLVE SAFETY ISSUES. WE ARE TESTING HIGHLY RISKY 23 AIRCRAFT, AND YOU DO NOT WANT TO HAVE THE EXPECTATION OF 24 25 THESE COMING DOWN IN POPULATED AREAS. 26 IT CAN BE ALSO -- TO BE QUITE FRANK ABOUT 27 IT, IT CAN BE A -- IT CAN BE A QUALITY OF LIFE ISSUE,

AIRCRAFT NOISE. AIRCRAFT NOISE IS A SERIOUS PROBLEM

28

WITH HIGH PERFORMANCE AIRPLANES. WE'RE SEEING THIS
WHERE I LIVE IN THE GULF COAST, WITH THE NEW AIRCRAFT
CALLED THE F-35.

YOU HAVE A SMALL, CONSTRAINED BASE WITH A LOT OF LITTLE COMMUNITIES AROUND IT, AND THE NOISE LEVELS IF YOU'RE DOING ROUTINE TRAINING, AS WE ARE, AND THEN TESTING ON TOP OF THAT, THAT GETS TO BE -- THAT GETS TO BE ONEROUS TO PEOPLE THAT DON'T BELIEVE, LIKE I DO, THAT JET NOISE IS THE SOUND OF FREEDOM.

SO THE REMOTENESS OF EDWARDS, THE SIZE OF THAT RESERVATION, THE REMOTENESS IS VERY ATTRACTIVE FOR A WHOLE NUMBER OF REASONS IN TERMS OF SITING FACILITIES THAT USE SPECIAL PURPOSE TESTING ON TRAINING, CONDUCTING HAZARDOUS FLIGHT TEST OP -- POTENTIALLY HAZARDOUS FLIGHT TEST OPERATIONS, THINGS OF THAT SORT.

Q SO EDWARDS DOES NOT HAVE THIS ENCROACHMENT PROBLEM, IN YOUR OPINION?

A EDWARDS, I THINK, HAS BEEN SUCCESSFUL UP TO THE PRESENT TIME IN MAINTAINING THE PERIMETERS OF THE INSTALLATION SO THAT ENCROACHMENT HAS NOT PROVEN AN ISSUE; HOWEVER, IT HAS MAINTAINED THAT ONLY BY CONSISTENTLY FIGHTING ATTEMPTS TO ENCROACH UPON IT.

THE EXAMPLE I WOULD GIVE IN THE 1980S, WHEN I WAS AT EDWARDS, WAS THE CREATION OF A VERY TALL TRANSMISSION TOWER IN THE ROSAMOND ERA -- AREA WAS RELOCATED, I BELIEVE, BECAUSE WE SUCCESSFULLY PROTESTED THAT IT WOULD ENCROACH UPON OUR SUPERSONIC, LOW ALTITUDE FLIGHT TEST CAR.

1	THIS IS SOMETHING THAT YOU ALWAYS HAVE TO
2	WATCH, YOU KNOW, THE POTENTIAL OF PUTTING IN FACILITIES,
3	ACTIVITIES, HABITATION AREAS, WHATEVER IT IS, ON THE
4	PERIPHERY OF THE BASE THAT PREVENTS THAT BASE FROM
5	ACCOMPLISHING IN AN EXPEDITIOUS MANNER WHAT IT NEEDS TO
6	DO FOR NATIONAL DEFENSE PURPOSES.
7	Q THANK YOU, DR. HALLION.
8	MR. LEININGER: NO FURTHER QUESTIONS, YOUR HONOR.
9	THE COURT: ALL RIGHT. THANK YOU.
10	THE WITNESS: THANK YOU, YOUR HONOR.
11	THE COURT: ALL RIGHT. THE WITNESS IS EXCUSED.
12	MR. LEININGER: JUST BEFORE WE END WITH OR NOW
13	THAT WE HAVE IT IN, DR. HALLION, I WOULD MOVE FOR
14	SUBMISSION OF HIS EXHIBITS, HIS FOUR EXHIBITS.
15	THE COURT: ANY OBJECTION TO THE EXHIBITS?
16	MR. ZIMMER: NO.
17	THE COURT: THEY'LL BE RECEIVED.
18	MR. LEININGER: THANK YOU.
19	
20	(EXHIBIT NUMBERS 3, 126, 255,
21	AND 260, RECEIVED.)
22	
23	THE COURT: CALL YOUR NEXT WITNESS.
24	MR. DUBOIS: JIM DUBOIS, FOR THE UNITED STATES.
25	THE NEXT WITNESS I WOULD CALL IS GENERAL MICHAEL BREWER.
26	THE COURT: ALL RIGHT, SIR. WOULD YOU COME
27	FORWARD PLEASE AND BE SWORN.
28	WHY DON'T YOU REMAIN STANDING AND RAISE

1 YOUR RIGHT HAND, PLEASE. THE CLERK: YOU DO SOLEMNLY STATE THAT THE 2 3 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND 4 5 NOTHING BUT THE TRUTH, SO HELP YOU GOD? 6 THE WITNESS: I DO. 7 THE COURT: PLEASE STATE YOUR FULL NAME, SPELL IT, 8 AND STATE YOUR BUSINESS ADDRESS, PLEASE. 9 THE WITNESS: WELL, BUSINESS ADDRESS I MIGHT HAVE 10 TO LOOK UP, ACTUALLY. BUT BRIGADIER GENERAL MICHAEL T. BREWER, MICHAEL THOMAS BREWER. M-I-C-H-A-E-L, 11 12 T-H-O-M-A-S, B-R-E-W-E-R. AND I AM -- BUSINESS ADDRESS 13 IS EDWARDS, CALIFORNIA, 412 TEST WING. AND ACTUALLY, IF YOU GIVE ME ONE SECOND --14 15 THE COURT: THAT'S ACTUALLY CLOSE ENOUGH, EDWARDS 16 AIR FORCE BASE. THE WITNESS: SURE. IT'S THE BENEFIT OF HAVING A 17 STAFF. THEY JUST SEND ME STUFF. 18 19 MR. DUBOIS: YOUR HONOR, MAY MR. OYARZO APPROACH 20 THE WITNESS AND --21 THE COURT: YES. 22 MR. DUBOIS: HE HAS A STACK OF EXHIBITS. 23 PLEASE. 24 25 (INAUDIBLE: REPORTER'S INTERRUPTION.) 26 27 MR. DUBOIS: I SAID AS WITH ALL THE OTHERS, THESE 28 HAVE PREVIOUSLY BEEN STAMPED.

1 THE WITNESS: I GUESS BEFORE WE GET STARTED, DO 2 YOU MIND IF I JUST APOLOGIZE? I DID MY BEST TO TRY TO 3 AVOID COMING TO COURT BY BEING SICK, AND APPARENTLY IT 4 WASN'T GOOD ENOUGH; SO BEAR WITH ME AS I TRY TO GET 5 THROUGH THIS. I'LL TRY NOT TO INFECT ANYBODY IN THE 6 PROCESS. 7 THE COURT: WELL, WE'RE HAPPY TO HAVE YOU HERE, GENERAL. IF YOU HAVE ANY PROBLEMS, LET ME KNOW. 8 9 GO AHEAD, MR. DUBOIS. 10 MR. DUBOIS: THANK YOU, YOUR HONOR. 11 12 DIRECT EXAMINATION 13 BY MR. DUBOIS: 14 GENERAL BREWER, COULD YOU PLEASE TELL THE Q 15 COURT YOUR CURRENT RANK AND POSITION WITH THE AIR FORCE. 16 Α BRIGADIER GENERAL. AND, AGAIN, I'M THE 17 COMMANDER OF THE 4 TFLS 412 TEST WING, WHICH IS NOT ONLY 18 THE TEST WING, BUT AS OF JUST OVER A YEAR AGO, I GUESS 19 IT'S ABOUT A YEAR AND A HALF NOW, WHAT WAS FORMERLY TWO 20 WINGS IS ACTUALLY COMBINED INTO ONE LARGE WING. 21 SO RESPONSIBLE FOR THE TEST PIECE AT 22 EDWARDS, BUT ALSO FOR ALL THE INSTALLATION AS WELL. SO 23

SO RESPONSIBLE FOR THE TEST PIECE AT EDWARDS, BUT ALSO FOR ALL THE INSTALLATION AS WELL. SO THE -- EVERYTHING FROM MISSION TO EVERYTHING THAT GOES TO SUPPORT THE MISSION, WHETHER THAT BE FROM MAINTENANCE TO THE ROADS AND THE SEWER SYSTEM TO EXECUTING FLIGHT TESTS.

24

25

26

27

28

**Q** WHAT'S THE AIR FORCE FLIGHT TEST CENTER OR THE AIR FORCE TEST CENTER?

1	A AIR FORCE TEST CENTER, AGAIN, WAS PART OF	
2	THIS ORGANIZATIONAL CHANGE WE WENT THROUGH ABOUT A YEAR	
3	AND A HALF AGO, SO THAT THE AIR FORCE TEST CENTER NOW IS	
4	IN ESSENCE A HEADQUARTER'S FUNCTION THAT SIMILAR TO A	
5	NUMBER OF AIR FORCE, THAT COMPRISES THREE PRIMARY BASES;	
6	EDWARDS AIR FORCE BASE, ARNOLD ENGINEERING DEVELOPMENT	
7	CENTER OR ARNOLD AIR FORCE BASE IN TULLAHOMA, TENNESSEE,	
8	AND ALSO EGLIN AIR FORCE BASE IN THE PANHANDLE OF	
9	FLORIDA. SO IN ESSENCE WE'RE DEVELOPMENTAL TESTING.	
10	ALL THESE THREE BASES NOW REPORT TO A CENTRAL COMMANDER.	
11	Q GENERAL BREWER, IN FRONT OF YOU THERE ARE	
12	SOME EXHIBITS. WOULD YOU LOOK FOR U.S. 7, WHICH WOULD	
13	BE THE ONE ON THE TOP, BATES NUMBER 4079.	
14	THE COURT: I'M GOING TO ASK YOU TO SPEAK UP A	
15	LITTLE BIT, PLEASE.	
16	MR. DUBOIS: I'M SORRY. USUALLY I DON'T HAVE A	
17	PROBLEM WITH MY VOICE CARRYING, BUT I WILL GET A LITTLE	
18	CLOSER TO THE MIC.	
19	THE COURT: IT'S PROBABLY MY EARS, BUT YOU GO	
20	RIGHT AHEAD.	
21	BY MR. DUBOIS:	
22	Q ALL RIGHT. LOOK FOR IT. YOU'VE GOT IT	
23	THERE.	
24	FOR THE REST OF YOU, OF THE HERD, IT'S	
25	BATES NUMBER 40790.	
26	CAN YOU IDENTIFY THIS DOCUMENT FOR ME,	
27	PLEASE?	
28	A THAT IS MY OFFICIAL BIO, BIOGRAPHY.	

1	
2	(EXHIBIT NUMBER U.S. 007,
3	IDENTIFIED: BRIGADIER GENERAL
4	MICHAEL T. BREWER'S BIOGRAPHY.)
5	
6	BY MR. DUBOIS:
7	Q YOU'RE FAMILIAR WITH THIS DOCUMENT, I
8	ASSUME.
9	A I AM.
10	Q AND DID YOU HELP PREPARE IT?
11	A I DID.
12	THE COURT: WHAT IS THE NUMBER OF THAT?
13	MR. DUBOIS: I'M SORRY. THAT IS 007, YOUR HONOR.
14	THE COURT: THANK YOU.
15	MR. DUBOIS: I APOLOGIZE FOR THE BINDER.
16	THE COURT: THAT'S ALL RIGHT.
17	MR. DUBOIS: THEY DIDN'T NECESSARILY SURVIVE
18	TRANSPORT IN PRISTINE CONDITION.
19	THE COURT: ONE OF THE HAZARDS OF MY WORK. GO
20	AHEAD.
21	BY MR. DUBOIS:
22	Q ALL RIGHT. DOES THIS ACCURATELY REFLECT
23	YOUR TRAINING AND EXPERIENCE?
24	A IT DOES.
25	Q AND IS IT UP TO DATE?
26	A LET ME DOUBLE-CHECK.
27	IT IS.
28	<b>Q</b> EXCELLENT. CAN YOU BRIEFLY DESCRIBE YOUR

## EDUCATIONAL BACKGROUND?

A I STARTED OUT BACHELOR OF SCIENCE DEGREE.

GRADUATED OUT OF NORTH CAROLINA STATE UNIVERSITY IN

ELECTRICAL ENGINEERING, THEN INTERNATIONAL RELATIONS.

MASTER'S OF SCIENCE FROM FLORIDA STATE UNIVERSITY.

AIR FORCE P.M.E. I WAS DISTINGUISHED

GRADUATE OUT OF SQUADRON OFFICER SCHOOL, DISTINGUISHED

GRADUATE OUT OF AIR FORCE TEST PILOT SCHOOL,

DISTINGUISHED GRADUATE OUT OF AIR COMMAND AND STAFF

COLLEGE, DISTINGUISHED GRADUATE OF THE INDUSTRIAL

COLLEGE IN THE ARMED FORCES.

WENT TO THE NATIONAL SECURITY MANAGEMENT

COURSE AT MAXWELL SCHOOL AT SYRACUSE UNIVERSITY, AND

ALSO GRADUATED THE AIR FORCE ENTERPRISE LEADER SEMINAR

FROM THE UNIVERSITY OF -- UNIVERSITY OF NORTH CAROLINA,

WHICH WAS DIFFICULT FOR A NORTH CAROLINA STATE GRADUATE

TO GO TO.

Q WE ALL HAVE TO SUFFER SOME HUMILIATIONS IN LIFE.

A YES.

I WOULD JUST REQUEST ONE THING, GENERAL, IS
THAT -- AND I WILL TRY AND DO IT MYSELF BECAUSE I SUFFER
FROM THE SAME PROBLEM, THAT I TEND TO TALK FAST, AS DO
YOU. AND THE YOUNG LADY BEHIND YOU IS TRYING TO KEEP UP
WITH BOTH OF US; SO I'LL JUST ASK YOU TO SLOW DOWN A
LITTLE BIT FOR HER BENEFIT, PLEASE.

THE WITNESS: I WILL TRY TO HAVE MY BEST SYMPATHY FOR YOU.

## BY MR. DUBOIS:

Q THANK YOU. HOW DOES THE -- HOW DOES YOUR
TRAINING AT THE AIR COMMAND STAFF COLLEGE RELATE TO YOUR
CURRENT POSITION?

A SO I GUESS IT MIGHT BE EASIER JUST TO TALK
ABOUT ALL P.M.E. AS YOU GO THROUGH, AND THAT'S --

Q WHEN YOU USE ACRONYMS, YOU'RE GOING TO HAVE
TO --

A SO P.M.E. -- THANK YOU -- THAT WOULD BE
PROFESSIONAL MILITARY EDUCATION. SO YOU THINK OF AIR
COMMAND AND STAFF COLLEGE AS WHAT WE CALL THE
PREPARATION FOR OFFICERS WHO OPERATE AT THE OPERATIONAL
LEVEL OF WARFARE; SO THIS IS THE POINT WHERE, OBVIOUSLY,
YOU GO TO WAR. YOU EXECUTE TACTICS IN THE FIELD.

THEN YOU HAVE A STRATEGY. YOU HAVE TO GET FROM THAT STRATEGY AND TACTICS, AND THERE'S A LEVEL OF OPERATION IN BETWEEN THERE. THAT'S WHAT WE CALL THE "OPERATIONAL LEVEL OF WAR," AND THAT'S WHAT WE FOCUS ON AT AIR COMMAND STAFF COLLEGE, FOR OUR OFFICERS TO BE ABLE TO OPERATE, TO TRANSFORM STRATEGY INTO THEATER LEVEL OPERATIONS THAT THEN GET TRANSLATED INTO TACTICAL OPERATIONS.

IN CONTRAST, THE NEXT LEVEL OF PROFESSIONAL MILITARY EDUCATION, P.M.E., IS MORE FOCUSED ON THE STRATEGIC LEVEL. IN MY CASE, IT WAS INDUSTRIAL COLLEGE OF THE ARMED FORCES, AS PART OF THE NATIONAL DEFENSE UNIVERSITY IN FORT MCNAIR, JUST OUT OF WASHINGTON, D.C.

THE PURPOSE OF THIS IS NOW TO GET OFFICERS

TO FOCUS ON SENIOR OFFICERS, TYPICALLY OFFICERS THAT
WILL BE PREPARED TO OPERATE AT THE WING COMMAND LEVEL
AND ABOVE, OFFICERS WHO WILL PREPARE TO EVENTUALLY GO
INTO THE FLAG RANGE, THE GENERAL OFFICER RANKS, TO BEGIN
TO OPERATE STRATEGICALLY AND THINK STRATEGICALLY AND
PROVIDE THE STRATEGIC DIRECTION THAT IS NOW MULTIPLE
THEATER, LONG-RANGE, LOOKING OUT 10, 20, 30, 40 YEARS,
AS OPPOSED TO THE OPERATIONAL LEVEL OF WARFARE WHERE
YOU'RE LOOKING OUT TO MAYBE 12 MONTHS, 24 MONTHS IN THE
THEATER, AS OPPOSED TO A TACTICAL LEVEL OF WARFARE WHERE
YOU'RE LOOKING AT, WHAT AM I GOING TO BE DOING TOMORROW?

Q THANK YOU. DOES THE INDUSTRIAL COLLEGE
TRAINING PREPARE YOU FOR LONG-TERM PLANNING AT BASES
LIKE EDWARDS?

A SO IT PREPARES YOU EVEN BROADER THAN THAT,

SO NOT AT THE BASE LEVEL. THE IDEA IS TO TEACH THE

GENERAL PRINCIPLES, AS WELL AS SPECIFICS, BUT PRINCIPLES

IN TERMS OF STRATEGIC PLANNING. BY EXAMPLE, OFFICER

JUST SCANNING THE ENVIRONMENT, UNDERSTANDING WHAT THE

FORCES ARE THAT ARE MOVING TO THE DIRECTION. HOW DO YOU

ADAPT TO THAT ENVIRONMENT?

WE TALK ABOUT AND FRAME THIS SPECIFICALLY
IN TERMS OF ENDS, WAYS AND MEANS, DEVELOPING THE ENDS
THAT YOU WANT, UNDERSTANDING WHAT WAYS ARE AVAILABLE TO
YOU TO ACHIEVE THOSE ENDS, AND THEN ENSURE THAT YOU HAVE
THE MEANS IN ORDER TO EXECUTE THOSE WAYS.

OBVIOUSLY, IF ANY OF THOSE GET OUT OF BALANCE, THEN YOU DON'T HAVE MUCH OF A STRATEGY. AND

IT'S IMPORTANT WE KEEP THOSE IN BALANCE. IF YOU DON'T HAVE THE MEANS TO EXECUTE THE WAYS YOU PLAN, WHERE YOU HAVE A UNEXECUTABLE END OR AN UNOBTAINABLE END, THEN YOU'RE NOT GOING TO HAVE AN EFFECTIVE STRATEGY.

Q I'D LIKE TO SHIFT TO YOUR TIME AT THE AIR FORCE AND COMMAND EXPERIENCES. CAN YOU BRIEFLY SUMMARIZE FOR THE COURT YOUR COMMAND -- WELL, ACTUALLY, YOUR FLIGHT AND COMMAND EXPERIENCES WITH THE AIR FORCE?

A OKAY. PROBABLY EASIEST TO WORK BACKWARDS.

AND I'LL JUST HIT THE HIGHLIGHTS. OBVIOUSLY, THEY'RE IN

THE BIO ITSELF.

CURRENTLY, AGAIN, COMMANDER OF THE 412 TEST WING, RESPONSIBLE FOR TESTING AT EDWARDS AS WELL AS ALL THE INSTALLATION FUNCTIONS AT EDWARDS.

PRIOR TO THAT, I WAS A COMMANDER AT THE ARNOLD ENGINEERING AND DEVELOPMENT CENTER, ARNOLD AIR FORCE BASE. THIS IS A BASE WHERE WE DO ALL THE GROUND TESTING FACILITIES, THINGS FROM TESTING ROCKET ENGINES, JET ENGINES, WIND TUNNELS. VERY LARGE INDUSTRIAL COMPLEX OUT IN TULLAHOMA, TENNESSEE, WHERE WE DEVELOP ALL THIS STUFF AT THE GROUND TEST FACILITY.

PRIOR TO THAT, I WAS A COMMANDER OF THE -WHAT WAS THEN CALLED THE 46 TEST WING, WHICH PROVIDES
PRIMARILY WEAPONS TESTING OUT OF EGLIN AIR FORCE BASE.
THE IMPORTANCE OF THAT IS WHEN WE THINK ABOUT THE
ANTECEDENT DEVELOPMENTAL TESTS ACROSS THE AIR FORCE TEST
CENTER, I'VE ACTUALLY BEEN THE COMMANDER OF ALL THREE
COMPONENTS THAT MAKE THE AIR FORCE TEST CENTER, SO

1 PRETTY BROAD UNDERSTANDING OF WHAT THE AIR FORCE 2 DEVELOPMENTAL TEST IS, HAVING COMMANDED ALL THE 3 ORGANIZATIONS TO DO THAT. FROM -- PRIOR TO THAT, I WORKED AS A 4 5 SQUADRON COMMANDER AND FLIGHT COMMANDER, AS WELL AS A LINE TEST PILOT, FLYING PRIMARILY F-15'S AND F-16'S IN 6 7 THAT TEST OPERATION. AND THEN AS AN OPERATIONAL TEST 8 PILOT OR OPERATIONAL PILOT, MOST OF THAT TIME WAS FLYING 9 F-111'S AND F-15E, STRIKE EAGLES IN EUROPE. 10 OKAY. AND DO YOU HAVE EXTENSIVE KNOWLEDGE OF THE AIRSPACE FOR THE MAJOR AIR FORCE BASES IN THE 11 UNITED STATES? 12 I DO HAVE A KNOWLEDGE OF, AN EXCEPTIONALLY 13 Α DEEP KNOWLEDGE OF THE AIRSPACE ASSOCIATED WITH THE TEST 14 15 FACILITIES. 16 MR. DUBOIS: YOUR HONOR, I'D OFFER GENERAL BREWER 17 AS AN EXPERT IN THE MANAGEMENT AND OPERATIONS OF EDWARDS 18 AIR FORCE BASE AND AIR FORCE BASE GENERALLY AND IN AIR 19 FORCE STRATEGIC PLANNING. THE COURT: ALL RIGHT. IS THERE ANY VOIR DIRE OF 20 21 THE WITNESS? 22 ALL RIGHT. THE WITNESS IS CERTAINLY 23 QUALIFIED AND MAY TESTIFY. 24 MR. DUBOIS: THANK YOU. 25 BY MR. DUBOIS: NOW I'D LIKE TO SWITCH, JUST TALKING A BIT 26 27 ABOUT EDWARDS AIR FORCE BASE.

MR. DUBOIS: CAN YOU BRING -- MITCH, CAN YOU BRING

1 UP EXHIBIT 194? AND LET'S START WITH BATES 2 NUMBER 51900. 3 THE COURT: YOU SAID EXHIBIT 194? 4 MR. DUBOIS: IT'S IN 194, AND THE BATES NUMBER IS 5 51900. WE CERTAINLY DO LOSE THE COLOR WITH THIS 6 7 PROJECTOR. THAT'S INTERESTING. 8 BY MR. DUBOIS: SO, GENERAL, COULD YOU PLEASE DESCRIBE THE 9 Q 10 GENERAL PHYSICAL LAYOUT OF EDWARDS AIR FORCE BASE? AND THERE SHOULD BE A LASER POINTER UP THERE IF YOU NEED IT. 11 SOMEBODY WALKED OFF WITH IT. 12 MR. OYARZO MAY APPROACH? 13 THE COURT: YES. 14 15 THE WITNESS: SO WHAT YOU SEE HERE IS PART OF WHAT 16 WE TALK ABOUT WHEN WE TALK ABOUT THE EDWARDS RANGE 17 COMPLEX AND FACILITY OUT HERE. IN MANY WAYS IT'S A 18 SMALL PART, EVEN THOUGH IT'S INCREDIBLY LARGE. SO WHAT YOU SEE HERE ARE THE GROUND 19 20 CONFINES THAT MAKE UP EDWARDS AIR FORCE BASE, AS 21 DEPICTED OUT ON THE LINES HERE. 22 23 (EXHIBIT NUMBER 194, IDENTIFIED: 24 MAP OF EDWARDS AIR FORCE BASE.) 25 26 THE WITNESS: SO RIGHT IN HERE, IF YOU CAN SEE 27 SORT OF THIS LINE RIGHT HERE, THAT IS OUR MAIN RUNWAY. 28 JUST TO GIVE YOU SCALE, THAT MAIN RUNWAY IS

JUST OVER TWO MILES LONG AS YOU GET THROUGH, SO VERY 1 2 LONG RUNWAY. BUT THIS GIVES YOU A PROPORTION OF HOW 3 LARGE THE DRY LAKE BED IS HERE. IT'S OVER 45 SQUARE 4 MILES OR SO. THIS ONE HERE IS OVER 20 SQUARE MILES IN 5 TERMS OF LAKE BED. MR. DUBOIS: JUST FOR A MATTER OF PERSPECTIVE, 6 7 WOULD YOU -- MITCH, WOULD YOU PUT UP BATES NUMBER 51905 IN THE SAME EXHIBIT, 194? 8 BY MR. DUBOIS: 9 10 Q THIS MIGHT HELP WITH PERSPECTIVE. THIS IS -- WELL, CAN YOU DESCRIBE WHAT THIS IS? 11 SO I NORMALLY USE THE D.C. AREA WHEN I DO 12 THIS. AND IF YOU THINK ABOUT IT IN TERMS OF THE D.C. 13 AREA, THE ENTIRE D.C. BELTWAY WILL FIT INSIDE THE 14 CONFINES OF THE RANGE AIRSPACE. 15 16 IN CALIFORNIA, IF YOU DO THE EQUIVALENT, HERE'S SAN FRANCISCO, WHICH YOU CAN SEE THAT ONE DRY 17 LAKE BED ENCOMPASSES ALL OF SAN FRANCISCO. 18 19 SAN FRANCISCO, YOU SEE ACROSS HERE WOULD BE OAKLAND, 20 ALAMEDA, BLACK HAWK, DIABLO, DANVILLE, CLAYTON, ALL 21 WITHIN THE CONFINES OF THE SPACE. 22 IF WE JUST CHANGE THE ORIENTATION A LITTLE BIT, YOU'D SEE THAT WE COULD ACTUALLY INCLUDE MARTINEZ, 23 CONCORD AS WELL IN THAT, JUST TO GIVE YOU A PERSPECTIVE 24 25 OF THE RANGE. SO WHAT DOES THAT MEAN FOR OUR FOLKS? 26 27 WHEN WE HIT THE WELCOME TO EDWARDS AIR FORCE BASE SIGN,

IT'S A 14-MILE DRIVE TO THE FIRST BUILDING, AND THAT

1 GETS YOU HALFWAY ON THE BASE. IF I WANT TO DRIVE FROM 2 MY OFFICE -- WHICH IF WE CAN BACK UP ONE PHOTO. IS THAT 3 POSSIBLE? 4 Q YES. 5 Α SO MY OFFICE SITS RIGHT HERE. WHEN I WANT 6 TO DRIVE OVER TO THE SOUTH BASE AREA, WHERE WE DO 7 PRIMARILY BOMBER TESTING THERE, IT TAKES ME OVER 8 20 MINUTES TO DRIVE AROUND THE ROAD JUST TO GET TO THE 9 OTHER SIDE OF THE BASE; SO IT IS A VERY, VERY LARGE 10 IN TERMS OF SPACE, IT'S OVER 300,000 ACRES. I 11 THINK IT'S 307,000 ACRES OF AREA. 12 AGAIN, MOST OF THE DRY LAKE BED HERE, ALL 13 LANDABLE. WE ALSO HAVE LANDABLE RUNWAYS HERE ON 14 ROSAMOND DRY LAKE BED AS WELL. 15 WHAT ARE THE SMALL, ODD SHAPES TO THE EAST Q 16 OF THE MAIN LAKE BED, THAT ROSAMOND -- IS THAT ROSAMOND LAKE BED? 17 THIS IS -- SO YOU'RE TALKING ABOUT THIS 18 Α 19 AREA HERE? 20 Q YES. 21 Α THESE ARE THE IMPACT ZONES. SO IN THERE WE 22 HAVE WHERE WE CAN USE FOR MUNITION IMPACTS, AS WELL AS 23 FOR AIR DROPPING IN TERMS OF, FOR EXAMPLE, DROPPING 24 PALLETS OUT OF C-17'S, FOR EXAMPLE. 25 MATTER OF FACT, IF YOU TAKE A LOOK IN THIS 26 TOP SQUARE HERE, IN THAT -- THANK YOU. THAT'S BIGGER. 27 THIS TOP SQUARE HERE JUST WE -- I GUESS IT'S ABOUT 28 THREE, FOUR WEEKS AGO WE JUST DROPPED THE FIRST GUIDED,

EXAMPLE

JOINT, DIRECT ATTACK MUNITION, G.P.S. GUIDED BOMB FROM 1 2 NET 35 OFF THAT AND ONTO THE TARGET AND HIT OUR END 3 POINT WITHIN 3 FEET, SO NOT TOO BAD. BUT THOSE -- THE ACTUAL IMPACT AREAS ARE A 4 5 VERY SMALL PORTION OF THE BASE; IS THAT CORRECT? THAT'S CORRECT. SO THIS IS -- THIS IS 6 Α 7 AGAIN -- THESE ARE JUST PLOWED OUT AREAS THAT WE USE FOR IMPACT. WE HAVE THEM INSTRUMENTED AS WELL SO WE CAN GET 8 9 SCORING AND SO FORTH. BUT, AGAIN, THESE ARE JUST PLOWED UNDER AREAS OF THE DESERT. 10 AND THE INSTRUMENTATION IS A -- AND THE 11 12 MONITORING OF THOSE INSTRUMENTS IS A CRITICAL PART OF 13 THE TEST FUNCTION? AND MATTER OF FACT, THAT IS WHAT MAKES THE 14 Α TEST RANGE, IS THE INFRASTRUCTURE THAT STANDS BEHIND IT 15 16 IN TERMS OF CONTROL; OTHERWISE, YOU'RE JUST DROPPING A 17 BOMB. OKAY. WHAT'S THE CURRENT MILITARY MISSION 18 Q AT EDWARDS AIR FORCE BASE? 19 SO FOR US, OBVIOUSLY IT'S TO DELIVER THE 20 21 CAPABILITIES THAT WINS THE NATION'S WARS FOR THE AIR 22 FORCE. WE DIVIDE THOSE REALLY INTO THREE AREAS; FIRST, 23 GLOBAL POWER, WHICH IS THE ABILITY TO AVOID COMBAT 24 POWER, WHERE YOU THINK ABOUT THAT AS THE TEETH; SO THIS 25 WOULD BE OUR FIGHTERS AND OUR BOMBERS. 26 THEN WE HAVE GLOBAL REACH, WHICH IS THE 27 ABILITY TO GET TO THE FIGHT, DELIVER EQUIPMENT TO THE

FIGHT, AND BRING OUR FOLKS BACK FROM THE FIGHT.

1 OF THAT WOULD BE C-17 CARGO TYPE AIRCRAFT IN TERMS OF 2 TRANSPORT. 3 AND THEN WE HAVE GLOBAL VIGILANCE, WHICH 4 IS -- WE HIT IT EARLIER. THIS I.S.R., THIS IDEA OF 5 DOING RECONNAISSANCE AND SURVEILLANCE. FOR US THAT WOULD BE THE GLOBAL HAWK, A UNMANNED AERIAL VEHICLE. 6 7 AGAIN, THAT TYPE OF TESTING IS DONE HERE AT EDWARDS AS 8 WELL. SO --9 Q DO YOU ALSO RUN OPERATIONS FOR GLOBAL HAWK 10 OUT OF EDWARDS? WE DON'T RUN OPERATIONS, BUT WE'LL -- BUT 11 A 12 WE FLY THE AIRCRAFT AND WE FLY THE TEST AIRCRAFT OUT 13 THERE. WHAT OTHER -- WHAT'S THE A.F.T.C.? 14 Q 15 SO A.F.T.C., AGAIN, IS THE AIR FORCE TEST A 16 SO SPECIFICALLY, THAT'S ONE BUILDING. THAT'S A CENTER. 17 HEADQUARTERS BUILDING, WHERE MY BOSS SITS. AND, AGAIN,

A SO A.F.T.C., AGAIN, IS THE AIR FORCE TEST CENTER. SO SPECIFICALLY, THAT'S ONE BUILDING. THAT'S A HEADQUARTERS BUILDING, WHERE MY BOSS SITS. AND, AGAIN, HE HAS THREE WINGS THAT REPORT TO HIM, THE 412 TEST WING, EDWARDS, EGLIN, THE 96 TEST WING, AND ARNOLD ENGINEERING DEVELOPMENT CENTER.

Q AND THE FUNCTION OF THE A.F.T.C., DOES

IT -- WELL, WHAT DOES IT -- WHAT DOES IT DO, SO TO

SPEAK? DO THEY DO TACTICAL OPERATIONS?

18

19

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21

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A NO. SO THAT -- AGAIN, IT'S A COMMAND ELEMENT; SO THIS IS WHERE WE DO RESOURCING OF THOSE THREE BASES, WHO'S GOING TO GET WHAT PORTION OF OUR BUDGET. OUR TEST BUDGET GETS DIVIDED TO ENSURE THAT WE HAVE EFFICIENT OPERATIONS, COMMON PROCEDURES BEING ONE

OF THOSE, TO ENSURE WE HAVE COMMON DEVELOPMENT. 1 2 HERE WOULD BE AN EXAMPLE. I DO NOT WANT TO 3 DEVELOP MY OWN INSTRUMENTATION SYSTEM AT EDWARDS AND 4 HAVE A INCOMPATIBLE INSTRUMENTATION SYSTEM BE DEVELOPED AT EGLIN. NOW WE HAVE SYSTEMS THAT DON'T WORK TOGETHER 5 AND WE PAY -- THE TAXPAYER HAD TO PAY TWICE FOR TWO 6 7 DIFFERENT SYSTEMS. SO THE FUNCTION OF THE CENTER WOULD BE MAKE 8 9 SURE THAT, OKAY, YOU HAVE COMPATIBLE SYSTEMS, WE ONLY 10 PAY FOR IT ONCE, YOU DON'T DEVELOP THINGS TWICE, AND WE 11 HAVE COMMON PROCESSES. COULD YOU USE THE -- SAY THE F-35 AS SORT 12 OF AN EXAMPLE OF THE ARC BETWEEN EARLY DEVELOPMENT AND 13 TESTING TO PRODUCTION? 14 15 SURE. SO IN TERMS OF AT EDWARDS? A YES. 16 Q IF YOU TIE BACK -- AGAIN, IN TERMS 17 Α OKAY. OF CAPABILITY. SO YOU HAVE TO HAVE THE DEVELOPMENT 18 19 STRUCTURE, EVERYTHING FROM BASIC RESEARCH TO FIELD OP. 20 SO SIMPLE, YOU HAVE TO DO THE BASIC RESEARCH. 21 RESEARCH DETERMINES THE AERODYNAMICS. HOW DO FLIGHT 22 CONTROL LAWS WORK? HOW DO THE PHYSICS, AS WE MOVE FORWARD, WORK? 23 24 THE PRIMARY GUYS WHO DO THIS, OF COURSE, 25 ARE A.F.R.L. OUR AIR FORCE RESEARCH LAB CONTRACTORS DO 26 THIS, SOMETIMES ON THEIR OWN. 27 THAT NOW TECHNOLOGY IS PUT TOGETHER INTO A

DEVELOPMENTAL PROGRAM. WE WOULD TEST THAT DEVELOPMENTAL

PROGRAM AT EDWARDS AS WELL. THAT TURNS INTO A FIELDED SYSTEM, AND THEN THAT FIELDED SYSTEM NOW HAS TO BE CHECKED OUT AT THE END OF PRODUCTION TO MAKE SURE IT GOES TO THE FIELD.

SO WITHOUT THE BASIC RESEARCH YOU CAN'T DO
THE DEVELOPMENT. WITHOUT THE DEVELOPMENT YOU CAN'T
BUILD THE SYSTEM. WITHOUT THE SYSTEM YOU CAN'T DELIVER
TO THE FIELD.

Q NOW, WE'VE HEARD EARLIER TODAY AND
YESTERDAY THAT YOU ALSO HAVE AN AIR FORCE RESEARCH LAB,
OR A.F.R.L., AT EDWARDS. CAN YOU DESCRIBE THAT BRIEFLY,
PLEASE?

A SO A.F.R.L. ON THIS PICTURE SITS RIGHT HERE (INDICATING), AND THAT IS THE RIDGE THAT WAS DISCUSSED PREVIOUSLY.

SO THEIR -- AIR FORCE RESEARCH LAB, THEIR PRIMARY FUNCTION IN THIS PIECE OF THE AIR FORCE RESEARCH LAB IS PRIMARILY ROCKET PROPULSION; SO THEY'LL DO BASIC RESEARCH AND ACTUALLY DEVELOPMENT WORK AS WELL IN TERMS OF ROCKET PROPULSION. THAT ROCKET PROPULSION, AGAIN, CONCERNS INTO MULTIPLE SYSTEMS, WHICH CAN INCLUDE FROM WEAPON SYSTEMS TO ROCKET SYSTEMS THEMSELVES.

Q AND WE ALSO HEARD SOME DISCUSSION EARLIER

TODAY -- I THINK YOU WERE HERE FOR IT, BUT WERE YOU HERE

FOR ALL THIS MORNING'S TESTIMONY?

**A** UNFORTUNATELY.

Q ARE YOU BITING THE HAND THAT FEEDS ME, GENERAL? PLEASE DON'T DO THAT.

WE HEARD ABOUT THE NASA OPERATION AT

EDWARDS. CAN YOU TELL ME HOW NASA FITS INTO THE

MILITARY MISSION AT EDWARDS?

A SURE. SO, AGAIN, WHEN WE TALK ABOUT THAT

CONTINUUM AGAIN, RESEARCH NOW FEEDS THE DEVELOPMENT OF

CONTINUUM AGAIN, RESEARCH NOW FEEDS THE DEVELOPMENT OF SYSTEMS AND MOVES FORWARD. WHAT NASA THERE PROVIDES IS BASIC AERONAUTICAL RESEARCH; SO THE THINGS THEY LEARN AND DISCOVER WE THEN DEVELOP AND TURN INTO OUR SYSTEMS.

SO THIS WOULD HAVE BEEN -- I'D SAY I
GRADUATED TEST PILOT SCHOOL IN '95, SO SOMEWHERE IN THE
1998-99 PERIOD I'M A CAPTAIN, AND I'M ACTUALLY FLYING
WITH NASA ON A NASA AIRCRAFT, WHICH IS ACTUALLY A LOANER
AIR FORCE AIRCRAFT.

AND WHAT WE'RE DOING IS WE'RE DEVELOPING

VARIABLE NOZZLES. SO THINK ABOUT THE EXHAUST COMING OUT

OF THE BACK OF AN AIRPLANE AND TRYING TO TURN THE

AIRPLANE AND YOU CAN'T TURN THE AIRPLANE ANY MORE. THEY

CAME UP WITH THE BRIGHT IDEA, WELL, IF I COULD JUST TURN

THE NOZZLES, THEN I WOULD JUST USE THE THRUST TO POINT

MY AIRPLANE IN A DIFFERENT WAY. SEEMS LIKE A GREAT

IDEA.

THAT BASIC RESEARCH ON HOW YOU DO THAT, HOW YOU USE THAT AS A METHOD OF CONTROL -- BECAUSE, BY THE WAY, WHEN YOU DO THAT, IT BECOMES VERY DIFFICULT IN TERMS OF STRUCTURES. IT BECOMES VERY DIFFICULT IN TERMS OF THE FLIGHT CONTROLS OF THE AIRPLANE.

(INDISCERNIBLE: REPORTER'S INTERRUPTION.)

THE WITNESS: SO HOW DO WE -- SO VERY DIFFICULT CHALLENGE. SO THEY DID THAT BASIC RESEARCH. I GOT TO FLY THAT BASIC RESEARCH.

FAST-FORWARD A FEW YEARS LATER AND WE'RE DEVELOPING THE F-22, WHICH NOW HAS VARIABLE NOZZLES ON IT, WHICH FED OFF THAT BASIC RESEARCH THAT WAS DONE IN NASA. SO, AGAIN, IT'S A CONTINUUM, AND THAT HAPPENS EVERY DAY.

RIGHT NOW THEY DO FLIGHT CONTROL RESEARCH.

HOW CAN WE USE DIFFERENT METHODS OF DOING FLIGHT

CONTROLS? AT THAT TIME, AS WELL, WE WERE USING FLIGHT

CONTROLS THAT -- IF YOU HAD BATTLE DAMAGE ON AN

AIRCRAFT, THE FLIGHT CONTROLS COULD SENSE WHAT THAT

BATTLE DAMAGE WAS, SENSE HOW THE AIRCRAFT NOW FLIES

DIFFERENTLY BECAUSE YOU'RE MISSING PART OF YOUR

AIRCRAFT, REWRITE ITS OWN FLIGHT CONTROL LAWS SO NOW IT

CAN FLY ITS AIRPLANE, AND IT DOES ALL THAT AUTOMATICALLY

FOR YOU. THAT'S BASIC RESEARCH WORK THAT WILL NOW BE

TURNED INTO -- LATER INTO A COMBAT AIRCRAFT.

Q THANK YOU. SO DURING YOUR TENURE AT

EDWARDS, HAS THE -- HAS EDWARDS HAD ANY OTHER MILITARY

MISSIONS THAT WERE NONTEST MISSIONS STATIONED AT EDWARDS

DURING YOUR TENURE?

A OH, SURE. DURING THAT TIME, WE HAD A SQUADRON OF MARINE HELICOPTERS, AND THEY WERE AN OPERATIONAL UNIT THAT JUST FLEW MARINE HELICOPTERS AND WERE STATIONED.

1 Q AND AS I UNDERSTAND IT, THEY MOVED ON, 2 BUT --3 THAT'S CORRECT. AND THAT WAS JUST A Α TRAINING FUNCTION THAT HAPPENED TO BE STATIONED THERE. 4 5 ALL RIGHT. AND THOSE MISSIONS EBB AND FLOW IN THE 6 Α 7 CHANGING OF THE BASE. AND DO YOU EXPECT THAT EBB AND FLOW TO 8 Q 9 CONTINUE IN THE FUTURE? 10 THERE'S NO DOUBT THAT THAT EBB AND FLOW --11 MR. KUHS: OBJECTION, VAGUE. 12 EXCUSE ME. 13 THE COURT: OVERRULED. 14 THE WITNESS: SO THERE'S NO DOUBT THAT THE EBB AND FLOW WILL CONTINUE. THAT'S JUST THE NATURE OF DOING A 15 16 TEST BUSINESS. 17 SO IF YOU THINK ABOUT THAT, HOW MUCH TEST WORK ARE WE DOING EARLY RESULTS ON PROPELLER AIRCRAFT, 18 19 ALL THOSE HAD TEST PROGRAMS ASSOCIATED WITH IT. 20 MANY OF THOSE AIRCRAFT ARE WE TESTING TODAY? WELL, ZERO 21 OF COURSE. 22 LIKEWISE, AIRPLANES THAT WE'RE TESTING TODAY WILL FILL AND COMPLETE THEIR LIFE CYCLE. 23 24 EVENTUALLY, THE B-52 WILL FILL AND COMPLETE A LIFE 25 CYCLE, AND THE NEW PROGRAMS WILL COME IN. SO THAT'S 26 JUST THE NATURE OF TEST WORK, IS THAT AS NEW 27 TECHNOLOGIES COME IN, NEW SYSTEMS ARE DEVELOPED, OTHERS 28 ARE RETIRED, NEW ONES COME IN.

1 THE F-22 COMES IN. THE F-22 SHRINKS. F-35 2 GROWS. WE'RE GOING TO REPLACE THAT BOMBER ONE DAY. 3 THERE WILL BE A NEW BOMBER PROGRAM. CERTAINLY WILL BE A 4 BOMBER PROGRAM. 5 BY MR. DUBOIS: 6 ALL RIGHT. LET'S TALK ABOUT WHAT MAKES Q 7 EDWARDS UNIQUE AS A BASE. CAN YOU DESCRIBE FOR ME WHAT 8 MAKES THE EDWARDS AIR FORCE TEST CENTER A UNIQUE ASSET? 9 SO, REALLY, I WOULDN'T USE THE TEST CENTER Α 10 IN THIS CONTEXT BECAUSE THE TEST CENTER, AGAIN, IS A 11 COMMAND ELEMENT THAT COMPRISES THREE BASES. SO REALLY 12 IT'S WHAT MAKES EDWARDS UNIQUE, WOULD BE A BETTER WAY TO 13 PHRASE THAT. WHAT MAKES EDWARDS UNIQUE ARE SEVERAL 14 15 THINGS, AND WE'VE ALREADY TOUCHED ON THESE EARLIER 16 TODAY. ONE, THE LAKE BED. THERE IS A -- SO WE ACTUALLY 17 DO THINGS LIKE GO AND TAKE A SINGLE ENGINE -- AN 18 AIRCRAFT THAT ONLY HAS ONE ENGINE, TAKE IT AIRBORNE. AND AT SOME POINT YOU WANT TO KNOW IF THAT ENGINE, IF IT 19 20 TURNS OFF, THAT YOU CAN RESTART IT. 21 SO THAT MEANS AT SOME POINT SOMEONE'S GOT 22 TO TAKE THAT SINGLE ENGINE AIRPLANE, TAKE THE ONE MOTOR 23 THAT'S WORKING, TURN IT OFF, AND THEN TRY AND RESTART 24 IT. IF IT DOESN'T RESTART, IT'S VERY HANDY TO HAVE THAT 2.5 GIANT LAKE BED UNDERNEATH YOU THAT YOU CAN LAND ON. LET'S TURN TO EXHIBIT 243. THAT MIGHT BE 26 Q 27 HELPFUL. BATES NUMBER 45976.

IT'S 243, YOUR HONOR.

1 Α IN TERMS OF GREAT -- (COUGHING) EXCUSE ME. 2 SO THERE'S A GREAT --3 FIRST, CAN YOU IDENTIFY WHAT THIS PICTURE 0 SHOWS? 4 5 SURE. SO RIGHT HERE IS OUR MAIN RUNWAY. WE HAVE A TEMPORARY RUNWAY SITTING IN HERE NOW. AGAIN, 6 7 THIS IS THE MAIN LAKE BED. BECAUSE WE GO THROUGH --8 THIS IS THE IMPACT AREAS THAT WE DISCUSSED EARLIER, AND ROSAMOND LAKE BED HERE. 9 10 (EXHIBIT NUMBER 243, IDENTIFIED: 11 PHOTOGRAPH.) 12 13 14 BY MR. DUBOIS: NOW, I NOTICE THE RUNWAY SEEMS TO RUN 15 Q STRAIGHT DOWN TO THE LAKE BED. WHY IS THAT? 16 CORRECT. WELL, THAT'S FOR A VERY GOOD 17 THERE ARE TIMES WHEN WE SET UP TESTING WHERE 18 REASON. 19 WE'RE GOING TO DO THINGS -- MATTER OF FACT, WE JUST DID THIS WITH A B-52 A FEW WEEKS AGO, COMPLETED IT. SO B-52 20 21 REALLY SMOKES. IT'S A 50 YEAR OLD AIRPLANE. WHY IN THE WORLD ARE YOU STILL TESTING IT? 22 23 TURNS OUT YOU CAN'T BUY BRAKE PARTS FOR 50 YEAR OLD AIRPLANES ANYMORE; SO WE HAD TO REDESIGN THE 24 25 ENTIRE BRAKE SYSTEM, 'CAUSE THOSE MANUFACTURERS DON'T EXIST ANYMORE. AND THEY WERE FAILING AT A RATE THAT WE 26 27 COULDN'T -- WE DESIGNED THE BRAKE SYSTEM, PUT A NEW 28 BRAKE SYSTEM ON THE AIRCRAFT. WE DID THE SAME THING FOR THE B-1 AS WELL.

SO YOU WANT TO MAKE SURE THOSE BRAKES WILL STOP. SO WE WILL ACTUALLY FILL THE AIRCRAFT UP TO MAX GROSS TAKEOFF WEIGHT, TAKE IT TO MAX SPEED AND STOP THE AIRCRAFT, KNOWING THAT IT'S GOING TO CATCH THE BRAKES ON FIRE. WE KNOW IT'S GOING TO HAPPEN.

WELL, WHEN YOU DO THAT TYPE OF TESTING, YOU WOULD LIKE TO DO IT THIS DIRECTION, BECAUSE IF YOU CAN'T STOP THE AIRPLANE -- AND YOU HAVE AN AIRPLANE THAT'S WEIGHING 200, 300,000 POUNDS, THAT'S GOING 170, 180 MILES AN HOUR, AND NOW THE BRAKES THAT YOU JUST PUT ON THE AIRCRAFT DON'T WORK ANYMORE, AND WHAT YOU DO IS YOU JUST KEEP GOING.

AND AGAIN, HERE, PERSPECTIVE, YOU KNOW,
IT'S A LITTLE BIT MORE THAN TWO MILES, BUT WE CAN JUST
CALL IT TWO MILES. NOW WE'RE TALKING FOUR, SIX MILES;
SO YOU GOT PLENTY OF ROOM TO RUN OUT.

SO WE'LL ACTUALLY ORIENT -- WE'LL DELAY THE TESTING TO MAKE SURE THE WIND'S CORRECTED FOR SOME -- CORRECT FOR SOME TEST SO THAT WE CAN HAVE THE LAKE BED AVAILABLE TO RUN ON OUR OWN, SO VERY IMPORTANT FOR US.

AND, AGAIN, A LARGELY LANDABLE AREA. IT
EBBS AND FLOWS; SO WE HAVE TO MANAGE THE RANKS OF -AGAIN, I DON'T UNDERSTAND THE DYNAMICS OF IT, BUT THAT
IS PART OF THE NATURAL HEALING OF THE LAKE BED AS IT
FILLS UP.

SO EVERY DAY WE GO TO FLY. ONE OF THE THINGS WE GO TO CHECK IS -- I HAVE BASE OPERATIONS.

BASE OPERATIONS GOES AND INSPECTS EVERY DAY THE 1 2 CONDITIONS OF ALL OUR LAKE BED RUNWAYS AND THEY PUBLISH 3 THAT. AND WHEN WE STEP THAT DAY TO FLY, YOU LOOK 5 UP AND YOU GO, OKAY, THESE LAKE BEDS ARE RED, THESE LAKE 6 BEDS ARE YELLOW, WHICH YOU COULD USE THEM, BUT ONLY IN 7 EMERGENCY. AND THEN THESE LAKE BEDS ARE GREEN. THEY'RE FULL UP DRY AND READY TO GO. AND THAT ADDS UP OVER THE 8 9 COURSE OF THE YEAR, DEPENDING ON WHEN THE MOST RECENT RAIN WAS AND THE CONDITION OF THE LAKE BED. 10 11 DO YOU --Q A I CAN'T REMEMBER WHERE WE GOT STARTED ON 12 13 THIS. THAT'S ALL RIGHT. WE WERE TALKING ABOUT 14 THE USE OF THE LAKE BEDS, AND I THINK YOU'VE EXPLAINED 15 16 WHY IT'S USEFUL. YOU WERE HERE FOR THE VIDEO OF THE F-16 --17 18 YES. Α -- COMING DOWN? 19 Q 20 A YES. AND AS I UNDERSTAND IT, THAT PLANE HAD NO 21 Q 22 LANDING GEAR WHEN IT CAME DOWN; IS THAT CORRECT? 23 THAT'S CORRECT. Α 24 AND HOW DOES THE AVAILABILITY OF THIS LAKE 25 BED FOR LANDING AFFECT HOW QUICKLY YOU CAN RETURN AND RECOVER THOSE PLANES THAT HAVE TO MAKE THIS SORT OF AN 26 27 EMERGENCY LANDING? 28 SO IT'S REALLY ACTUALLY QUITE REMARKABLE.

SO IF YOU HAD A CONTROLLED LANDING ON THE LAKE BED -AND IT WAS MENTIONED EARLIER. SO WHEN YOU LAND, YOU
APPROACH ON THE LAKE BED, IT'S VERY POWER ON, SO YOU
KEEP THE POWER ON THE AIRCRAFT.

Q CAN YOU SEE IT ON THAT VIDEO? I MEAN, CAN YOU -- DOES THAT -- I'M ACTUALLY JUST ASKING WOULD THAT HELP EXPLAIN IT OR NOT? IF NOT, THE COURT'S ALREADY SEEN IT.

A I THINK IT'S OKAY.

Q OKAY.

POWER ON THE AIRCRAFT SO YOU CAN GENTLY SET IT DOWN. SO YOU SIT THERE AND MONITOR THE POWER. IT'S A LITTLE BIT DIFFICULT BECAUSE THE LAKE BED IS SO VAST. SOMETIMES YOU GET A GOOD DEPTH PERCEPTION ANYWAYS. SO YOU KEEP THE POWER ON THE AIRCRAFT AND JUST SORT OF EKE IT DOWN. YOU GO, OKAY, THERE'S ANOTHER FOOT, THERE'S ANOTHER FOOT, AND THEN GENTLY SET THE AIRCRAFT DOWN ONTO THE LAKE BED.

WE THINK IT'S SO IMPORTANT THAT WHEN WE
TRAIN OUR TEST PILOT SCHOOL STUDENTS, WHO GO TO TEST
PILOT SCHOOL -- IT'S A YEAR-LONG PROGRAM, VERY
COMPETITIVE, CHALLENGING PROGRAM TO GET THROUGH -- PART
OF THE CURRICULUM MANDATED IS TO LEARN TO DO LAKE BED
LANDINGS BECAUSE YOU NEED TO HAVE THAT AVAILABLE SKILL
IN ORDER TO MAKE -- IN ORDER TO BE SAFE.

**Q** AND JUST BRIEF ASIDE. THE TEST PILOT TEST SCHOOLS ARE LOCATED WHERE?

```
THEY ARE AT EDWARDS AIR FORCE BASE.
 1
           A
 2
                  THANK YOU.
                  SO, AGAIN, THAT ALLOWS YOU TO DO THAT.
 3
           A
 4
     WITH THAT, YOU ACTUALLY DO REMARKABLY LITTLE DAMAGE TO
 5
     THE AIRCRAFT. ON AN F-16, IF THE PILOT DOES IT
     CORRECTLY, GENTLY PUTS THE AIRCRAFT DOWN ON THE LAND,
 6
 7
     ABLE TO CONTROL THE NOSE SET-DOWN, WE'LL REPLACE THE
     DORSAL FINS, REPLACE THE UNDERBELLY PANELS.
 8
 9
                  IF HE WAS EFFECTIVE ON GETTING THE MOTOR
10
     SHUT OFF RIGHT BEFORE TOUCHDOWN, WHICH WOULD BE THE
11
     PROCEDURE, THEN HE PROBABLY DOES NO ENGINE DAMAGE AND,
12
     YOU KNOW, IN A MATTER OF A FEW MONTHS WE'LL HAVE THAT
13
    AIRCRAFT FLYING AGAIN. IT REALLY IS QUITE REMARKABLE.
                  AND HOW MUCH DO THEY COST, BRIEFLY?
14
           0
                  DEPENDS ON THE AIRCRAFT.
15
           Α
                  LET'S SAY THAT F-16.
16
           Q
17
                  I BELIEVE THEY'RE GOING AWAY FROM THE F-16
           Α
     TO AROUND $60 MILLION, GIVE OR TAKE.
18
19
                  SO IT SAVES A FEW BUCKS?
           Q
20
                  SAVES A FEW DOLLARS. AND IF YOU TAKE -- IN
           A
21
    THE F-16 -- AN EXAMPLE, WE MENTIONED THE B-1 WITH
22
     DIRECTIONAL CONTROL. IN THE F-16, IF YOU'RE GOING TO
23
     PART (PHONETIC) A CONTROL SURFACE, THE PROCEDURE IS TO
24
    EJECT, PARTICULARLY IN AN AREA -- IF YOU HAD, LIKE, NOSE
25
    GEAR -- NO NOSE GEAR BUT TWO MAINS.
                                          IF YOU GO --
26
                  FOR INSTANCE, YOU'RE REFERRING TO THE B-1?
           Q
27
           Α
                  THAT'S RIGHT.
28
                  THE PHOTOS THAT WE HAD?
```

RIGHT. IF YOU DID THAT IN AN F-16 AND YOU 1 A 2 VEERED OFF, WHICH YOU WILL, AND YOU DIDN'T CATCH THE 3 CABLE, YOU WOULD EJECT OUT OF THE AIRCRAFT BECAUSE THE 4 AIRCRAFT'S GOING TO BE LOST BECAUSE IT'S GOING TO TUMBLE 5 THE MINUTE IT PARTS THE CONTROL SURFACE. ON THE LAKE 6 BED, WELL, YOU DON'T REALLY WORRY ABOUT THAT A WHOLE LOT 7 BECAUSE IT'S ALL SOMEWHAT CRATER SURFACE, IF YOU WILL. 8 SO, AGAIN, LAKE BED, PRIMARY CAPABILITY. 9 FROM THIS PICTURE, IT'S A GREAT ONE TO TAKE A LOOK AT OUR SECOND ATTRIBUTE. MY YOUNG AIRMEN DID NOT LOOK AT 10 IT AS AN ATTRIBUTE, AND THAT IS REMOTENESS. WE ARE OUT 11 12 THERE. 13 WELL, LET'S -- IN TALKING ABOUT THE SECOND ELEMENT, THE REMOTENESS, LET'S -- IT MIGHT BE BETTER TO 14 15 LOOK AT EXHIBIT 194, BATES NUMBER 51901. THAT MIGHT 16 EVEN BE MORE HELPFUL. 17 OKAY. SO DESCRIBE BASICALLY WHAT THIS 18 SHOWS. 19 SO, AGAIN, THIS IS THE SAME GRID THAT YOU Α 20 SAW BEFORE IN TERMS OF WHAT THE BASE CONFINES ARE. THIS

A SO, AGAIN, THIS IS THE SAME GRID THAT YOU SAW BEFORE IN TERMS OF WHAT THE BASE CONFINES ARE. THIS IS THE TOWN OF LANCASTER HERE. ROSAMOND WOULD BE SITTING RIGHT ABOUT HERE, WHICH IS WHAT WE CALL A DOT TOWN BECAUSE IT ONLY SHOWS UP AS A DOT ON AN AVIATION MAP. IT'S NOT LARGE ENOUGH TO SHOW UP AS MUCH ELSE.

21

22

23

24

25

26

27

28

AS YOU CAN SEE, HERE'S OUR RUNWAY. SO FROM HERE AND ALL THE WAY PAST THE LAKE BED, DO I GET TO THE FIRST, IN ESSENCE, MANNED SITES. GOING THE OTHER DIRECTION, WELL, I CAN GO A LONG WAY BEFORE I GET TO

ANYTHING MANNED.

SO WHAT THAT ALLOWS US TO DO IS -- IF YOU

GO TO A PLACE LIKE EGLIN, NOISE IS AN ISSUE. WE HAVE TO

WORRY THERE'S HOUSES OFF THE END OF THE RUNWAY. YOU

HAVE TO WORRY ABOUT HAZARD AREAS. THERE'S A PROGRAM

CALLED AICUZ, WHICH IS AIRFIELD COMPATIBLE USE AREA.

Q AIR INSTALLATION COMPATIBLE USE ZONE?

A THAT IS IT, AIR --

Q AIR INSTALLATION COMPATIBLE USE ZONE.

COULD YOU DESCRIBE WHAT THAT IS, PLEASE?

A YEAH. THE REASON I DON'T REALLY KNOW IS
BECAUSE I DON'T HAVE ONE. WHAT THAT IS, IS IT PROVIDES
ZONES AND AREAS AROUND THE BASE WITH COMPATIBLE GROWTH
FOR NOISE, FOR SAFETY ISSUES. DON'T BUILD IN THIS AREA.
AGAIN, I DON'T EVEN HAVE ONE OF THOSE BECAUSE WE'RE SO
REMOTE WE DON'T NEED IT.

AGAIN, MY YOUNG AIRMEN, THIS IS A PROBLEM FOR, BECAUSE WE SEND THEM OUT THERE. THEY SHOW UP.

MANY OF THEM DON'T HAVE CARS. AND WE PUT THEM OUT IN THE MIDDLE OF EDWARDS AIR FORCE BASE, AND IT'S 14 MILES TO THE "WELCOME TO EDWARDS AIR FORCE BASE" SIGN. IT'S A 45-MINUTE DRIVE TO THE MALL. HARD FOR THEM, GREAT FOR FLIGHT TEST AND ALLOWS -- AGAIN, ALLOWS US TO OPERATE.

WE'RE DOING VERY HAZARDOUS THINGS. AGAIN,
THERE'S NOT MANY BASES THAT YOU GO AND SAY WE'RE GOING
TO LOAD THIS AIRPLANE UP AND WE'RE GOING TO GO AND
INTENTIONALLY CATCH THE BRAKES ON FIRE, WHICH IS WHAT WE
JUST DID TWICE.

1 Q SO THE LACK OF THE AIR INSTALLATION 2 COMPATIBLE USE ZONE, WHAT'S THE SIGNIFICANCE OF THAT 3 RELATIVE TO THE POTENTIAL EFFECT ON NEIGHBORING 4 LANDOWNERS? 5 WELL, FROM THE EFFECT ON ME IS THAT IT Α ALLOWS ME TO -- IT ALLOWS GROWTH FOR ME IN THAT I CAN 6 7 OPERATE ANYWHERE IN HERE. I CAN -- I DON'T HAVE TO 8 WORRY ABOUT, AGAIN, NOISE. I DON'T HAVE TO WORRY ABOUT 9 SAFETY AREAS. I DON'T HAVE TO WORRY ABOUT ADJUSTING MY 10 TEST PROFILES BECAUSE I HAVE ALL THAT SPACE AVAILABLE. AND, AGAIN, THIS IS -- THIS IS WORLD CLASS. 11 I'M NOT AWARE OF ANY -- WELL, I GUARANTEE YOU IN THE 12 TEST ENVIRONMENT THERE ARE NO OTHER BASES THAT HAVE THIS 13 TYPE OF ATTRIBUTE IN TERMS OF STANDOFF. IT JUST DOESN'T 14 EXIST IN OTHER BASES. 15 16 WHAT IS ENCROACHMENT? Q 17 SO ENCROACHMENT IS, AGAIN, JUST AS THE WORD Α 18 WOULD IMPLY, THE ENCROACHMENT OF OTHER ENTITIES ONTO 19 YOUR BOUNDARIES TO DO TESTS. LET'S TALK A BIT. THE BOUNDARIES CAN COME 20 21 IN MANY WAYS. SO ENCROACHMENT CAN OCCUR -- AGAIN, IT'S 22 LITTLE BIT DIFFICULT TO SEE FROM THIS PHOTO, BUT IF YOU 23 LOOK ALONG THIS RIDGE, THERE'S TONS OF WINDMILLS. 24 THAT'S A FORM OF ENCROACHMENT, BECAUSE IT AFFECTS MY 25 ABILITY TO DO RADAR TESTING BECAUSE ACTUALLY WINDMILLS CAN AFFECT BASIC RADAR TESTING. THAT'S A FORM OF 26 27 ENCROACHMENT.

I SAW A CELL PHONE ON THE DESK OVER THERE.

THAT'S A PRIMARY FORM OF ENCROACHMENT FOR US RIGHT NOW,

NOT FOR US AT -- FOR US AT EDWARDS AND ACROSS THE ENTIRE

CONES (PHONETIC), AS WE COMPETE WITH CELL PHONE

COMPANIES FOR TELEMETRY SPACE, FREQUENCY ENCROACHMENT.

AND THEN, OF COURSE, THERE'S WHAT'S MORE

BROADLY UNDERSTOOD AS BOUNDARY ENCROACHMENT. PLACE LIKE EGLIN, HEAVILY CONCERNED WITH BOUNDARY ENCROACHMENT BECAUSE IT'S IN THE PANHANDLE OF FLORIDA, VERY POPULAR.

I AM INSULATED FROM BOUNDARY ENCROACHMENT.

**Q** AND HOW DOES ENCROACHMENT AFFECT AN AIR FORCE BASE?

A AGAIN, THE ABILITY FOR US IF WE LOST THIS
ENCROACHMENT -- I'VE ALREADY MENTIONED THAT, YOU KNOW,
WE KEPT THIS OPEN, FOR EXAMPLE, FOR BEING ABLE TO RUN
OUT LAKE BEDS. I USE THIS AREA FOR LANDING, AND YOU SEE
130 WORK HERE. IF I HAD NOISE ISSUES, IF I HAD SAFETY
ISSUES IN TERMS OF I'M DOING HIGH RISK TESTING, I'M
WORRIED ABOUT PUTTING AN AIRPLANE IN SOMEONE'S BACKYARD,
ALL THAT WOULD AFFECT AND I'D HAVE TO ADJUST MY PROFILE.

Q IS THERE ANY DOWNSIDE TO THE DEGREE OF ISOLATION THAT EDWARDS HAS?

A FROM THE TEST PERSPECTIVE, THERE ARE NO DOWNSIDES. MATTER OF FACT, YOU CAN EVEN DO MORE ISOLATED. FROM A QUALITY OF LIFE ISSUE, IT'S MY NUMBER 1 -- IT IS MY NUMBER 1 COMPLAINT FROM OUR AIRMEN. IT IS THE REMOTENESS.

Q DOES IT AFFECT HOW YOU HAVE TO MANAGE THE BASE FOR THE PERSONNEL?

1.5

A SURE. SO WHAT THE AIR FORCE HAS DONE IS THEY'VE RECOGNIZED THAT WE ARE OUT THERE; SO THEY HAVE A STATUS THAT THEY'VE GIVEN US, WHICH IS CALLED REMOTE AND ISOLATED STATUS. WHAT THAT ALLOWS ME TO DO IS I CAN SPEND A LITTLE BIT MORE APPROPRIATED FUNDS, NOT A WHOLE LOT, BUT IT GIVES ME SOME FLEXIBILITY IN MY APPROPRIATED FUNDS FOR M.W.R. TYPE FACILITIES.

**Q** M.W.R.?

A I'M SORRY. MORALE, WELFARE, RECREATION

TYPE FACILITIES, BASICALLY TAKING CARE OF OUR AIRMEN.

IT ALLOWS ME A LITTLE MORE FLEXIBILITY BECAUSE I HAVE

THAT STATUS. AND THAT'S ABSOLUTELY CRITICAL.

I MEAN, IF YOU THINK ABOUT YOUR 19 YEAR OLD BEING GIVEN TO ME AND -- FOR CARE AND FEEDING, AND I'M GOING TO TAKE THAT 19 YEAR OLD, 20 YEAR OLD SON OR DAUGHTER, WE'RE GOING TO STICK THEM IN A SMALL DORM ROOM, WITH NO CAR, 14 MILES FROM THE GATE, WITH NOTHING TO DO, WELL, THAT'S WHAT WE'RE FORCED TO DO.

**Q** OKAY. ARE YOU FAMILIAR WITH THE ENCROACHMENT LIMITATIONS THAT THE OTHER AIR FORCE TEST BASES HAVE?

A I'M VERY FAMILIAR. THE OPERATIVE ONE THERE
IS EGLIN, AND AS THE COMMAND -- TEST COMMANDER THERE,
I'M VERY FAMILIAR WITH THAT ENGAGEMENT.

Q AND I THINK YOUR TESTIMONY WAS THAT EDWARDS DOESN'T HAVE THE SORT OF ENCROACHMENT THAT, SAY, EGLIN DOES.

A IT IS ABSOLUTELY DAY AND NIGHT. ON ALL

```
1
     ENDS OF THE RUNWAY, THERE IS BASICALLY DEVELOPMENT AT
 2
    EGLIN.
              OKAY.
 3
          Q
 4
          Α
                AS WELL AS AROUND THE PERIMETER OF THE
 5
    RANGE.
 6
                ALL RIGHT. YOU LISTED TWO -- YOU ACTUALLY
 7
     SAID THERE WERE FIVE ATTRIBUTES AND YOU'VE LISTED TWO.
 8
    ACTUALLY, I THINK THAT WE'VE TALKED ABOUT ENCROACHMENT
    WOULD BE A THIRD?
 9
10
                 I WOULD THROW THAT IN WITH REMOTENESS. WE
11
    MENTIONED THE LAKE BED. WHAT DO YOU THINK THE THIRD ONE
12
    IS?
13
                ACTUALLY, I THINK THE THIRD ONE IS PROBABLY
          Q
14
    AIRSPACE.
                 OKAY. WE CAN TALK ABOUT THE -- SO I
15
          Α
16
    WOULD -- AGAIN, I THOUGHT WE ONLY COVERED TWO, BUT WE'LL
17
    COVER ALL OF THEM. SO WEATHER. MATTER OF FACT, THIS IS
    A GREAT VIEW. NOW, YOU KNOW, I'VE HEARD 361 DAYS OF
18
19
    V.F.R. WEATHER. THAT'S PROBABLY AN EXAGGERATION, WHILE
    TECHNICALLY CORRECT. IT'S PROBABLY NOT ALL TEST,
20
21
    THOUGH, 361 DAYS.
22
                WHEN YOU SAY V.F.R. --
23
          A I'M SORRY. VISUAL FLIGHT RULES.
24
          Q
             THANK YOU.
25
          Α
                 SO YOU CAN FLY WITHOUT HAVING RADAR CONTROL
26
    WHILE BRINGING IT IN.
27
                 AND, AGAIN, THE TYPICAL NUMBER TOUTED IS
28
    361. EVEN THOUGH WE'RE V.F.R., IT MIGHT BE NOT GOOD
```

1 ENOUGH STILL TO DO TESTS. BUT WE ARE IN GOOD TEST 2 WEATHER, PROBABLY ON THE ORDER OF 345, 350 DAYS A YEAR ACTUAL TEST WEATHER. THAT IS -- THAT'S GREAT. 3 4 ARE VERY FEW PLACES WHERE YOU CAN DO THAT. 5 SO REMOTENESS, LAKE BED, WEATHER, INFRASTRUCTURE. SO WE --6 7 LET'S TALK ABOUT -- HOW ABOUT AIRSPACE? 8 Α AIRSPACE, SURE. 9 AND I GUESS THE -- ARE THE AIRSPACE AND INFRASTRUCTURE RELATED? 10 11 WE CAN DO EITHER ONE. AIRSPACE IS FINE. 12 DO WE HAVE A --LET'S PULL UP EXHIBIT 253, WHICH IS BATES 13 NUMBER 44001. 14 WHILE YOU DO THAT, SO I'VE FLOWN IN --15 A ACTUALLY, I'VE BEEN FLYING AIRPLANES NOW FOR 28 YEARS IN 16 17 THE AIR FORCE; SO I'VE FLOWN IN A FAIR BIT OF THE AIRSPACE AVAILABLE IN THE (INDISCERNIBLE), AS WELL AS 18 19 QUITE A BIT OVERSEAS AS WELL. IN THE UNITED STATES, I AM NOT AWARE OF ANY 20 21 AIRSPACE THAT OPERATES LIKE WE OPERATE OUR AIRSPACE. 22 IS ABSOLUTELY UNIQUE. AND IT'S -- WE OPERATE THIS IN A 23 NONEXCLUSIVE USE MANNER. WHAT DOES THAT MEAN? SO IF YOU AND I WERE AT A NORMAL PIECE OF 24 RANGE SPACE, WE GO, SIR, YOU HAVE FROM 8 TO 9:00 25 26 O'CLOCK. YOU FLY IN THE AIRSPACE. AT 9:00 O'CLOCK YOU LEAVE, AND THEN I FLY FROM NINE TO TEN AND THEN SOMEONE 27 28 ELSE FLIES, JUST LIKE SCHEDULING A COURTROOM.

AT -- OUR AIRSPACE AT 2508, BECAUSE OF THE PROCEDURES WE HAVE, THE INFRASTRUCTURE THAT WE HAVE, THE FACILITIES WE BUILT IN TERMS OF AIR TRAFFIC CONTROL AND HOW WE MANAGE THAT, WE ACTUALLY OPERATE THE NONEXCLUSIVE USE.

WHY IS THAT IMPORTANT? SO NOW WE HAVE
MULTIPLE TEST SORTIES OPERATING SIMULTANEOUSLY ON
AIRSPACE THAT WE, BECAUSE OF OUR PROCEDURES AND OUR
INFRASTRUCTURE, CAN COORDINATE IN REAL TIME. THAT IS
ABSOLUTELY UNIQUE. NOW, WHY IS THAT DOUBLY IMPORTANT
FOR TEST?

Q LET'S TALK ABOUT MAYBE THE 2508 AIRSPACE.

I THINK THAT -- I PULLED THIS ONE UP, AND YOU CAN

IDENTIFY IT AND EXPLAIN IT, BUT WE MAY HAVE ONE THAT IS

EASIER TO SEE THAN THIS. WOULD YOU PREFER THE ONE

THAT'S EASIER TO SEE?

A WE CAN TALK ABOUT THIS. I WILL SAY,

THOUGH, THAT THE BENEFIT OF EXCLUSIVE USE IS WHEN YOU DO

TEST -- BECAUSE WHAT YOU'RE DOING BY DEFINITION IS NOT

GOING TO WORK RIGHT. THAT'S WHY YOU'RE TESTING IT.

SO WHEN YOU SAY YOU'RE GOING TO BE THERE AT 8:00 O'CLOCK, ON ANY GIVEN TEST MISSION THAT MEANS I'M GOING TO BE THERE FROM 8:00 O'CLOCK TO 10 BECAUSE I HAVE ABSOLUTELY NO IDEA -- WHEN I STARTED THE AIRPLANE UP, IT DIDN'T WORK CORRECTLY. IT DIDN'T START. THE INSTRUMENTATION DIDN'T WORK.

SO TO HAVE THE ABILITY TO SLIP AND MOVE IS ABSOLUTELY CRITICAL AND AGAIN UNIQUE TO HERE THAN ANY

AIRSPACE THAT I'M AWARE OF IN RECONNAISSANCE, AND I'VE
FLOWN IN AN AWFUL LOT OF THEM.

SO, AGAIN, WE TALK ABOUT THAT VERY LARGE,

300,000 OR SO ACRE OF AREA. THAT'S THIS LITTLE AREA RIGHT HERE.

MR. DUBOIS: LET ME SUGGEST -- MITCH, PULL UP 194, EXHIBIT 194. BATES NUMBER 51903 WILL PROBABLY BE EASIER TO SEE AND WORK FROM.

THE WITNESS: OKAY.

## BY MR. DUBOIS:

Q SO CAN YOU DESCRIBE WHAT THIS SHOWS, WHAT THE GREEN LINE IS, WHAT THE BLUE BOX IS, AND OBVIOUSLY WHERE EDWARDS IS?

A SURE. THIS DOESN'T SHOW ALL THE AIRSPACE DIVISIONS THAT YOU SEE ON THE AERONAUTICAL CHARTED COURSE. WE TALKED ABOUT THE SPREAD OF THE INSIDE THE CONFINES OF EDWARDS. THAT IS JUST THIS LITTLE SECTION HERE. THE AIRSPACE WE OPERATE IN IS ALL OF THIS, JUST TO GIVE YOU THE SCALE.

Q AND THAT WAS THE AREA BOUNDED IN GREEN?

A THAT'S CORRECT. THANK YOU.

SO JUST TO GIVE YOU SOME SCALE, THIS IS US.

THAT'S LAS VEGAS. SO IF YOU SWING AN ARC, THIS IS THE

DISTANCE TO LAS VEGAS. THERE'S FRESNO. BAKERSFIELD

DOESN'T EVEN BARELY GET UP, WHAT, A THIRD OF THE WAY UP

THE AIRSPACE THAT IS AVAILABLE TO US. THIS IS A

REMARKABLE ASSET. THIS IS A NATIONAL ASSET IN TERMS OF

AVAILABLE AIRSPACE.

SO WHEN I FIRST STARTED FLYING, EVEN FOR

ME, IN 28 YEARS -- I STARTED FLYING TESTS IN 1995 -- FOR

US TO GO AND DO A RADAR RUN WHERE WE'D -- TESTING A

RADAR, OBVIOUSLY YOU HAVE TO GET AT TWO DIFFERENT ENDS,

POINT AT EACH OTHER, AND ENSURE THE RADAR IS WORKING

CORRECTLY.

NOW, IF WE DID AN 80-MILE SETUP, THAT WAS TYPICALLY AMPLE. CERTAINLY, THAT WOULD BE EXCESSIVE FOR AN F-16 AT THAT TIME IN TERMS OF RADAR SETUPS. NOW, WHEN YOU'RE TALKING ABOUT F-22'S AND F-35'S, WE WILL START WAY UP HERE AND PUT OTHER PEOPLE WAY DOWN HERE IN ORDER TO EXECUTE THAT TEST AND NEED ALL THAT AIRSPACE. THIS IS JUST THE NATURE OF THE CHANGE IN WARFARE, NATURE OF THE CHANGE IN OUR CAPABILITIES.

WHEN WE WOULD JUST HAVE TWO OR THREE

AIRPLANES FLYING IN FORMATION TOGETHER IN A RELATIVELY

SMALL PIECE OF SPACE -- I RECENTLY DID AN F-35 TEST. WE

HAD TARGETS SPREAD ALL THE WAY ACROSS THE TOP OF THIS

AREA IN ORDER FOR THE F-35 -- TO GET THE F-35 TEST DONE.

IT'S JUST REFLECTIVE OF THE INCREASED CAPABILITY OF OUR

AIRCRAFT.

SO EVEN THOUGH THE NUMBERS MAY CHANGE, THE DEMANDS IN TERMS OF AIRSPACE, BECAUSE OF THE NATURE OF THAT, THE LENGTH WEAPONS CAN GO NOW IN TERMS OF THEIR RANGE, THE INCREASES IN RADAR ARE MORE AND MORE DEMANDING ON AIRSPACE, WHICH MAKES ALL AIRSPACE MORE CONGESTED.

Q DO THE OTHER TEST BASES HAVE -- THIS IS

SO

1 THE -- WHAT WE CALL THE R-2508 FLIGHT COMPLEX; IS THAT 2 CORRECT? 3 Α R-2508 COMPLEX. THAT'S CORRECT. 4 DO THE OTHER TEST RANGES FOR THE AIR FORCE 5 HAVE SOMETHING SIMILAR TO 2508? NOT IN TERMS OF OVER LAND. SO THIS IS THE 6 A 7 LARGEST OVER LAND THAT WE HAVE. NOW, WE DO -- EGLIN 8 DOES HAVE OVER WATER, BUT WE HAVE THAT AS WELL. 9 I WOULD LIKE TO ADD ONE FEATURE I 10 MENTIONED, WHICH IS THIS BLUE BLOCK AREA HERE. THAT IS THE HIGH ALTITUDE, SUPERSONIC CORRIDOR. SO, AGAIN, VERY 11 UNIQUE TO US. WE HAVE THE ABILITY OVER LAND TO FLY 12 13 SUPERSONIC ACROSS HERE. AND OBVIOUSLY THERE'S NOT TOO MANY NONSUPERSONIC FIGHTER AIRCRAFT WE'LL BE TESTING 14 EVER AGAIN. AGAIN, A UNIQUE FEATURE TO BE ABLE TO DO 15 THAT OVER LAND AT EDWARDS AIR FORCE BASE. 16 NOT DEPICTED HERE IS -- SITS APPROXIMATELY 17 RIGHT IN HERE -- IS SOMETHING THAT WE CALL THE BLACK 18 19 MOUNTAIN SUPERSONIC CORRIDOR. THE BLACK MOUNTAIN 20 SUPERSONIC CORRIDOR AGAIN ALLOWS ME TO TEST SUPERSONIC BUT AT LOW LEVEL. THAT'S PARTICULARLY RARE TO BE ABLE 21 22 TO BE OVER LAND, SUPERSONIC, IN THE CONES. IT IS A VERY 23 RARE CAPABILITY. 24 WHAT KIND OF INFRASTRUCTURE AT EDWARDS BASE 25 IS NECESSARY TO MAKE ALL OF THIS WORK? SO -- SO IF WE -- SO FOR US IT'S ALL ABOUT 26 Α 27 DATA. IT'S ALL ABOUT GETTING THE INFORMATION OFF THE

AIRCRAFT, BEING ABLE TO UNDERSTAND THAT AND DO THAT.

1 WHAT WE NEED TO DO THAT? WE NEED TELEMETRY. 2 SO THAT MEANS WE HAVE TELEMETRY STATIONS 3 ALL THROUGHOUT THE COMPLEX SO WE CAN FLY, GATHER THE 4 AIRCRAFT [SIC] OFF THE AIRPLANE, RELAY THAT BACK TO 5 CONTROL ROOMS REAL TIME. THEY'RE DOWN HERE AT EDWARDS. 6 THEN THAT DATA HAS TO BE PROCESSED, TURNED FROM DATA TO 7 INFORMATION. AND, AGAIN, ALL THAT CAPABILITY EXISTS. 8 ALL THAT INFRASTRUCTURE IN TERMS OF TELEMETRY IS ACROSS 9 THE RANGE, ALL RADIOED BACK TO OUR RADIO CONTROL CENTER 10 BACK AT EDWARDS. DO WE HAVE THE ONE THAT SHOWS THE RANGES 11 12 LINKED TOGETHER? YES. WE CAN GO TO THAT ONE. THAT ONE IS 13 Q 196, WHICH IS BATES NUMBER 50671 IN 196. 14 15 SO WE'RE ALSO IN A GREAT NEIGHBORHOOD. SO Α WHAT WE HAVE DONE IN TERMS OF -- TALKED ABOUT AIRSPACE, 16 17 AND WE WERE TALKING ABOUT OUR PIECE OF AIRSPACE. 18 THIS GIVES YOU A LITTLE PERSPECTIVE HERE, 'CAUSE OBVIOUSLY YOU SEE THE ENTIRE STATE OF CALIFORNIA, AND 19 YOU SEE THE AMOUNT OF RANGE, AIRSPACE WE'RE TALKING 20 21 ABOUT. IT REALLY IS QUITE DRAMATIC. 22 THESE ARE OVER WATER RANGES HERE, 23 CONTROLLED BY VANDENBERG, THE NAVY, MULTIPLE USERS. CAN FLY INTO THAT AIRSPACE AS WELL. AND WE HAVE ALL THE 24 25 TELEMETRY AND INFRASTRUCTURE SO THAT WE CAN GET THE TELEMETRY OFF THE AIRCRAFT, ROUTE IT BACK, AND DIRECT IT 26

WE CAN DO THAT FROM THE UTTR, WHICH IS THE

REAL TIME BACK TO OUR CONTROL ROOMS AT EDWARDS.

27

UTAH TEST AND TRAINING RANGE HERE. WE CAN DO THAT FROM
THE NEVADA TEST AND TRAINING RANGE HERE. WE CAN DO THAT
FROM THE WHITE SANDS MISSILE RANGE HERE. SO I CAN
LAUNCH OUT OF EDWARDS AND GO TO ANY OF THESE RANGES,
STILL CONTROL, AND THEN FLEX BACK, FINISH MISSION INSIDE
MY 2508 MISSION, AND THEN LAND.

SO I RECENTLY FLEW A CHASE SORTIE WITH THE F-15'S, AND I WAS FLYING THE F-16 CHASE SORTIE. WAS ABOUT TWO WEEKS AGO. AND WE WENT. WE FLEW. WE WERE -- RAN OUT OF OUR RANGE TIME HERE, WERE ABLE TO IMMEDIATELY FLEX BACK, COMPLETED THE MISSION IN OUR HIGH ALTITUDE, SUPERSONIC CORRIDOR RIGHT OVER EDWARDS AND LANDED.

THE ABILITY TO BE IN THAT NEIGHBORHOOD

WHERE I COULD GO AND DO OVER WATER RANGE IS -- SOMETIMES

WE HAVE TO BE AT SEA LEVEL; SO WE NEED TO BE AT SEA

LEVEL TO DO SOME TESTING, FLEX BACK TO EDWARDS, DO NOW

HIGH ALTITUDE, SUPERSONIC TESTING, ALL ON THE SAME

SORTIE, AND THEN DROP OFF.

THAT AIRCRAFT, INCIDENTALLY, LAUNCHED OUT

OF -- HE LAUNCHED OUT OF PALMDALE AND I LAUNCHED OUT OF

EDWARDS. WE REJOINED IN THE EDWARDS AIRSPACE AND THEN

WENT OUT OVER WATER. SO FROM EDWARDS WE USED PLANT 42,

WE USED EDWARDS, WE USED OVERSEAS -- OVER WATER RANGES.

I USED MY HIGH ALTITUDE, SUPERSONIC CORRIDOR, AND I USED

2515, AND THAT'S JUST A NORMAL SORTIE FOR US.

Q SO THE PROXIMITY TO THESE OTHER AIR

BASES -- OR THESE OTHER AIRSPACES, I SHOULD SAY, IS ONE

OF THE MORE UNIQUE ATTRIBUTES OF EDWARDS?

1	A THAT'S EXACTLY THE POINT. AND OH, BY THE
2	WAY, WE HAD TANKERS WITH US, REFUELING BOTH HERE AND
3	HERE BECAUSE BOTH ALL THESE AREAS ARE AVAILABLE FOR
4	US TO USE AS REFUELING AREAS.
5	Q OKAY. DOES THE PHRASE "BOMBING AND GUNNERY
6	RANGE" HAVE A SPECIFIC TERM OF ART MEANING WITHIN THE
7	AIR FORCE?
8	A NOT THAT I'M AWARE OF.
9	Q DOES THE TERM "RANGE" HAVE A MEANING?
10	A "RANGE" CERTAINLY DOES FOR US. WHEN WE
11	TALK ABOUT TEST RANGE, WE'RE TALKING ABOUT EVERYTHING
12	THAT IT TAKES TO GET DATA OFF THE AIRCRAFT.
13	Q CAN YOU GIVE CAN YOU USE AN EXAMPLE TO
14	ILLUSTRATE THAT FOR THE COURT, PLEASE?
15	A SURE. SO WE CAN TAKE A LOOK AT F-35
16	EXAMPLE THAT WE JUST THAT I USED, DROPPED THE FIRST
17	GUIDED JDAM OFF THE AIRCRAFT VERY SUCCESSFULLY.
18	SO WHAT DID WE HAVE TO DO TO GET THAT
19	SORTIE? WELL, WE HAD TO GENERATE THE SORTIE, SO THAT
20	MEANT ALL THE MAINTENANCE ACTIVITY TO GET THE ACTI
21	AIRPLANE CORRECT. THAT MEANS WE HAD TO HAVE THE
22	INSTRUMENTATION ON THE AIRCRAFT.
23	Q BUT STARTING BACK A STEP, BASICALLY YOU'RE
24	TALKING ABOUT THE HANGARS, THE MECHANICS, THE
25	A THAT'S CORRECT.
26	Q MATERIAL ON THE GROUND AT EDWARDS?
27	A THAT'S CORRECT. SO WE HAD TO GENERATE THE
28	SORTIE. SO WHAT SORTIE GENERATION FOR US MEANS IS

EXACTLY WHAT IT SAYS. SO THAT MEANS -- AND I WOULD ACTUALLY GO BACK FURTHER, WHICH WOULD BE -- AND ALSO, BY THE WAY, THE CARE AND FEEDING OF THE PEOPLE THAT HAVE TO DO THAT ACTIVITY.

SO THE CARE AND FEEDING OF THE MAINTAINERS WHO GENERATE THE AIRCRAFT IN TERMS OF HAVING IT READY AND AVAILABLE TO FLY -- THAT MEANS FUELING IT. THAT MEANS SERVICING IT. THAT MEANS FIXING IT. THAT MEANS INSTRUMENTATION. THAT MEANS ITS DESIGN, INSTALLING, PREPARING THE INSTRUMENTATION. THAT MEANS TELEMETRY. THAT MEANS CONTROL ROOMS. AND WHEN EVERYONE THINKS OF THE APOLLO MISSION CONTROL ROOM, IT DOESN'T QUITE LOOK LIKE THAT ANYMORE, BUT IT'S THE GENERAL IDEA AS YOU GO THROUGH. SO ALL THE CONTROLS.

AGAIN, BECAUSE REMEMBER, WE'RE DOING THINGS
THAT HAVEN'T BEEN DONE BEFORE. WE'RE DOING THINGS THAT
WE VERY OFTEN ARE AFRAID ARE GOING TO BREAK THE
AIRPLANE; SO WE NEED A LOT OF EYES LOOKING AT THINGS
THAT ARE JUST NOT AVAILABLE TO THE PILOT TO SEE,
INSTRUMENTATION IN TERMS OF STRESSES ON DIFFERENT
MEMBERS OF THE AIRCRAFT, STRESSES ON THE WINGS, MOTOR
COMPONENTS, ALL THESE THINGS.

SO THERE'S A TEAM OF FOLKS WHO ARE LOOKING AT ALL THOSE FOR YOU WHILE YOU'RE FLYING. YOU DON'T HAVE THAT AVAILABLE, AND YOU WOULDN'T HAVE THE ABILITY TO SEE IT ANYWAY IF YOU DID.

SO NOW WE HAVE TO LAUNCH OUT. WE HAVE TO GET ALL THAT TELEMETRY. I HAVE TO HAVE -- I HAVE TO

HAVE THE IMPACT AREAS. I HAVE TO HAVE THOSE IMPACT AREAS INSTRUMENTED. AND THEN I HAVE TO RECOVER THE AIRCRAFT. SO IT IS END TO END.

IN ORDER TO GET A LITTLE BIT OF DATA THAT
SAYS I CAN SUCCESSFULLY DETERMINE MY POSITION, I CAN
SUCCESSFULLY DETERMINE THE TARGET POSITION, AND I
SUCCESSFULLY GET A G.P.S. GUIDED BOMB THERE, WELL, THAT
SEEMS PRETTY STRAIGHTFORWARD, BUT IT TOOK AN IMMENSE
ARMY IN ORDER TO GET THAT, REALLY WHAT IS ABOUT
30 SECONDS' WORTH OF DATA.

11 Q OKAY. SO IN YOUR PARLANCE "RANGE" MEANS
12 ALL OF THAT?

A ALL OF THAT.

Q ALL RIGHT.

MATTER OF FACT, WE EVEN PUBLISH A RANGE
BOOK THAT SAYS HERE'S OUR RANGE CAPABILITIES. NOW, IF
YOU OPEN THAT UP, IT WILL GO HERE'S OUR TELEMETRY
CAPABILITY. HERE'S OUR -- HOW MANY ONES OR ZEROES WE
CAN PUT IN THE CONTROL ROOM, HOW MANY MEASURANDS,
SPECIFIC PIECES OF DATA THAT WE CAN COLLECT. THAT'S
WHAT WE MEAN BY RANGE.

BASED ON YOUR EXPERIENCE AND KNOWLEDGE OF EDWARDS AND YOUR EDUCATION IN STRATEGIC PLANNING AND YOUR KNOWLEDGE OF OTHER AIR FORCE BASES, DO YOU HAVE AN OPINION ON THE LONG TERM POTENTIAL FOR MISSION GROWTH AT EDWARDS AIR FORCE BASE?

A SO OBVIOUSLY IT'S -- ONE, YOU HAVE TO SET YOUR TIME FRAME. SO WHEN WE'RE TALKING ABOUT THINGS

LIKE WATER RIGHT, THE TIME FRAME IS SET. IT'S NOT
WHAT'S GOING TO HAPPEN THREE YEARS FROM NOW. THAT'S A
GREAT TACTICAL DECISION.

WHAT WE NEED, THOUGH, IS TO SAY OKAY, WHERE ARE WE GOING TO BE POTENTIALLY 50 YEARS FROM NOW? SO THAT MEANS WE NEED TO TAKE A LOOK AT WHAT WE THINK THE ENVIRONMENT IS, WHAT WE THINK THE LONG TERM TRENDS ARE GOING TO BE.

SO LET'S TALK ABOUT THAT FOR A SECOND.

LET'S USE EGLIN AS AN EXAMPLE. SO BACK IN THE -- I

GUESS IT WOULD HAVE BEEN LATE '40S, SOME FOLKS PRESERVED

A VERY LARGE PIECE OF RANGE IN THE PANHANDLE OF FLORIDA,

AND THIS WAS TO DO WEAPONS TESTING.

AT THAT TIME, WE DROPPED GRAVITY BOMBS.

THE BOMB RANGE ON THESE THINGS WERE A MATTER OF MILES;

SO TWO, THREE, FOUR MILES IS VERY LONG, LONG RANGE AT

THAT TIME. THEY SET ASIDE WAY MORE AMMO THAN THAT

BECAUSE THEY KNEW THAT WAS NOT GOING TO BE THE LONG

TERM, END STATE OF WHAT OUR WEAPONS ARE. RIGHT NOW OUR

WEAPONS ARE SUCH LONG RANGE THAT THEY HAVE A DIFFICULTY

TIME FITTING IN THIS VERY LARGE AREA.

BUT IF THOSE FOLKS IN THE '40S AND EARLY
'50S DID NOT HAVE THE FORESIGHT TO PRESERVE THAT RANGE,
THEN WE WOULD NOT HAVE BEEN ABLE TO DEVELOP THE WEAPONS
THAT, FRANKLY, I DROPPED DURING DESERT STORM, THAT
BROUGHT AN ENTIRE WING HOME SUCCESSFULLY. WE DIDN'T
HAVE A SINGLE COMBAT LOSS.

BUT BECAUSE PEOPLE IN THE '50S HAD THE

FORESIGHT TO PRESERVE THAT RANGE, WE WERE ABLE TO

DEVELOP LASER-GUIDED WEAPONS. BECAUSE WE DEVELOPED

LASER-GUIDED WEAPONS, I CAME HOME. BY THE WAY, MY SON

IS IN PILOT TRAINING NOW; SO I'D LIKE HIM TO BE ABLE TO

COME HOME IN THE FUTURE AS WELL.

SO IT'S ON US TO GO, OKAY, WHAT ARE WE GOING TO NEED INTO THE FUTURE TO MAKE SURE WE HAVE THE CAPABILITIES TO DEVELOP WHAT WE NEED? SO WHAT ARE THE TRENDS THAT I'D ARGUE EXIST? ONE IS THE AMERICAN WAY OF WAR.

SO THE AMERICAN WAY OF WAR IS ONE THAT WE GENERALLY DON'T TRADE BLOOD FOR TREASURE AND THAT WE WILL TRADE TREASURE FOR BLOOD, WHICH MEANS THE CHIEF OF STAFF HAS ALREADY MADE THIS COMMITMENT TO MODERNIZATION, AND THAT'S -- THE AMERICAN WAY OF WAR IS TO MAKE SURE THAT WE GO WITH THE BEST TECHNOLOGY THAT THE NATION CAN AFFORD. AND WE NEED TO MAKE IT AFFORDABLE.

BUT WE DON'T SELL OFF AMERICAN LIVES. WE WOULD PREFER TO DEVELOP THE TECHNOLOGY TO DO THAT; SO THAT TELLS ME THAT WE'RE GOING TO BE IN THIS BUSINESS FOR A LONG PERIOD OF TIME. THAT'S HOW WE GET -- WE ARE A TECHNOLOGY FORCE; SO WE WILL CONTINUE TO DO THAT. SO THAT'S TREND NUMBER 1.

TREND NUMBER 2 IS THE OTHER BASES ARE

PRETTY FULL. SO WE'RE NOT GOING TO PUT A WHOLE LOT MORE

INTO EGLIN AIR FORCE BASE. THEY'VE GOT THE SEVEN

SPECIAL FORCES GROUP. THE F-35 IS THERE, THE -- OUR

SPECIAL FORCES -- OUR AIR FORCE SPECIAL FORCES ARE THERE

AT HERBERT FIELD. SO THAT AIRSPACE IS RATHER CONGESTED NOW, AND THAT WAS VERY CONGESTED AIRSPACE.

WE ARE CONGESTED BUT NOT TO THE EXTENT THAT
THEY ARE. SO WE HAVE AVAILABILITY, OKAY, SO I KNOW
WE'RE GOING TO CONTINUE TO BE IN THIS BUSINESS. I KNOW
OTHER AREAS ARE CONGESTED.

WE ALSO KNOW THAT WE'RE GOING TO, AT LEAST FOR QUITE SOME TIME, I THINK, BE IN A -- A FISCALLY CONSTRAINED ENVIRONMENT WHICH DRAWS TO CONSOLIDATION.

WE HAVE SEEN THE CONSOLIDATION EFFORT OVER THE PAST. I DON'T SEE ANYTHING THAT LEADS ME TO BELIEVE THAT THAT IS NOT GOING TO CONTINUE. IF YOU'RE IN A CONSOLIDATION IN THE FUTURE, AIRFIELDS THAT HAVE CAPACITY AND ABILITY ARE PRIME CANDIDATES FOR CONSOLIDATION.

SO FOR ME I WOULD ARGUE THAT IT'S HIGHLY
LIKELY THAT WE ARE GOING TO -- THAT WE ARE A GOOD
CANDIDATE FOR GROWTH. THAT IS JUST BASED ON THE FACT
THAT WE'RE GOING TO BE IN THIS BUSINESS, WE'RE PROBABLY
IN A CONSOLIDATION ENVIRONMENT FOR SOME PERIOD OF TIME,
AND WE HAVE THE ABILITY TO DO THAT, BECAUSE EVERYTHING
I'VE TALKED TO YOU ABOUT ARE -- IN TERMS ARE UNIQUE
ASSETS, UNIQUE AIRSPACE ASSETS, UNIQUE PROXIMITY, LAKE
BED. I HAVE LOTS OF CONCRETE ALREADY BUILT. I HAVE AN
EXCEPTIONALLY LONG RUNWAY. ALL THESE THINGS MAKE ME
ELIGIBLE, IF YOU WILL, FOR THAT AS WE LIVE INTO THE
FUTURE.

MATTER OF FACT, WE JUST -- THE NAVY FOLKS

ARE REDOING THEIR RUNWAYS UP AT CHINA LAKE, WHICH IS

1 JUST A FEW MILES NORTH OF US. SO MATTER OF FACT, IN 2 THIS PICTURE, IF YOU LOOK AT THIS BLOCK HERE IN THE 3 CENTER OF 2508, THAT'S WHERE CHINA LAKE -- THE MAJOR 4 TEST FACILITIES IS. THEY'RE REDOING THEIR RUNWAYS RIGHT NOW; SO 5 THEY HAVE BROUGHT THEIR TEST AIRCRAFT DOWN TO OPERATE AT 6 7 EDWARDS, AND NOW THEY'RE OPERATING ON MY AIRFIELD. YOU 8 CAN'T EVEN TELL THEY'RE THERE BECAUSE WE HAVE SO MUCH 9 CONCRETE. I ACTUALLY HAD TO DRIVE AROUND THE BASE 10 LOOKING AND FIND WHERE ARE WE PARKING, BECAUSE I DIDN'T 11 KNOW WHERE TO PARK THE AIRCRAFT. I COULDN'T FIND IT. BUT WE HAVE THAT MUCH CONCRETE OUT THERE. 12 13 SO, AGAIN, WE HAVE THAT CAPACITY. DO YOU HAVE THE CAPACITY TO OBSERVE AN 14 0 15 ENTIRE WING? 16 I THINK THAT'S PROBABLY ABOUT WHERE WE'RE Α 17 AT ON THE MENU. SO I THINK WE'RE GOING TO BOUND. I 18 THINK THAT'S RIGHT WHERE WE'RE AT. SO WE COULD 19 CERTAINLY -- AND AGAIN, YOU KNOW, IT'S WING-WING 20 EOUIVALENT. BUT AN OPERATION THAT SIZE WE COULD -- WE 21 COULD OBSERVE. 2.2 COULD YOU OBSERVE TWO WINGS? 0 23 PROBABLY WOULD BE PUSHING IT. I THINK I 24 WOULD BE -- I WOULD BE UNCOMFORTABLE WITH THAT. 25 SO JUST THE PHYSICAL INFRASTRUCTURE YOU'VE 26 GOT AT EDWARDS RIGHT NOW COULD OBSERVE A WING BUT BEYOND

I THINK WE COULD ACTUALLY PHYSICALLY PUT

27

28

THAT IS IFFY?

Α

```
1
     THEM ON THE BASE. THAT'S NOT AN ISSUE. WE'VE
    ACTUALLY -- BELIEVE IT OR NOT, DESPITE THAT VERY LARGE
 2
 3
    AIRSPACE, I THINK WE'D RUN INTO AIRSPACE ISSUES IF YOU
 4
     BROUGHT TWO IN. A SINGLE WE COULD PROBABLY MANAGE.
 5
                 OKAY.
          Q
                 I GUESS I SHOULD SAY A SINGLE WE COULD
 6
          Α
 7
    MANAGE.
 8
                 AND SO AS I UNDERSTAND IT WHAT YOU'RE --
          Q
 9
    FOR EDWARDS, THE POTENTIAL GROWTH IS BASED ON THE -- THE
10
    POTENTIAL FOR GROWTH IS BASED ON THE ATTRIBUTES THAT YOU
11
     DISCUSSED, WHICH WERE -- WHICH INCLUDED LACK OF
    ENCROACHMENT, SIZE OF THE AIRSPACE, YOUR INFRASTRUCTURE,
12
13
    YOUR PROXIMITY TO OTHER RANGES, AND YOUR NONEXCLUSIVE
14
    AIRSPACE.
                 DID I MISS ANYTHING?
15
16
          A
                WEATHER.
                 AND WEATHER. THANK YOU.
17
          Q
18
                   (PAUSE IN THE PROCEEDINGS.)
19
20
21
    BY MR. DUBOIS:
                 WHAT TEST MISSIONS CAN YOU TALK ABOUT THAT
22
          Q
    ARE LIKELY TO COME TO EDWARDS OVER THE NEXT FEW YEARS?
23
24
                  WELL, CERTAINLY WE'LL CONTINUE TO TEST THE
          Α
25
    F-35. WE WILL HAVE TO REPLACE THE B-52. SO YOU WILL --
26
    THAT REPLACEMENT PROGRAM WILL HAVE TO EVENTUALLY BE
27
    TESTED.
28
                  WE ARE TESTING KC-46, WILL BE COMING AS
```

WELL, ALTHOUGH MUCH OF THAT TESTING WILL BE DONE IN SEATTLE, AND WE WILL BE TRANSFERRING A PORTION OF THAT TESTING DOWN TO EDWARDS AS WELL.

THE COURT: MR. KUHS.

MR. KUHS: YEAH, YOUR HONOR. I WANTED TO
INTERPOSE AN OBJECTION, AND I'M NOT SURE WHETHER THIS IS
THE APPROPRIATE TIME. BUT WHEN I TOOK THE GENERAL'S
DEPOSITION, I WAS NOT ALLOWED TO GET INTO FUTURE GROWTH.
THE UNITED STATES ASSERTED A PRIVILEGE AND SAID THAT
THEY WOULD NOT PRESENT ANY EVIDENCE RELATED TO POTENTIAL
FUTURE MISSIONS AT EDWARDS.

AND I WOULD LIKE TO QUOTE THE PASSAGE. THE QUESTION WAS, "ARE THERE ANY AREAS OF GROWTH WHICH ARE NOT JUST POTENTIAL BUT REAL?" AND AT THAT POINT THERE WAS PRIVILEGE ASSERTED AND PROMISED ME THAT WE WOULDN'T GET INTO THAT ISSUE AT THIS TRIAL.

THE COURT: OKAY. MR. DUBOIS.

MR. DUBOIS: I DON'T THINK THAT WE'VE TALKED ABOUT ANYTHING MORE THAN -- THE QUESTION THAT WAS ASKED WAS SPECIFIC IN DEPOSITION, WAS WHETHER THERE WERE SPECIFIC THINGS THAT WERE SLATED TO COME. AND I THINK THAT WE'RE ONLY TALKING ABOUT --

THE COURT: WELL, I JUST HEARD A COUPLE SPECIFIC THINGS FROM THE GENERAL.

MR. DUBOIS: BUT HE DIDN'T -- WELL, YES. OKAY.

THE COURT: SO THE OBJECTION IS SUSTAINED UNLESS

27 YOU HAVE --

MR. DUBOIS: NO. THAT'S FINE.

1 THE COURT: -- SOME BASIS FOR GOING INTO THOSE 2 AREAS. MR. DUBOIS: THAT'S ALL RIGHT. *,* 3 4 MR. KUHS: I'D MOVE TO STRIKE THE RESPONSE TO THE 5 OUESTION. 6 THE COURT: I WON'T STRIKE IT. THERE'S ALREADY 7 BEEN TESTIMONY ABOUT THE B-52 IN ANSWERS, SO FOR WHATEVER IT'S WORTH. 8 9 MR. KUHS: I UNDERSTAND. 10 BY MR. DUBOIS: 11 WHEN PLANNING FOR THE FUTURE OF EDWARDS AIR 12 FORCE BASE, IS IT REALISTIC TO LIMIT YOUR VIEW TO FIVE 13 YEARS OR EVEN TEN YEARS? 14 WHEN YOU'RE DISCUSSING -- WE TALKED A A LITTLE BIT ABOUT WAYS, ENDS, AND MEANS; RIGHT? SO WHEN 15 16 WE'RE DISCUSSING ABOUT ENDS, WE NEED TO PRESERVE A TEST 17 AND COMBAT SUPPORT CAPABILITY OUT FOR 50 YEARS. I --18 FRANKLY, I DO NOT UNDERSTAND THE DISCUSSION OF WHY ANY 19 NEAR TERM PROGRAM TWO, THREE YEARS OUT IS MATERIAL AT 20 ALL, FRANKLY. 21 IS IT POSSIBLE TO PREDICT WITH CERTAINTY 22 THE DEMANDS FOR AIR FORCE TESTING AND NEEDS AND LOOKING 23 OUT 20 OR 30 YEARS? 24 Α NO. 25 THE COURT: I THINK WE'RE GOING TO HAVE TO TAKE 26 OUR NOON RECESS AT THIS TIME. 27 MR. DUBOIS: I'VE ACTUALLY ONLY GOT ABOUT TWO 28 QUESTIONS AND WE'D BE DONE WITH THE GENERAL ON DIRECT IF

1 I --2 THE COURT: OKAY. YOU HAVE EXACTLY ONE MINUTE AND 3 30 SECONDS. 4 MR. DUBOIS: DONE. YOU KNOW, ACTUALLY, YOUR 5 HONOR, I THINK THAT I COVERED ALL THE MATERIAL I NEED TO 6 COVER; SO WE WILL STOP HERE. 7 THE COURT: ALL RIGHT. THE WITNESS: I JUST HEARD ONE OF MY STAFF MEMBERS 8 9 SAY THAT. 10 THE COURT: WE WILL RESUME AT 1:00 O'CLOCK. WE'LL 11 TAKE A ONE HOUR LUNCH BREAK. AS YOU KNOW, WE'RE GOING TO HAVE TO RECESS AROUND 3:30 THIS AFTERNOON; SO WE 12 13 EXPECT TO GO FROM 1:00 O'CLOCK UNTIL 3:30. WE MAY NOT 14 EVEN TAKE A BREAK BETWEEN THAT PERIOD OF TIME. MR. DUBOIS: THAT'S FINE, YOUR HONOR. 15 16 THE COURT: SO IF YOU COULD LINE UP YOUR DUCKS. 17 MR. DUBOIS: WE ARE DOWN TO CROSS-EXAMINATION, 18 WHICH I DO NOT CONTROL, FOR GENERAL BREWER. 19 THE COURT: WELL, CROSS-EXAMINATION IS THE LEAST 20 OF OUR CONCERNS HERE THESE DAYS. 21 SO LET'S TAKE A ONE HOUR LUNCH BREAK, OKAY? 22 MR. DUBOIS: THANK YOU. THE COURT: THANK YOU VERY MUCH. WE'LL BE IN 23 24 RECESS UNTIL 1:00 O'CLOCK. 25 (NOON RECESS WAS TAKEN UNTIL 26 27 1:00 P.M.) 28

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1	CASE NUMBER:		JCCP4408
2	CASE NAME:		ANTELOPE VALLEY GROUNDWATER
3	LOS ANGELES,	CALIFORNIA	FEBRUARY 11, 2014
4	DEPARTMENT 1		HON. JACK KOMAR
5	REPORTER:		RHONA S. REDDIX, CSR 10807
6	TIME:		P.M. SESSIONS
7	APPEARANCES:		(SEE TITLE PAGE.)
8			
9			
10	THE CO	URT: ALL RIGHT.	I THINK WE CAN RESUME.
11	THE GENERAL'	S IN THE WITNESS	BOX, STILL UNDER OATH.
12	MR. DUBOIS H	AS CONCLUDED HIS	DIRECT EXAMINATION. WHO IS
13	GOING TO CRO	SS-EXAMINE?	
14	MR. KU	HS: MR. KUHS, Y	OUR HONOR.
15	THE CO	URT: ALL RIGHT.	PROCEED.
16			
17		CROSS-EXAM	MINATION
18	BY MR. KUHS:		
19	Q	GOOD AFTERNOON,	GENERAL BREWER.
20	A	YES, SIR. HOW	YOU DOING?
21	Q	THANK YOU FOR C	OMING HERE TODAY.
22	A	(INDICATING.)	
23	Q	THANK YOU FOR C	OMING HERE.
24	A	OH, YOU'RE WELC	OME.
25	Q	YOU ARE THE CUR	RENT EDWARDS AIR FORCE BASE
26	COMMANDER?		
27	A	YES.	
28	Q	IS THERE A COMM	ANDING OFFICER AT THE BASE

1	THAT OUTRANKS YOU?
2	A YES.
3	Q AND WHAT IS HIS NAME?
4	A MAJOR GENERAL ARNOLD BUNCH.
5	Q AND WHAT'S THE DIFFERENCE IN COMMAND
6	AUTHORITY BETWEEN YOUR COMMAND AND GENERAL BUNCH?
7	A HE IS THE A.F.T.C. COMMANDER, WHICH IS THE
8	AIR FORCE TEST CENTER. AND AS WE DISCUSSED BEFORE, THE
9	AIR FORCE TEST CENTER IS COMPRISED OF THREE BASES, WHICH
10	IS EDWARDS AIR FORCE BASE, EGLIN AIR FORCE BASE AND
11	ARNOLD AIR FORCE BASE.
12	Q OKAY. AND AS I UNDERSTAND IT THEN, YOU
13	DON'T HAVE A ROLE, COMMAND ROLE IN THE OTHER TWO?
14	A THAT'S CORRECT. THAT'S CORRECT. I'M THE
15	INSTALLATION COMMANDER AT EDWARDS. TECHNICALLY, EVEN
16	THOUGH HE'S MY BOSS, HE'S ACTUALLY A TENANT ON MY BASE,
17	WHICH IS SORT OF WEIRD THAT YOUR BOSS IS A TENANT ON
18	YOUR INSTALLATION.
19	<b>Q</b> ANY THOUGHTS OF EVICTING HIM?
20	A I DON'T THINK THAT WILL WORK WELL.
21	Q IS EDWARDS AIR FORCE BASE THE LARGEST BASE
22	BY LAND MASS IN THE U.S. INVENTORY?
23	A SECOND LARGEST.
24	Q WHICH ONE IS THE LARGEST?
25	A EGLIN.
26	Q AND WHAT'S THE LAND MASS AT EGLIN?
27	A I'M NOT SURE.
28	Q DO YOU KNOW CAN YOU GIVE ME A MEASURE OF

1	HOW MUCH LARGER EGLIN IS THAN EDWARDS?
2	A IT IS NOT VERY MUCH LARGER. THEY'RE VERY
3	COMPATIBLE. THEY HAVE WAY MORE TREES, THOUGH.
4	MR. KUHS: YOUR HONOR, I'D LIKE TO HAVE MARKED FOR
5	IDENTIFICATION U.S. AIR FORCE EXHIBIT 221, WHICH HAS A
6	U.S. BATES STAMP NUMBER 43968. AND I'D LIKE
7	THE COURT: ALL RIGHT. THAT'S IN THE FOLDER SO
8	MR. KUHS: I DON'T KNOW THAT IT WASN'T IN MY
9	FOLDER. DID YOU FIND IT IN YOURS?
10	MR. DUBOIS: NO, IT'S NOT. YOUR HONOR, IT'S NOT
11	IN OURS I DON'T BELIEVE. AND IS IT
12	THE COURT: I'M LOOKING AT THE ONE THAT'S ON THE
13	BOARD. IT'S THE SAME AS THE ONE IN MY FOLDER.
14	MR. DUBOIS: ALL RIGHT. THEY DID NOT ENDORSE THIS
15	AS AN EXHIBIT, BUT IT'S ONE WE ENDORSE, SO.
16	THE COURT: WELL, AT THIS POINT IT'S MARKED FOR
17	IDENTIFICATION. OKAY?
18	MR. KUHS: YOUR HONOR, WOULD YOU LIKE EXHIBIT FOR
19	IDENTIFICATION U.S. AIR FORCE NUMBER, OR WOULD YOU LIKE
20	MY CLIENT, TEJON RANCH, TO HAVE A UNIQUE NUMBER?
21	THE COURT: IF WE RETAIN THE AIR FORCE NUMBER, IT
22	WILL BE CONSISTENT IN MY BOOK.
23	MR. KUHS: WHY DON'T WE DO THAT THEN.
24	THE COURT: OKAY.
25	BY MR. KUHS:
26	Q GENERAL, TAKE A LOOK AT THE DOCUMENT THAT
27	I'VE HANDED YOU, WHICH IS AN EDWARDS AIR FORCE BASE
28 l	OVERVIEW. AND TELL ME WHETHER GENERALLY THAT DOCUMENT

```
1
     LOOKS FAMILIAR TO YOU.
                  I'VE NOT SEEN IT BEFORE, BUT IT LOOKS
 2
 3
     CORRECT IN THAT.
 4
 5
                  (EXHIBIT 221, IDENTIFIED: OVERVIEW
 6
                   OF EDWARDS AIR FORCE BASE.)
 7
    BY MR. KUHS:
 8
                 OKAY. AND DO YOU HAVE YOUR LASER POINTER
 9
           Q
10
     WITH YOU?
11
           A
                  I DO.
                  IT LOOKS LIKE THE BASE IS DEFINED -- EXCUSE
12
13
    ME -- DIVIDED UP INTO DISCRETE AREAS. WOULD YOU AGREE
14
     WITH THAT?
                  SO THESE INTERNAL LINES ARE -- I DON'T KNOW
15
           Α
     WHO PUT THEM IN THERE. BUT, FOR EXAMPLE, I MEAN, THERE
16
17
     IS NO LINE FOR FAMILY HOUSING AREA. THAT'S JUST WHERE
18
     IT'S LOCATED. BUT, I MEAN, YOU CAN PUT LINES WHEREVER
     YOU WANT IT, I GUESS.
19
20
                  I GUESS WHAT I'D LIKE TO KNOW, YOU SEE THE
21
     AREA THAT'S IDENTIFIED AS FAMILY HOUSING AREA. DOES
22
     THAT LOOK APPROXIMATELY WHERE PHYSICALLY THE HOUSING
23
     FACILITIES ARE LOCATED ON THE BASE?
24
           A
                 YES.
25
                  AND THERE'S AN ARROW THAT SHOWS THE MAIN
           0
    BASE.
26
27
           A
                  YES.
28
                  AND DOES THAT APPEAR TO BE ACCURATE IN
           Q
```

1	TERMS OF LOCATION?
2	A YES.
3	Q NORTH OF THE MAIN BASE, IT SAYS D.F.R.C.
4	WHAT'S THAT?
5	A YES. THAT WOULD BE THE DRYDEN FLIGHT
6	RESEARCH CENTER, I GUESS IS WHAT THAT WOULD STAND FOR.
7	Q THAT'S NASA?
8	A THAT'S NASA, YES.
9	Q OKAY. AND NASA IS ALSO A TENANT ON YOUR
10	BASE; CORRECT?
11	A THAT'S CORRECT.
12	Q THERE'S A WRITTEN TENANT AGREEMENT WITH
13	NASA?
14	A IT'S EITHER A HOST-TENANT AGREEMENT OR A
15	NEW TERM CALLED AN S.O., WHICH IS INTERSERVICE
16	AGREEMENT, BUT ONE OF THE TWO, YES.
17	Q OKAY. AND ACROSS THE DRY LAKES THEN WE SEE
18	THE AREA DESIGNATED A.F.R.L.
19	A YES.
20	Q AND WHAT GOES ON OVER AT THE A.F.R.L.?
21	A AGAIN, THAT WAS THE AIR FORCE RESEARCH LAB
22	AND, AGAIN, RESEARCH PRIMARILY FOR ROCKET PROPULSION.
23	Q IS THERE AN AREA CALLED "NORTH BASE"?
24	A NORTH BASE IS AGAIN, IT'S JUST ANOTHER
25	RUNWAY COMPLEX. IT'S RIGHT ABOUT HERE.
26	Q THE NORTH END OF THE DRY LAKE?
27	A YES, SIR.
28	Q AND WHAT GOES ON AT THE NORTH BASE?

IT IS -- WE DO SOME MAINTENANCE ACTIVITIES 1 Α 2 UP THERE. WE ALSO HAVE -- IT'S A PRIME PLACE FOR 3 LOCATING TENANTS, OR TRANSIENT WORK, RATHER. 4 FOR EXAMPLE, RECENTLY HAD A TEST THAT 5 WAS -- GRAY EAGLE, I BELIEVE, WAS THE NAME OF IT, BUT IT WAS THE ARMY VERSION OF A PREDATOR REAPER. WE BROUGHT 6 7 THAT TEST IN. THEY OPERATED THERE FOR ABOUT TWO YEARS 8 OUT OF NORTH BASE. THAT PROGRAM'S LEFT. SO WE USE IT 9 AS A FLOW SPACE AS WELL, AS PROJECTS COME IN AND OUT, AS 10 TEST PROGRAMS COME AND GO. 11 IS THERE AN AREA ON THE BASE WHICH IS KNOWN Q 12 AS CONTRACTORS' ROW? CONTRACTORS' ROW. I'M NOT FAMILIAR WITH 13 Α 14 THAT TERM. 15 THAT ONE OF THE OTHER WITNESSES, AT LEAST Q 16 IN DEPOSITION, HAD DESCRIBED AN AREA WHERE CONTRACTORS WHO ARE ON THE BASE TO DO WORK, CONSTRUCTION ACTIVITIES, 17 18 PARK THEIR TRAILERS, CONSTRUCTION TRAILERS, THOSE SORTS 19 OF THINGS. I'M SURE THERE ARE. THERE ARE A COUPLE 20 21 PLACES -- MR. JUDKINS, AS OUR BASE C.E., WOULD BE 22 PROBABLY BETTER TO TELL YOU. BUT WE DO HAVE A SMALL PLACE WHERE WE DO PARK VEHICLES WHEN CONSTRUCTION GOES 23 24 ON, BUT I'M NOT AWARE OF ANY LARGE CONTRACTOR ROW. SO 25 I'M NOT FAMILIAR WHAT THAT TERM MEANS. 26 ARE YOU GENERALLY FAMILIAR WITH THE CHAIN Q 27 OF COMMAND? 28 PARDON ME?

A

```
1
           Q
                  ARE YOU GENERALLY FAMILIAR WITH THE CHAIN
 2
     OF COMMAND IN THE AIR FORCE?
 3
                  I HOPE SO.
                 YOU'RE ALSO FAMILIAR WITH THE ORGANIZATION
 4
 5
     OF THE DEPARTMENT OF DEFENSE?
 6
          A
                 YES.
 7
          MR. KUHS: OKAY. YOUR HONOR, MAY I APPROACH?
          THE COURT: DO YOU HAVE AN EXHIBIT?
 8
 9
          MR. KUHS: YES.
          THE COURT: MARK IT FOR IDENTIFICATION.
10
11
          MR. KUHS: MARK IT AS TEJON -- MARK IT HAS TEJON 1
12
    FOR IDENTIFICATION.
13
          THE COURT: ALL RIGHT. MARK IT, AND YOU CAN
    CERTAINLY SHOW IT TO THE WITNESS.
14
15
                  (EXHIBIT TEJON-1, MARKED.)
16
17
          MR. KUHS: (INDICATING.) I HAVE ONE FOR YOU, YOUR
18
19
    HONOR.
20
          THE COURT: ALL RIGHT. THANK YOU.
21
    BY MR. KUHS:
              GENERAL, YOU MAY RECALL THAT THIS EXHIBIT
22
    WAS PRESENTED DURING YOUR DEPOSITION.
23
24
          Α
                 I DO.
25
             AND IS IT YOUR TESTIMONY THAT THIS EXHIBIT,
          Q
26
     TEJON-1, ACCURATELY REPRESENTS THE ORGANIZATIONAL --
27
    EXCUSE ME -- ORGANIZATION OF THE DEPARTMENT OF DEFENSE?
28
                  IT APPEARS ACCURATE.
```

1 2 (EXHIBIT NUMBER TEJON 1, IDENTIFIED: 3 DEPARTMENT OF DEFENSE 4 ORGANIZATION.) 5 6 BY MR. KUHS: 7 Q WE'VE HAD TESTIMONY ON THIS SUBJECT BEFORE, BUT NASA IS NOT PART OF THE DEPARTMENT OF DEFENSE; 8 9 CORRECT? 10 Α THAT'S CORRECT. 11 A CIVILIAN ORGANIZATION? Q 12 WELL, IT'S A FEDERAL ORGANIZATION. SO I 13 DON'T KNOW WHAT YOU MEAN BY "CIVILIAN." BUT IT'S NOT A MILITARY ORGANIZATION. THAT'S CORRECT. 14 AND THEY HAVE A DIFFERENT COMMAND 15 Q 16 STRUCTURE? 17 LET ME GO AT IT THIS WAY: YOU'RE FAMILIAR 18 WITH THEIR MANAGEMENT COMMAND STRUCTURE? I AM NOT OTHER THAN -- I MEAN IT'S NOT PART 19 20 OF THE SECRETARY OF DEFENSE'S ORGANIZATION, IF THAT'S 21 WHAT YOU'RE REFERRING TO. 22 ARE THERE OTHER TENANTS ON EDWARDS AIR Q FORCE BASE THAT YOU'RE AWARE OF? 23 24 Α THERE ARE. 25 WHAT ARE THEY? Q SO THERE ARE ONLY REALLY TWO LARGE TENANTS 26 Α 27 THAT ARE ANY SIGNIFICANCE; RIGHT? ONE IS NASA, THAT 28 YOU'RE FAMILIAR WITH. AIR FORCE RESEARCH LAB IS A

1 TENANT EVEN THOUGH THAT'S EVEN -- NOT ONLY PART OF THE 2 AIR FORCE, IT'S PART OF OUR MAJOR COMMAND BUT STILL A 3 TENANT BECAUSE IT'S NOT PART OF THE TEST WING ITSELF. 4 AND THEN WE HAVE A NUMBER OF SMALLER TENANTS. WE HAVE, YOU KNOW, A SINGLE BUILDING FOR THE 5 F.A.A. WE HAVE A -- WE HAVE AFOTEC, WHICH IS THE AIR 6 7 FORCE OPERATIONAL TEST AND EVALUATION CENTER, HAS A SMALL TENANT, ONE BUILDING TYPE TENANT. 8 9 LET'S SEE. WHAT ELSE? ALSO WE HAVE A 10 SCHOOL ON BASE, THOUGH THAT RELATIONSHIP IS SLIGHTLY DIFFERENT THAN A TRADITIONAL HOST-TENANT ARRANGEMENT. 11 AND, AGAIN, A NUMBER OF SMALL ONES, BUT THESE ARE ALL 12 RELATIVELY VERY SMALL TENANT ORGANIZATIONS. 13 14 ARE YOU GENERALLY REQUIRED TO FOLLOW THE Q ORDERS OF THE PRESIDENT OF THE UNITED STATES? 15 I THINK THAT'S THE OATH. WE CAN REPEAT IT 16 Α 17 IF YOU LIKE. I KNOW IT BY HEART. 18 ARE YOU FAMILIAR WITH AIR FORCE 19 IMPLEMENTATION PLAN FOR A STRATEGIC SUSTAINABILITY 20 PERFORMANCE PLAN? 21 SAY THAT AGAIN, ONE MORE TIME. A 22 ARE YOU FAMILIAR WITH THE PLAN WHICH CALLS FOR REDUCTIONS IN WATER USE BY THE AIR FORCE? 23 24 ONLY CURSORY FAMILIAR. A WHAT'S YOUR UNDERSTANDING? 25 Q 26 Α SO THERE WAS -- AND, AGAIN, I DON'T KNOW 27 THE DATES, BUT THERE WAS A REQUIREMENT TO GO OUT AND 28 REDUCE WATER USAGE BY CERTAIN PERCENTAGES, BY CERTAIN

```
1
     DATES. AND THAT'S THE TYPE THING THAT THE BASE CIVIL
 2
     ENGINEER WILL FLOW THROUGH COMMAND AND WILL GET TARGETS
 3
     AND THEN WE'LL EXECUTE TO THOSE TARGETS.
 4
           MR. KUHS: YOUR HONOR, I'VE MARKED FOR
 5
     IDENTIFICATION TEJON EXHIBIT 2. MAY I APPROACH THE
 6
     WITNESS?
 7
           THE COURT: YES.
          MR. KUHS: I HAVE ONE FOR YOUR HONOR.
 8
 9
           THE COURT: ALL RIGHT.
10
          MR. KUHS: (INDICATING.)
11
           THE COURT: THANK YOU.
    BY MR. KUHS:
12
13
           Q GENERAL BREWER, THIS IS AN EXCERPT FROM A
14
     U.S. AIR FORCE DOCUMENT. YOU THINK YOU'VE SEEN THIS
15
     DOCUMENT BEFORE?
16
          Α
                  I HAVE NOT, AT LEAST NOT THAT I RECALL.
17
                  (EXHIBIT TEJON 2, IDENTIFIED:
18
19
                   EXCERPT FROM U.S. AIR FORCE
20
                   DOCUMENT.)
21
22
    BY MR. KUHS:
23
                 LET ME DIRECT YOUR ATTENTION TO THE LAST
24
     PAGE OF EXHIBIT TEJON 2. THERE'S A TABLE.
25
          A
                 YES.
                  AND ITEM 2 IN THAT TABLE SAYS "WATER
26
27
    RESOURCE MANAGEMENT IMPROVEMENT." DO YOU SEE THAT?
28
           A
                  YES.
```

1 Q AND ITEM 2.1 TALKS ABOUT A REDUCTION BY 2 26 PERCENT OF POTABLE WATER CONSUMPTION. 3 MR. DUBOIS: YOUR HONOR, I'LL OBJECT TO THIS 4 DOCUMENT. IT'S OF UNCERTAIN PROVENANCE. THE GENERAL 5 HASN'T SEEN THIS BEFORE. IT'S AN EXCERPT OF HOW LARGE A 6 DOCUMENT, I DON'T KNOW. I DON'T SEE WHAT THE FOUNDATION 7 FOR THIS DOCUMENT IS AT THIS POINT. THE COURT: WHY DON'T YOU MAKE ME AN OFFER OF 8 9 PROOF, MR. KUHS, AS TO WHERE YOU'RE GOING WITH THIS. MR. KUHS: CERTAINLY. UNDER AN EXECUTIVE ORDER OF 10 11 THE PRESIDENT, THERE'S BEEN TESTIMONY FROM MR. JUDKINS, 12 I BELIEVE, THAT THERE WAS A MANDATE ISSUED BY THE 13 PRESIDENT TO REDUCE WATER CONSUMPTION WITHIN THE UNITED 14 STATES AIR FORCE, POTABLE WATER FROM THE BASE, YEAR 15 2007, OF 26 PERCENT BY YEAR 2020, AND AS TO INDUSTRIAL 16 AND IRRIGATION WATER, A REDUCTION OF 20 PERCENT FROM 17 2010 LEVELS BY BASE YEAR 2020. SO IT EQUATES TO 18 2 PERCENT PER YEAR MANDATED REDUCTION WATER USE BY THE 19 AIR FORCE. 20 THE COURT: WELL, THIS WITNESS, THOUGH, HAS SAID 21 HE DOESN'T HAVE ANY FAMILIARITY WITH THIS DOCUMENT. 22 MR. KUHS: YEAH. AND I WAS TRYING TO LAY THE 23 FOUNDATION TO ESTABLISH WHETHER OR NOT THIS DOCUMENT 24 REFRESHED HIS RECOLLECTION AS TO THOSE POLICIES. 25 THE COURT: WHY DON'T YOU ASK THAT QUESTION. 26 MR. KUHS: OKAY. 27 BY MR. KUHS: 28 TAKING A LOOK AT THE LAST PAGE OF EXHIBIT Q

```
1
     TEJON 2, GENERAL BREWER, DOES THAT REFRESH YOUR
 2
    RECOLLECTION AT ALL AS TO THE PRESIDENTIAL MANDATE FOR
 3
     REDUCED WATER CONSUMPTION?
 4
          Α
                  NOT ANY FURTHER THAN WHAT I'VE MENTIONED.
 5
    AND I'LL JUST SAY, SO THE WAY THIS WOULD WORK OUT TO AN
     INSTALLATION COMMANDER, WHETHER IT'S THIS OR -- YOU
 6
 7
    KNOW, WE GET GOALS FOR POWER REDUCTION, MANY TYPES OF
    REDUCTION GOALS THAT COME IN, SQUARE FOOTAGE REDUCTIONS.
 8
 9
           THE COURT: SO THE ANSWER IS NO, IT DOES NOT
10
    REFRESH YOUR RECOLLECTION?
           THE WITNESS: IT DOES NOT.
11
          THE COURT: ALL RIGHT. NEXT QUESTION.
12
    BY MR. KUHS:
13
                 YOU USED THE TERM THIS MORNING OF
14
          0
     "MISSION." DO YOU RECALL USING THAT TERM?
1.5
16
          Α
                 I'M -- NO, BUT I'M SURE I DID. THAT'S A
17
    COMMON TERM.
                  WHAT DO YOU UNDERSTAND THE TERM TO MEAN
18
          0
    WHEN YOU USE THE PHRASE "MISSION"?
19
                  SO MISSION FOR ME IS THAT IS THE TASK THAT
20
    I'VE BEEN GIVEN TO ACCOMPLISH. SO THE MISSION OF THE
21
22
    WING IS TO EXECUTE TESTS FOR THE NATION; SO THAT IS WHAT
23
    OUR MISSION IS.
                  SO WOULD IT BE ACCURATE, THEN, THAT THE
24
25
    BASE HAS A MISSION, A BROAD MISSION?
26
          A
                  IT DOES.
                  AND THEN MISSION IS ALSO USED TO DEFINE
27
28
     DISCRETE PROJECTS WITHIN THE BASE, SUCH AS F-16 PROGRAM?
```

1 Α YES. I MEAN, OF COURSE, THERE'S A CASCADE OF MISSION, RIGHT, FROM THE AIR FORCE MISSION TO PROVIDE 2 3 AIR SPACE POWER ALL THE WAY DOWN TO A SPECIFIC FLIGHTS 4 MISSION, WHICH MAY BE TO TEST THE SPECIFIC ELEMENT OF A 5 PROGRAM. Q SO IN YOUR MIND MISSION IS SORT OF 6 7 EQUIVALENT TO TASK? IT'S A TASK THAT YOU'VE BEEN GIVEN 8 ORDER TO ACHIEVE? 9 IN A BROAD SENSE, YES. 10 Q OKAY. AND ARE YOU FAMILIAR WITH THE TERM 11 "BED DOWN"? 12 Α YES. 13 WHAT DOES "BED DOWN" MEAN? 0 14 "BED DOWN" TYPICALLY MEANS THE ACCEPTANCE 15 OF A MISSION. SO IF YOU'RE GOING TO BED DOWN -- SO, FOR 16 EXAMPLE, WE'RE IN THE PROCESS OF BEDDING DOWN THE JOINT 17 OPERATIONAL TEST TEAM FOR THE F-35 OPERATIONAL TEST 18 FORCE; SO THAT MEANS ENSURING THAT I HAVE HOUSING, 19 ENSURING THAT I HAVE CARE AND FEEDING, ENSURING I HAVE A 20 PLACE TO PARK THE AIRCRAFT, ENSURING THAT I HAVE A PLACE 21 TO REFUEL THE OPERATIONAL AIR -- TEST AIRCRAFT. 22 SO TO DO EVERYTHING TO ACCEPT THESE 15 PLUS 23 OPERATIONAL AIRPLANE -- OPERATIONAL TEST AIRPLANE THAT 24 ARE COMING IN, IS PART OF THAT BED DOWN PROCESS FOR THE 25 JOINT OPERATIONAL TESTING THAT WE'RE DOING RIGHT NOW. 26 AND IS IT GENERALLY NOT APPROPRIATE FOR AN 27 AIR FORCE OFFICIAL TO DISCUSS WHETHER A NEW MISSION 28 MIGHT RELOCATE TO EDWARDS UNLESS THERE'S PLANS ALREADY

APPROVED?

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WELL, IN TERMS OF DEFINITIVE THINGS, RIGHT. 3 SO IN TERMS OF TALKING TO, SAY -- SAY, NEXT WEEK THE XX FIGHTER WING IS GOING TO BE SHOWING UP ON THIS BASE. IN FRONT OF THE SECRETARY OF DEFENSE, SAYING THAT, THAT WILL BE INAPPROPRIATE FOR ME TO DO. IN ORDER TO TALK 7 ABOUT GENERAL STRATEGIC TRENDS IS NOT INAPPROPRIATE FOR ME TO DO.

AND AS A WING COMMANDER YOU HAD NO Q CONTROL -- EVEN AS A BASE COMMANDER -- OVER WHETHER OR NOT AN ADDITIONAL FIGHTER WING GETS ASSIGNED AT EDWARDS; CORRECT?

Α OBVIOUSLY, THAT WOULD BE A DECISION MADE AT THE SECRETARY OR PRESIDENTIAL LEVEL, CONGRESSIONAL LEVEL AS WELL.

AND ISN'T IT ALSO TRUE THAT YOU CAN'T SAY Q WITH ANY DEGREE OF CERTAINTY WHAT MISSIONS WILL BE PRESENT AT EDWARDS IN 30 YEARS?

I THINK THAT'S THE EXACT POINT, IS THAT WE Α CAN'T SAY WITH CERTAINLY EXACTLY WHAT'S GOING TO HAPPEN. WE CAN LOOK AT GENERAL STRATEGIC TRENDS, AND WE CAN LOOK AT GENERAL CAPABILITIES, THE FIVE OR SIX UNIQUE ITEMS THAT WE TALKED ABOUT THAT EDWARDS HAS, FOR EXAMPLE. THAT'S FOR SURE.

THE FACT THAT WE ARE IN, I WOULD ARGUE, A GENERAL TREND, AS WE HAVE SEEN OVER THE PAST --CERTAINLY THE PAST 15 YEARS OF CONSOLIDATION, WHAT THAT MEANS IS, AS WE COME INTO CONSTRAINTS, WE BRING BACK

FORCES FROM OVERSEAS. WE NO LONGER HAVE AS MANY OVERSEAS BASES.

CAN WE AFFORD TO MAINTAIN THE LEVEL OF INFRASTRUCTURE WE HAVE IN A DECLINING ENVIRONMENT, WHICH MEANS IF WE HAVE MISSIONS IN MULTIPLE PLACES, WE CONSOLIDATE THEM IN ONE LOCATION IN ORDER TO HAVE SAVINGS.

SO TO LOOK AT THOSE TYPE OF TRENDS OVER THE NEXT 30, 40 YEARS, AGAIN, IT COMES TO -- YOU KNOW, WITH CERTAINTY, WELL, WHAT DOES THAT MEAN? WELL, NO, BUT WE CAN'T TELL ANYTHING FOR CERTAINTY.

I CAN TELL YOU WITH CERTAINTY THAT THERE'S NO ONE WHO BUILT THE B-52 THAT THOUGHT WE'D STILL BE FLYING IT TODAY AND HOPE TO FLY IT FOR ANOTHER 20 YEARS. NO ONE THOUGHT THAT. LIKEWISE, I TELL YOU NO ONE THOUGHT THAT WE'D BE PROBABLY DROPPING THE HYPERSONIC TEST VEHICLES EITHER.

SO, AGAIN, WHAT WE CAN DO IS TALK ABOUT
GENERAL TRENDS AND MAKING SURE WE PRESERVE CAPABILITY.

SO I THINK WE WANT -- HAVE TO BE CAREFUL ABOUT GETTING
HUNG UP ON TALKING ABOUT THE THING; RIGHT? CAN YOU
ASSURE THAT THIS THING IS GOING TO BE HERE? NO, THAT'S
VERY DIFFICULT TO DO. BUT CAN YOU BE CERTAIN THAT THIS
FUNCTION IS GOING TO BE HERE? YES, I CAN BE PRETTY SURE
THE FUNCTION IS GOING TO BE HERE.

WHEN WE TALK ABOUT THE TEST FUNCTION,

THERE'S NO DOUBT IN MY MIND THAT 50 YEARS FROM NOW

EDWARDS AIR FORCE BASE WILL STILL BE PRIME IN THE TEST

1 FUNCTION. THERE IS NO OTHER PLACE TO DO IT. 2 BACK TO MY QUESTION. CAN YOU SAY WITH ANY 3 DEGREE OF CERTAINTY WHAT MISSIONS WILL BE PRESENT AT 4 EDWARDS IN 30 YEARS? 5 WELL, AGAIN, THAT WOULD BE THE FUNCTION; SO Α 6 I WOULD SAY YES, AND THAT THIS TEST MISSION WILL BE HERE 30 YEARS FROM NOW. NO DOUBT ABOUT THAT. I MEAN, SHORT 7 OF THE BIG EARTHQUAKE HAPPENING. 8 CAN YOU SAY WITH ANY DEGREE OF CERTAINTY 9 Q 10 WHAT MISSIONS WILL BE PRESENT AT EDWARDS IN 15 YEARS? CERTAINLY. THE TEST MISSION WILL BE HERE 11 Α 15 YEARS FROM NOW. 12 13 LET ME READ FROM A PASSAGE IN YOUR PRIOR Q 14 DEPOSITION, GENERAL, AT PAGE 41, BEGINNING AT LINE 1. "BUT TO GO AND SAY 15 YEARS FROM NOW THIS 15 16 PARTICULAR MISSION WILL BE HERE, 17 THAT LEVEL OF DETAIL FRANKLY IS JUST NOT -- IT'S JUST NOT POSSIBLE. 18 19 IT IS JUST NOT POSSIBLE." 20 THAT'S CORRECT. SO IF YOU'RE SITTING THERE GOING, OKAY, WHAT LEVEL OF B-52 TESTING AM I GOING TO 21 22 HAVE 15 YEARS FROM NOW, I CAN'T TELL YOU THAT. ARE WE 23 GOING TO BE DOING TESTING HERE 15 YEARS FROM NOW AND 24 WILL THAT BE A B-2? WILL THAT BE THE B-1? WILL THAT BE 25 A NEW SYSTEM THAT WE HAVEN'T EVEN THOUGHT ABOUT COMING 26 OFF THE AIRCRAFT? I DON'T KNOW. BUT DO YOU THINK THAT WE'RE NOT GOING TO BE DOING NATIONAL DEFENSE 15 YEARS 27

FROM NOW? OF COURSE WE ARE; RIGHT?

28

1 SO, I MEAN, TO GO DOWN THE FACT THAT, HEY, 2 DO YOU THINK THERE'S NOT GOING TO BE TESTING HERE 3 30 YEARS FROM NOW, WELL, OF COURSE THERE IS. THERE'S 4 GOING TO BE TESTING HERE 50 YEARS FROM NOW. NOW, TO GO, 5 IS THAT GOING TO BE THE MOD 1 OF THIS VERY -- WEAPON OR THE MOD 30 OF THIS WEAPON OR A NEW WEAPON AND WHAT THE 6 7 NATURE OF THAT WEAPON IS GOING TO BE, THAT'S CHALLENGING. 8 9 SO NOW WE CAN'T LOOK AT GENERAL TRENDS; 10 RIGHT? WE'RE GOING FASTER. WE'RE GOING FURTHER. WE THAT MAKES AIR SPACE MORE CHALLENGED, 11 CAN SEE FARTHER. WHICH MAKES THE UNIQUE EDWARDS AIR SPACE MORE VALUABLE. 12 THAT, WE CAN SAY. 13 CAN YOU POINT TO ME ANY PLANNING DOCUMENT 14 Q WITHIN THE UNITED STATES AIR FORCE WHICH SHOWS WHAT THE 15 LONG TERM PLAN IS FOR EDWARDS AIR FORCE BASE? 16 17 Α FOR EDWARDS AIR FORCE? WELL, WHAT'S LONG TERM FOR YOU? 18 19 THIRTY YEARS. Q SO THERE'S NOT GOING TO BE A DOCUMENT THAT 20 21 SAYS THIRTY YEARS FROM NOW WE WILL BE TESTING THIS 22 AIRCRAFT, NO. 23 Q DO YOU HAVE A TWENTY-YEAR PLAN FOR EDWARDS? SO IF YOU'RE ARTICULATING A WRITTEN PLAN 24 A 25 THAT SAYS TWENTY YEARS FROM NOW THIS TYPE OF TESTING 26 WILL BE HAPPENING AT EDWARDS, NO. 27 DO YOU HAVE A TEN-YEAR PLAN? 0 28 Α IT'S NOT PART OF OUR STRUCTURE. WE DON'T

1 WRITE THOSE DOCUMENTS. 2 DO YOU HAVE A FIVE-YEAR PLAN? 3 I HAVE AN ACTION PLAN THAT IS MORE NEAR 4 TERM THAN THAT AT THE WING LEVEL. AT THE AIR FORCE 5 LEVEL, WHICH IS REALLY THE TYPE DOCUMENTS YOU'RE TALKING 6 ABOUT, THOSE DO EXIST AND THOSE ARE THE STRATEGIC 7 GUIDANCE. THOSE ARE IN THE DEFENSE PLANNING GUIDANCE. 8 THAT'S ALSO IN THE CHIEF'S VISION, WHICH IS ALL 9 DOWNLOADABLE IF YOU WANT TO GO GET IT. 10 FOR EXAMPLE, IN TERMS OF GLOBAL VIGILANCE, 11 THE CHIEF HAS PUT OUT HIS PRIORITIES FOR FUTURE WEAPON SYSTEMS. ALL THOSE DOCUMENTS EXIST IN THE AIR FORCE. 12 BUT THE BASE LEVEL, WE DON'T PUT OUT 30-YEAR PLANNING 13 DOCUMENTS. IT'S JUST NOT HOW THE AIR FORCE DOES IT. 14 THOSE ARE ALL AIR FORCE LEVEL TYPE DOCUMENTATIONS. 15 16 Q LET ME READ FROM PAGE 45, LINE 14 OF YOUR 17 DEPOSITION TRANSCRIPT. 18 "OUESTION: YOU DON'T -- STATED A DIFFERENT 19 WAY, DO YOU KNOW OF ANY DOCUMENT 20 WHICH GIVES A FIVE YEAR OR TEN YEAR 21 OUTLOOK FOR EDWARDS AIR FORCE BASE? 22 "ANSWER -- " 23 MR. DUBOIS: OBJECTION, YOUR HONOR. THIS IS NOT -- IF HE'S USING THIS DOCUMENT TO TRY AND REFRESH 24 25 THE GENERAL'S RECOLLECTION, HE NEEDS TO LET HIM SEE THE OTHERWISE, HE'S GOT TO ESTABLISH THE --26 DOCUMENT. 27 THE COURT: MY UNDERSTANDING IS THERE WAS NO

HE WAS MERELY GOING TO READ FROM THE

28

QUESTION.

1 WITNESS'S PRIOR TESTIMONY. IT DOESN'T REQUIRE ANY 2 RESPONSE FROM THE WITNESS. SO THE OBJECTION IS 3 OVERRULED AT THIS POINT. 4 MR. KUHS: (READING:) 5 "ANSWER: SO I CERTAINLY HAVE PLANNING 6 DOCUMENTS FOR BASE INFRASTRUCTURE 7 THAT LOOK OUT THAT FAR, BUT IN TERMS OF LISTING MISSIONS THAT CAN 8 9 COME IN, NO. FOR EXAMPLE, MY C.E. 10 FOLKS HAVE PLANNING DOCUMENTS FOR, 11 YOU KNOW, HOW WE WOULD LIKE TO 12 ARRANGE FACILITIES, FOR EXAMPLE. 13 "QUESTION: OKAY. BUT NO FORECAST ON 14 FUTURE EXPANSION OF THE BASE? "ANSWER: I'M NOT AWARE OF ANY DOCUMENTS." 15 THE WITNESS: THAT'S CORRECT. I THINK THAT'S WHAT 16 17 I JUST SAID. SO, AGAIN, THAT'S JUST NOT HOW WE -- WE 18 DON'T BUILD THOSE TYPE OF PLANNING DOCUMENTS AT THE BASE LEVEL FOR 20, 30 YEARS OUT. 19 THE COURT: GENERALLY, YOU JUST DON'T HAVE TO 20 21 ANSWER OR RESPOND TO HIS READING OF THE DEPOSITION 22 UNLESS HE ASKS YOU A QUESTION. 23 THE WITNESS: OKAY. 24 THE COURT: YOUR TESTIMONY IS CLEAR. 25 BY MR. KUHS: 26 DO YOU HAVE ANY FAMILIARITY WITH THE 27 MILITARY'S BUDGETARY PROCESS? 28 I DO. A

		<del></del>
1	Q	YOU UNDERSTAND THAT IT'S A HIGHLY POLITICAL
2	PROCESS?	
3	A	I DO.
4	Q	YOU UNDERSTAND THAT MILITARY SPENDING IS
5	DISCRETIONARY SPENDING?	
6	A	I DO.
7	Q	YOU UNDERSTAND THAT THAT'S ONE OF THE CHIEF
8	REASONS IT I	S DIFFICULT TO MAKE LONG-TERM PLANNING
9	DECISIONS BY	THE MILITARY?
10	A	I DO.
11	Q	AND SO YOU'D MENTIONED THAT YOU HAD THE
12	CAPACITY FOR	ANOTHER FIGHTER WING.
13	A	YES, I BELIEVE WE DO.
14	Q	IN TERMS OF CAPACITY, DO YOU MEAN SIMPLY
15	LAND MASS?	
16	A	NO.
17	Q	ARE YOU INCLUDING IN CAPACITY AIR SPACE?
18	A	YES.
19	Q	ARE YOU INCLUDING HOUSING?
20	A	HOUSING WOULD BE CHALLENGED, BUT IT WOULD
21	JUST WHAT	YOU'RE DEBATING THERE IS HOW MANY FOLKS
22	LIVE ON AND	OFF BASE. WHERE WE'RE AT RIGHT NOW, AGAIN,
23	WHEN YOU LOO	K AT 50 YEARS OUT, IT DEPENDS ON THE
24	CONSTRUCT OF	WHERE WE WOULD BE 30, 40, 50 YEARS FROM
25	NOW. IF THE	Y ROLLED IN TODAY, WITHOUT ANY FURTHER
26	CONSTRUCTION	, WE WOULD HAVE TO BILLET THEM DOWNTOWN.
27	Q	AND WHAT IS THE CURRENT AIR FORCE FIGHTER?
28	A	SAY THAT AGAIN, ONE MORE TIME.

WHAT IS THE CURRENT AIR FORCE FIGHTER, THAT 1 Q 2 IS, WHAT IS THE CURRENT JET THAT THE AIR FORCE IS 3 BUILDING? 4 Α WELL, WE HAVE MANY THAT WE'RE CURRENTLY IN 5 SERVICE, IF THAT'S WHAT YOU'RE REFERRING TO -- F-16, F-15, F-15E'S, F-22. OUR CURRENT ONE THAT WE'RE 6 7 DEVELOPING IS THE F-35. WHAT'S THE COST OF AN F-35? 8 Q 9 A I'M NOT SURE. YOU'D HAVE TO GO TO THE 10 PROGRAM OFFICE. I'M SURE IT'S SOMEWHERE AROUND 80 TO \$100 MILLION, IN THAT BALLPARK. 11 AND WHEN YOU SAY FIGHTER WING, HOW MANY 12 Q AIRCRAFT ARE YOU REFERRING TO? 13 I BELIEVE THEY USE THE 72 AIRCRAFT WING. 14 15 OUTSIDE OF DISCUSSIONS YOU MIGHT HAVE HAD Q WITH THE UNITED STATES LAWYERS IN THIS CASE -- STRIKE 16 17 THAT. 18 DO YOU HAVE ANY WRITTEN DOCUMENT, PLANNING 19 DOCUMENT FOR EDWARDS AIR FORCE BASE THAT SUGGESTS 20 EDWARDS IS GOING TO GET A NEW FIGHTER WING? 21 Α NO. WOULD YOU AGREE THAT IT WOULD BE 22 Q 23 SPECULATION TO SUGGEST OR FORECAST THAT EDWARDS AIR FORCE BASE IS GOING TO GET A NEW FIGHTER WING? 24 25 Α SO WHAT THROWS ME OFF, WHAT HESITATES ME 26 THERE A LITTLE BIT IS THE WORD "SPECULATION." SO, 27 AGAIN, WHAT I DISCUSSED EARLIER WAS, BASED ON WHERE I'M 28 SITTING, I LOOK AT WHAT I THINK ARE THE STRATEGIC TRENDS

1 THAT POTENTIALLY HAPPEN. 2 I THINK ABOUT THE NEED TO HAVE FORESIGHT, 3 JUST AS THEY DID AT EGLIN IN THE '40S, TO PROVIDE RANGE 4 CAPABILITY. AND I ASSESS THAT IT IS REASONABLE THAT WE 5 COULD 30 YEARS FROM NOW BE WANTING TO BED DOWN ANOTHER 6 WING EQUIVALENT TYPE CAPABILITY. I THINK THAT IS NOT 7 OUT OF THE REALM OF UNREASONABLENESS. HOW ABOUT IN THE NEXT 30 YEARS? DO YOU 8 9 HAVE ANY INFORMATION TO SUGGEST IN THE NEXT 30 YEARS EDWARDS AIR FORCE BASE IS GOING TO GET A NEW FIGHTER 10 WING? 11 AGAIN, THAT ANSWER DOESN'T CHANGE WHETHER 12 Α 13 IT'S 20 YEARS OR 50 YEARS FROM NOW. IF YOU'RE SAYING IS THERE ANYTHING THAT'S GOING TO BE -- IS THERE A WRITTEN 14 DECISION THAT SAYS WE'RE GOING TO DO SOMETHING LIKE THIS 15 16 IN THE NEXT THREE TO FIVE YEARS, NO, I DON'T HAVE THAT. 17 MR. KUHS: NO FURTHER QUESTIONS. THANK YOU, 18 GENERAL. THE WITNESS: SURE. 19 THE COURT: ANY OTHER CROSS-EXAMINATION? 20 ALL RIGHT. THANK YOU VERY MUCH, GENERAL. 21 22 MR. DUBOIS: ONE BRIEF QUESTION, YOUR HONOR. 23 THE COURT: REDIRECT? MR. DUBOIS: YES, REDIRECT, JUST ONE BRIEF 24 25 QUESTION. 26 27

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## REDIRECT EXAMINATION 1 2 BY MR. DUBOIS: 3 GENERAL, YOU JUST USED THE TERM "WING EQUIVALENT." COULD YOU EXPLAIN WHAT YOU MEANT BY "WING 4 5 EOUIVALENT"? THE COURT: YOU KNOW, I COULD NOT HEAR YOUR 6 7 QUESTION. MR. DUBOIS: OH, I'M SORRY. 8 BY MR. DUBOIS: 9 10 I SAID, GENERAL, YOU JUST USED THE EXPRESSION "WING EQUIVALENT." CAN YOU PLEASE EXPLAIN 11 WHAT YOU MEAN BY "WING EQUIVALENT"? 12 RIGHT. SO YOU HAVE TO HAVE SOME TYPE OF 13 A PLANNING MECHANIZATION. SO WHEN I SAY "WING 14 EQUIVALENT," I MEAN A MISSION THAT WOULD HAVE SOME 15 IMPACT THAT IS ROUGHLY EQUIVALENT TO SETTING DOWN A 16 THIS COULD BE ANYTHING FROM A TRAINING WING -- A 17 WING. TRADITIONAL WING FROM LUKE AIR FORCE BASE COMES AND SITS 18 19 DOWN ON THE WING -- OR IT COULD MEAN A VERY LARGE 20 DEVELOPMENT PROGRAM. WE'VE HAD THOSE IN THE PAST, WHERE YOU'RE GOING TO BRING IN A VERY LARGE NATIONAL 21 22 DEVELOPMENT PROGRAM THAT'S GOING TO BRING IN ABOUT AS 23 MANY PEOPLE TO DO THAT DEVELOPMENT AS YOU WOULD HAVE IN SORT OF A FIGHTER WING. 24 WE'RE GOING TO BUILD A NEW SPACE PLANE. 25 WE'RE GOING TO PUT THE SPACE PLANE AT EDWARDS SO WE CAN 26 27 PROVIDE GLOBAL REACH TO THE PACIFIC AT HYPERSONIC 28 SPEEDS. THAT MAY BE A VERY LARGE EFFORT. THAT

HYPERSONIC SPEED EFFORT TO BUILD A NEW SPACE PLANE -THEY COULD DO THAT -- IS GOING TO BE PUT AT EDWARDS.
THAT'S GOING TO TAKE ABOUT THIS MUCH EFFORT. THAT
EFFORT IS ROUGHLY EQUIVALENT TO ABOUT THE IMPACT THAT A
TRAINING WING WOULD BE.

SO IT DOESN'T NECESSARILY HAVE TO BE A
TRAINING WING. IT'S JUST YOU NEED SOME MEASURE IN ORDER
TO DO SOME TYPE OF FUTURE FORECAST OF WHAT TYPE OF LEVEL
CAPACITY YOU NEED TO PRESERVE.

Q NOT UNLIKE -- I THINK WITH REGARD TO EGLIN
YOU DISCUSSED SOME SPECIAL FORCES UNITS COMING IN.
WOULD THAT BE SORT OF ON TERMS OF A WING EQUIVALENT?

A ABSOLUTELY. SO THE 7TH SPECIAL FORCES
GROUP IS A GROUP LEVEL EQUIVALENT. HERBERT FIELD GROWTH
WAS ACTUALLY THE WING LEVEL EQUIVALENT GROWTH IN THAT
AIR SPACE. THE 33RD FIGHTER WING WAS NOW A TRAINING
WING THAT ACTUALLY WAS A NO KIDDING TRAINING WING THAT
GOT PUT ON THE INSTALLATION, THAT STOOD ON THE
INSTALLATION. SO IT CAN VARY FROM, AGAIN, FROM THE
TRAINING WING TO SOMETHING EQUIVALENT. MOST LIKELY, AT
EDWARDS THAT'S PROBABLY GOING TO BE A VERY LARGE
DEVELOPMENT PROGRAM.

SO WHAT YOU HAVE TO WEIGH IS WHAT'S THE LIKELIHOOD? AND THEN BASED ON PAST 50 YEARS; SO YOU HAVE, YOU KNOW, WHAT WE HAVE DONE FROM THE '40S AND '50S TO WHERE WE ARE NOW. LOOKING THAT FAR INTO THE FUTURE, IS IT REASONABLE TO EXPECT THAT WE COULD HAVE IN THAT TIME FRAME, THAT NEXT 50 YEARS, ANOTHER VERY LARGE

1 DEVELOPMENTAL EFFORT THAT COULD BE A WING EQUIVALENT 2 SIZE TO BE PUT IN AT EDWARDS? I THINK THAT'S VERY 3 REASONABLE POSSIBILITY. 4 MR. DUBOIS: ALL RIGHT. NOTHING FURTHER. THANK 5 YOU. 6 THE COURT: ONE QUESTION ALWAYS LEADS TO ANOTHER. 7 RECROSS-EXAMINATION 8 9 BY MR. KUHS: 10 Q GENERAL BREWER, YOU DON'T HAVE ANY 50-YEAR DOCUMENTS WHICH SHOW THAT AN EXISTING WING IS GOING TO 11 12 MOVE TO EDWARDS; CORRECT? 13 THAT'S CORRECT. Α 14 AND YOU DON'T HAVE ANY DOCUMENTS THAT 0 15 ESTABLISH THAT A NEW FIGHTER WING IS GOING TO MOVE TO 16 EDWARDS? 17 THE COURT: WELL, MR. KUHS, ISN'T THIS REALLY JUST A REITERATION OF WHAT HE SAID EARLIER? 18 19 BY MR. KUHS: 20 YOU DON'T HAVE ANY PLANNING DOCUMENTS, SIR, 21 THAT SUGGEST A WING EQUIVALENT IS GOING TO MOVE TO 22 EDWARDS? NO. I WOULD ALSO SAY IN 1940 THEY HAD NO 23 Α 24 DOCUMENTS THAT SAID WE WOULD BE DOING ANYTHING THAT WE WERE DOING TODAY PLANNED. 25 AND, AGAIN, IT GOES BACK TO MY POINT THAT 26 27 YOU'RE CONFUSING THE THING WITH THE FUNCTION. AND THE 28 FUNCTION OF THE TEST WILL BE HERE, AND THE FUNCTION OF

1 DEVELOPMENT WILL BE HERE. 2 I UNDERSTAND THAT ANYTHING IS POSSIBLE. 3 BUT WHAT I WANT TO KNOW IS WHAT EVIDENCE DO YOU HAVE TO 4 SUPPORT THESE CONCLUSIONS? 5 OKAY. SO I CAN GIVE THAT TO YOU AGAIN. A SO 6 "EVIDENCE" IS THE WORD. BUT, AGAIN, THIS IS, AGAIN, 7 STRATEGIC THOUGHT IN TERMS OF WHAT YOU NEED TO PRESERVE 8 AND PREPARE FOR THE FUTURE, BASED ON THE UNIOUE 9 ATTRIBUTES OF EDWARDS THAT WE DISCUSSED. PRESSURES THAT 10 I SEE THE AIR FORCE UNDER IN TERMS OF BUDGETARY, CONSOLIDATION PRESSURES; KNOWING -- UNDERSTANDING THE 11 12 AMERICAN NATURE OF WAR, WHICH IS A TECHNOLOGY BASED NATURE OF WAR; UNDERSTANDING THE TRENDS OF WARFARE, IN 13 TERMS OF AERO WARFARE, MAY BE GREATER WING SIZE, GREATER 14 15 CAPACITY TO DO EVEN SIMPLE THINGS. 16 THAT'S WHAT I BASE THAT ON. SO IT'S NOT --17 THAT'S WHERE I GOT HUNG UP ON THE WORD "SPECULATION." 18 SO IT'S NOT SPECULATION; IT'S AN EDUCATED JUDGMENT. 19 MR. KUHS: NO FURTHER QUESTIONS, YOUR HONOR. THE COURT: NOW YOU CAN STEP DOWN, SIR. 20 21 THE WITNESS: THANK YOU. 22 THE COURT: THANK YOU VERY MUCH. YOU'RE EXCUSED. 23 THE WITNESS: THANK YOU. THE COURT: YOU MAY CALL YOUR NEXT WITNESS. 24 25 THE WITNESS: IF IT'S OKAY, I'LL LEAVE THESE FOR 26 THE NEXT GUY. 27 THE COURT: THANK YOU VERY MUCH.

MR. DUBOIS: YOUR HONOR, I'LL MOVE TO ADMIT THE

28

```
1
     EXHIBITS. WE CAN GO THROUGH THE LIST IF YOU'D LIKE.
 2
     IT'S 194, THE ONES THAT WE SUBMITTED AND DISCUSSED, WITH
 3
     GENERAL BREWER'S TESTIMONY.
 4
           THE COURT: ALL RIGHT. YOU ALSO WANTED
 5
     EXHIBIT 221?
 6
          MR. KUHS: YES.
 7
          THE COURT: ALL RIGHT. (INAUDIBLE).
          THE REPORTER: I'M SORRY, YOUR HONOR?
8
9
          MR. KUHS: WE'VE GOT 221 IN.
10
          THE COURT: YES.
          MR. KUHS: AND THE TEJON NUMBER 1, CHAIN OF
11
12
    COMMAND.
          THE COURT: YOU HAVE 1 AND 2.
13
          THE CLERK: (SPOKE SOTTO VOCE.)
14
          MR. KUHS: YES.
15
          MR. DUBOIS: WAS THIS THE --
16
          THE COURT: ALL RIGHT. YOU MAY SWEAR THE WITNESS.
17
18
19
                      (EXHIBIT NUMBERS TEJON 1, TEJON
20
                   2, 194, AND 221, RECEIVED.)
21
          THE CLERK: YOU DO SOLEMNLY STATE THAT THE
22
     TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
23
    THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND
24
25
    NOTHING BUT THE TRUTH, SO HELP YOU GOD?
26
          THE WITNESS:
                         I DO.
27
          THE COURT: HAVE A SEAT.
28
                  STATE YOUR FULL NAME, SPELL IT, GIVE US
```

1	YOUR BUSINESS ADDRESS, PLEASE.
2	THE WITNESS: JAMES EARL JUDKINS. J-A-M-E-S,
3	E-A-R-L, J-U-D-K-I-N-S. AND MY BUSINESS ADDRESS IS
4	325 NORTH ROSAMOND BOULEVARD, EDWARDS AIR FORCE BASE,
5	CALIFORNIA 93524, SUITE NUMBER 1.
6	THE COURT: THANK YOU VERY MUCH.
7	PROCEED.
8	
9	DIRECT EXAMINATION
10	
11	MR. LEININGER: YOUR HONOR, WE'D LIKE TO BEGIN
12	TESTIMONY OF JAMES JUDKINS WITH EXHIBIT NUMBER 8, BATES
13	LABEL 45941.
14	BY MR. LEININGER:
15	Q MR. JUDKINS, THAT SHOULD BE IN THE TOP OF
16	YOUR PILE.
17	A YES, SIR, IT IS.
18	Q DO YOU RECOGNIZE THIS DOCUMENT?
19	A I DO.
20	Q WHAT IS THIS DOCUMENT?
21	A THIS IS MY BIO.
22	
23	(EXHIBIT 8, IDENTIFIED: BIO OF
24	JAMES EARL JUDKINS.)
25	
26	BY MR. LEININGER:
27	Q SO YOU CREATED THIS DOCUMENT?
28	A I PROVIDED INFORMATION AND SOMEONE ELSE

1	CREATED IT.	
2	Q AND IS IT STILL TRUE AND CORRECT AND UP TO	
3	DATE?	
4	A IT WAS ACCURATE WHEN SUBMITTED. THERE IS	
5	ONE MINOR CHANGE. THE GROUP HAS OR THE DIRECTOR HAS	
6	DOWNSIZED FROM 532 TO 420 GOVERNMENT EMPLOYEES AND	
7	MILITARY MEMBERS.	
8	THE COURT: AND THE RECORD WILL ALSO SHOW THE	
9	PICTURE OF SOMEONE WITH A BEARD.	
10	THE WITNESS: YES, YOUR HONOR.	
11	THE COURT: SAME PERSON.	
12	THE WITNESS: A MUCH YOUNGER PERSON.	
13	THE COURT: ALL RIGHT.	
14	BY MR. LEININGER:	
15	Q YOUR HONOR I'M SORRY.	
16	MR. JUDKINS, LET'S BEGIN WITH YOUR FORMAL	
17	EDUCATION. WHERE DID YOU GO TO SCHOOL?	
18	A I GRADUATED I WAS AN HONOR GRADUATE FROM	
19	THE UNITED STATES AIR FORCE ACADEMY. I GRADUATED AND	
20	WAS COMMISSIONED IN JUNE 1974.	
21	Q WHERE DID YOU RECEIVE YOUR COMMISSION?	
22	A I'M SORRY, SIR?	
23	Q WELL, LET'S BACK UP A SECOND. WHAT DID YOU	
24	GRADUATE IN? WHAT WAS YOUR	
25	A I GRADUATED WITH A BACHELOR'S OF SCIENCE IN	
26	CIVIL ENGINEERING, AND I WAS COMMISSIONED IN THE SAME	
27	MONTH.	
28	O OKAY. AND WHEN DID YOU RECEIVE YOUR	

COMMISSION?

2

1

**A** IN JUNE OF 1974.

3

Q AND DID YOU BEGIN -- IMMEDIATELY BEGIN YOUR CAREER IN CIVIL ENGINEERING?

4

5

6

A YES, SIR, I DID. I HAD SEVERAL BASE LEVEL
ASSIGNMENTS AS A COMPANY GRADE OFFICER AND SEVERAL

7

HIGHER LEVEL ASSIGNMENTS AS A FIELD GRADE OFFICER.

8

9 LIEUTENANT THROUGH CAPTAIN, AND FIELD GRADE OFFICERS ARE

10

LIEUTENANT COLONELS AND MAJORS, AND THEN SENIOR OFFICERS

ARE COLONELS AND, OF COURSE, GENERAL OFFICERS. I'VE HAD

YOUR HONOR, A COMPANY GRADE OFFICER IS A

1112

MANY, NUMEROUS ASSIGNMENTS. I BEGAN MY FIRST BASE LEVEL

13

14

ASSIGNMENT AT WRIGHT-PATTERSON AIR FORCE BASE AS AN

15

AFTER TWO YEARS, I WAS SELECTED TO ATTEND

16

GRADUATE SCHOOL, AND I OBTAINED MY MASTER'S OF SCIENCE

17

IN FACILITIES MANAGEMENT. I'VE ALSO HAD A BASE LEVEL

18

ASSIGNMENT IN CIVIL ENGINEERING, MANAGING INFRASTRUCTURE

19

AT TEMPELHOF CENTRAL AIRPORT IN WEST BERLIN DURING THE

20

COLD WAR, BEHIND THE IRON CURTAIN, AS WELL AS AT --

21

AGAIN, AT RAMSTEIN AIR BASE.

ENVIRONMENTAL PROTECTION OFFICER.

22

BASE CIVIL ENGINEER AT SHEMYA AIR BASE AT THE VERY END

AS A FIELD GRADE OFFICER, I SERVED AS A

23

OF THE ALEUTIAN ISLANDS, AS WELL AS A STAFF OFFICER AT

2425

HEADQUARTERS AIR FORCE, AND AS AN AIR FORCE EXECUTIVE

26

OFFICER FOR -- AT THE HEADQUARTERS OF THE ARMY CORPS OF

27

ENGINEERS.

DURING THIS TIME, I ALSO ATTENDED

PROFESSIONAL MILITARY EDUCATION. I WAS A DISTINGUISHED GRADUATE FROM SQUADRON OFFICER SCHOOL FOR CAPTAINS, AND I'M A GRADUATE OF THE AIR COMMAND AND STAFF COLLEGE FOR FIELD GRADE OFFICERS.

CONTINUING ON WITH MY CAREER, AS A MORE

SENIOR OFFICER, I SERVED AGAIN AS A LIEUTENANT COLONEL,

AS THE BASE CIVIL ENGINEER AT BOEING AIR FORCE BASE, AS

I MAY HAVE SAID EARLIER, AND ALSO AT HEADQUARTERS USAF,

AGAIN, WORKING MORE STRATEGIC ISSUES AS A STAFF OFFICER.

AND THEN AS A COLONEL, I FINISHED MY AIR FORCE CAREER AS THE INSTALLATION -- AS THE COMMANDING OFFICER OF THE 95TH CIVIL ENGINEERING GROUP AT EDWARDS AIR FORCE BASE.

- **Q** WHAT YEAR WAS THAT?
- **A** THAT WAS 2002.

Q IN ADDITION TO WHAT YOU JUST RECITED, HAVE
YOU RECEIVED ANY OTHER AWARDS AND RECOGNITIONS?

A I HAVE THE TYPICAL -- SEVERAL MILITARY

AWARDS. I RECEIVED THE LEGION OF MERIT AS A COLONEL.

THE MERITORIOUS SERVICE MEDAL I RECEIVED SEVEN TIMES,

THE AIR FORCE COMMENDATION MEDAL TWICE, AND I ALSO

RECEIVED THE ARMY OF OCCUPATION AWARD BECAUSE OF MY

ASSIGNMENT TO WEST BERLIN DURING THE COLD WAR. THE CITY

WAS STILL CONSIDERED TO BE OCCUPIED.

- Q AND WHAT'S YOUR JOB TITLE NOW?
- 26 A I AM NOW THE BASE CIVIL ENGINEER AND
  27 DIRECTOR OF CIVIL -- THE CIVIL ENGINEERING DIRECTOR AT
  28 EDWARDS AIR FORCE BASE.

1	Q HOW LONG HAVE YOU HAD THAT POSITION?
2	A I'VE BEEN IN THIS POSITION AS A CIVILIAN
3	FOR TEN YEARS.
4	<b>Q</b> OKAY. IS THAT A SUPERVISORY POSITION?
5	A YES, SIR, IT IS.
6	Q HOW MANY PEOPLE DO YOU SUPERVISE?
7	A THERE ARE 420 INDIVIDUALS IN THE
8	ORGANIZATION. WE HAVE A VERY DIVERSE FUNCTION. FOR
9	THOSE OF YOU WHO MIGHT NOT BE FAMILIAR WITH THE AIR
10	FORCE INSTALLATION ENGINEERING FUNCTION, WE'RE THE
11	EQUIVALENT OF A DIRECTOR OF PUBLIC WORKS, IF YOU WILL,
12	FOR A SMALL CITY.
13	I'M RESPONSIBLE FOR EXPLOSIVE ORDNANCE
14	DISPOSAL; SO ANY TIME AN ORDNANCE GETS HUNG UP ON ONE OF
15	THE GENERAL'S AIRPLANES, I SEND TROOPS OUT TO SAVE THE
16	AIRCRAFT, ALSO TO CLEAR THE RANGE. I'M ALSO THE FIRE
17	MARSHAL; SO THE FIRE DEPARTMENT IS UNDER MY CONTROL.
18	I'M RESPONSIBLE FOR PROVIDING ALL FIRE SUPPRESSION, ALL
19	FIRE PROTECTION, AND EMERGENCY FIRE PROTECTION SERVICES.
20	THE EMERGENCY MANAGEMENT FUNCTION IS ALSO
21	MY RESPONSIBILITY; SO I SPEND TIME PREPARING FOR
22	CONTINGENCIES SUCH AS THE EARTHQUAKE, SUCH AS UTILITY
23	OUTAGES AND, GOD FORBID, AN AIRCRAFT ACCIDENT. SO WE'RE
24	PREPARING FOR THOSE KINDS OF FUNCTIONS ALL THE TIME, AND
25	WE DO EXECUTE THEM WHEN THEY HAPPEN.
26	ON THE INSTALLATION SIDE OF THE
27	INFRASTRUCTURE, I'M RESPONSIBLE FOR THE OPERATION AND
28	MAINTENANCE OF ALL THE FACILITIES AND ALL THE

1 INFRASTRUCTURE, TO INCLUDE WATER, NATURAL GAS, 2 ELECTRICITY, PROPANE, WASTE WATER COLLECTION IN CONTROL, 3 AS WELL AS TREATMENT. I HAVE A TREATMENT PLANT AT 4 EDWARDS AIR FORCE BASE. 5 WE OPERATE A LAND FILL; SO I'M RESPONSIBLE 6 FOR MANAGEMENT OF ALL THE SOLID WASTE, AS WELL AS SPACE 7 MANAGEMENT FOR ALL THE FACILITIES ON THE INSTALLATION. 8 THE COURT: I'M GOING TO ASK YOU TO SLOW DOWN JUST 9 A LITTLE SO THE REPORTER CAN KEEP UP WITH YOU AND HAVE 10 LESS STRESS. OKAY. THANK YOU. 11 THE WITNESS: YES, YOUR HONOR. 12 BY MR. LEININGER: 13 SO I JUST --14 SO ALSO, THERE IS ALSO A CAPITAL INVESTMENT PROGRAM THAT I'M RESPONSIBLE FOR, ACTUALLY PLANNING FOR 15 16 AT MY LEVEL AND THEN EXECUTING. I'M TALKING ABOUT 17 EXAMPLE SUCH AS REPLACING OUR MAIN BASE RUNWAY, WHICH 18 YOU SAW IN A PREVIOUS PICTURE. 19 WE HAVE A NEW CLINIC, A NEW AEROMEDICAL 20 CLINIC, A NEW HEADQUARTERS BUILDING FOR THE FORMER AIR 21 BASE LANE. WE'VE DONE NUMEROUS ROAD IMPROVEMENT 22 PROJECTS, IMPROVING THE INFRASTRUCTURE ON THE 23 INSTALLATION, MAJOR IMPROVEMENTS TO OUR WASTE WATER 24 PLANT. 25 SO LET'S JUST CONCENTRATE ON WATER. SO YOU 26 BASICALLY HAVE JUST TOLD ME THAT YOU'RE PRETTY MUCH IN

OPERATION AND MAINTENANCE OF THE WATER INFRASTRUCTURE.

CHARGE OF THE -- OR AT LEAST HAVE THE OVERSIGHT OVER THE

27

1 Α YES, SIR, I AM. 2 WHAT WERE YOU ASKED TO PROVIDE TESTIMONY Q 3 FOR THIS CASE AND TRIAL? 4 I WAS ASKED TO PROVIDE TESTIMONY ON PAST 5 AND PRESENT PRODUCTION, AS WELL AS THE IMPACT ON FLUCTUATING MISSION THAT IT HAS ON OUR WATER 6 7 REQUIREMENTS, AND AS WELL AS OUR CURRENT AND POSSIBLE 8 FUTURE WATER REQUIREMENTS. MR. LEININGER: YOUR HONOR, I'D LIKE TO OFFER 9 10 MR. JUDKINS AS AN EXPERT IN FACILITIES MANAGEMENT, INCLUDING WATER USE AT AIR FORCE FACILITIES. 11 THE COURT: AT THIS PARTICULAR BASE? 12 MR. LEININGER: AT EDWARDS AIR FORCE BASE, YES. 13 THE COURT: IS THERE ANY VOIR DIRE OF THE WITNESS? 14 ALL RIGHT. THE WITNESS IS QUALIFIED. HE 15 16 MAY SO TESTIFY. 17 BY MR. LEININGER: CAN YOU DESCRIBE FOR ME THE CURRENT AND 18 19 RECENTLY PAST INSTALLATION FACILITIES AT EDWARDS AIR 20 FORCE BASE? ONE OF THE BEST WAYS YOU CAN VISUALIZE THE 21 22 INSTALLATION IS TO IMAGINE THE STATE OF TEXAS AND THEN 23 SOUASH IT AND ELONGATE IT. OKAY. ROUGHLY THE BASE IS 24 30 MILES WIDE, 17 MILES TALL, ABOUT 308,000 ACRES, PLUS 25 OR MINUS. 26 YOU CAN SEE -- IF YOU LOOK AT THE 27 INSTALLATION, YOU CAN SEE THAT THERE ARE PROBABLY FOUR 28 OR FIVE WHAT I WILL CALL COMPONENTS. YOU HAVE THE SOUTH

```
BASE COMPONENT, WITH THE BLACK LINE THERE. YOU HAVE THE
 1
 2
     MAIN BASE COMPONENT, WHICH INCLUDES THE FLAT LINE AND
 3
     INDUSTRIAL AREA -- OR COMMERCIAL AREA, AS WELL AS THE
     COMMUNITY AREA, WHICH IS THE HOUSING, PX AND THE
 4
 5
     COMMISSARY. YOU HAVE THE AIR FORCE RESEARCH LABORATORY
     ON THE NORTHEAST SIDE OF ROGERS LAKE BED. AND THEN YOU
 6
 7
     HAVE THE NORTH BASE COMPLEX.
 8
           Q
                  WILL YOU PLEASE PICK UP YOUR NEXT EXHIBIT.
     I BELIEVE IT'S LABELED EXHIBIT 196, BATES LABEL 43918.
 9
10
     THAT'S IT.
11
             YES, SIR, I HAVE IT.
           A
12
13
                  (EXHIBIT NUMBER 196, IDENTIFIED:
14
                   DOCUMENT BATES LABEL 43918.)
15
    BY MR. LEININGER:
16
17
           Q
                  AND WHAT IS THIS EXHIBIT? JUST BEGIN WITH
18
     THE FIRST PAGE, FIRST PAGE OF THE EXHIBIT.
19
                  THIS IS A COVER SHEET TO GENERAL BREWER'S
20
     MISSION BRIEFING.
                  OKAY. DID YOU ASSIST WITH ANY OF THE
21
22
     INFORMATION THAT WAS PROVIDED IN THIS?
23
                  YES, SIR. NOT NECESSARILY DIRECTLY, BUT I
     OBSERVED AND APPROVED THE SUBMISSIONS. EMPLOYEES WHO
24
25
     WORK FOR ME PROVIDED THE DATA.
26
                 LET'S TURN THEN TO -- WITHIN EXHIBIT 196,
           0
     TO BATES LABEL 50673.
27
28
           Α
                  YES, SIR.
```

Q OH, I'M SORRY. I THINK WE DO THE NEXT 1 2 PAGE. OKAY. WHAT DOES THIS EXHIBIT SHOW? 3 MR. KUHS: YOUR HONOR, I'M GOING TO OBJECT. I TOOK MR. JUDKINS' DEPOSITION. THIS DOCUMENT WAS NOT 4 5 PROVIDED TO ME IN DEPOSITION, NOR WERE THE FACTUAL 6 STATEMENTS. THE COURT: WHAT'S THE BATES NUMBER AGAIN? 7 MR. LEININGER: 50673. THIS DOCUMENT, YOUR HONOR, 8 WAS PROVIDED TO COUNSEL. IT WAS PROVIDED TO COUNSEL 9 10 BECAUSE IT WAS AN EXCERPT FROM BRIGADIER GENERAL BREWER'S BRIEFING STATEMENT. 11 IT'S BEING PROFFERED HERE BECAUSE, AS 12 13 MR. JUDKINS WILL TESTIFY -- OR HAS JUST TESTIFIED, HE ASSISTED IN THIS PRODUCTION, AND HE WILL REITERATE THE 14 INFRASTRUCTURE FIGURES THAT APPEAR ON THIS DOCUMENT. 15 MR. KUHS: THIS WAS NOT PROVIDED TO ME IN 16 17 MR. BREWER'S DEPOSITION EITHER. THESE ARE NEW 18 DOCUMENTS. LOOK AT THE BATES STAMP NUMBER. THEY POSTDATE OUR DISCOVERY SUBSTANTIALLY. THESE WERE POSTED 19 FOR THE FIRST TIME LAST WEEK. 20 THE COURT: MR. LEININGER? 21 MR. LEININGER: I'M SORRY, YOUR HONOR. ONE 22 23 MOMENT. THE DOCUMENT ITSELF, THE WING MISSION 24 25 BRIEFING STATEMENT, HAS BATES LABEL NUMBER 43913. SO 26 TRYING TO DETERMINE -- THIS PARTICULAR BATES LABEL 27 NUMBER 5674 IS JUST A COPY. IT WOULD HAVE BEEN ALREADY

28

PROVIDED.

```
1
                  (COUNSEL SPOKE SOTTO VOCE.)
 2
 3
 4
           MR. LEININGER: EXCUSE ME ONE SECOND, YOUR HONOR.
 5
 6
                   (PAUSE IN THE PROCEEDINGS.)
 7
           MR. LEININGER: YOUR HONOR, WE CAN SUBSTITUTE
 8
 9
     EXHIBITS HERE. (INDICATING.)
10
11
                  (COUNSEL SPOKE SOTTO VOCE.)
12
13
                   (PAUSE IN THE PROCEEDINGS.)
14
          THE COURT: SO MR. KUHS?
15
16
          MR. KUHS: YEAH, IT'S A NEW DOCUMENT. IF THE
17
     WITNESS WANTS TO TESTIFY WITH THE FACTS, WE HAVE NO
18
     PROBLEM WITH THAT. BUT THIS POWERPOINT PRESENTATION WAS
     NOT PRESENTED TO ME.
19
           THE COURT: WELL, THE DOCUMENT WON'T GO INTO
20
21
     EVIDENCE. IT'S MARKED FOR IDENTIFICATION.
22
                  ASK YOUR QUESTIONS.
23
           MR. LEININGER: ALL RIGHT.
     BY MR. LEININGER:
24
25
                 SO LET'S TALK ABOUT INFRASTRUCTURE. AND
     LET'S USE A DEMONSTRATIVE EXHIBIT WHICH -- AS THIS
26
27
     REFLECTS, THIS IS A SUMMARY; IS IT NOT?
28
                  YES, SIR, IT IS.
```

```
1
                  AND IS THIS A SUMMARY THAT YOU HELPED
           Q
 2
     CREATE OR PROVIDE THE INFORMATION FOR?
 3
                  IT IS.
 4
                  AND WILL YOU PLEASE SUMMARIZE
 5
     INFRASTRUCTURE AT EDWARDS AIR FORCE BASE.
                  308,000 ACRES, 29,000 FEET OF CONCRETE
 6
           A
 7
     RUNWAYS, 59 MILES OF LAKE BED RUNWAYS, 11.7 MILLION
 8
     SQUARE FEET OF RAMP SPACE, 573 MILES OF ROADS, 270 MILES
 9
     OF ELECTRICAL LINES, 194 MILES OF WASTE WATER LINES,
10
     72 MILES OF NATURAL GAS LINES, 3,800 STRUCTURES,
11
     9.5 MILLION SQUARE FEET OF FACILITY SPACE, 1 MILLION
     SQUARE FEET ARE IN HANGARS, AND 1.8 MILLION SQUARE FEET
12
     OF TECHNICAL SUPPORT SPACE.
13
                  AND ARE YOU ROUGHLY FAMILIAR WITH THE
14
           0
15
     NUMBER OF PEOPLE EMPLOYED AT EDWARDS AIR FORCE BASE?
16
                  YES, SIR.
           Α
17
                  WILL YOU SHARE THE NEXT SLIDE, PLEASE?
           0
18
     NEXT SLIDE. SORRY. OH, I'M SORRY.
19
                  SO THIS IS AGAIN A COMPILATION OF BASE
20
     POPULATIONS; IS THAT CORRECT?
21
           Α
                  YES, SIR, IT IS.
22
                  AND CAN YOU JUST SUMMARIZE THE NUMBER OF
           Q
23
     PEOPLE AT EDWARDS AIR FORCE BASE?
                  HOME BASE POPULATION, ACTIVE DUTY, 2,089;
24
25
     CIVILIANS, 4,884; CONTRACTORS, 3,236; ASSOCIATES AND
    NAF -- AND NAF STANDS FOR NON-APPROPRIATED FUNDS
26
27
    ACTIVITIES, SUCH AS THE BASE EXCHANGE -- 237; THE BASE
     EXCHANGE WAS 164; AND THERE ARE 2,714 FAMILY MEMBERS ON
28
```

1	THE INSTALLATION.
2	Q CAN WE HAVE THE NEXT SLIDE, PLEASE?
3	BATES THIS IS ALSO A SUMMARY SLIDE
4	BUT SO DOES THIS SUMMARIZE THE NUMBER OF THE
5	POPULATION? YOU CAN TELL ME WHAT THIS SUMMARIZES
6	A THIS SUMMARIZES
7	Q FOR THAT PURPOSE.
8	A THE NUMBER OF EMPLOYEES, MILITARY AND
9	ACTIVE DUTY AND CIVILIAN, FOR THE INSTALLATION.
10	Q CAN YOU READ THAT FIGURE?
11	MR. KUHS: YOUR HONOR, I'M GOING TO OBJECT TO THIS
12	EVIDENCE AS, NUMBER 1, IT HADN'T BEEN PRESENTED BEFORE
13	AND, NUMBER 2, IT'S OUTSIDE THE AREA OF EXPERTISE. HE
14	WAS NOT DESIGNATED FOR AN ECONOMIC DESIGNATION.
15	THE COURT: WELL, I THINK IT'S WITHIN HIS AREA OF
16	EXPERTISE. WHY WOULD IT NOT BE IF HE HAS THE
17	RESPONSIBILITIES AS DESCRIBED?
18	THE QUESTION YOU'RE ASKING IS THAT IT WAS
19	NOT PRESENTED?
20	MR. KUHS: THIS INFORMATION THIS WITNESS DID
21	NOT TESTIFY TO ECONOMIC IMPACT OF EDWARDS AIR FORCE BASE
22	AT HIS DEPOSITION. AND I ASKED HIM
23	THE COURT: WELL, WE'RE GETTING SHEER NUMBERS OF
24	PEOPLE.
25	MR. KUHS: WELL, HE DID ON THE LAST SLIDE. NOW
26	HE'S SUGGESTING THAT WHAT HE'S TRYING TO DRIVE AT IS
27	ECONOMIC SYMPATHY IN THIS CASE AS OPPOSED TO TALKING
28	ABOUT WATER USE.

```
1
           THE COURT: WELL, I THINK THAT THAT'S A -- LOOKS
 2
     LIKE AN ARGUMENTATIVE EXHIBIT.
          MR. LEININGER: YOUR HONOR, IF WE COULD JUST ZOOM
 3
 4
     IN ON THE FIRST BAR ACROSS THE TOP THERE, THAT GIVES THE
     FIGURE AND THAT'S WHAT THIS EXHIBIT IS BEING USED FOR.
 5
                  NOT THAT BAR, THE NEXT ONE DOWN, THE ONE
 6
 7
     THAT SAYS "EDWARDS AIR FORCE BASE" ON THE RIGHT. THERE
     WE GO. ALL RIGHT.
 8
 9
    BY MR. LEININGER:
10
           Q
                  SO IS THAT A SUMMARY OF BASE POPULATION?
                  YES, SIR, IT IS.
11
          Α
12
          MR. LEININGER: MAY WE HAVE THE NEXT SLIDE,
13
     PLEASE.
          THE COURT: I'M SORRY. WHAT ARE THOSE NUMBERS?
14
          MR. LEININGER: OH, I WAS -- WILL YOU READ THE
15
16
     NUMBERS INTO THE RECORD, PLEASE?
17
           THE WITNESS: I'M SORRY, YOUR HONOR. 10,808.
           THE COURT: THAT'S PEOPLE?
18
19
           THE WITNESS: YES, SIR.
20
    BY MR. LEININGER:
                 WHAT WAS THE YEAR THAT THOSE FIGURES WERE
21
          Q
22
     BASED UPON? DO YOU RECALL?
                  NO, SIR, I DON'T, BUT THEY'RE FAIRLY
23
          Α
24
     RECENT, IN THE LAST YEAR OR TWO.
          MR. LEININGER: I'D NOW LIKE TO GO TO EXHIBIT 167,
25
26
     YOUR HONOR.
                  SO, YOUR HONOR, WE'LL BE SHOWING A NUMBER
27
28
     OF PHOTOS WHICH SHOW THE FACILITIES AT EDWARDS AIR FORCE
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1 BASE, AND WE'LL COMMENCE WITH 168, BATES LABEL 43887. 2 3 (EXHIBIT NUMBER 168, IDENTIFIED: 4 PHOTOS OF EDWARDS AIR FORCE BASE 5 FACILITIES.) 6 7 BY MR. LEININGER: 8 WHAT IS THIS A PICTURE OF? 9 THE WITNESS: YOUR HONOR, I'LL NEED TO USE A 10 POINTER WITH THE INFORMATION. MAY I USE THE POINTER? 11 THE COURT: YES. 12 MR. LEININGER: CORRECTION, YOUR HONOR. IT'S 13 BATES LABEL 897. 14 **THE COURT:** 897? 15 THE WITNESS: NORTH IS TO THE TOP OF THE SCREEN. AND WHAT YOU SEE AT THE VERY SOUTHERN PORTION IS THE 16 17 SOUTH BASE COMPLEX THAT I MENTIONED EARLIER. THE MAIN BASE COMPLEX RIGHT HERE. THE FLIGHT LINE, THE RAMP 18 19 SPACE, THE AREAS WHERE THE TEST PROGRAMS RESIDE, THE 20 COMMERCIAL -- I MEAN THE SUPPORT AREA, THE ENGINEERING AND ADMINISTRATIVE AREAS THERE, AND JUST BARELY A 21 22 PORTION OF THE COMMUNITY AREA. 23 YOU'LL SEE A PURPLE LINE RIGHT HERE. 24 DEPICTS THE ROUTE OF RECLAIMED WATERLINE THAT COMES FROM 2.5 OUR WASTE WATER TREATMENT PLANT. YOU CAN SEE SOME BLUE 26 LINES THAT REPRESENT THE WATER SUPPLY LINES. 27 TAKING YOU BACK TO SOUTH BASE, JUST FOR A 28 MATTER OF SCOPE, THAT RUNWAY IS 300 FEET WIDE,

8,000 FEET LONG. AND, OF COURSE, WE HAVE THE RAMP RIGHT HERE. THIS RUNWAY HERE, THE MAIN -- WHAT WE CALL THE MAIN BASE RUNWAY, RUNWAY 22 LEFT, 04 RIGHT IS 300 FEET WIDE EDGE TO EDGE AND 15,000 FEET LONG.

THE INSIDE RUNWAY, THE ASPHALT RUNWAY, IS

150 FEET WIDE AND 12,000 FEET LONG. THE TAXIWAYS REACH

ABOUT 5,000 FEET LONG. THE GENERAL POINTED OUT THE LAKE

BED ACCESS FOR THE MAIN BASE RUNWAY, AND WE ALSO HAVE IT

FOR THE SOUTH BASE RUNWAY.

THIS AREA RIGHT HERE IS WHERE THE TEST

PROGRAMS ARE. WE SET UP BASICALLY A CAMPUS CONCEPT, IF

YOU WILL. THE F-22 PROGRAM IS UP, RIGHT IN THIS AREA

RIGHT HERE. THE JOINT STRIKE FIGHTER HAS THIS COMPOUND

RIGHT IN THIS AREA RIGHT HERE.

MOVING ON DOWN, THE F-16S ARE IN THIS AREA RIGHT HERE. THIS IS OUR MAIN MAINTENANCE HANGAR. IT'S OVER 400,000 SQUARE FEET OF MAINTENANCE SPACE RIGHT THERE. FIRE DEPARTMENT CENTRALLY LOCATED RIGHT THERE. PAINT BARNS RIGHT IN THIS AREA HERE, ALONG WITH FUEL SALES -- OR FUEL MAINTENANCE FACILITIES.

MOVING DOWN THIS DIRECTION WE HAVE -- THE GLOBAL HAWK HANGARS ARE IN THESE FACILITIES RIGHT IN HERE. FIGHTERS ARE DOWN AT THIS END OF THE RAMP RIGHT HERE, AND THE FIGHTERS GO RIGHT AROUND IN HERE.

IF I COULD POINT OUT RIGHT THERE -- OOPS.

COULD YOU ZOOM IN RIGHT WHERE YOU WERE BEFORE? A LITTLE

BIT MORE. RIGHT THERE.

THAT'S A KC-135. THE WING SPAN'S 131 FEET.

MR. LEININGER: COULD WE HAVE THE NEXT SLIDE? I 1 2 THINK IT SHOWS IT A LITTLE BETTER. 3 THE WITNESS: GOOD. YOU CAN GET A BETTER PICTURE OF IT SO YOU CAN GET AN IDEA AS TO THE VASTNESS OF OUR 4 5 RAMP SPACE. 6 MR. LEININGER: THE NEXT SLIDE, PLEASE. 7 THE WITNESS: OKAY. JUST A LITTLE MORE DETAIL ON SOUTH BASE AS FAR AS ACCESS TO THE LAKE BED RIGHT THERE. 8 9 B-52S. THE WING SPAN OF A B-52 IS ABOUT 185 FEET, THEREABOUTS. B-52S RIGHT THERE. YOU CAN SEE 10 JUST HOW BIG OUR RAMPS ARE. AND, OF COURSE, THIS IS A 11 12 TAXIWAY THAT LEADS TO THE MAIN BASE RUNWAY. 13 A MAJOR HANGAR, A LARGE HANGAR RIGHT HERE THAT WAS BUILT FOR THE B-2 PROGRAM. AND THEN WE HAVE 14 THE ENGINEERING SUPPORT SPACE RIGHT HERE. 15 AND YOU CAN POINT OUT -- I'LL POINT OUT 16 THAT YOU DON'T SEE A LOT OF GREEN IN ANY OF THESE 17 PICTURES THAT I'VE SHOWN YOU SO FAR. 18 19 NEXT SLIDE, PLEASE. Q 20 THIS IS THE NASA DRIVING COMPLEX. BEGINS Α 21 RIGHT ABOUT HERE AND GOES UP TO RIGHT ABOUT HERE FOR 22 RAMP SPACE, AND THEN COMES OUT RIGHT AROUND WHERE I'VE 23 JUST DRAWN THE LINE. ROUGHLY, ABOUT 800 ACRES. 24 AND, MR. JUDKINS, WHERE IS THIS IN Q 25 RELATIONSHIP TO THE MAIN BASE AND THE SOUTH BASE? 26 A THIS IS LOCATED JUST NORTH OF WHERE THE 27 F-22S ARE. 28 ONCE AGAIN, YOU'RE ON THE WEST SIDE OF --

1	A WE'RE ON THE WEST SIDE OF THE LAKE BED.
2	Q WHAT IS THE
3	A OH, THAT'S THE
4	Q FIGURE OUT THERE?
5	A THE COMPASS ROADS? OKAY. WELL, WHEN
6	YOU'RE TAKING A LANDING ON THE LAKE BED, YOU NEED TO
7	KNOW WHERE THE WINDS ARE. I'M NOT A PILOT, BUT I DO
8	SKYDIVE; SO I KNOW ABOUT I'M FAMILIAR WITH THE NEED
9	TO KNOW WHERE THE WINDS ARE.
10	AND SO THE PILOT THE TOWER CAN TELL THE
11	PILOT, YOU KNOW, WHICH WAY THE WINDS ARE COMING FROM.
12	THE PILOT CAN CHECK AND SEE WHERE THAT DIRECTION IS ON
13	THIS COMPASS ROAD AND THEN LAND INTO THE WIND ON THE
14	LAKE BED.
15	Q SO LET'S GO BACK TO THE FACILITY. SO THIS
16	ENTIRE FACILITY IS I'M SORRY. THIS WHAT YOU'RE
17	DEPICTING HERE, AGAIN, FOR THE RECORD, IS?
18	A THE NASA DRYDEN RESEARCH CENTER COMPLEX.
19	Q JUST TO THE NORTH OF THE MAIN BASE?
20	A JUST TO THE NORTH OF THE MAIN BASE, YES,
21	SIR.
22	Q LET'S GO TO THE NEXT SLIDE, PLEASE.
23	A NOW, THIS IS A PICTURE OF BRANCH POND.
24	I'VE BEEN TO TWO REMOTES, SHEMYA, AT THE END OF THE
25	ALEUTIAN ISLANDS, AND EDWARDS AIR FORCE BASE. THIS POND
26	IS LOCATED NEAR THE SOUTH BOUNDARY OF THE INSTALLATION.
27	IT'S FED FROM GROUND WATER. IT'S A RECREATIONAL AREA.
28	PEOPLE CAN GET WELL, I WENT FISHING.

AND THAT'S RAFTING IN THIS AREA RIGHT IN HERE. THIS IS 1 2 A PICNIC AREA RIGHT HERE. AND CAN'T SEE THEM, BUT THE 3 WELL SHOULD BE RIGHT UP IN HERE, AND IT'S FED WITH 4 GROUND WATER. 5 THIS IS PART OF THE R. AND R. PROGRAM? 0 6 IT'S PART OF THE R. AND R. PROGRAM FOR THE 7 MILITARY AND RETIREES. 8 Q AND I THINK WE HEARD GENERAL BREWER GIVE THAT A DIFFERENT ACRONYM, THE RECREATIONAL USE OF THESE 9 10 FACILITIES. HE MIGHT HAVE USED THE EXPRESSION M.W.R. 11 Α 12 AND WHAT DOES THAT STAND FOR? 13 Α MORALE, WELFARE AND RECREATION. 14 COULD WE HAVE THE NEXT SLIDE, PLEASE. 15 AGAIN, NORTH IS TO THE TOP OF THE SLIDE. THIS DEPICTS OUR GOLF COURSE, AND IT SHOWS THE RECLAIMED 16 17 WATERLINE THAT CROSSES THROUGH THE GOLF COURSE AND THE WASTE WATER TREATMENT PLANT ON ITS WAY TO THE STORAGE 18 19 TANK BEHIND OUR LAKE. 20 Q HOW IS THE GOLF COURSE WATERED? 21 THE GOLF COURSE RECEIVES A MIXTURE OF 22 RECLAIMED AND POTABLE WATER, IF YOU WILL. THE RECLAIMED 23 WATER FROM THE WASTE WATER TREATMENT PLANT GOES TO A 1.5 MILLION GALLON STORAGE TANK ON A HILL BEHIND OUR 24 25 CLINIC. WE THEN USE GRAVITY TO FEED FROM THAT TANK 26 THROUGH OUR PURPLE PIPE OR OUR RECLAIMED WATER

WE ONLY PRODUCE ABOUT HALF A MILLION

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DISTRIBUTION SYSTEM.

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1
     GALLONS A DAY OF RECLAIMED WATER, WHICH DOES NOT MEET
 2
     OUR IRRIGATION REQUIREMENTS; SO WE SUPPLEMENT THE
 3
     RECLAIMED WATER WITH GROUND WATER. SO YOU HAVE A
 4
     MIXTURE OF POTABLE, SITE GROUND WATER, AS WELL AS
 5
     PURCHASED WATER FROM AVEK, MIXED IN WITH THE RECLAIMED
 6
     WATER, WHICH IS THEN DISTRIBUTED THROUGHOUT THE
 7
     INSTALLATION.
                  THE WATER THAT GOES TO THE GOLF COURSE
 8
    COMES BACK FROM THE TANKS TO A POND WHICH IS RIGHT
 9
10
    AROUND HOLE NUMBER 17, AND THEN FROM THERE IT IS PUMPED
    THROUGHOUT THE GOLF COURSE TO THE VARIOUS LOCATIONS, THE
11
12
     TEES, THE GREENS AND THE FAIRWAYS.
13
                  AND, AGAIN, THIS IS PART OF THE M.W. --
           Q
14
           A
                 YES, SIR. THIS IS AN M.W.R. FUNCTION.
             PART OF THE M.W.R. FUNCTION, STANDING FOR?
15
           Q
16
                 MORALE --
          Α
17
          MR. KUHS: ASKED AND ANSWERED.
18
           THE COURT: I REMEMBER THE ANSWER. GO AHEAD.
19
    NEXT OUESTION.
20
           THE WITNESS: MORALE --
21
           THE COURT: NEXT QUESTION.
22
    BY MR. LEININGER:
23
                  BEFORE WE LEAVE THIS SLIDE, SO THIS PART
    OF -- FOR LACK OF BETTER WORDS, OF RECREATIONAL
24
25
    FACILITIES AT EDWARDS AIR FORCE BASE, DO YOU HAVE -- DO
26
    YOU KNOW APPROXIMATELY WHAT THE DISTANCE IS FROM THIS
27
    RECREATIONAL FACILITY TO ANOTHER GOLF COURSE?
28
                  SIR, 35 MILES, THEREABOUTS.
           A
```

AS I SAID EARLIER, I'VE HAD TWO REMOTES.

ONE WAS IN THE ALEUTIAN ISLANDS AND THE SECOND ONE WAS
HERE IN THE UNITED STATES AT EDWARDS AIR FORCE BASE. IF
YOU ARE ASSIGNED TO THE INSTALLATION AND YOU BRING YOUR
FAMILY WITH YOU, THEY ARE MORE THAN LIKELY GOING TO LIVE
ON THE INSTALLATION, AND YOU NEED TO HAVE -- YOU NEED TO
SUPPORT THE FAMILY.

AND SO AT LEAST THIS FUNCTION RIGHT HERE IS, OF COURSE, RECREATIONAL FOR NOT ONLY THE FAMILY MEMBERS AND THE ACTIVE DUTY MEMBERS, BUT THE AIRMEN WHO ARE LIVING IN THE DORMS AND SOMETIMES, AS THE GENERAL SAID, DON'T EVEN HAVE A CAR. SO IT'S DEFINITELY SOMETHING THAT WE NEED FOR OUR QUALITY OF LIFE AT THE INSTALLATION.

- Q COULD I HAVE THE NEXT SLIDE, PLEASE?

  AND MR. JUDKINS, CAN YOU MOVE THE MIC A

  LITTLE CLOSER TO YOU, IF YOU WILL?
- A OKAY.

- 19 Q THANK YOU.
- A AGAIN, NORTH IS TO THE TOP. THIS IS OUR
  GYMNASIUM. ATHLETIC FIELD RIGHT HERE FOR SOFTBALL. YOU
  CAN SEE THE IRRIGATION SYSTEMS. YOU CAN SEE THE TRACK
  AND THE FACT THAT WE DON'T HAVE ANY GRASS IN THAT AREA
  RIGHT THERE.

THIS IS AN F-104 ENTRY, THAT'S ON A

PEDESTAL IN THE ENTRY TO THE GYMNASIUM AREA. WE'VE

TURNED OFF THE WATER TO THIS AREA, AND IF YOU LOOKED AT

IT TODAY, YOU WOULD SEE DEAD AND DYING GRASS.

1 OF COURSE, THE PARKING LOT RIGHT IN HERE. 2 THIS AREA RIGHT IN HERE IS, AGAIN, OUR AEROBIC CENTER. 3 THAT'S A RECREATIONAL FACILITY. AND, OF COURSE, 4 ADDITIONAL P.T. FUNCTIONS RIGHT HERE. 5 IT'S VERY HOT IN THE SUMMERTIME, VERY 6 BRIGHT; SO WHEN THE SQUADRONS ARE EXERCISING, THE 7 FLIGHTS ARE EXERCISING, THEY'LL EXERCISE IN THE SHADE UNDERNEATH THOSE FACILITIES RIGHT THERE. AND, AGAIN, 8 9 THE BLUE LINES DEPICT THE WATER SUPPLY LINES TO THOSE 10 FACILITIES AND TO THE FIELD. MR. KUHS: YOUR HONOR, I'M SORRY TO KEEP MAKING 11 THIS OBJECTION, BUT I FEEL A BIT LIKE A VICTIM HERE. 12 13 NONE OF THESE PHOTOS WERE PRODUCED DURING 14 MR. JUDKINS' DEPOSITION. THEY WERE ALL PRODUCED WITHIN 15 THE LAST WEEK. I'VE NEVER SEEN THEM BEFORE. I'VE NEVER HAD AN OPPORTUNITY TO QUESTION MR. JUDKINS ON THEM. AND 16 I ALLOWED, BECAUSE OF THE CONSTRAINTS ON TIME, 17 MR. JUDKINS TO TESTIFY FROM MR. BREWER'S POWERPOINT 18 19 PRESENTATION, WHICH WAS NOT PRESENTED. 20 BUT AT SOME POINT WE GOT TO CALL A STOP TO 21 IT AND JUST LET HIM TESTIFY TO WHAT HE KNOWS BASED UPON

THE DISCOVERY PROCESS. IT'S JUST UNFAIR.

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MR. LEININGER: WELL, YOUR HONOR, THE BATES LABEL ON THESE DOCUMENTS ARE 43903, AND THE PRODUCTION OF DOCUMENTS RECENTLY WERE DOCUMENTS IN 50,000'S; SO THESE WERE PRODUCED AT AN EARLIER TIME. I THINK THE OUESTION SEEMS TO BE, WERE THEY PRODUCED AT THE DEPOSITION?

MR. KUHS: NO, THAT'S NOT ACCURATE. YOUR HONOR, I

1 PURPOSEFULLY WENT TO THE COURT'S WEB SITE TO REVIEW THE 2 SUPPLEMENTAL RESPONSE BACK IN APRIL OF 2013, AND IT 3 INCLUDED DOCUMENTS 22890 THROUGH 43820. ALL OF THESE 4 ARE OUTSIDE OF THAT SEQUENCE. 5 MR. LEININGER: I -- EXCUSE ME. MR. KUHS, COULD YOU GIVE THAT SEQUENCE AGAIN? 6 7 MR. KUHS: IT'S THROUGH 43890 [SIC]. 8 MR. LEININGER: AND I BELIEVE THE REQUEST AT 9 DEPOSITION WAS TO PROVIDE ANY ADDITIONAL DOCUMENTATION. 10 MR. KUHS: THERE WAS TWO REQUESTS. THERE WAS AN ORDER FROM THE COURT TO PRODUCE ANY DOCUMENTS YOU WERE 11 12 RELYING ON, AS A DISCOVERY ORDER, AND THEN I HAD A DOCUMENT REQUEST AS PART OF MY DEPOSITION NOTICE FOR ANY 13 DOCUMENTS THAT THE EXPERT WAS RELYING ON. AND I HAVEN'T 14 SEEN THESE IN EITHER PRODUCTION, AND THAT'S MY PROBLEM. 15 MR. LEININGER: YOUR HONOR, WE'RE NOT QUITE --16 17 WE'RE TRYING TO PINPOINT RIGHT NOW WHEN THESE WERE IN FACT UPLOADED TO THE DISCOVERY DATABASE, BUT BASED UPON 18 19 THE BATES LABELING THAT IS ATTACHED TO THESE PHOTOS AND 20 BASED UPON MR. KUHS'S OWN STATEMENT, IT WAS SHORTLY 21 AFTER THE DEPOSITION. AND RECOLLECTION AT LEAST WAS 22 THERE WERE SOME REQUESTS FOR ADDITIONAL DOCUMENTS. 23 THOSE DOCUMENTS WERE THEN PRODUCED. 24 SO THIS STUFF WENT UP ON THE DISCOVERY 25 DATABASE. HE HAS THESE. IF THEY WERE -- AND THAT WAS, AS MR. KUHS JUST POINTED OUT, OVER NINE MONTHS AGO. 26

MR. KUHS: IT DOESN'T CHANGE TWO FACTS, YOUR

IT DOESN'T CHANGE THE FACT THAT THIS WITNESS DID

27

28

HONOR.

NOT PRODUCE THEM DURING HIS DEPOSITION. AND I'VE GOT AN AGREEMENT WITH MR. LEININGER THIS WITNESS DIDN'T DO ANY ADDITIONAL WORK SINCE HE WAS ORIGINALLY DEPOSED. THAT MAKES THIS NEW EVIDENCE, AND I HAVEN'T SEEN IT.

THE COURT: ALL RIGHT. RULES ARE THE RULES. IF
THEY'RE NOT PRODUCED AT THE TIME OF THE DEPOSITION, THEY
CANNOT BE USED SUBSTANTIVELY TO UTILIZE THIS
WITNESS'S -- FOR THIS WITNESS'S TESTIMONY.

NOW, ONE OF THE THINGS THAT OCCURS TO ME IS I'VE HEARD A LOT OF TESTIMONY ABOUT EDWARDS AIR FORCE BASE. THERE DOESN'T SEEM TO BE A WHOLE LOT OF DISPUTE ABOUT THE FACTS THAT GIVE RISE TO EITHER THE CREATION OR THE OPERATION OR THE VARIOUS ADMINISTRATION ASPECTS OF THE BASE.

AT SOME POINT, IT MAY WELL BE THAT THE
COURT SHOULD CONSIDER DOING A VIEW OF THE BASE. THESE
PHOTOGRAPHS WOULD BE ESSENTIALLY WHAT I WOULD SEE, I
ASSUME, IF I GET A VIEW OF THE BASE.

SO HOW DO WE UTILIZE TIME? IT WOULD BE
MUCH EASIER FOR ME TO LOOK AT PHOTOGRAPHS THAT HAVE BEEN
PROPERLY PREPARED AND WHICH HAVE BEEN GIVEN NOTICE OF
RATHER THAN MY TAKING THE TIME TO GO OUT TO EDWARDS AIR
FORCE BASE, WHICH I'M SURE WOULD BE VERY INTERESTING.

MR. KUHS: I'LL GIVE YOU THE -- I GUESS THE LARGER PICTURE. THE OBJECTION, YOUR HONOR, IS NOT THAT I DON'T MIND LOOKING AT THE PICTURES. I THINK THEY'RE KIND OF NEAT. THEY WOULD HAVE BEEN HELPFUL IN MY EXAMINATION OF THE WITNESS. THEY WEREN'T PRESENTED.

AND SO IF WHAT WE'RE TRYING TO DO IS

CONSERVE TIME, THEN WHAT WE OUGHT TO BE DOING IS TALKING

ABOUT THE WATER DEMANDS OF THE BASE AND NOT LOOKING AT

PICTURES. THAT'S WHERE I GO TO.

THE COURT: WELL, I THINK I TEND TO AGREE WITH
THAT, BUT I'M TRYING NOT TO LIMIT THE EXAMINATION OF
WITNESSES BY THE VARIOUS COUNSEL FOR THESE WITNESSES IN
THE INTEREST OF, QUOTE, "DUE PROCESS."YOU HAVE A RIGHT
TO KNOW WHAT THE WITNESS IS GOING TO TESTIFY TO BEFORE
THE WITNESS TESTIFIES.

I'M NOT SURE THAT THERE'S A WHOLE LOT OF PREJUDICE TO YOU AT THIS POINT. IF YOU THINK THERE IS, I'M CERTAINLY GOING TO GIVE YOU ANOTHER OPPORTUNITY TO SPEND MORE TIME EXAMINING THE WITNESS AFTER YOU'VE HAD A CHANCE TO LOOK AT THESE, AND I WOULD PREFER THAT RATHER THAN STRIKING THEM AND HAVING TO FIND THE EVIDENCE IN SOME OTHER FASHION.

MR. KUHS: I JUST --

THE COURT: I GUESS WHAT I'M SAYING TO YOU,

MR. KUHS, IS I DON'T THINK THE FACTS ARE VERY MUCH IN

DISPUTE HERE. THERE ARE SOME LEGAL QUESTIONS THAT ARE

GOING TO DETERMINE THE OUTCOME OF WHATEVER THE FEDERAL

RESERVE RIGHT MIGHT BE.

AND I WOULD ASK YOU, IF YOU COULD FIND IT

APPROPRIATE, TO ENTER INTO A STIPULATION CONCERNING THE

UTILIZATION OF THESE PHOTOGRAPHS TO EXEMPLIFY THE NATURE

OF THE BASE, AND I'LL GIVE YOU WHATEVER OTHER REMEDY OR

RELIEF THAT YOU THINK YOU'D LIKE TO HAVE IF YOU ASK FOR

IT.

MR. KUHS: HAVING HEARD YOUR HONOR'S WISHES, WHAT I PROPOSE TO DO IS SIT QUIETLY AND LISTEN TO THE TESTIMONY, WITHOUT OBJECTING TO THESE EXHIBITS AS BEING NEW. IN THE BACK OF MY MIND I HAVE AN APPREHENSION, AND THAT IS I DON'T KNOW WHAT'S COMING NEXT BECAUSE I'M HEARING WHAT THESE ARE FOR THE FIRST TIME.

THE COURT: WELL, DON'T HESITATE TO STAND UP AND OBJECT.

MR. KUHS: WELL, I'M TRYING TO BE EFFICIENT AND WITHOUT -- YOU KNOW, WITHOUT INTERRUPTING THE WITNESS AND WITHOUT INTERRUPTING MR. LEININGER, BUT ADD SOME FAIRNESS TO THE PROCESS.

SO MAYBE LET'S -- TO GET ON WITH IT, WHY
DON'T WE HAVE THE WITNESS TESTIFY TO THESE. IF I
IDENTIFY SOME PREJUDICE AT THE END, I'LL BRING IT TO THE
ATTENTION OF THE COURT AND WE CAN DEAL WITH IT AT THAT
POINT.

THE COURT: CERTAINLY, AND I CERTAINLY WILL ENTERTAIN A MOTION TO STRIKE AS WELL.

MR. KUHS: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT. THANK YOU.

(INDICATING.)

MR. LEININGER: YOUR HONOR, IF I MAY COMMENT.

**THE COURT:** IT'S REALLY NOT NECESSARY. I'D JUST

26 | LIKE TO GET MOVING HERE WITH THE TESTIMONY.

MR. LEININGER: OKAY. WELL, I THINK WE COULD

ACTUALLY SKIP THESE PHOTOS AND JUST GO RIGHT TO WATER

USE. SHALL WE? 1 2 THE COURT: AS YOU WISH. 3 BY MR. LEININGER: 4 MR. JUDKINS, CAN YOU SUMMARIZE HOW WATER IS 5 USED AT EDWARDS AIR FORCE BASE? STARTING WITH THE PIPELINE, WATER IS USED 6 Α 7 TO SUPPORT THE TEST MISSION. THE GENERAL MENTIONED EARLIER THE BRAKE TESTING THAT WE DID FOR THE B-52, BUT 8 9 WE ALSO DO WET BRAKE TESTING, WHERE MY CRAFTSMAN AND 10 FIREFIGHTERS SPRAY WATER ALL OVER THE RUNWAY, AND THEN, 11 OF COURSE, THE TESTERS JAM THE BRAKES ON TO SEE HOW THE AIRPLANE DOES ON A WET RUNWAY. 12 13 WE PROVIDE WATER FOR THE INDUSTRIAL 14 FUNCTIONS AND THE MAINTENANCE FACILITIES ON THE INSTALLATION. WE PROVIDE WATER FOR FIRE SUPPRESSION. 15 WE HAVE AN EXTENSIVE DELUGE SYSTEM THROUGHOUT THE FLIGHT 16 LINE TO PROTECT THE HANGARS AND THE AIRCRAFT FROM 17 CATASTROPHIC FIRES. 18 19 IT'S USED FOR DOMESTIC WATER USE, OBVIOUS 20 REASONS. IT'S USED IN BASE HOUSING, AGAIN, FOR 21 DOMESTIC. IT'S USED FOR IRRIGATION PURPOSES PRETTY MUCH 22 LIKE IT WOULD BE USED IN A SMALL, SMALL CITY, EXCEPT FOR 23 THE FACT THAT WE DO HAVE A PLOT LINE AND WE DO USE IT TO SUPPORT TESTING. 24 25 IT'S ALSO USED WHEN THE AIR FORCE RESEARCH 26 LAB IS TESTING THEIR LARGE ROCKET MOTORS. IT'S ALSO

DR. HALLION REFERRED TO THE WATER CONSUMPTION SUPPORTING

USED TO SUPPORT THOSE -- THE PROPULSION TEST.

27

1 THE TEST, BUT IT IS TRUE. AND WE HAVE A 3 MILLION 2 GALLON STORAGE TANK TO SUPPORT A COUPLE OF THE TEST 3 STANDS WHEN THEY'RE OPERATIONAL. 4 LET'S EXPLORE IN A LITTLE BIT MORE DETAIL 5 WHAT YOU CALL "DOMESTIC USE." DO YOU HAVE FACILITIES ON THERE THAT DO NOT INVOLVE HOUSING, YET THE WATER IS USED 6 7 FOR WHAT YOU WOULD CALL "DOMESTIC USE"? FOR EXAMPLE --8 A YES, SIR. FOR EXAMPLE, MY OFFICE BUILDING. SO OFFICE BUILDINGS? 9 Q 10 Α COOKING, OFFICE BUILDINGS, THE TEST FACILITIES, THE HANGARS. 11 AND DO YOU HAVE A COMMISSARY? 12 13 YES, SIR, WE DO. WE HAVE A COMMISSARY. WE Α 14 HAVE BASE EXCHANGE, WHICH IS THE EQUIVALENT OF A 15 SHOPPING -- DEPARTMENT STORE. WE HAVE FRANCHISES, 16 FRANCHISES WITH -- PRIMARILY WITH AAFES, THE ARMY AND 17 AIR FORCE EXCHANGE SERVICE, WITH BURGER KING, I BELIEVE 18 WITH STARBUCKS. PANDA EXPRESS INSTALLED ON THE 19 INSTALLATION, AND I BELIEVE SUBWAY AS WELL. SO LIKE A SMALL CITY? 20 21 A YES, SIR. 22 WHERE DOES YOUR WATER COME FROM? Q 23 WE RECEIVE OUR WATER FROM UP -- TWO Α 24 SOURCES. OF COURSE, GROUND WATER, WHICH WE PUMP FROM 25 OUR WELLS, AND THEN WE ALSO PURCHASE WATER FROM AVEK, 26 ANTELOPE VALLEY EAST KERN -- ANTELOPE VALLEY EAST KERN 27 WATER AGENCY. 28 AND FOR THE PUMPED WATER, ARE THESE WELLS

1 METERED? YES, SIR, THEY ARE. 2 3 INCLUDING THE HOUSING? HOUSING IS NOT METERED DIRECTLY, BUT WE 4 5 HAVE A METER THAT ALLOWS US TO DETERMINE HOW MUCH WATER GOES TO HOUSING. 6 7 AND HAVE YOU CALIBRATED THE WELL METERS? Q SIR, I'M NOT AWARE OF THE LAST TIME WE 8 Α 9 CALIBRATED THE WELLS. THERE IS A REQUIREMENT THAT WE, 10 UNDER OUR PREVENTATIVE MAINTENANCE PROGRAM, DO CALIBRATE 11 THEM. BUT I CAN TELL YOU WITHIN THE LAST COUPLE 12 13 OF YEARS THAT SOUTHERN CALIFORNIA EDISON HAS WORKED WITH US AS A PARTNERSHIP TO LOOK FOR WAYS TO DRIVE DOWN OUR 14 ELECTRICAL ASSUMPTION, AND THEY HAVE ACTUALLY METERED 15 OUR WELLS TO TEST THE ELECTRICAL CONSUMPTION, AND THEIR 16 METER READINGS AGREE FAVORABLY WITH OURS. 17 LET'S TURN BACK TO THE AVEK STATE PROJECT 18 WATER. WHY DOES EDWARDS AIR FORCE BASE USE STATE 19 20 PROJECT WATER? 21 WE ARE A MILITARY ORGANIZATION; SO WE NEED Α TO BE ABLE TO FUNCTION DURING ALL TIMES. SO I NEED TO 22 HAVE A REDUNDANCY IN SUPPLY. SO I CAN PUMP FROM THE 23 GROUND AND I CAN ALSO BUY WATER FROM AVEK, WHICH GIVES 24 ME A MUCH HIGHER PROBABILITY THAT I'LL NEVER BE WITHOUT 25 WATER ON THE INSTALLATION TO SUPPORT THE MISSION. 26 27 WE COULD LOSE THE AQUEDUCT TO AN EARTHQUAKE

OR SOME OTHER CATASTROPHE AND WITH THAT WE'D PUMP FROM

```
1
     THE GROUND, OR IF SOMETHING WENT WRONG WITH MY WELLS OR
 2
     MY WATER SUPPLY, MY GROUND WATER SUPPLY, I COULD
 3
     CONTINUE TO BUY AVEK WATER.
 4
                  AND I'M ALSO USING THE TWO SOURCES OF WATER
 5
     TO MEET WHAT I WOULD CALL WATER OUALITY REGULATIONS.
 6
     THE M.C.L., THE MAXIMUM CONTAMINATION LEVEL, FOR ARSENIC
 7
     IN DRINKING WATER WAS FAIRLY RECENTLY, I BELIEVE AROUND
     '06, '07, REDUCED FROM 50 PARTS PER BILLION TO 10 PARTS
 8
     PER BILLION, A SIGNIFICANT DROP.
 9
10
                  THERE ARE TWO WAYS TO HANDLE THAT. YOU CAN
11
     FILTER IT OR YOU CAN MIX ARSENIC THAT IS -- THAT
     CONTAINS -- OR, I'M SORRY. YOU CAN MIX WATER THAT
12
13
     CONTAINS ARSENIC WITH ARSENIC-FREE WATER AND ACHIEVE THE
14
     M.C.L. IN A MUCH MORE EFFICIENT WAY. SO THAT'S WHAT
15
     WE'RE DOING, IS WE'RE MIXING. THE COST AVOIDANCE IN
16
     JUST FILTERS ALONE IS $600,000 A YEAR.
                  OF THE WATER THAT IS PUMPED OR IMPORTED
17
     ONTO EDWARDS AIR FORCE BASE, HOW MUCH OF THAT IS
18
19
     CONSUMED?
20
           Α
                 ALL OF IT.
          MR. KUHS: OBJECTION. VAGUE AS TO TIME.
21
22
    BY MR. LEININGER:
23
                  NOW, THIS YEAR HOW MUCH OF THAT IS
           Q
     CONSUMED?
24
25
                  ALL OF IT, NEAR -- YEARLY. YES.
           Α
26
                  HOW MUCH DO YOU KNOW -- WELL, YOU'RE NOT A
27
     HYDROGEOLOGIST.
28
                  STRIKE THAT QUESTION, YOUR HONOR.
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MR. ZIMMER: IT'S ALSO VAGUE AS TO "CONSUME." 1 2 BY MR. LEININGER: 3 DO YOU HAVE ANY KNOWLEDGE OF HOW MUCH WATER RETURNS TO THE AQUIFER THROUGH WHAT YOU MAY HAVE HEARD, 4 5 TESTIMONY TELLING RETURN FLOWS? 6 MR. KUHS: OBJECTION, HEARSAY. 7 THE COURT: OBJECTION WHAT? MR. KUHS: HEARSAY. 8 9 THE COURT: SUSTAINED. MR. LEININGER: OKAY. 10 BY MR. LEININGER: 11 12 LET'S APPROACH THIS A DIFFERENT WAY. WHAT 13 ABOUT LOSSES TO YOUR WATER SYSTEM THROUGH THE WATER PIPING AND SEWAGE SYSTEM? 14 AS PART OF MY WATER -- WELL, MY UTILITY 15 Α 16 CONSERVATION PROGRAM, THE WATER PORTION, I INVESTED 17 SIGNIFICANTLY IN UPGRADING OUR WATER DISTRIBUTION SYSTEM THROUGHOUT THE INSTALLATION TO BASE -- TO GET RID OF THE 18 LEAKY PIPES; SO AT THIS POINT WE BELIEVE -- I BELIEVE WE 19 20 HAVE VERY LITTLE LOSS. 21 WHAT ABOUT LANDSCAPING? Q 22 LANDSCAPING. EDWARDS AIR FORCE BASE, WHEN Α 23 I ARRIVED IN JUNE OF 1998, WAS A VIRTUAL OASIS IN THE 24 DESERT. WE HAD SOD, WE HAD -- WELL, WE HAD GRASS ALL 25 OVER THE INSTALLATION. 26 WE'VE -- UNDER MY TENURE AT THE 27 INSTALLATION, WE'VE IMPLEMENTED AN AGGRESSIVE 28 ZEROSCAPING, DESERT LANDSCAPING PROGRAM, TO MINIMIZE --

TO IMPROVE QUALITY OF LIFE, NUMBER 1, BUT ALSO TO DRIVE DOWN OUR WATER CONSUMPTION AND TO BE GOOD NEIGHBORS.

I'M WORRIED ABOUT -- FROM A SECURITY POINT OF VIEW, I'M WORRIED ABOUT HAVING A REDUNDANCY. I ALSO NEED TO BE A GOOD NEIGHBOR IN THE ANTELOPE VALLEY. AND SO OVER THE LAST SEVERAL YEARS WE'VE BEEN DESERT LANDSCAPING THROUGHOUT THE INSTALLATION.

**Q** I THINK WE ALSO HEARD MR. KUHS ASK A QUESTION REGARDING CONSERVATION MEASURES BASED UPON A PRESIDENTIAL EXECUTIVE ORDER.

EXECUTIVE ORDERS. I DON'T REMEMBER THE EXACT NUMBERS.

ONE WAS EXECUTIVE ORDER 5 -- I THINK IT WAS 416, AND
THEN ANOTHER ONE WAS 413. BUT BASICALLY THEY WERE
DIRECTIONS TO THE FEDERAL GOVERNMENT SPECIFICALLY -WELL, INCLUDING THE DEPARTMENT OF DEFENSE AND THE AIR
FORCE -- TO REDUCE ALL UTILITY CONSUMPTION.

THE WATER WAS BASICALLY, OVER TIME, AT

2 PERCENT PRODUCTION, ANNUAL REDUCTION OF 2 PERCENT TO I

THINK A TOTAL OF 26 PERCENT OVER AN F.Y.07 BASELINE.

AND WE DID PURSUE THAT -- THAT GOAL AND HAVE MET IT

ALREADY THROUGH JUDICIOUS LANDSCAPING. AND, OF COURSE,

WE HAD ALREADY IMPROVED OUR DISTRIBUTION SYSTEM.

Q OKAY. SO YOU MET THE PRESIDENT'S GOAL -- MANDATE?

A YES, SIR, WE'VE ALREADY MET THE MANDATE.

Q SO YOU FEEL CONFIDENT THAT EDWARDS AIR FORCE BASE IS A GOOD WATER STEWARD, WITH GOOD

1	CONSERVATION	MEASURES?
2	A	ABSOLUTELY.
3	Q	LET'S INTRODUCE EXHIBIT 178, PLEASE.
4		DO YOU KNOW WHAT THIS EXHIBIT IS?
5	A	MAY I LOOK AT IT FOR JUST A QUICK MOMENT?
6	Q	YES. I'M SORRY. YES, PLEASE.
7		HAVE YOU SEEN THIS EXHIBIT BEFORE? THIS IS
8	EXHIBIT 178,	AND I BELIEVE IT'S BATES LABELED
9		
10		(INDISCERNIBLE: SPEAKING SIMULTANEOUSLY.)
11		
12	THE WI	TNESS: YES, I HAVE SEEN IT BEFORE. YES.
13	YES, SIR.	
14	BY MR. LEINII	NGER:
15	Q	WHAT IS THIS A TABLE OF?
16	A	IT'S A TABLE OF THE WATER PRODUCTION AT
17	EDWARDS AIR 1	FORCE BASE, STARTING WITH THE YEAR 1947 AND
18	GOING UP THRO	DUGH YEAR 2012.
19		
20		(EXHIBIT 178, IDENTIFIED: WATER
21		PRODUCTION TABLE, 1947-2012.)
22		
23	BY MR. LEININ	NGER:
24	Q	WAS THIS COMPILED BY YOU OR AT YOUR
25	DIRECTION?	
26	A	NO, SIR, IT WAS NOT. I OFTENTIMES ASK
27	FOR NOT TI	HIS PARTICULAR CHART. I HAVE ASKED FOR THIS
28	DATA IN THE	PAST AND HAVE SEEN IT IN OTHER CHARTS, AND I

1	DON'T RECALL SEEING IT IN THIS PARTICULAR ONE. BUT IN	
2	JUST GLANCING AT THE NUMBERS, THEY'RE ACCURATE.	
3	Q WHAT'S THE SOURCE OF THESE NUMBERS, SOURCE	
4	OF THE INFORMATION, PLEASE?	
5	A OKAY. WELL, THROUGH 1996, IT WAS FROM THE	
6	DR. NISHIKAWA, U.S.G.S. REPORT. I BELIEVE IT WAS	
7	PUBLISHED IN 2001. AND THEN THEREAFTER IT WAS FROM THE	
8	CIVIL ENGINEERING RECORDS.	
9	Q SO COULD WE HAVE AN ENLARGEMENT OF THE	
10	PERIOD OF THE MID 1960S?	
11	SO FROM THE NISHIKAWA REPORT, DO YOU SEE	
12	MAXIMUM WATER USE ON THIS TABLE, FIGURES, AND CAN YOU	
13	READ THE YEARS' MAXIMUM WATER USAGE? SORRY. ON THIS	
14	EXCERPT OF THE PAPER.	
15	A YES, SIR. OF COURSE, IT'S IN THE CENTER,	
16	THE YEARS '64 AND '65 TIME FRAME. IN 1964, 7,200	
17	ACRE-FEET FOR THAT YEAR, AND IN 1965 IT WAS 7,500	
18	ACRE-FEET.	
19	MR. LEININGER: CAN WE NOW GO TO THE YEARS 2000,	
20	2001? JUST 2000 AND 2001. FEW YEARS RIGHT IN THERE. I	
21	THINK IF YOU COULD JUST ENLARGE IT.	
22		
23	(PAUSE IN THE PROCEEDINGS.)	
24		
25	MR. LEININGER: THERE WE GO.	
26	BY MR. LEININGER:	
27	Q SO FOR THE YEARS 2000 AND 2001, CAN YOU	
28	RECITE THOSE FIGURES ALSO?	

1	A YES, SIR. FOR 2000, THE MONTHLY FIGURE,
2	THE CONSUMPTION WAS 6,750 ACRE-FEET, AND FOR 2001 THE
3	CONSUMPTION WAS 6,660 ACRE-FEET.
4	Q AND THEN IF WE CAN GO BACK TO THE ENTIRE
5	ROW FOR THESE YEARS. THERE ARE VALUES HERE THAT DIDN'T
6	APPEAR IN THE 1960S.
7	SORRY. WE'LL HAVE TO SHOW THE TOP OF THE
8	COLUMN.
9	SO THAT FIGURE IS DERIVED FROM VARIOUS
10	SOURCES THAT WERE NOT PRESENT IN MID 1960S. CAN YOU
11	JUST READ WHAT THOSE ARE?
12	MR. KUHS: OBJECTION, QUESTION IS VAGUE.
13	BY MR. LEININGER:
14	Q IF YOU COULD READ THE TOPS OF THE COLUMNS
15	TO THE RIGHT OF THAT CHART, PLEASE.
16	A OKAY. MAIN BASE WELLS, AVEK MAIN BASE,
17	A.F.R., ET AL., WELLS, AND AVEK A.F.R., ET AL.
18	Q HOW MANY WELLS ARE THERE?
19	A SIR, I HAVEN'T MEMORIZED THE NUMBER, BUT 14
20	OR 15 WELLS.
21	Q AND LET'S GO BACK TO THIS CHART. FROM YOUR
22	KNOWLEDGE OF THIS WATER USE PERIOD, DO YOU KNOW
23	APPROXIMATELY THE REASON FOR THE MAXIMUM WATER USE IN
24	THE 1960S?
25	MR. KUHS: OBJECTION. EXCUSE ME A MINUTE, YOUR
26	HONOR. THIS WITNESS TESTIFIED IN DEPOSITION THAT HE WAS
27	NOT GOING TO OPINE TO WATER USE PRIOR TO 1997.
28	THE COURT: THAT HE WAS NOT WHAT?

1	MR. KUHS: THIS WITNESS WAS NOT GOING TO TALK
2	ABOUT WATER USE PRIOR TO 1997.
3	MR. LEININGER: WELL, IT'S ALREADY IN THE RECORD,
4	YOUR HONOR.
5	Q LET'S GO ON TO 2000.
6	THE COURT: THE OBJECTION IS SUSTAINED.
7	BY MR. LEININGER:
8	$oldsymbol{Q}$ 2000, 2001. WHAT WAS THE REASON FOR THE
9	HIGH WATER USE IN 2000, 2001?
10	A IN THAT TIME FRAME, WE HAD A VERY ROBUST
11	HOUSING REPLACEMENT PROGRAM AND HOUSING DEMOLITION
12	PROGRAM AS WELL; SO WE WERE DEMOLISHING HUNDREDS OF
13	HOUSES DURING THAT TIME FRAME. THE HOUSES HAD ASBESTOS,
14	AND WE ALSO HAD AN AGGRESSIVE DUST CONTROL PROGRAM; SO
15	THE DEMOLITION PORTION OF THE HOUSING PROGRAM CONSUMED A
16	GREAT DEAL OF WATER.
17	Q SO LET'S EXPAND THIS CHART AGAIN, PLEASE,
18	TO SHOW THE PERIOD OF YEARS FROM 2000 TO PRESENT.
19	HOW WOULD YOU DESCRIBE SUMMARIZE
20	LET'S JUST GO RIGHT TO THE VOLUME. WHAT'S THE VOLUME IN
21	2011, 2012?
22	<b>A</b> 2011, 2,584 ACRE-FEET. 2012, 2,814.
23	Q OKAY. SO HOW ARE YOU GOING TO SUMMARIZE
24	HISTORICAL WATER PRODUCTION AT EDWARDS AIR FORCE BASE?
25	A HISTORICAL WATER PRODUCTION OVER THE LAST
26	SEVERAL YEARS HAS BEEN DRIVEN DOWN THROUGH AN ASTUTE
27	LANDSCAPING PROGRAM.
28	O AND HISTORICALLY WATER PRODUCTION

COMPARING WHAT YOU STATED FOR THE REASONS FOR THE HIGH
WATER USE IN 2000, HISTORICAL WATER USE THAT WE'VE HEARD
PREVIOUSLY -- AND I THINK YOU ARE FAMILIAR WITH ALTHOUGH
WON'T TESTIFY TO -- HOW WOULD YOU DESCRIBE THE
HISTORICAL PATTERN OF WATER CONSUMPTION AT EDWARDS AIR
FORCE BASE?

A SIR, IN MY OPINION, IT'S QUITE VARIABLE,
DEPENDING, OF COURSE, ON THE ASSIGNED MISSION AT THE
TIME OF THE ROCKETS, THE ASSIGNED MISSION AT THE TIME,
AND, OF COURSE, THE WEATHER HAS A GREAT DEAL TO DO WITH
IT AS WELL. BUT IT'S VARIABLE.

Q SO LET'S FINISH WITH YOUR FUTURE WATER USE AT EDWARDS AIR FORCE BASE. HOW DID YOU ESTIMATE WATER USE CALCULATED BY MISSION DEMAND? LET'S TALK ABOUT HOW YOU CALCULATE FUTURE WATER NEEDS FOR EDWARDS AIR FORCE BASE.

A YES, SIR. WELL, I WOULD TAKE MORE OF A CAPACITY POINT OF VIEW. WHAT WAS THE CAPACITY OF THE INSTALLATION TO ACCEPT NEW MISSIONS? I WASN'T MAKING A PROGNOSIS ON WHETHER NEW MISSIONS WOULD COME ONE WAY OR THE OTHER, JUST WHAT WOULD BE THE INSTALLATION'S CAPACITY OR CAPABILITY.

I VETTED THAT WITH MY LEADERSHIP, MY
INSTALLATION COMMANDER AT THE TIME, WHO WAS COLONEL
GANDY, WHO VETTED IT WITH THE CENTER COMMANDER AT THE
TIME, AND THAT WAS MAJOR GENERAL EICHHORN.

AND THE ASSUMPTION WAS THAT THE

INSTALLATION COULD ACCEPT AN ADDITIONAL -- THE

1 EQUIVALENT OF AN ADDITIONAL FIGHTER WING. WE TYPICALLY 2 SAY A 72 P.A.A., PRIMARY ASSIGNED AIRCRAFT, FIGHTER 3 WING. IT MIGHT BE 810S, IT MIGHT BE F-16S, IT MIGHT BE 4 F-15S, IT MIGHT BE F-16S. AND SO WE THEN USE THAT 5 ASSUMPTION --MR. KUHS: YOUR HONOR, I'M GOING TO OBJECT TO ANY 6 7 OPINION BASED UPON FUTURE WATER DEMANDS AS SPECULATIVE 8 AND LACKS FOUNDATION. THERE'S BEEN NO TESTIMONY THAT 9 EDWARDS AIR FORCE BASE IS GOING TO GET AN ADDITIONAL 10 FIGHTER WING, AND SO BASING FUTURE ADVANTAGE ON A 11 FIGHTER WING WHICH HAS NOT BEEN ESTABLISHED IS IMPROPER. THE COURT: OKAY. I'M GOING TO OVERRULE THE 12 13 OBJECTION. HE MAY TESTIFY AS TO WHAT THE BASE THEORETICALLY COULD HANDLE BY WAY OF ADDITIONAL -- AN 14 ADDITIONAL WING OR ITS EQUIVALENT. NOT SUGGESTING THAT 15 16 THAT'S GOING TO HAPPEN, BUT IT MAY BE USEFUL TO KNOW. 17 GO AHEAD, BUT PLEASE KEEP YOUR VOICE UP. 18 THE WITNESS: YES, YOUR HONOR. 19 BY MR. LEININGER: 20 MR. JUDKINS, YOU JUST TESTIFIED THAT WATER 21 USE AT EDWARDS AIR FORCE BASE IS DYNAMIC AND HIGHLY 2.2 VARIABLE; IS THAT CORRECT? 23 A YES, SIR. 24 OKAY. SO YOU HAVE JUST TESTIFIED THAT THE 25 PROJECTIONS FOR FUTURE WATER DEMANDS, YOU'RE LOOKING AT 26 MISSION NEEDS AND REASONABLE MISSION NEEDS IN THE 27 FUTURE: IS THAT CORRECT?

YES, SIR.

A

1 Q AND WHAT IS THAT FIGURE BASED ON, BEFORE WE 2 START TO DISCUSS ADDITIONAL MISSION IN THE EQUIVALENCY 3 OF A FIGHTER WING? 4 SO YOUR ESTIMATE FOR FUTURE WATER NEEDS AT 5 EDWARDS AIR FORCE BASE, DUE TO THIS VARIABLE DYNAMIC 6 NEEDS AT EDWARDS AIR FORCE BASE, YOUR ESTIMATE I BELIEVE 7 WAS 4,500 ACRE-FEET PER YEAR. WHAT IS THAT BASED UPON? 8 A SIR, THAT WAS BASED UPON THE FORECASTED 9 WATER REQUIREMENTS FOR A MISSION EQUIVALENT OF F. -- OR 10 72 P.A.A. FIGHTER WING. LET'S TALK ABOUT THAT FUTURE POTENTIAL. 11 HOW DID YOU ARRIVE AT YOUR ESTIMATE FOR THE WATER NEEDS 12 FOR A 72 P.A.A.? 13 WHAT DOES "P.A.A." STAND FOR? 14 15 Α PRIMARY ASSIGNED AIRCRAFT. FIGHTER WING OR ITS EQUIVALENCY? 16 Q 17 Α YES, SIR. HOW DID YOU ARRIVE AT THAT ESTIMATE? 18 Q 19 WELL, I TASKED JOE DIORIO TO --Α 20 AND WHO IS JOE DIORIO? Q I'M SORRY. I'M SORRY. JOE DIORIO IS A 21 Α 22 MECHANICAL ENGINEER, WHO'S SINCE RETIRED, BUT HE WAS 23 WORKING IN OUR WATER PROGRAM. 24 I ASKED JOE DIORIO TO ESTIMATE THE WATER 25 CONSUMPTION OF A 72 P.A.A. FIGHTER WING AT EDWARDS AIR 26 FORCE BASE, UNDER THE ASSUMPTION THAT IT WOULD BE 27 STATIONED IN OUR MAIN BASE AREA. JOE PRODUCED A 28 CHART -- WELL, HE PRODUCED A SPREADSHEET WITH HIS

1	ASSUMPTIONS, WHICH I THEN USED TO PUT TOGETHER OUR
2	PROPOSAL FOR THE OVERALL FUTURE WELL, NOT FUTURE, BUT
3	THE OVERALL POTENTIAL NEED FOR WATER.
4	MR. LEININGER: OKAY. AND CAN WE GO TO
5	EXHIBIT 187, PLEASE?
6	MR. ZIMMER: YOUR HONOR
7	THE COURT: BEFORE WE DO THAT, MR. LEININGER, I
8	INDICATED THAT WE PROBABLY WOULDN'T TAKE A BREAK, BUT I
9	NOTICE IT WOULD BE TWO AND A HALF HOURS AND I THINK WE
10	NEED TO TAKE A BREAK. SO LET'S TAKE ABOUT A
11	SEVEN-MINUTE BREAK HERE. STAND UP AND GET A DRINK OF
12	WATER, WHATEVER YOU NEED TO DO.
13	AND WE WILL RESUME AND I'LL TAKE UP YOUR
14	OBJECTIONS WHEN WE GET BACK.
15	MR. ZIMMER: THANK YOU, YOUR HONOR.
16	
17	(RECESS.)
18	
19	THE COURT: ALL RIGHT. I THINK WE CAN GET
20	STARTED. I'M GOING TO TAKE UP THE OBJECTIONS.
21	ALL RIGHT. MR. KUHS, YOU HAD AN OBJECTION.
22	MR. KUHS: I'M GOING TO LET MR. ZIMMER GO FIRST IF
23	THAT'S ALL RIGHT WITH YOUR HONOR.
24	THE COURT: THAT'S FINE WITH ME.
25	MR. ZIMMER: YOUR HONOR, MY OBJECTION IS BASED ON
26	THE FACT THAT THIS WE'RE DEALING WITH RIGHT HERE, FIRST
27	OF ALL, I THINK IT ASSUMES FACTS BECAUSE I THINK THIS
28	4500 NUMBER CAME OUT OF MR. LEININGER'S MOUTH, NOT OUT

1 OF THE WITNESS'S MOUTH. I DON'T THINK THERE WAS A BASIS 2 FOR EXACTLY WHAT THAT NUMBER WAS. 3 BUT THE WITNESS SAID THAT HE REQUESTED THAT ANOTHER PERSON, MR. DIORIO, TO DO AN ESTIMATE ON THE 4 5 PROJECTED WATER USE FOR THIS FUTURE FIGHTER PLANE. THIS IS A CLASSIC COLEMAN AND CONTINENTAL AIRLINE SITUATION, 6 7 WHERE IT IS THE EXPERT OPINION OF SOMEONE ELSE WHO DID 8 THE ESTIMATE AND THE OPINION WHO'S NOT BEFORE THE COURT 9 AND HAS NOT TESTIFIED AND ALL THIS WITNESS DID WAS PUT 10 IT INTO A SPREADSHEET. SO I THINK IT'S IMPROPER FOR THAT EVIDENCE TO COME IN. 11 THE COURT: I THINK IN THE FORM THAT YOU'VE MADE 12 13 YOUR OBJECTION, YOUR OBJECTION IS WELL-TAKEN, BUT I THINK THAT A FOUNDATION COULD BE LAID. LET'S HEAR IT. 14 15 SO I'LL SUSTAIN THE OBJECTION. 16 MR. LEININGER, SO YOU CAN LAY FOUNDATION. 17 MR. LEININGER: SURE, YOUR HONOR. LET'S CALL UP EXHIBIT 187. 18 BY MR. LEININGER: 19 20 WHAT IS THIS EXHIBIT, MR. JUDKINS? Q 21 THIS IS THE SPREADSHEET THAT MR. JOE DIORIO 22 PRODUCED FOR US. 23 24 (EXHIBIT NUMBER 187, IDENTIFIED: 25 SPREADSHEET PRODUCED BY MR. JOE 26 DIORIO.) 27 28

1	BY MR. LEININGER:
2	Q OKAY. AND
3	A HE IS REPRESENTS THAT HIS THE
4	CALCULATIONS AND THE ESTIMATED WATER CONSUMPTION OF A
5	72 P.A.A. FIGHTER WING AT EDWARDS AIR FORCE BASE.
6	Q AND DID YOU VALIDATE THIS STATEMENT IN SOME
7	MANNER?
8	MR. ZIMMER: THAT'S VAGUE.
9	THE WITNESS: YES, SIR. I REVIEWED IT WITH
10	MR. DIORIO AND MR. CLARENCE SANDERS, WHO WORKS AND IS IN
11	CHARGE OF MY WATER SHOP, AND THEN COMPARED IT TO THE
12	DATA I HAD AVAILABLE TO ME IN TERMS OF I HAD
13	EXPERIENCE AT DAVIS-MONTHAN AIR FORCE BASE AS THE DEPUTY
14	SUPPORT GROUP COMMANDER. AND I CALLED TO MY CONTACTS
15	THERE AT DAVIS-MONTHAN IN ARIZONA, ANOTHER DESERT
16	CLIMATE, AND THE NUMBERS COMPARED FAVORABLY WITH WHAT
17	JOE HAD CALCULATED, SO.
18	BY MR. LEININGER:
19	Q AND WHY DID YOU
20	MR. ZIMMER: HOLD ON A SECOND.
21	OBJECTION ALSO TO THE HEARSAY AMONG THE
22	PEOPLE AT OTHER AIR FORCE BASES, ALTHOUGH
23	THE COURT: WELL, HE HASN'T TOLD US WHAT THEY
24	SAID. HE JUST TOLD US THAT HE TALKED TO THEM.
25	MR. ZIMMER: I THOUGHT HE SAID A LITTLE MORE THAN
26	THAT.
27	BY MR. LEININGER:
28	Q WHY DID YOU CHOOSE DAVIS-MONTHAN, AGAIN?

1 A DAVIS-MONTHAN, OF COURSE, IS A FIGHTER 2 BASE. IT'S IN A DESERT CLIMATE, IN A HIGH DESERT 3 CLIMATE MUCH LIKE WE ARE -- OR MUCH LIKE EDWARDS AIR 4 FORCE BASE. 5 OKAY. SO YOU'RE TRYING TO DRAW AN ANALOGY 0 BETWEEN WATER USE IN A DESERT ENVIRONMENT IN ARIZONA TO 6 7 A DESERT ENVIRONMENT HERE AT EDWARDS AIR FORCE BASE? YES, SIR. 8 Α 9 CAN YOU CONTINUE AS TO WHAT YOU ASKED FROM 0 10 MR. DIORIO? 11 A WELL, YOU NEED MORE DETAIL ON THE 12 SPREADSHEET? 13 SURE. Q BECAUSE THAT'S -- THAT'S -- THIS IS ALL 14 Α I'VE ASKED -- THIS IS ALL I ASKED OF MR. DIORIO. I THEN 15 16 WENT ON TO EVALUATE OUR OWN CONSUMPTION. 17 LET'S STAY WITH THE SPREADSHEET RIGHT NOW. Q SO --18 19 MR. KUHS: YOUR HONOR, I'M NOT SURE IT'S PROPER TO 20 ASK THIS WITNESS ABOUT THE SPREADSHEET PREPARED BY 21 SOMEBODY NOT HERE BEFORE US. HE SAID HE'S ADOPTED THE 22 OPINION. THE SPREADSHEET ITSELF SHOULDN'T GO INTO 23 EVIDENCE. MR. LEININGER: YOUR HONOR, THE WITNESS CAN --24 25 THE COURT: JUST A MINUTE. 26 IF THE WITNESS HAS TESTIFIED THAT'S MR. ZIMMER: 27 ALL HE DID WITH REGARD TO THE SPREADSHEET, IF THAT'S THE 28 CASE, I HAVE SOME COMMENTS.

THE COURT: WELL, I DON'T THINK THAT'S ALL HE DID. 1 2 I DON'T THINK WE'RE HEARING WHAT HIS EVALUATION AND 3 ANALYSIS WAS. I'D LIKE TO HEAR THE REST OF IT. MR. ZIMMER: THIS TO ME IS FOUNDATIONAL, WHAT 4 5 WE'RE DOING RIGHT NOW. 6 THE COURT: THAT'S CORRECT. 7 MR. ZIMMER: IF THERE'S ANYTHING ELSE HE DID WITH REGARD TO THE SHEET, I'LL RESERVE MY COMMENTS TILL AFTER 8 9 THAT, BUT I'D LIKE TO BE HEARD. THE COURT: OKAY. 10 BY MR. LEININGER: 11 OKAY. MR. JUDKINS, LET'S TALK ABOUT THE 12 CONSTRUCTION OF THIS SPREADSHEET. YOU JUST TESTIFIED 13 YOU DID NOT CREATE THIS SPREADSHEET; IS THAT CORRECT? 14 THAT IS CORRECT. 15 Α 16 Q SO YOU TESTIFIED THAT MR. DIORIO CREATED 17 THIS SPREADSHEET; IS THAT CORRECT? 18 YES, SIR, I DID. AND WHAT CONVERSATIONS DID YOU HAVE WITH 19 0 20 MR. DIORIO TO ESTABLISH THE AUTHENTICITY OF THESE 21 NUMBERS AND VALIDATE THE DATA? 22 MR. ZIMMER: CALLS FOR HEARSAY. 23 THE COURT: SUSTAINED. BY MR. LEININGER: 24 25 HOW DO YOU RELY UPON -- WHAT DO YOU DO TO 26 RELY UPON VALID FIGURES FOR WATER CONSUMPTION AT EDWARDS 27 AIR FORCE BASE? 28 FOR THE CURRENT CONSUMPTION I RELY ON Α

WATER -- THE MONTHLY WATER PRODUCTION REPORTS. 1 2 AND FOR YOUR PURPOSES HERE, TO GIVE AN 3 EXPERT OPINION ON FUTURE WATER DEMANDS, WHAT DID YOU RELY UPON TO COME UP WITH YOUR ESTIMATE OF HOW MUCH 4 5 WATER IT WOULD REQUIRE FOR A 72 P.A.A. FIGHTER WING OR 6 ITS EQUIVALENT AT EDWARDS AIR FORCE BASE? 7 WHAT WE WILL TYPICALLY DO FOR A STAFF OFFICER IS --8 9 MR. ZIMMER: THAT'S NOT RESPONSIVE. THE QUESTION WAS WHAT DID HE DO, NOT WHAT HE WOULD TYPICALLY DO. 10 11 THE COURT: WELL, HE CAN ANSWER IT AS BEST HE CAN. 12 GO AHEAD. THE WITNESS: WHAT I WILL TYPICALLY DO AND WHAT I 13 14 DID IN THIS CASE, SIR, IS I MET WITH MR. DIORIO AND I REVIEWED THE SPREADSHEET IN DETAIL WITH HIM, LINE BY 15 16 LINE, QUESTIONING HIS ASSUMPTIONS AND VALIDATING HIS CALCULATIONS, AND ULTIMATELY CONCURRED WITH HIS 17 18 ASSUMPTIONS AND HIS CALCULATIONS. 19 BY MR. LEININGER: 20 SO YOU THINK IT'S A VALID METHODOLOGY THAT 21 A FACILITIES -- AN EXPERT IN FACILITIES MANAGEMENT WOULD 22 USE TO MAKE A CALCULATION FOR FUTURE WATER USE? ABSOLUTELY. ANY BASE -- EXACTLY HOW ANY 23 Α 24 BASE CIVIL ENGINEER WOULD DO IT. 25 AND WHAT WAS THE TOTAL VALUE THAT HE GAVE Q 26 YOU FOR THE ESTIMATE OF WATER USE FOR THE 72 P.A.A.? 27 WHAT WAS THE TOTAL ESTIMATE --28 MR. KUHS: OBJECTION.

1 MR. ZIMMER: OBJECTION. 2 BY MR. LEININGER: 3 -- FOR A CALCULATION OF 72 P.A.A. FIGHTER WING? 4 5 THE COURT: I'M GOING TO SUSTAIN THE OBJECTION AS TO WHAT NUMBER HE GAVE TO THIS WITNESS. THAT'S NOT A 6 7 PROPER QUESTION. 8 THE QUESTION THAT I HAVE, MR. JUDKINS --9 THE WITNESS: YES, YOUR HONOR. THE COURT: -- YOU DEAL WITH WATER USAGE ON YOUR 10 BASE ON A REGULAR BASIS; IS THAT RIGHT? 11 THE WITNESS: YES, YOUR HONOR. 12 THE COURT: AND IT'S UNDER YOUR SUPERVISION THAT 13 THE NUMBERS FOR USAGE, IMPORTED AND OTHERWISE, ARE 14 15 CREATED; IS THAT CORRECT? 16 THE WITNESS: YES, YOUR HONOR. THE COURT: AND THAT'S PART OF YOUR FUNCTION AS A 17 18 CIVIL ENGINEER, TO UNDERSTAND THOSE CONCEPTS? THE WITNESS: YES, YOUR HONOR. 19 20 THE COURT: YOU'VE HAD TRAINING AND EDUCATION IN 21 THAT? 22 THE WITNESS: YES, YOUR HONOR. 23 THE COURT: AND YOU HAVE ON A PREVIOUS OCCASION 24 BEEN ASKED TO DETERMINE WHAT THE WATER USAGE MIGHT BE 25 FOR A FIGHTER WING ON ANOTHER LOCATION? 26 THE WITNESS: NOT THAT I RECALL, YOUR HONOR. 27 HAVE BEEN INVOLVED IN ESTIMATING WATER REQUIREMENTS FOR 28 DEPLOYING INTO LOCATIONS.

1 THE COURT: YOU PROBABLY BETTER SPEAK INTO THE MIC 2 SO EVERYBODY CAN HEAR WHAT YOUR ANSWERS HERE ARE. 3 THE WITNESS: I HAVE BEEN RESPONSIBLE FOR 4 ORGANIZING AND LEADING DEPLOYMENTS INTO REMOTE LOCATIONS 5 AND ESTABLISHING THE UTILITY AND WATER REQUIREMENTS AT THOSE LOCATIONS. 6 7 THE COURT: SO IN YOUR FUNCTION AS THE BASE CIVIL 8 ENGINEER, YOUR RESPONSIBILITIES FOR PRODUCING WATER OR MAKING SURE THAT THERE'S SUFFICIENT WATER PRODUCED FROM 9 10 WHATEVER SOURCES --THE WITNESS: YES, SIR. 11 THE COURT: -- YOU BELIEVE THAT THE BASE COULD 12 SUPPORT AN ADDITIONAL FIGHTER WING OR ITS EQUIVALENT; IS 13 14 THAT CORRECT? THE WITNESS: YES, YOUR HONOR, I DO. 15 THE COURT: AND WHAT, IN YOUR OPINION, IS THE 16 17 AMOUNT OF WATER THAT IS NEEDED FOR AN ADDITIONAL FIGHTER 18 WING OR ITS EOUIVALENT ON EDWARDS AIR FORCE BASE? 19 THE WITNESS: ABOUT 4,900 ACRE-FEET. 20 THE COURT: ALL RIGHT. 21 MR. LEININGER: LET'S --22 THE COURT: GO AHEAD. MR. ZIMMER: NOTWITHSTANDING THE COURT'S ATTEMPTS 23 24 TO SQUARE AWAY THE FOUNDATION, I STILL DON'T THINK THE 25 FOUNDATION IS THERE AND THIS IS WHY --26 THE COURT: OBJECTION IS OVERRULED. 27 MR. ZIMMER: WELL, CAN I MAKE A RECORD? 28 THE COURT: WELL, YOU'VE MADE YOUR RECORD. YOU

OBJECTED AND I UNDERSTAND THAT.

MR. ZIMMER: NO. I WANTED TO STATE THE REASON FOR THE OBJECTION. THIS WITNESS JUST TESTIFIED THAT HE DOES NOT -- HE HAS NEVER ESTIMATED THE WATER NEEDS FOR A FUTURE FIGHTER WING.

HE TESTIFIED ALSO THAT HE RELIED SOLELY

UPON AN ESTIMATE THAT WAS DONE BY MR. DIORIO, SAID HE

WENT THROUGH IT LINE BY LINE WITH HIM, BUT WE HAVE NO

IDEA WHAT ASSUMPTIONS MR. DIORIO MADE AND THE BASIS UPON

WHICH THAT EXPERT OPINION, THAT ESTIMATE WAS MADE. THIS

WITNESS CAN'T TELL US THAT. THIS WITNESS DIDN'T DO IT

AND HE'S SIMPLY TAKING THE --

THE COURT: MR. ZIMMER, I'M NOT GOING TO ARGUE WITH YOU. I'VE OVERRULED YOUR OBJECTION. THE REASON THAT I HAVE IS THAT, IN MY OPINION, THE BASE CIVIL ENGINEER, WITH HIS EXPERIENCE, CAN DETERMINE WHAT IS A REASONABLE ESTIMATE OF WHAT WATER USAGE MIGHT BE REQUIRED FOR AN ADDITIONAL FIGHTER WING. OKAY?

YOU'RE CERTAINLY WELCOME TO ATTACK THE FOUNDATION FOR THAT, THE CREDIBILITY OF THE WITNESS, CONTRARY EVIDENCE, BUT THIS WITNESS HAS SO TESTIFIED, AND I WILL ACCEPT THAT TESTIMONY FOR WHAT IT IS. OKAY?

## BY MR. LEININGER:

BEYOND THE CAPACITY OF EDWARDS AIR FORCE
BASE TO ACCEPT THE EQUIVALENCY OF A 72 P.A.A. FIGHTER
WING, WHICH I BELIEVE YOU JUST TESTIFIED WAS A WATER
DEMAND -- AN ADDITIONAL WATER DEMAND OF 4,900
ACRE-FEET --

A YES, SIR.

YOUR EXPERIENCE AS A FACILITIES MANAGER, IN YOUR
EXPERIENCE AT EDWARDS AIR FORCE BASE, AS TO A REASONABLE
DEMAND -- REASONABLE FUTURE DEMAND OF WATER BASED UPON
CURRENT MISSIONS AND REASONABLY FORESEEABLE FUTURE
MISSIONS, EXCLUSIVE OF THE 72 P.A.A. FIGHTER --

THE COURT: I DON'T UNDERSTAND THAT QUESTION,

MR. LEININGER. WHY DON'T YOU START AGAIN WITHOUT THE

PREFACE.

## BY MR. LEININGER:

Q WHAT'S YOUR ESTIMATE OF -- EXCLUSIVE OF A
72 P.A.A. FIGHTER WING, WHAT'S YOUR ESTIMATE OF FUTURE
WATER DEMANDS FOR EDWARDS AIR FORCE BASE?

A I CAN TELL YOU HOW I REACHED THAT ESTIMATE.

I PRODUCED IT IN THE SPRING OF 2009. I LOOKED AT THE

AVERAGE CONSUMPTION OF THE INSTALLATION BASED ON THE

REPORTS THAT I HAVE FROM MY SHOPS AND CONFERRED WITH

MR. DIORIO AND ALSO CONFERRED WITH MR. SANDERS,

EVALUATED THE DATA BASED UPON WHAT WE KNEW ABOUT THE

MISSIONS AT THE INSTALLATION AND THE VARIABLE -- THE

VARIATIONS IN THOSE MISSIONS AND THE VARIATIONS IN OUR

CONSTRUCTION PROGRAMS -- AND, OF COURSE, THERE'S OUR

DEMOLITION AND THE RUNWAY CONSTRUCTION -- AND KNOWING

THAT WE GO THROUGH CYCLES OF FEAST OR FAMINE IN THE

MILITARY APPROPRIATION CYCLE, APPLIED WHAT I WILL CALL A

RISK AND UNCERTAINTY FACTOR OF 30 PERCENT.

1 COMMUNICATING WITH MY WING COMMANDER BECAUSE HE WAS A 2 FIGHTER PILOT. HE'D BEEN A FIGHTER PILOT HIS WHOLE 3 LIFE, WAS COMPLETELY UNFAMILIAR WITH THE WORLD THAT I 4 WORKED IN, AND SO I COMMUNICATED IN VERY BRIEF TERMS TO 5 COLONEL GANDY HOW I ARRIVED AT THE 30 PERCENT FACTOR FOR RISK AND UNCERTAINTY. 6 7 Q LET ME STOP YOU THERE JUST SO I UNDERSTAND YOUR TESTIMONY. SO YOU'RE SAYING YOU TOOK A FIVE-YEAR 8 AVERAGE BASED UPON --9 10 MR. KUHS: MISSTATES TESTIMONY. THERE WAS NO TESTIMONY AS TO THE AVERAGE YEAR. 11 MR. LEININGER: WELL, THAT'S WHY I'M ASKING NOW. 12 THE COURT: BEST NOT TO RESTATE THE TESTIMONY. 13 ASK HIM THE OUESTION AGAIN. 14 1.5 BY MR. LEININGER: 16 AGAIN, THE FIGURE FOR PROJECTED MISSION Q 17 DEMAND, EXCLUSIVE OF THE 72 P.A.A. FIGHTER WING, WAS 18 BASED UPON WHAT NUMBER? 19 I AVERAGED THE CONSUMPTION OF THE PREVIOUS 20 FIVE YEARS, I BELIEVE IT WAS. 21 PREVIOUS TO WHAT? 22 2009. I WAS DOING THE CALCULATION, I Α BELIEVE, IN APRIL -- IT WAS APRIL OF 2009. AND THEN I 23 APPLIED THE 30 PERCENT RISK AND UNCERTAINTY --24 LET'S STOP THERE. SO WHAT WAS THAT AVERAGE 25 0 FOR THE FIVE YEARS? 26 I DON'T HAVE MY CHARTS IN FRONT OF ME. I 27 28 BELIEVE IT WAS ABOUT 4,500.

```
4,500. WOULD IT REFRESH YOUR MEMORY IF WE
 1
 2
     WENT BLACK TO THE TABLE?
 3
                  YES, IT WOULD.
 4
           TECHNICAL ASSISTANT: (INDICATING.)
 5
     BY MR. LEININGER:
                  SO 2009 TO 2004, APPROXIMATELY THAT AREA?
 6
           Q
 7
     SORRY. EXACTLY THAT AREA?
 8
           Α
                 ENLARGE IT.
                  SO IN THERE YOU'RE MAKING AN ESTIMATE OF
 9
10
     AVERAGE CONSUMPTIVE USE AT EDWARDS AIR FORCE BASE; IS
     THAT CORRECT?
11
12
          Α
                 CORRECT.
13
           Q
                 NEXT.
                  NOW, YOU THEN STATED A 30 PERCENT FACTOR;
14
15
     IS THAT CORRECT?
16
                 THAT IS CORRECT.
           Α
17
                  AND THEN THAT 30 PERCENT FACTOR WAS IN
           0
18
    ADDITION TO THE 4,500?
19
           Α
                  YES, IT WAS.
20
                 AND WHY DID YOU ADD 30 PERCENT?
                  IT WAS BASED ON RISK AND UNCERTAINTY OF THE
21
           Α
22
     DAILY -- OR THE OPERATIONS AT EDWARDS AIR FORCE BASE AND
     JUST LOOKING AT THE DATA. AND BASED ON MY EXPERIENCE,
23
24
     AS WELL AS MR. SANDERS' AND MR. DIORIO'S EXPERIENCE AT
25
     THE INSTALLATION, AS TO THE VARIANCE WE SEE IN THE
     MISSION AND THE IMPACT THAT IT MIGHT HAVE ON OUR WATER
26
27
     DEMANDS, WE APPLIED THE 30 PERCENT FACTOR.
28
           Q
                  SO THE 4,500 PLUS THE 30 PERCENT FACTOR
```

```
YIELDED WHAT?
 1
 2
                  SOMETHING LIKE 5,800.
 3
                  5,800. HOW DOES THAT COMPARE TO THE
 4
     FIGURES THAT YOU JUST SHOWED US FROM THE 1960S AND THE
 5
     EARLY 2000S?
 6
           Α
                  IT'S VERY COMPARABLE. VERY FAVORABLY.
 7
           Q
                  IS IT LESS THAN THOSE HIGH --
 8
           Α
                  VERY --
 9
           Q
                  -- YEARS IN --
10
           Α
                  VERY CLOSE.
                  -- THE 1960S?
11
           Q
                  VERY CLOSE.
12
           Α
13
                  ALL RIGHT. SO LET'S PUT THE TWO TOGETHER,
           Q
14
     PLEASE.
              YOU'VE GOT A FACTOR OF 5,800 ACRE-FEET BASED
     UPON CURRENT MISSION AND REASONABLE MISSION DEMAND.
15
16
           Α
                  YES, SIR.
                  AND I BELIEVE YOU ALSO TESTIFIED TO AN
17
           Q
18
     AMOUNT THAT WOULD BE NECESSARY, SHOWED A 72 P.A.A.
19
     FIGHTER WING OR ITS EQUIVALENT COMING TO EDWARDS AIR
20
     FORCE BASE.
21
           A
                  YES, SIR.
22
           Q
                  DO YOU KNOW WHAT THAT TOTAL OF THOSE TWO
23
     VALUES IS?
24
           A
                 CAME OUT RIGHT AROUND 10,000 ACRE-FEET A
25
     YEAR.
                  SO IT'S YOUR OPINION -- SO JUST GIVE ME
26
27
     WHAT IT'S -- IN YOUR OPINION, WHAT IS A REASONABLE
28
     AMOUNT OF WATER TO SATISFY EDWARDS AIR FORCE BASE'S
```

1	POTENTIAL AND REASONABLY FORESEEABLE FUTURE WATER NEEDS?
2	A 10,000 ACRE-FEET A YEAR.
3	MR. LEININGER: NO FURTHER QUESTIONS, YOUR HONOR.
4	THE COURT: WHO WANTS TO START? MR. KUHS?
5	MR. KUHS: YES.
6	
7	(PAUSE IN THE PROCEEDINGS.)
8	
9	THE COURT: I HAVE THE SUSPICION YOU'RE GOING TO
10	BE BACK NEXT WEEK, MR. JUDKINS.
11	THE WITNESS: YES, YOUR HONOR.
12	
13	CROSS-EXAMINATION
14	BY MR. KUHS:
15	Q HI. GOOD AFTERNOON, MR. JUDKINS.
16	A GOOD AFTERNOON, SIR.
17	Q YOU RECALL WHEN WE LOOKED AT EXHIBIT 178?
18	THAT WAS THAT WATER TABLE OF WATER USE FOR EDWARDS AIR
19	FORCE BASE GOING BACK TO THE 1940S.
20	THE COURT: 178?
21	MR. KUHS: 178, YOUR HONOR.
22	THE WITNESS: YES, SIR, I HAVE IT HERE.
23	BY MR. KUHS:
24	Q AND I BELIEVE YOUR TESTIMONY WAS THAT YOU
25	DIDN'T PREPARE THIS AND YOU DIDN'T KNOW WHO PREPARED IT;
26	CORRECT?
27	A I BELIEVE MY TESTIMONY WAS I DID NOT I
28	HAD NOT SEEN IT BUT THAT I HAD ASKED FOR VERY SIMILAR

```
1
     DATA AND RECEIVED THE SAME DATA IN OTHER FORMATS.
 2
                  AND YOU WERE ABLE TO DETERMINE IN A MATTER
 3
     OF SECONDS THAT THIS DATA WAS CORRECT BASED UPON YOUR
     RECOLLECTION OF PRIOR NUMBERS?
 4
 5
                  I WAS ALSO ASKED IF I HAD SEEN THIS CHART
 6
     BEFORE, AND I ANSWERED YES, AND THEN I VERIFIED THAT I
7
    BELIEVED THE NUMBERS TO BE ACCURATE.
                  YOU'RE AN ENGINEER?
8
           0
 9
           Α
                  YES, SIR.
                  I TAKE IT YOU'RE PRETTY GOOD AT MATH.
10
           Q
          Α
                  I PASSED MY MATH COURSE. YES, SIR.
11
                  ARE YOU CURRENTLY A LICENSED ENGINEER?
12
           Q
                  NO, SIR, I'M NOT.
13
          Α
                  YOU HAVEN'T BEEN LICENSED SINCE YEAR 2000?
14
           0
15
          Α
                  THAT'S ABOUT -- YES, SIR.
16
                  YOU TESTIFIED THAT THE FUTURE DEMAND FOR
           Q
    EDWARDS AIR FORCE BASE WAS 10,000 ACRE-FEET A YEAR.
17
                  YES, SIR.
18
          A
                  TELL ME HOW YOU GOT TO THAT NUMBER.
19
           Q
                  WELL, IT WAS DONE IN THE SPRING OF '09.
20
           Α
21
    AND I'LL APPROACH IT FROM A DIFFERENT DIRECTION THIS
    TIME. I LOOKED BACK AT THE AVERAGE CONSUMPTION OF THE
22
    INSTALLATION --
23
24
                 DURING WHAT YEARS?
           Q
                  FOR THE PREVIOUS -- I DON'T HAVE MY NOTES
25
26
     IN FRONT OF ME, SIR, SO I WOULD SAY THREE, FOUR, FIVE
27
    YEARS.
28
                  WE CAN TAKE A MINUTE AND GET YOUR NOTES IF
```

```
THAT WOULD BE HELPFUL.
 1
                  THERE WAS AN EXHIBIT DURING THE DEPOSITION
 2
     THAT YOU HAD, BUT IT WAS THE PREVIOUS FOUR, FIVE YEARS.
 3
     LOOKED AT THE AVERAGE CONSUMPTION AND THEN APPLIED THE
 4
 5
     30 PERCENT RISK AND UNCERTAINTY FACTOR. THAT WAS ONE
     PORTION OF THE ESTIMATE.
 6
 7
                  WHAT NUMBER DID YOU GET TO? TELL ME WHAT
           Q
     YOUR FIVE-YEAR AVERAGE WAS.
 8
                  SIR, I NEED TO SEE THE DOCUMENTS.
 9
                  DO YOU KNOW WHAT YOUR 30 PERCENT RISK
10
11
     FACTOR CALCULATION TO BE?
                  I KNOW THAT THE TOTAL CAME OUT TO BE ABOUT
12
           Α
     5,800-ACRE FEET.
13
                  WHAT NUMBER DID MR. JOE DIORIO GIVE YOU?
14
           Q
15
                  JOE DIORIO ESTIMATED THE CONSUMPTION OR THE
           Α
16
     DEMAND FOR A 72 P.A.A. FIGHTER WING AT EDWARDS AIR FORCE
17
     BASE.
                 OKAY. AND YOUR OPINION AS TO THE DEMAND
18
           Q
19
     FOR A 72 AIRCRAFT FIGHTER WING IS WHAT?
20
           Α
                  I CONCURRED WITH MR. DIORIO'S ESTIMATE.
21
                 GIVE ME A NUMBER.
           Q
22
                 OF COURSE. MY OPINION IS ROUGHLY 4,900,
           Α
23
     4,894 ACRE-FEET.
24
           Q
                  4,894 ACRE-FEET?
25
           Α
                  YES, SIR.
26
                  THAT'S THE SAME NUMBER MR. DIORIO GAVE YOU?
27
                  IT IS. AND AS I SAID EARLIER, I CAN CONCUR
28
     WITH HIS CALCULATIONS.
```

```
1
           Q
                  WHEN IS IT THAT YOU AND MR. DIORIO HAD THIS
 2
     EXTENDED CONVERSATION AND WENT THROUGH LINE BY LINE THIS
 3
     ESTIMATE --
 4
           Α
                  IT WAS IN THE SPRING OF '09.
 5
                  OKAY. HAS HE SINCE RETIRED?
           Q
 6
                  HE HAS.
           Α
 7
           Q
                  SO IF I UNDERSTAND YOUR TESTIMONY, WE
 8
     SHOULD BE ABLE TO TAKE 10,000, WHICH IS YOUR OPINION OF
 9
     TOTAL DEMAND, MINUS 4,894, AND THAT OUGHT TO GIVE US
10
     WHAT YOU THINK IS THE CURRENT DEMAND FOR WATER AT
11
     EDWARDS AIR FORCE BASE; CORRECT?
12
                  NO, SIR.
           Α
13
                  IT GIVES US WHAT NUMBER? CURRENT DEMAND
           Q
14
     PLUS 30 PERCENT?
15
                  AVERAGE DEMAND OVER A PERIOD OF FOUR OR
           Α
16
     FIVE YEARS, WITH A 30 PERCENT RISK AND UNCERTAINTY.
17
           Q
                  IS THAT MATH YOU CAN DO IN YOUR HEAD, SIR?
18
                  SIR, I DON'T LIKE TO DO PUBLIC MATH.
                  IF I GAVE YOU A CALCULATOR, WOULD THAT MAKE
19
           0
20
     IT EASIER FOR YOU?
21
                  COULD USE MY OWN CALCULATOR.
           A
22
                  GO AHEAD, PLEASE.
           Q
23
                  I'M SORRY. I DON'T HAVE IT.
           A
24
                  WOULD YOU LIKE TO BORROW MINE?
           Q
25
           Α
                  HOW COULD I -- I'D LIKE TO USE MY OWN.
26
                  WOULD YOU HAVE ANY OBJECTION TO BORROWING
27
    MINE? IT'S A TEXAS INSTRUMENTS.
28
                  SURE. I'M NOT -- IS THAT -- WHAT ARE YOU
           A
```

1 ASKING ME TO CALCULATE NOW? 2 I WANT YOU TO CALCULATE THE DIFFERENCE 3 BETWEEN THE NUMBER MR. DIORIO GAVE YOU AND YOUR OPINION 4 AS TO THIS FUTURE FIGHTER SQUADRON. 5 CAN I HAVE A PIECE OF PAPER? BECAUSE I'M Α NOT ALLOWED TO WRITE ON THIS I DON'T THINK. 6 7 Q YES. (INDICATING.) THANK YOU. 8 Α 9 THE WITNESS: YOUR HONOR, DOES MY SCRATCH BECOME 10 EVIDENCE? 11 THE COURT: IT COULD. 12 13 (PAUSE IN THE PROCEEDINGS.) 14 THE WITNESS: THE NUMBER COMES OUT TO ABOUT 15 16 10,900. WHAT I HAVEN'T BEEN EXPLAINED IS THAT DURING 17 THE -- AND IT'S IN THE DEPOSITION AND IT'S ALSO IN THE DOCUMENTS THAT YOU HAVE, THAT I ROUNDED A FEW OF THE 18 19 NUMBERS, AND THAT'S WHY I CAME -- I BELIEVE THAT'S HOW I 20 REACHED THE 10,000, SO. 21 BY MR. KUHS: 22 BUT YOU CAME UP WITH 10,900 AND YOU ROUNDED Q 23 DOWN? DOES 10,000 --24 AS I RECALL, BUT I NEED THE SOURCE DOCUMENT Α 25 TO VERIFY. YES. 26 OKAY. SO WHAT DID YOU ASSUME TO BE THE Q 27 CURRENT BASE DEMAND BEFORE YOU APPLIED A 30 PERCENT 28 MULTIPLIER?

```
1
                  SIR, I DON'T RECALL. I NEED THE DOCUMENTS.
           Α
 2
                  WHICH DOCUMENT IS IT THAT YOU NEED, SIR?
 3
           Α
                  I NEED THE E-MAIL THAT I SENT COLONEL
 4
     GANDY, WITH THE ATTACHMENTS.
 5
                  OKAY. LET ME HAVE MARKED AS TEJON EXHIBIT
 6
     NUMBER 3, A STRING OF E-MAILS FROM MR. JUDKINS.
 7
           THE COURT: ALL RIGHT. NEXT IN ORDER.
 8
 9
                  (EXHIBIT TEJON-3, IDENTIFIED:
10
                   E-MAIL STRING FROM MR. JUDKINS,
11
                   APRIL 2009.)
12
13
          MR. KUHS: (INDICATING.)
           THE WITNESS: THANK YOU.
14
          MR. KUHS: I HAVE THE ONE FOR THE COURT.
15
16
    BY MR. KUHS:
17
                  WE'VE MARKED AS EXHIBIT 3, MR. JUDKINS, A
18
     E-MAIL THAT APPEARS TO BE FROM YOU, IN ABOUT APRIL OF
19
     2009. DOES THAT LOOK RIGHT?
20
                  YES, SIR, IT DOES.
           Α
21
           0
                 AND TO WHOM WERE YOU SENDING THIS E-MAIL?
22
           Α
                 TO COLONEL GANDY.
23
           0
             AND AT WHOSE DIRECTION?
24
          Α
                 I BELIEVE HE ASKED ME FOR IT.
25
                  AND IS IT ACCURATE THAT AT THE TIME YOU
26
     SENT THIS E-MAIL YOU WERE TRYING TO DEVELOP A STRATEGY
27
     TO MAXIMIZE EDWARDS AIR FORCE BASE WATER DEMAND FOR THIS
28
     CASE?
```

1	A NO, SIR, IT WAS NOT.		
2	Q HAVE YOU EVER BEEN UNDER PRESSURE FROM ANY		
3	OF YOUR SUPERIORS OR ANY MILITARY FOLKS TO JUSTIFY A		
4	DEMAND FOR WATER HIGHER THAN YOUR CURRENT DEMAND?		
5	A ABSOLUTELY NOT.		
6	Q WHOSE IDEA WAS IT TO LINK YOUR FUTURE		
7	DEMAND FOR WATER TO AN ADDITIONAL FIGHTER SQUADRON?		
8	A IT WAS MINE.		
9	Q AND YOU THOUGHT THAT WAS THE BEST WAY TO		
10	SELL YOUR FUTURE DEMAND FOR WATER TO THE COURT; CORRECT?		
11	A NO, SIR.		
12	MR. LEININGER: OBJECTION, ARGUMENTATIVE.		
13	BY MR. KUHS:		
14	Q LET'S GO THROUGH YOUR E-MAIL. BEFORE WE DO		
15	THAT, WHY DON'T YOU TAKE A MINUTE TO REVIEW IT.		
16	A SURE.		
17	Q AND LET ME KNOW THE BASIS OF YOUR		
18	CALCULATIONS.		
19			
20	(PAUSE IN THE PROCEEDINGS.)		
21			
22	THE WITNESS: SIR, DO YOU HAVE THE SPREADSHEETS		
23	THAT WERE ATTACHED TO THE E-MAIL?		
24			
25	(PAUSE IN THE PROCEEDINGS.)		
26			
27	THE COURT: WHILE HE'S DOING THAT, MR. KUHS,		
28	MR. ZIMMER, LET ME MAKE SURE THAT I UNDERSTAND WHAT THE		

TESTIMONY HAS BEEN WITH REGARD TO THIS ADDITIONAL POTENTIAL.

IT'S MY UNDERSTANDING THAT THE TESTIMONY IS
THAT THE BASE POTENTIALLY COULD HOLD AN ADDITIONAL
FIGHTER WING OR ITS EQUIVALENT, NOT THAT IT WAS GOING TO
HAVE THAT ADDITIONAL FUNCTION, BUT THAT IT COULD, AND IF
IT DID, THEN THIS ESTIMATE OF WATER USAGE WOULD BE A
NUMBER THAT WOULD BE REQUIRED IN THAT EVENT. BUT NOBODY
HAS TESTIFIED TO MY KNOWLEDGE, NEITHER THE GENERAL NOR
THIS WITNESS, THAT THAT IS A PROJECTION THAT ANYBODY
EXPECTS TO HAPPEN.

MR. KUHS: THAT WAS THE REASON FOR MY OBJECTION TO THE TESTIMONY, YOUR HONOR, THAT WHAT WE'RE REALLY TALKING ABOUT IS A SPECULATIVE PROPOSITION AT THE OUTSET INSTEAD OF DEBATING WHAT MIGHT HAPPEN IN THE FUTURE.

THE COURT: IT'S NOT SPECULATION. IT'S A QUESTION OF IF THAT WERE TO HAPPEN, WHAT WOULD THE NUMBERS BE?

AND FOR WHATEVER VALUE THAT QUESTION MIGHT BE, I DON'T KNOW AT THIS POINT.

MR. KUHS: WELL, I GUESS --

THE COURT: NOBODY HAS OFFERED ANY EVIDENCE THAT
THE BASE IS GOING TO HAVE THAT REQUIREMENT. AND SO I
GUESS WHAT I'M SUGGESTING IS THAT IT MAY BE THAT YOU
DON'T HAVE TO SPEND QUITE AS MUCH TIME AS YOU ARE
SPENDING IN ORDER TO --

MR. KUHS: I APPRECIATE THAT.

THE COURT: -- CHALLENGE THAT ISSUE.

MR. KUHS: YOUR HONOR, THERE'S PROBLEMS ON BOTH

ENDS OF THE NUMBER. THERE'S PROBLEMS WITH THE 1 FOUNDATIONAL NUMBER OF THE CURRENT USE AND PROBLEMS WITH 2 3 THIS ADDITIONAL WING; SO I NEED TO GET AT THE BASIS -- I NEED HIM TO TELL ME WHAT HIS STARTING POINT WAS SO I 4 5 UNDERSTAND THE CALCULATION. 6 THE COURT: I UNDERSTAND THAT. BUT MY POINT IS, 7 AS I INDICATED WHEN I RULED AND OVERRULED MR. ZIMMER'S OBJECTION, THAT THIS IS AN OPINION. IT IS SUBJECT TO 8 9 CREDIBILITY ATTACKS, CROSS-EXAMINATION, AND CONTRARY EVIDENCE, ASSUMING THAT THERE IS WEIGHT THAT SHOULD BE 10 GIVEN TO IT --11 12 MR. KUHS: UNDERSTAND. THE COURT: -- WHICH I HAVE NOT, OBVIOUSLY, 13 DECIDED. 14 15 MR. ZIMMER: THE WAY I RESPOND TO THAT, YOUR HONOR, IS THAT THEY ARE ASKING FOR THAT AMOUNT OF WATER, 16 17 THE WAY I UNDERSTAND IT. IF THEY'RE NOT --18 THE COURT: I STILL HAVE NOT HEARD THAT. 19 MR. ZIMMER: IF THEY'RE NOT, THEN I AGREE WITH THE COURT. THEN WE DON'T --20 21 22 (INDISCERNIBLE: SPEAKING SIMULTANEOUSLY.) 23 THE COURT: I HAVE NOT HEARD THAT REQUEST. IT MAY 24 25 COME UP, AND THE COURT WILL HAVE TO DECIDE BASED ON THE 26 EVIDENCE THAT HAS BEEN PRESENTED WHETHER OR NOT THAT IS 27 A NUMBER THAT SHOULD BE DETERMINED TO BE THE FEDERAL RESERVE RIGHT, BUT AT THIS POINT THAT'S CERTAINLY NOT 28

1 ANYTHING THAT I HAVE ANY BASIS FOR DECIDING AT THIS 2 POINT. 3 I KNOW HOW MUCH IT'S CONTENDED THAT THE 4 WATER USAGE HAS BEEN [SIC]. THAT'S ALL I KNOW. AND I 5 HAVE NOT HEARD CONTRARY EVIDENCE TO THAT YET. SO THIS IS A CASE IN PROGRESS. 6 7 GO AHEAD, MR. KUHS. BY MR. KUHS: 8 9 Q MR. JUDKINS, IF IT'S ALL RIGHT WITH YOU, 10 WHAT I'D LIKE TO DO IS BACK UP FOR JUST A SECOND AND 11 DISCUSS SOME OF THE INFORMATION IN THIS CHART. 12 AND THEN I FOUND A COPY OF THE EXHIBITS 13 WHICH YOU BROUGHT TO YOUR DEPOSITION. I'D BE HAPPY TO 14 PROVIDE THOSE TO YOU IF THAT WOULD REFRESH YOUR RECOLLECTION AS TO HOW YOU CALCULATED YOUR NUMBERS. 15 16 DOES THAT SOUND REASONABLE? 17 Α YES, SIR. YES, SIR. MR. KUHS: I'M GOING TO MARK AS TEJON NUMBER 4 A 18 19 CHART OF WATER USE AT EDWARDS AIR FORCE BASE. 20 21 (EXHIBIT TEJON-4, IDENTIFIED: WATER 22 USE CHART FOR EDWARDS AIR FORCE 23 BASE.) 24 25 BY MR. KUHS: 26 AND I'LL REPRESENT TO YOU, MR. JUDKINS, THAT WHAT WE DID WAS TAKE THE NUMBERS FROM YOUR CHART, 27 28 PUT THEM IN AN EXCEL SPREADSHEET TO GENERATE THIS

```
1
     PARTICULAR CHART, WHICH SHOWS IN THE RED EDWARDS AIR
 2
     FORCE BASE'S CLAIM -- WHAT WE UNDERSTAND TO BE THEIR
 3
     CLAIM, TOTAL WELL WATER USE, TOTAL AVEK WATER USE, AND
 4
     TOTAL WATER USE ALTOGETHER.
 5
                  AND WOULD YOU TAKE A MINUTE AND COMPARE
     THIS CHART AGAINST WHAT'S BEEN MARKED AS EXHIBIT 178, TO
 6
 7
     TELL ME WHETHER OR NOT IT FAIRLY AND ACCURATELY
     REPRESENTS THE NUMBERS?
 8
 9
                  AND FOR EXPEDIENCY, IF YOU WANT TO FOCUS ON
10
     YOUR AREA OF EXPERTISE, WHICH WOULD BE 1997 FORWARD,
     THAT WOULD BE HELPFUL.
11
12
13
                   (PAUSE IN THE PROCEEDINGS.)
14
15
           THE WITNESS: SIR, HOW FAR DID YOU WANT ME TO GO?
    BY MR. KUHS:
16
17
                 1997.
           0
18
                 TILL THE PRESENT?
           A
19
           Q
                  YES, SIR, TO 2012.
20
                  THE CURVES -- I'M CHECKING THE NUMBERS, BUT
21
     THE CURVES CERTAINLY LOOK LIKE YOU -- BONDED CORRECTLY.
22
     I'LL CONTINUE LOOKING THROUGH IT OR GOING THROUGH IT.
23
     I'M LOOKING JUST AT TOTAL CONSUMPTION, THOUGH.
24
           THE COURT: CAN WE JUST CUT TO THE CHASE AND SAY
25
     IT LOOKS APPROXIMATELY CORRECT?
26
           THE WITNESS: YES, SIR. YES, YOUR HONOR.
27
    LOOKS APPROXIMATELY CORRECT.
28
          MR. KUHS: I UNDERSTAND, MR. JUDKINS, TRYING TO BE
```

1	DILIGENT HERE AND GET IT RIGHT. WE APPRECIATE THAT.	
2	BY MR. KUHS:	
3	Q MR. JUDKINS, WOULD YOU CALCULATE THE	
4	FIVE-YEAR AVERAGE FOR 2008 AND BACKWARDS?	
5	A HOW FAR? DO YOU WANT ME TO JUST RUN AN	
6	AVERAGE CALCULATION?	
7	Q AVERAGE CALCULATION FOR THE FIVE YEARS	
8	PRECEDING 2009.	
9	<b>A</b> 2008 OR 2009? INCLUDING 2008, SIR?	
10	Q WHAT I'M TRYING TO FIGURE OUT, SIR, IS YOU	
11	TESTIFIED THAT THE STARTING BASIS FOR YOUR ESTIMATE WAS	
12	A FIVE-YEAR AVERAGE.	
13	A YES, SIR.	
14	Q AND YOU DID YOUR WORK IN 2009; SO I'M	
15	ASSUMING YOU DIDN'T USE 2009 DATA.	
16	A NO. WE STARTED IN 2008 I THINK YOU SAID	
17	PRIOR TO 2008.	
18	Q SO IT WOULD BE YEAR 2008?	
19	A UH-HUH. SO USING THIS CHART HERE.	
20	Q YES, SIR.	
21		
22	(PAUSE IN THE PROCEEDINGS.)	
23		
24	THE COURT: ARE YOU USING A GRAPH OR ARE YOU USING	
25	AN EXHIBIT?	
26	THE WITNESS: I'M USING THE EXHIBIT IN THE CHART,	
27	YOUR HONOR. I JUST WANTED TO DOUBLE-CHECK SOMETHING.	
28	THE COURT: YEAH, 178.	

```
1
 2
                   (PAUSE IN THE PROCEEDINGS.)
 3
    BY MR. KUHS:
 4
 5
                 DID YOU ARRIVE AT AN AVERAGE, SIR?
           Q
 6
           Α
                  SIR, I'M STILL CALCULATING.
 7
           Q
                  OKAY.
 8
 9
                  (PAUSE IN THE PROCEEDINGS.)
10
11
           THE WITNESS: THE EXACT NUMBER COMES OUT TO 4,285;
12
     SO I'M QUITE SURE I JUST ROUNDED UP FROM 43 TO 45.
    BY MR. KUHS:
13
14
                 4,285?
           Q
15
                 YES, SIR.
           Α
16
           Q
                 OKAY. AND THEN YOU APPLIED A 30 PERCENT
17
    FACTOR?
                 WELL, I PROBABLY ROUNDED UP TO 45 AND THEN
18
           Α
19
    APPLIED THE 30 PERCENT RISK AND UNCERTAINTY.
20
                  OKAY. WELL, IF YOU JUST APPLIED YOUR
21
     30 PERCENT RISK AND UNCERTAINTY TO THE ACTUAL AVERAGE,
22
    WHAT WOULD THAT BE?
23
24
                   (PAUSE IN THE PROCEEDINGS.)
25
26
           THE WITNESS: THAT NUMBER COMES OUT TO 5570.5.
27
     5570.
28
```

1	BY MR. KUHS:
2	Q AND CAN YOU ARTICULATE TO ME THE REASON
3	THAT YOU APPLIED 30 PERCENT UPWARD ADJUSTMENT?
4	A YES, SIR. IT WAS BASED ON THE WHAT WE
5	CALL THE RISK AND UNCERTAINTY OF THE MISSIONS AT EDWARDS
6	AIR FORCE BASE. AND THAT WAS MY OPINION, ALONG WITH THE
7	SUPPORT OF THE OPINIONS FROM MR. DIORIO AS WELL AS
8	MR. SANDERS.
9	Q I DON'T WANT TO GET INTO THEIR OPINIONS. I
10	JUST WANT TO KNOW WHAT YOUR OPINION IS.
11	A MY OPINION, BASED UPON RISK AND UNCERTAINTY
12	AND VARIABILITY OF OUR MISSION AND THE CONSTRUCTION
13	SCHEDULE, THE ACTIVITIES ON THE INSTALLATION, THAT A
14	30 PERCENT RISK AND UNCERTAINTY WAS NOT AN
15	OVERSTATEMENT.
16	Q SO YOU WERE TRYING TO ACCOUNT FOR WHAT I
17	THINK MR. BREWER CALLED EBBS AND FLOWS IN THE ACTIVITY?
18	A AS WELL YES, SIR, AS WELL AS UNKNOWNS.
19	Q AND COULDN'T YOU ACCOUNT FOR THOSE BY DOING
20	A LONG-TERM AVERAGE?
21	A I WOULDN'T THINK SO, BECAUSE OF THE NATURE
22	OF OUR MISSION. IT HAS CHANGED SO MUCH.
23	Q IF YOU TOOK, FOR EXAMPLE, AN 18 OR 20-YEAR
24	AVERAGE OF YOUR WATER PRODUCTION, WOULDN'T THAT ACCOUNT
25	FOR JUST ABOUT EVERY EBB AND FLOW THAT YOU'RE LIKELY TO
26	ENCOUNTER FOR THE NEXT 20 YEARS?

SUCH AS OURS, WITH THE TEST MISSIONS THAT WE HAVE.

27

28

A I DON'T BELIEVE SO, NOT FOR AN INSTALLATION

1 Q DID YOU RELY ON ANY ENGINEERING TEXTS OR 2 MANUALS IN --3 Α NO, SIR. 4 -- ARRIVING AT THIS 30 PERCENT? 5 A I'M SORRY. NO, SIR. DID YOU DO ANY ANALYSIS OF PRIOR PROJECTS 6 Q 7 TO ARRIVE AT THIS 30 PERCENT? 8 NO, SIR. IT WAS BASED ON MY EXPERIENCE. A 9 AND I THINK YOU CALLED IN YOUR DEPOSITION, 10 ENGINEERING JUDGMENT? I BELIEVE THAT IS CORRECT. 11 12 OKAY. Q THE COURT: ALL RIGHT. WE'LL TAKE OUR RECESS AT 13 THIS TIME. IT'S 3:30. NOW, WE'RE GOING TO RESUME HERE 14 15 ON TUESDAY, THE 17TH [SIC] AT 9:00 A.M. 16 I EXPECT TO BE HERE ALL WEEK, HEARING THE BALANCE OF THE ISSUES CONCERNING FEDERAL RESERVE RIGHT, 17 AS WELL AS THE RETURN FLOW ISSUES THAT ARE STILL TO BE 18 19 DECIDED IN THIS PHASE. 20 I HAD HOPED THERE WOULD BE A NUMBER OF 21 STIPULATIONS TO UNDISPUTED FACTS IN THIS PHASE, AS WELL 22 AS THE RETURN FLOW PHASE. SO FAR I'VE BEEN DISAPPOINTED 23 THAT HAS NOT OCCURRED. I'M VERY HOPEFUL THAT YOU WILL 24 WORK HARD TO SEE IF YOU CAN ARRIVE AT STIPULATIONS WITH 25 REGARD TO THE OTHER ISSUES TO BE DECIDED, BOTH IN THIS 26 PHASE REGARDING FEDERAL RESERVE RIGHTS, AS WELL AS 27 RETURN FLOWS. 28 THESE ARE PRINCIPALLY LEGAL ISSUES, NOT

1 FACTUAL ISSUES IN DISPUTE, ALTHOUGH SOMETIMES WE 2 MANUFACTURE FACTUAL ISSUES IN DISPUTE WHERE THEY DON'T 3 EXIST. SO I'M GOING TO URGE YOU TO SEE IF YOU CAN ENTER 4 INTO STIPULATIONS REGARDING FACTS SO THAT WE CAN GET 5 THROUGH THE RETURN FLOW PORTION OF THIS TRIAL WITHIN THE 6 WEEK. 7 IF WE ARE NOT ABLE TO AND IF WE HAVE TO 8 RESUME ON THE FOLLOWING WEEK, IT WILL NOT BE THE 24TH OR 9 25TH, WHICH IS A MONDAY AND TUESDAY. IT'S POSSIBLE THAT IT COULD BE THE 26TH, 7TH AND 8TH. IF THAT OCCURS, I 10 MIGHT ASK YOU TO COME TO SAN JOSE FOR THOSE THREE DAYS 11 AND SEE IF WE CAN COMPLETE THIS SO THAT I CAN DO A 12 13 PARTIAL STATEMENT OF DECISION REGARDING -- THROUGH PHASE 14 FIVE. OKAY. SO I APPRECIATE ALL OF YOUR EFFORTS. 15 IT'S NOT AN EASY CASE IN MANY WAYS FOR YOU. I 16 UNDERSTAND THAT. AND THERE'S ALSO APPARENTLY SOME LEVEL 17 18 OF EMOTION THAT'S INVOLVED IN THIS CASE SOMEHOW. IN ANY EVENT, THANK YOU VERY MUCH. I WILL 19 SEE YOU NEXT WEEK. ENJOY LINCOLN'S BIRTHDAY AND 20 PRESIDENTS' DAY, DURING WHICH WE CANNOT BE IN SESSION, 21 AS YOU KNOW. 22 23 24 (THE PROCEEDINGS WERE ADJOURNED 25 UNTIL FEBRUARY 18, 2014, AT 9:20 26 A.M.) 27 28

1	SUPERIOR COURT OF THE STATE OF CALIFORNIA
2	FOR THE COUNTY OF LOS ANGELES
3	DEPARTMENT 3 HON. JACK KOMAR, JUDGE
4	
5	IN RE
6	)
7	ANTELOPE VALLEY GROUNDWATER CASES. ) ) CASE NO. JCCP4408
8	) ) ) ) DEDOD#ED I C
9	) REPORTER'S ) CERTIFICATE
10	
11	I, RHONA S. REDDIX, OFFICIAL REPORTER OF
12	THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
13	COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
14	FOREGOING PAGES, 1 THROUGH 207, COMPRISE A FULL, TRUE
15	AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE
16	ABOVE ENTITLED CAUSE ON FEBRUARY 11, 2014.
17	DATED THIS 26TH OF FEBRUARY, 2014.
18	DAILD THIS ZOTH OF FEDROART, ZOT4.
19	
20	
21	
22	
23	OFFICIAL REPORTER, CSR, RPR, RMR, CRR #10807
24	OII IOIM KEIOKIEK
25	
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27	
28	

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\$	15,000 FEET [1] 155/4	1980S [5] 9/25 32/12 35/15 55/3 63/23
\$100 [1] 134/11	150 FEET [1] 155/6	1981 [1] 9/23
\$100 [1] 134/11 \$100 MILLION [1] 134/11	154 [1] 3/19 15E [1] 73/9	1982 [1]  8/10  1984 [1]  9/20
\$60 [1] 89/18	15E [1] 73/9 15E'S [1] 134/6	1986 [1] 9/10
\$600,000 [1] 169/16	15S [1] 177/4	1989 [3] 23/26 24/10 24/11
•	16 [17] 25/3 25/19 35/12 41/23 51/2 54/22	1990S [2] 10/4 54/23
	87/17 89/5 89/16 89/17 89/21 89/22 90/1	1991 [1] 8/19
'06 [1] 169/8	99/9 102/8 125/28 134/5	1992 [3] 7/16 9/9 9/9
<b>'07 [1] 169/8</b>	16'S [1] 73/6	1993 [1] 7/19
'09 [2] 193/20 195/4	164 [1] 151/28	1995 [1] 99/2
'40S [4] 106/11 106/22 135/3 137/25	1665 [1] 5/8	1996 [1] 173/5
'41 [2]   31/22 45/21	167 [1] 153/25	1997 [4] 174/27 175/2 202/10 202/17
'50S [3] 106/23 106/28 137/25	168 [3] 3/19 154/1 154/3	1998 [1] 170/23
'64 [1]	168 [3] 155/15 177/3 177/4	1998-99 [1] 81/11
173/10   195   1   81/10	17 [2] 78/1 159/10 17 MILES [1] 147/24	19TH [2] 37/10 37/23
'CAUSE [2] 85/25 101/18	17'S [1] 76/24	1:00 [1]
	170 [1] 86/10	
0	172 [1] 3/20	2
007 [3] 3/16 68/2 68/13	175,000 POUNDS [1] 29/15	2 PERCENT [3] 124/18 171/19 171/19
04 [1] 155/3	178 [9] 3/20 172/3 172/8 172/20 192/17	2,000 [1] 17/24
042201 [1] 6/16	192/20 192/21 202/6 203/28	2,089 [1] 151/24
044004 [1] 12/6	17TH [1] 206/15	2,200 [1] 58/1
044007 [1] 16/27	18 [2] 205/23 207/25	2,584 [1] 175/22
045930 [1] 62/1	180 [1] 3/21	2,714 [1] 151/28
051949 [1] 37/16	180 MILES [1] 86/11	[2,814 [1] 175/22
1	185 FEET [1] 156/10	2.1 [1] 124/1 20 171 71/7 75/4 04/15 112/23 132/19 135/13
1 MILLION [1] 151/11	187 [4] 3/21 179/5 180/18 180/24 19 (2) 94/13 94/15	20 [7]   71/7 75/4 94/15 112/23 132/19 135/13   205/26
1,400 [3] 16/15 57/21 57/25	19 [2] 94/13 94/15 1015 [1] 22/20	203/20 20 MINUTES [1] 76/8
1.5 MILLION [1] 158/24	1915 [1] 33/20 192 [1] 3/5	20 PERCENT [1] 124/16
1.8 MILLION [1] 151/12	1920S [3] 17/15 49/10 49/17	20 YEARS [1] 128/14
10 [4] 15/8 48/23 71/7 97/23	1930 [1] 48/6	20-YEAR [1] 205/23
10 PARTS [1] 169/8	1930\$ [10] 11/8 13/1 15/4 16/17 43/5 47/16	200 [1] 86/10
10,000 [6] 191/24 192/2 193/17 195/8 196/20	49/11 49/17 50/9 59/13	2000 [11] 10/4 173/19 173/20 173/27 174/1
196/23	1933 [5] 13/27 42/5 42/13 42/15 42/20	175/5 175/8 175/9 175/18 176/2 193/14
10,808 [1] 153/17	1934 [1] 13/12	2000-POUND [1] 41/6
10,900 [2] 196/16 196/22	1936 [3] 15/22 57/20 58/8	2000S [1] 191/5
10-TO-1 [1] 57/27	1939 [2] 59/4 59/15	2001 [7] 173/7 173/20 173/20 173/27 174/2
100 [1] 22/11	194 [11] 3/22 74/1 74/3 74/4 74/23 75/8	175/8 175/9
101 [1] 22/11	90/15 98/6 98/7 140/2 140/20	2002 [2]
102 [1]   22/11  104 [2]   22/11   160/25	194 MILES [1] 151/9 1940 [6] 17/21 31/22 40/22 44/8 45/21	2004 [1]   190/6  2007 [1]   124/15
10807 [4] 2/28 1/5 114/5 208/23	138/23	2008 [6] 203/4 203/9 203/9 203/16 203/17
11 [5] 1/12 3/18 1/3 114/3 208/16	1940S [2] 32/11 192/19	203/18
11.7 MILLION [1] 151/7	1941 [5] 17/20 18/5 18/15 58/10 59/6	2009 [10] 188/16 189/22 189/23 190/6
111 [2] 27/20 55/5	1942 [2] 47/27 48/1	197/11 197/19 203/8 203/9 203/14 203/15
111'S [1] 73/9	1944 [5] 41/10 41/18 41/23 42/2 43/23	201 [1] 3/15
114 [1] 3/4	1945 [1] 59/7	2010 [2] 36/8 124/17
117 [1] 3/24	1946 [4] 9/23 21/26 56/4 56/12	2011 [2]   175/21 175/22
12 [2] 56/23 71/9	1947 [3] 21/13 21/26 172/17	2012 [5] 172/18 172/21 175/21 175/22
12,000 FEET [1] 155/6	1947-2012 [1] 172/21	202/19
121 [1] 3/11	1949 [2] 14/13 56/11	2013 [4] 36/11 36/12 36/13 162/2
123 [1]   3/12   125 [2]   11/21   11/22	1950 [1] 14/16 19505 [3] 24/17 28/27 35/4	2014 [6]
125 [2] 11/21 11/22 126 [3] 3/18 11/25 64/20	1950S [3] 24/17 28/27 35/4	208/17   2020   2  124/15 124/17
130 [1] 93/16	1954 [1] 43/24 1955 [1] 22/15	2020  2  124/13 124/17  2040  1  36/5
131 FEET [1] 155/28	1955 [1] 22/15	2040 [1]   30/3  207 [1]   208/14
135 [1] 155/28	1958 [1] 56/7	20TH [1] 37/26
136 [1] 3/4	1959 [1] 56/8	21ST [1] 37/28
138 [1] 3/4	196 [6] 3/23 101/14 101/14 148/9 148/13	22 [7] 51/2 82/6 84/1 84/1 134/6 155/3
14 [3] 21/13 131/16 174/19	148/26	155/12
14 MILES [2] 91/20 94/17	1960S [7] 30/13 173/10 174/6 174/10 174/24	
14,000 [2] 16/15 57/24	191/4 191/11	[221 [6] 3/24 116/5 117/5 140/5 140/9 140/20
14-MILE [1] 75/28	1964 [2] 43/25 173/16	22890 [1]   162/3
140 [4] 3/11 3/12 3/22 3/24	1965 [2] 60/20 173/17	22S [1] 156/27
141   2  3/5 3/17   148   1  3/23	1966 [1] 60/23	237 [1]  151/27  24 [1]  71/9
15 [10] 35/1 57/1 61/7 127/27 129/10 129/15	197 [1]  3/13 1970 [1]   7/6	24   1   71/9  243   4   3/25 84/26 84/28 85/11
129/22 129/23 134/6 174/20	1970   1   7/6     1974   2   142/20 143/2	245  4  3/23 84/20 84/28 83/11  24TH  1  207/8
15 PLUS [1] 126/22	1974 [2] 142/20 143/2 1975 [1] 7/11	25 [1] 51/2
15 YEARS [2] 129/12 129/27	1976 [1] 9/4	25 POUNDS [1] 41/8
15'S [2] 73/6 102/8		1
!		1

	23/4 23/8 23/9 23/14 23/18 24/1 24/3 24/12	191/18
2	23/14 23/18 23/14 23/18 24/1 24/3 24/12 24/14 24/15 24/18 31/15 31/15 52/11 52/18	191/18   74 [1]   3/22
2508 [7] 97/1 97/12 100/1 100/3 100/5 102/6	57/9 57/18 102/22	7TH [2] 137/13 207/10
109/3	420 [2] 142/6 145/7	
2515 [1] 102/25	43 [1] 204/12	8
253 [1] 96/13	43820 [1] 162/3	8,000 FEET [1] 155/1
255 [3] 3/26 61/28 64/20	43887 [1] 154/1	80 [2] 41/14 134/10
25TH [1] 207/9	43890 [1] 162/7	80-MILE [1] 99/7
26 PERCENT [3] 124/2 124/15 171/20	43903 [1] 161/24	800 ACRES [1] 156/23
26,000 [2] 17/23 57/28	43913 [1] 149/25	810S [1] 177/3
260 [4] 3/27 37/15 37/18 64/21	43918 [2] 148/9 148/14	82 [1] 55/6
26TH   2  207/10 208/17   270 MILES   1  151/8	43968 [1]   116/6	85 [1] 3/25
28 [1] 99/2	44001 [1] 96/14  45 [3] 131/16 204/12 204/18	897 [2]   154/13 154/14  897-V [1]   5/7
28 YEARS [1] 96/16	45 SQUARE [1]   75/3	8:00 O'CLOCK [2] 97/22 97/23
29,000 FEET [1] 151/6	45-MINUTE [1] 91/22	8TH [1] 207/10
3	4500 [1] 179/28	9
3	45931 [1] 62/3	9
3 FEET [1] 77/3	45940 [1] 62/4	9.5 MILLION [1] 151/11
3 MILLION [1] 167/1	45941 [1] 141/13	93524 [1] 141/5
[3,236 [1] 151/25	<b> 45976 [1] 84/27</b>	95TH [1] 144/12
3,800 [1] 151/10	46 [2] 72/23 110/28	96 [1]   78/19
30 [10] 71/7 112/23 127/18 128/9 129/4	48 [1] 32/15	97 [1] 47/25 100 [1] 81/11
130/6 132/19 133/24 135/5 135/8	5	99 [1]  81/11  9:00 [1]  96/25
30 MILES [1] 147/24 30 PERCENT [20] 188/27 189/5 189/24	5,000 FEET [1] 155/7	9:00 [1] 90/25  9:00 A.M [1] 206/15
190/14 190/17 190/20 190/27 190/28 194/5	5,800   [3]   191/2   191/3   191/14	9:00 O'CLOCK [1] 96/26
194/10 195/14 195/16 196/27 204/16 204/19	5,800-ACRE [1] 194/13	9:20 [1] 207/25
204/21 205/3 205/14 206/4 206/7	50 [10] 85/21 106/5 112/17 130/4 133/23	
30 SECONDS [1] 113/3	133/24 135/13 137/24 137/28 169/8	<u>A</u>
30 SECONDS' [1] 105/10	50 YEAR [1]   85/24	A CHANGE [1] 40/22
30 YEARS [3] 129/7 130/3 135/9	50 YEARS [1] 128/27	A SUBSCALE [1] 32/22
30-YEAR [1] 131/13	50,000'S [1]   161/25	A.F.R [2] 174/17 174/17
300 FEET [2] 154/28 155/3	50-YEAR [1] 138/10	A.F.R.L [5] 79/25 80/11 80/13 118/18
300,000 [2] 58/3 98/4	500-POUND  2    55/6  55/10	118/20
300,000 ACRES [1] 76/10	50671 [1]   101/14  50673 [2]   148/27 140/8	A.F.T.C [3]
300,000 POUNDS [1] 86/10   307,000 ACRES [1] 76/11	50673 [2]   148/27 149/8  51 [1]   35/21	A.F.T.C. COMMANDER [1] 115/7
308,000 ACRES [2] 147/24 151/6	51   1   33/21     51900   2   74/2 74/5	A.F.T.I [1] 35/16
325 NORTH [1] 141/4	51901   1   90/15	A.M [3] 1/6 206/15 207/26
32579-1665 [1] 5/8	51903 [1] 98/7	A.V [1] 2/8
33RD [1] 137/16	51905 [1] 75/7	AAFES [1] 167/16
345 [1] 96/2	52 [10] 36/5 83/24 85/20 85/20 110/25 112/7	ABBEY [1] 2/10
35 [16] 15/14 48/23 48/27 63/3 77/2 79/12	128/13 129/21 156/9 166/8	ABILITY [11] 36/28 77/23 77/27 92/25
84/1 99/17 99/19 99/19 103/15 107/27	52S [2] 156/9 156/10	93/12 97/27 100/12 102/13 104/25 108/13
110/25 126/17 134/7 134/8	53 [1] 3/3	108/20
35 MILES [1] 159/28	532 [1] 142/6	ABLE [17] 26/1 34/18 57/14 70/20 89/7 93/14 100/15 100/21 100/28 102/10 106/24
35'S [1] 99/10   350 DAYS [1] 96/2	5570 [1] 204/27	107/1 107/4 168/22 193/2 195/8 207/7
361 [2] 95/18 95/28	5570.5 [1]   204/26  5674 [1]   149/27	ABOUT [132] 11/5 12/7 16/15 17/23 17/24
361 DAYS [1] 95/21	573 MILES [1] 151/8	26/12 29/2 34/15 36/1 36/5 37/26 39/5 40/17
37 [2] 3/27 51/1	59   1   20/1	41/5 41/6 41/7 42/15 42/17 46/7 47/27 50/21
38 [1] 3/3	59 MILES [1] 151/7	56/4 57/28 62/14 62/26 66/19 67/2 70/6
3:30 [3] 113/12 113/13 206/14	6	71/22 72/25 73/27 74/16 74/16 75/13 76/18
4	·	76/27 77/24 81/1 81/4 81/15 83/17 84/6
	6 MILES [2] 37/11 37/24	87/14 90/6 90/13 90/22 91/5 92/8 92/8 92/9
4,285 [2] 204/11 204/14	6,000 MILES [1] 38/4	93/18 94/13 95/8 95/15 96/7 96/7 97/12
4,500 [5] 178/7 189/28 190/1 190/18 190/28	6,660 [1] 174/3	97/17 98/3 98/16 99/10 100/26 100/27
4,884 [1] 151/25	[6,750 [1] 174/2	101/16 101/17 101/21 102/9 103/11 103/11
[4,894 [3] 194/23 194/24 195/9	60 MILES [1] 37/27	103/24 105/9 105/28 106/9 108/21 109/16
4,900 [3]   186/19 187/27 194/22   40 [3]   1/27 128/9 133/24	600 MILES [1]   37/28  62  1    3/3	110/22 111/18 111/22 112/7 112/15 112/16   112/27 118/25 119/7 124/1 127/7 127/23
40 YEARS [1] 71/7	64   5   3/14 3/18 3/26 3/27 44/26	128/18 128/20 128/21 128/26 129/7 129/25
40,000 [8] 17/28 19/22 47/14 58/11 58/11	65 SQUARE   2   19/4 25/26	131/6 135/2 135/8 136/22 137/3 137/4
58/13 58/15 58/26	66 [1] 3/4	146/16 147/24 150/25 152/28 155/7 156/9
40,000-FOOT [1] 57/17	68 [1] 3/16	156/21 156/21 156/23 157/8 158/28 163/10
400,000 [1] 155/17	7	163/12 164/3 170/13 170/21 171/3 171/4
4079 [1] 67/13		175/2 176/14 178/11 179/10 182/20 183/12
40790 [1] 67/25	7,200 [1] 173/16	186/19 188/20 189/28 193/15 194/12 196/15
41 [1] 129/14	[7,500 [1] 173/17	197/18 199/14 205/25
412 [5] 22/25 65/13 66/17 72/12 78/18	72 [11] 134/14 177/2 178/13 178/25 184/5	ABOVE [4] 21/21 29/7 71/3 208/16
413 [1] 171/14	184/26 187/25 188/7 189/17 194/16 194/19	ABSOLUTELY [10] 94/12 94/28 96/22
416 [1] 171/13   42 [24] 10/17 10/17 22/12 22/17 22/19 23/2	72 MILES [1]   151/10  72 P.A.A [5]   178/10 181/5 185/3 188/13	97/10 97/24 97/28 137/13 172/2 184/23   198/5
TA	1 AMA [0] 1 70110 10113 10013	120,0
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ACADEMY [1] 142/19 ACCELERATE [1] 59/17 ACCELERATING [1] 36/19 ACCEPT [7] 43/10 52/3 126/22 176/19 176/28 187/22 187/25 **ACCEPTANCE [1] 126/14** ACCESS [2] 155/8 156/8 ACCIDENT [2] 26/22 145/23 ACCOMPLISH [1] 125/21 ACCOMPLISHING [1] 64/5 ACCOUNT [3] 205/16 205/19 205/24 ACCURATE [10] 18/26 52/4 117/28 120/28 125/24 142/4 161/28 173/2 193/7 197/25 ACCURATELY [4] 52/18 68/22 120/26 ACHIEVE [4] 44/16 71/25 126/8 169/13 ACHIEVES [1] 38/6 ACQUIRED [1] 53/7 ACQUISITION [1] 59/15 ACRE [16] 98/4 173/17 173/18 174/2 174/3 175/22 178/7 186/19 187/28 191/14 191/24 192/2 193/17 194/13 194/23 194/24 ACRE-FEET [14] 173/17 173/18 174/2 174/3 175/22 178/7 186/19 187/28 191/14 191/24 192/2 193/17 194/23 194/24 ACRES [5] 76/10 76/11 147/24 151/6 156/23 ACRONYM [1] 158/9 ACRONYMS [1] 70/7 ACROSS [8] 72/26 75/19 93/2 99/18 100/13 101/8 118/17 153/4 ACT [3] 33/21 33/23 56/8 ACTI [1] 103/20 ACTION [1] 131/3 ACTIVE [3] 151/24 152/9 160/10 ACTIVITIES [13] 11/2 11/9 19/23 24/18 24/19 35/20 47/18 47/23 64/3 119/1 119/17 151/27 205/13 ACTIVITY [4] 11/12 103/20 104/4 205/17 ACTUAL [3] 77/4 96/3 204/21 ACTUALLY [43] 14/20 18/12 24/24 33/18 36/10 36/16 48/9 54/18 61/27 65/10 65/13 65/15 66/20 72/7 72/27 75/23 80/19 81/11 81/12 84/16 86/3 86/18 87/28 88/6 89/4 92/25 95/6 95/8 95/13 96/16 97/4 104/2 109/9 109/28 110/2 112/27 113/4 115/16 137/15 137/17 146/15 165/28 168/15 ADAMS [1] 2/8 ADAPT [1] 71/21 ADD [3] 100/9 165/12 190/20 ADDITION [2] 144/16 190/18 ADDITIONAL [23] 2/18 18/13 34/19 127/11 161/4 162/9 162/22 163/3 176/28 177/1 177/9 177/14 177/15 178/2 186/13 186/17 187/18 187/27 198/7 199/1 199/4 199/6 200/3 ADDRESS [11] 5/3 5/7 16/4 51/11 52/14 52/18 65/8 65/9 65/12 141/1 141/3 ADDS [1] 87/8 ADJOURNED [1] 207/24 ADJUST [1] 93/19 ADJUSTING [1] 92/9 ADJUSTMENT [1] 205/3 **ADMINISTRATION [3] 9/6 10/2 163/13 ADMINISTRATIVE [2] 52/14 154/21** ADMIT [2] 3/21 139/28 ADOPTED [1] 182/21 ADOPTING [1] 40/11 ADVANCED [2] 32/26 35/16 ADVANCEMENT [1] 43/11 **ADVANTAGE [1] 177/10** 

ADVISER [1] 8/25 ADVISORY [2] 33/20 56/6 AERIAL [2] 32/25 78/6 AERO [1] 139/14 **AEROBIC** [1] 161/2 AERODYNAMIC [3] 20/24 20/25 35/9 AERODYNAMICALLY [1] 20/27 AERODYNAMICS [2] 31/27 79/21 AEROJET [1] 30/1 AEROMEDICAL [1] 146/19 AERONAUTICAL [4] 7/24 10/8 81/7 98/15 AERONAUTICS [8] 7/23 9/6 10/2 30/22 31/27 33/20 40/15 56/6 AEROSPACE [6] 7/8 7/12 8/25 11/16 32/5 AFFECT [5] 87/25 92/26 93/10 93/19 93/27 AFFECTS [1] 92/24 **AFFILIATIONS [2] 7/21 7/22** AFFORD [2] 107/17 128/3 AFFORDABLE [1] 107/17 AFIELD [1] 60/9 AFOTEC [1] 122/6 AFRAID [2] 4/27 104/17 AFTER [8] 8/22 22/27 49/18 58/28 143/15 162/21 164/14 183/8 AFTERNOON [4] 113/12 114/19 192/15 192/16 AFTERWARDS [1] 9/11 AGAIN [93] 7/12 22/28 28/9 31/14 31/25 32/9 36/24 45/18 46/19 58/6 66/16 67/1 72/12 76/12 77/7 77/9 78/7 78/15 78/17 78/24 79/17 80/20 81/4 81/5 82/8 84/10 85/6 86/14 86/22 86/24 89/3 89/13 90/8 90/19 91/15 91/17 91/23 91/24 92/8 92/11 92/17 92/21 93/12 95/16 95/27 97/28 98/3 100/11 100/15 100/15 100/20 101/7 104/15 109/13 109/19 118/21 118/22 118/24 122/12 122/21 122/26 128/9 128/18 129/5 132/17 133/22 133/28 134/27 135/12 137/19 138/26 139/5 139/6 139/6 143/21 144/6 144/9 149/7 151/19 156/28 157/17 158/15 159/13 160/20 161/2 161/8 162/6 166/20 175/17 181/28 188/9 189/14 189/16 AGAINST [6] 16/9 20/4 20/11 20/14 50/11 202/6 AGE [6] 15/20 18/2 22/14 24/9 29/1 35/24 AGENCY [2] 33/18 167/27 AGGREGATED [1] 53/8 AGGRESSIVE [2] 170/27 175/14 AGO [8] 30/1 54/25 66/18 67/3 76/28 85/20 102/9 162/26 AGREE [6] 42/5 117/13 134/22 164/5 168/17 200/19 AGREED [1] 40/28 AGREEMENT [6] 1/23 34/10 118/12 118/14 118/16 163/2 AHEAD [13] 48/12 48/22 49/4 53/3 66/9 67/20 68/20 159/18 177/17 184/12 186/22 195/22 201/7 AICUZ [1] 91/6 AIR [292] |AIRBORNE [1] 84/18 AIRCRAFT [146] 12/28 13/14 13/15 13/24 14/21 14/25 15/1 15/8 15/9 15/13 15/16 16/7 16/9 16/16 16/24 16/28 17/2 17/4 17/15 17/16 17/17 17/21 18/18 18/23 18/24 19/5 20/1 20/2 20/4 20/9 21/10 21/11 21/14 21/23 21/25 21/28 22/1 22/23 23/6 23/8 23/8 23/16 24/2 25/13 25/14 25/15 25/18 25/23 26/20 27/20 27/21 27/24 28/1 28/4 28/9 30/20 31/9 31/11 32/2 32/17 33/4 33/15 34/27 35/3 35/17 36/3 36/6 36/26 40/28 41/15 41/19

41/22 41/28 42/2 42/23 43/22 43/26 44/25

45/17 47/1 47/24 54/24 55/4 55/5 57/1 57/21 57/28 58/4 58/7 58/18 60/4 62/24 62/28 62/28 63/2 78/1 78/12 78/12 81/12 81/13 82/14 82/15 82/17 82/20 83/18 83/20 84/18 85/28 86/3 86/5 86/12 88/4 88/12 88/16 88/18 89/5 89/6 89/13 89/15 90/3 99/21 100/14 100/28 101/4 101/26 102/19 103/12 103/17 103/22 104/6 104/21 105/3 109/6 109/11 126/20 126/21 129/26 130/22 134/13 134/14 145/16 145/23 166/17 177/2 178/15 194/19 AIRCRAFT'S [1] 90/4 AIRFIELD [3] 21/19 91/6 109/7 **AIRFIELDS** [1] 108/13 AIRLINE [2] 38/1 180/6 AIRLINERS [1] 44/9 AIRMEN [5] 90/10 91/17 93/25 94/10 160/10 AIRPLANE [25] 15/10 20/2 21/14 27/26 35/22 46/25 81/16 81/17 81/17 81/20 81/26 82/18 84/22 85/21 86/9 86/9 91/26 93/18 97/24 101/4 103/21 104/18 126/23 126/23 166/12 AIRPLANES [22] 12/17 17/24 22/12 23/18 35/1 39/22 39/23 43/24 43/25 44/8 55/2 55/2 56/25 57/25 58/1 58/3 63/1 83/22 85/24 96/16 99/16 145/15 **AIRPORT** [1] 143/19 AIRPOWER [3] 7/26 15/16 38/18 AIRSPACE [36] 73/11 73/14 75/15 95/14 96/7 96/8 96/9 96/11 96/18 96/21 96/21 96/26 97/1 97/8 97/12 98/1 98/14 98/18 98/26 98/28 99/12 99/23 99/26 99/26 101/16 101/17 101/20 101/24 102/21 108/1 108/2 108/22 110/3 110/3 110/12 110/14 **AIRSPACES [1] 102/27** AL [2] 174/17 174/17 ALAMEDA [1] 75/20 |ALASKA [1] 43/6 ALCOHOL [1] 29/12 ALESHIRE [1] 1/19 ALEUTIAN [3] 143/24 157/25 160/2 ALL [157] 1/14 1/19 4/6 4/9 4/18 4/19 4/22 4/25 5/2 5/28 10/18 12/7 12/28 13/5 15/28 21/21 26/22 27/10 30/25 33/6 34/1 34/13 34/17 37/2 38/22 38/23 40/25 43/5 44/19 48/15 55/11 59/16 61/12 61/23 61/25 62/8 64/9 64/11 64/26 65/27 66/22 67/10 67/22 68/16 68/22 69/18 70/6 72/13 72/17 72/21 72/27 73/2 73/20 73/22 75/18 75/20 76/12 80/25 82/18 83/5 83/19 84/6 87/2 87/14 90/7 90/26 92/10 93/19 94/28 95/6 95/17 95/20 98/14 98/18 99/12 99/18 99/26 100/25 100/26 100/27 101/3 101/7 101/8 101/9 101/24 102/17 103/3 103/20 104/14 104/22 104/24 104/28 105/12 105/13 105/14 108/24 112/3 112/20 113/5 113/7 114/10 114/15 116/7 116/14 120/13 120/20 122/12 123/9 125/2 125/12 126/3 131/8 131/12 131/15 135/21 138/4 140/4 140/7 140/17 142/13 145/18 145/18 145/24 145/28 145/28 146/6 146/7 147/15 150/23 153/8 161/14 162/3 163/5 165/22 166/10 168/22 169/20 169/25 170/24 171/17 179/19 179/21 179/23 179/27 180/9 182/14 182/15 182/27 183/1 186/20 191/13 197/7 201/4 201/9 206/13 206/16 207/15 ALL-METAL [1] 43/5 ALLOW [1] 6/6 |ALLOWED |3| 111/8 161/17 196/6 ALLOWS [10] 89/3 91/2 91/23 91/23 92/6 92/6 94/4 94/11 100/20 168/5 ALMOST [2] 38/6 47/14

ALONE [1] 169/16 ALONG [4] 55/12 92/23 155/19 205/6 ALREADY [13] 27/17 84/15 88/7 93/13 107/14 108/23 112/6 126/28 149/27 171/22 171/23 171/26 175/3 ALSO [64] 2/18 7/14 12/11 28/10 28/24 29/4 29/13 35/10 45/1 46/10 46/26 56/18 62/26 66/22 67/8 69/14 76/13 78/9 80/10 80/23 101/15 104/2 108/7 118/9 119/2 120/4 122/9 125/27 127/16 131/8 138/23 140/4 142/8 143/17 143/28 144/8 144/21 145/16 145/16 145/20 146/14 146/14 152/3 155/8 166/9 166/25 166/26 167/25 168/24 169/4 170/1 171/1 171/4 171/8 173/28 175/14 181/21 187/6 188/2 188/19 191/17 193/5 196/17 207/17 ALTERATIONS [1] 3/14 ALTHOUGH [5] 45/16 111/1 176/3 181/22 ALTITUDE [6] 20/22 63/27 100/11 102/11 102/17 102/24 ALTOGETHER [1] 202/4 ALWAYS [3] 47/19 64/1 138/6 AM [15] 6/18 7/22 7/24 7/26 7/28 30/14 65/12 68/9 71/11 93/9 96/20 121/19 129/21 144/26 147/1 AMERICA [2] 1/14 30/2 **AMERICA'S** [1] 17/1 AMERICAN [20] 7/7 7/23 11/16 20/1 22/7 22/24 26/3 28/25 30/2 30/21 35/1 38/18 59/5 59/11 59/17 107/9 107/11 107/15 107/18 139/12 AMMO [1] 106/17 AMONG [1] 181/21 AMOUNT [6] 26/18 101/20 186/17 191/18 191/28 200/16 AMOUNTS [1] 29/17 AMPLE [1] 99/8 ANALOGY [1] 182/5 ANALYSIS [3] 8/2 183/3 206/6 AND FOR [1] 184/2 ANDREW [1] 2/5 ANDREWS [1] 2/10 ANGELES [5] 1/2 1/3 114/3 208/2 208/13 ANGLE [2] 26/18 27/1 ANNUAL [1] 171/19 ANOTHER [17] 26/7 35/10 60/27 88/17 88/17 118/24 128/14 133/12 135/5 137/28 138/6 159/27 164/13 171/14 180/4 181/15 185/25 ANSWER [10] 55/16 55/24 125/9 131/22 132/5 132/15 132/21 135/12 159/18 184/11 ANSWERED [3] 38/14 159/17 193/6 ANSWERS [4] 50/19 52/27 112/7 186/2 ANTECEDENT [1] 72/26 ANTELOPE [9] 1/6 1/22 1/2 45/9 114/2 167/26 167/26 171/5 208/6 ANTI [1] 16/7 ANTI-AIRCRAFT [1] 16/7 ANTIAIRCRAFT [1] 50/10 ANTICIPATING [1] 33/27 ANTISHIPPING [1] 20/21 ANY [80] 1/17 2/15 2/18 3/7 3/20 9/17 10/13 10/15 12/19 18/13 30/5 34/14 43/18 43/21 43/27 44/11 49/21 49/22 53/6 53/18 54/20 54/20 58/14 64/15 66/8 71/27 73/20 81/17 82/22 92/12 93/20 96/20 97/22 97/28 102/4 111/10 111/13 112/18 115/19 119/24 121/27 124/21 125/4 127/17 129/2 129/9 130/14 131/19 132/1 132/15 132/26 133/25 134/18 135/9 135/20 138/10 138/14 138/20 144/17

145/14 147/14 148/21 156/17 160/23 162/9 162/11 162/13 163/2 170/3 177/6 184/23 184/23 195/26 198/2 198/3 199/21 201/1 206/1 206/6 207/19 ANYBODY [3] 61/23 66/5 199/10 ANYMORE [4] 85/24 85/26 86/12 104/13 ANYTHING [14] 19/8 42/12 42/18 91/1 108/11 110/15 111/19 128/11 135/14 136/17 138/24 139/2 183/7 201/1 ANYWAY [1] 104/26 ANYWAYS [1] 88/15 ANYWHERE [1] 92/7 AOL.COM [1] 33/8 APOLLO [1] 104/12 APOLOGIZE [4] 10/16 16/22 66/2 68/15 APPARENT [1] 30/12 APPARENTLY [2] 66/3 207/17 APPEAR [3] 117/28 149/15 174/6 APPEARANCES [4] 1/13 2/1 1/7 114/7 **APPEARING [1] 32/13** APPEARS [2] 120/28 197/18 APPLICATIONS [1] 32/27 APPLIED [9] 188/26 189/24 190/27 194/4 196/27 204/16 204/19 204/20 205/3 APPLY [1] 4/16 APPRECIATE [6] 3/22 41/27 55/11 199/26 203/1 207/15 APPRECIATION [1] 52/20 APPREHENSION [1] 165/5 APPROACH [15] 5/21 11/18 26/18 26/19 26/28 27/4 27/16 48/10 65/19 74/13 88/3 120/7 123/5 170/12 193/21 APPROPRIATE [6] 3/28 4/1 52/28 111/7 126/26 164/25 APPROPRIATED [3] 94/5 94/6 151/26 APPROPRIATION [2] 33/23 188/26 APPROVED [2] 127/1 148/24 APPROXIMATE [3] 15/20 15/22 18/2 APPROXIMATELY [10] 13/12 35/26 57/20 100/17 117/22 159/26 174/23 190/6 202/25 202/27 APRIL [6] 9/4 162/2 189/23 189/23 197/11 197/18 AQUEDUCT [1] 168/27 **AQUIFER [1] 170/4** ARC [2] 79/13 98/23 ARE [179] 1/16 1/16 2/8 3/16 4/10 6/2 6/16 7/22 14/18 22/8 22/12 25/23 25/25 38/3 38/3 38/19 38/28 41/6 41/8 42/26 42/27 43/28 44/6 44/9 46/2 52/15 53/28 54/9 56/10 56/15 56/16 59/18 62/23 63/6 67/11 71/20 71/20 71/24 74/19 76/15 76/21 77/4 77/7 77/9 79/25 80/27 83/18 83/20 83/27 83/28 84/14 85/18 85/22 87/5 87/6 87/7 88/28 89/1 90/11 90/20 92/13 93/22 94/2 94/19 96/1 96/4 96/9 99/25 101/22 103/3 104/17 104/17 104/19 104/23 106/5 106/7 106/19 106/20 107/6 107/8 107/21 107/24 107/28 108/3 108/4 108/6 108/13 108/16 108/16 108/21 108/21 108/28 109/10 110/23 110/28 111/13 111/13 113/17 114/25 117/15 117/23 119/17 119/20 119/20 119/26 120/1 121/22 121/24 121/25 121/26 121/27 122/12 122/14 122/18 122/22 126/10 126/24 127/25 129/22 129/28 131/6 131/7 131/15 133/17 133/19 134/13 134/28 137/26 143/9 143/11 145/7 147/27 149/17 151/12 151/14 151/28 153/14 155/11 155/15 155/22 155/23 156/11 156/27 157/7 157/9 157/11 160/4 160/5 160/11 161/6 161/7 161/24 162/4 163/5 164/20 164/21 164/21 165/7 167/28 168/2 168/21 169/10 174/5 174/11 174/18 175/23 176/3 182/3 185/14 186/2 193/12 195/28 199/24 200/16 203/24

203/24 206/18 206/28 207/7 AREA [58] 7/8 13/23 14/4 19/9 25/13 25/27 26/1 45/4 45/8 46/20 63/25 75/12 75/14 76/6 76/10 76/11 76/19 86/22 89/24 91/6 91/14 93/15 98/4 98/4 98/20 99/19 100/10 106/21 117/17 117/21 117/21 118/18 118/23 119/11 119/16 148/3 148/3 148/4 152/13 152/15 154/20 154/22 155/10 155/12 155/14 155/15 155/19 157/27 158/1 158/2 160/23 160/26 160/27 161/2 178/27 190/6 190/7 202/10 AREAS [20] 62/25 64/3 77/4 77/7 77/10 77/22 85/8 91/5 91/13 92/9 103/3 103/4 105/1 105/2 108/6 111/13 112/2 117/13 154/19 154/21 ARGUE [4] 107/9 108/15 127/25 187/13 ARGUMENTATIVE [2] 153/2 198/12 ARIZONA [2] 181/15 182/6 ARMED [2] 69/11 70/26 ARMOR [1] 58/18 ARMY [19] 13/1 13/20 17/12 22/21 48/5 49/9 49/10 49/13 49/14 49/23 49/23 49/23 57/23 57/24 105/9 119/6 143/26 144/22 167/16 ARNOLD [12] 13/19 13/21 17/10 17/11 43/3 67/6 67/7 72/16 72/16 78/19 115/4 115/11 ARNOLD'S [1] 42/10 AROSE [1] 18/10 AROUND [15] 27/5 29/4 63/5 76/8 89/18 91/13 95/4 109/9 113/12 134/10 155/24 156/22 159/10 169/7 191/24 ARRANGE [1] 132/12 **ARRANGED** [1] 17/9 ARRANGEMENT [2] 26/14 122/11 ARRIVE [5] 178/12 178/18 204/5 206/7 206/24 ARRIVED [3] 13/28 170/23 189/5 **ARRIVING [1] 206/4** ARROW [1] 117/25 ARSENIC [4] 169/6 169/11 169/13 169/13 **ARSENIC-FREE** [1] 169/13 ART [1] 103/6 **ARTICLES [1] 9/24** ARTICULATE [1] 205/2 ARTICULATING [1] 130/24 AS [297] **ASBESTOS [1] 175/13 ASCENDER [1] 18/18** ASIDE [3] 54/26 88/27 106/17 ASK [15] 51/24 53/25 61/13 67/14 69/25 124/25 146/8 150/22 164/24 164/28 171/8 172/26 182/20 189/14 207/11 ASKED [20] 34/7 34/9 34/12 34/13 40/25 41/12 111/19 147/2 147/4 152/22 159/17 172/27 178/24 182/9 182/15 182/15 185/24 192/28 193/5 197/24 ASKING [7] 51/13 51/14 88/6 152/18 189/12 196/1 200/16 ASKS [1] 132/22 ASPECT [3] 33/1 40/15 46/7 ASPECTS [1] 163/13 ASPHALT [1] 155/5 ASSERTED [2] 111/9 111/15 ASSESS [1] 135/4 ASSET [3] 84/8 98/27 98/27 ASSETS [2] 108/22 108/22 ASSIGNED [7] 58/26 127/11 160/4 176/8 176/9 177/2 178/15 ASSIGNMENT [3] 143/13 143/18 144/23 ASSIGNMENTS [4] 34/26 143/6 143/7 143/12 ASSIST [1] 148/21 ASSISTED [1] 149/14

ASSOC [1] 1/23 ASSOCIATED [3] 56/16 73/14 83/19 ASSOCIATES [1] 151/25 ASSOCIATION [1] 7/28 ASSUME [3] 68/8 163/18 196/26 ASSUMES [1] 179/27 ASSUMING [2] 200/10 203/15 ASSUMPTION [4] 168/15 176/27 177/5 178/26 ASSUMPTIONS [4] 179/1 184/16 184/18 187/9 ASSURE [1] 128/22 ASTRONAUTICS [1] 7/24 **ASTUTE [1] 175/26** ATHLETIC [1] 160/21 ATOMIC [2] 20/25 20/26 ATTACHED [3] 3/12 162/19 198/23 ATTACHMENTS [1] 197/4 ATTACK [5] 20/17 26/19 50/11 77/1 187/19 ATTACKING [3] 16/9 20/12 20/22 ATTACKS [1] 200/9 ATTEMPTS [2] 63/22 186/23 ATTEND [1] 143/15 ATTENDED [2] 7/14 143/28 ATTENTION [3] 48/15 123/23 165/17 ATTORNEY [2] 2/12 2/13 ATTRACTIVE [2] 44/23 63/11 ATTRIBUTE [4] 26/3 90/10 90/11 92/14 ATTRIBUTES [8] 13/4 13/6 44/17 62/15 95/7 102/28 110/10 139/9 ATTRITION [3] 59/22 59/27 60/6 AUGUST [1] 59/7 AUTHENTICITY [1] 183/20 AUTHORITY [1] 115/6 AUTOMATICALLY [1] 82/18 AVAILABILITY [2] 87/24 108/4 AVAILABLE [12] 71/24 86/21 88/25 92/10 96/18 98/26 98/28 103/3 104/7 104/19 104/25 181/12 AVEK [9] 1/25 159/5 167/25 168/18 168/24 169/3 174/16 174/17 202/3 AVERAGE [17] 188/17 189/9 189/11 189/25 190/10 193/22 194/4 194/8 195/15 203/4 203/6 203/7 203/12 204/5 204/21 205/20 205/24 **AVERAGED** [1] 189/19 AVIATION [4] 21/10 26/4 43/2 90/23 AVOID [2] 66/3 77/23 **AVOIDANCE [1] 169/15** AWARD [1] 144/22 AWARDS [2] 144/17 144/19 AWARE [8] 92/12 96/20 98/1 103/8 119/24 121/23 132/15 168/8 AWAY [3] 47/21 89/17 186/24 AWFUL [1] 98/2 R B-1 [9] 15/14 26/9 26/13 28/2 62/3 86/1 89/21 89/26 129/24 B-1 CRASH [1] 62/2

B-1 [9] 15/14 26/9 26/13 28/2 62/3 86/1 89/21 89/26 129/24
B-1 CRASH [1] 62/2
B-10 [1] 15/8
B-2 [10] 9/14 15/14 17/7 23/24 26/8 32/2 32/11 35/13 129/24 156/14
B-52 [10] 36/5 83/24 85/20 85/20 110/25 112/7 128/13 129/21 156/9 166/8
B-52S [2] 156/9 156/10
B-R-E-W-E-R [1] 65/12
BACHELOR [1] 69/2
BACHELOR'S [2] 7/5 142/25
BACK [45] 2/2 2/5 2/23 23/12 24/15 24/15 25/10 31/20 33/18 36/10 46/1 46/2 50/20

76/2 77/28 79/17 81/16 101/4 101/9 101/10 101/26 101/27 102/5 102/11 102/16 103/23 104/2 106/10 127/28 129/2 138/26 142/23 154/27 157/15 159/9 162/2 165/5 168/18 174/4 174/21 179/14 192/10 192/19 193/22 201/10 BACKGROUND [3] 7/4 52/14 69/1 BACKWARDS [2] 72/9 203/4 **BACKYARD** [1] 93/18 BAD [1] 77/3 **BADGERING** [1] **51/19** BAKERSFIELD [1] 98/24 BALANCE [3] 71/28 72/1 206/17 BALLISTIC [3] 20/27 29/4 29/5 BALLPARK [1] 134/11 BAR [2] 153/4 153/6 BARBARA [1] 47/28 BARELY [2] 98/25 154/21 BARNS [1] 155/19 **BASE [249]** BASE'S [2] 191/28 202/2 BASED [35] 2/12 10/21 51/24 105/22 108/17 110/9 110/10 134/27 137/24 139/8 139/12 153/22 161/21 162/18 162/20 171/9 177/7 178/1 178/7 178/8 179/25 188/2 188/5 188/17 188/20 189/9 189/18 190/21 190/23 191/14 193/3 200/25 205/4 205/11 206/8 **BASELINE** [1] 171/20 BASES [19] 49/16 49/24 67/5 67/10 71/13 73/11 78/26 84/11 91/25 92/13 92/15 94/21 99/28 102/27 105/24 107/24 115/9 128/2 BASIC [12] 79/19 79/20 79/20 80/5 80/18 81/7 81/22 82/3 82/4 82/7 82/19 92/26 BASICALLY [15] 9/16 16/9 20/21 21/2 24/20 30/21 47/19 90/17 94/10 95/1 103/23 146/26 155/11 171/14 171/18 BASICS [1] 20/12 BASING [1] 177/10 BASIS [9] 4/13 112/1 180/1 185/11 187/9 198/17 200/3 201/1 203/11 BATES [32] 6/15 12/2 16/23 16/27 37/16 61/28 62/3 67/13 67/25 74/1 74/4 75/7 84/27 90/15 96/13 98/7 101/14 116/6 141/12 148/9 148/14 148/27 149/7 149/18 149/25 149/26 152/3 154/1 154/13 161/23 162/19 172/8 BATTLE [2] 82/13 82/15 BE [225] BE A [1] 62/27 BEAR [1] 66/4 **BEARD [1] 142/9** BEAU [1] 2/5 BECAME [8] 8/19 13/20 14/15 19/24 21/14 24/17 51/5 56/9 BECAUSE [64] 13/13 22/9 25/22 27/4 27/28 28/8 29/25 36/25 38/8 40/18 40/25 42/23 44/23 45/23 46/10 46/13 46/22 46/27 50/6 63/26 69/22 81/23 82/16 84/10 85/7 86/8 88/14 88/25 90/3 90/4 90/7 90/23 91/12 91/15 91/18 92/10 92/24 92/25 93/8 94/11 97/1 97/8 97/19 97/23 99/23 103/3 104/15 106/18 106/28 107/2 108/20 109/8 109/10 122/3 144/22 149/10 149/12 161/17 165/6 179/27 182/14 189/1 196/5 205/21 BECOME [1] 196/9 BECOMES [2] 81/24 81/25 BED [45] 14/3 27/9 44/26 45/23 75/3 75/5 75/18 76/12 76/14 76/16 76/17 84/16 84/25 85/7 85/9 85/16 86/20 86/25 87/2 87/10 87/25 88/1 88/3 88/14 88/19 88/24 90/6 90/8 90/26 95/11 96/5 108/23 126/11 126/13 126/14 126/15 126/24 135/5 148/6 151/7 155/8 156/8 157/1 157/6 157/14

BEDDING [1] 126/16 BEDS [5] 87/5 87/6 87/7 87/15 93/15 BEEN [57] 6/4 11/7 11/8 11/15 14/16 17/14 21/18 24/8 25/13 25/17 28/2 30/21 30/28 32/3 38/17 39/25 47/9 47/15 51/4 51/20 54/21 59/8 63/18 65/28 72/27 81/9 96/16 104/16 106/11 106/24 112/7 124/11 125/21 126/7 145/2 149/27 152/12 157/24 163/20 163/21 163/27 171/6 175/26 177/8 177/11 185/24 185/27 186/3 189/2 193/14 196/16 198/2 199/1 200/26 201/4 202/6 206/22 BEFORE [40] 2/21 5/15 18/1 24/15 33/11 35/24 36/1 49/14 49/23 50/4 53/18 55/2 58/4 64/12 65/3 66/1 89/10 90/20 90/28 104/16 115/8 117/2 121/7 123/15 124/5 140/23 152/12 155/26 159/23 161/15 164/9 172/7 172/12 178/1 179/7 180/8 182/21 193/6 196/27 198/14 BEGAN [6] 8/8 19/24 21/25 29/1 59/5 143/12 BEGIN [9] 6/12 12/2 22/9 71/4 141/11 142/16 143/3 143/3 148/17 BEGINNING [5] 11/3 28/28 39/27 40/6 129/14 BEGINNINGS [1] 16/17 BEGINS [1] 156/20 BEHIND [5] 69/24 77/15 143/20 158/19 158/24 BEING [21] 4/10 4/12 17/16 21/20 30/3 30/16 32/23 39/6 44/5 47/21 48/2 48/6 50/12 66/3 78/28 93/14 94/14 100/28 149/12 153/5 165/4 BELATED [1] 52/24 BELIEVE [42] 2/27 15/22 18/7 18/8 19/19 24/23 33/14 35/23 54/22 62/15 63/8 63/26 89/17 108/11 110/2 116/11 119/5 124/12 133/13 134/14 148/9 162/8 167/17 167/19 169/7 170/19 170/19 172/8 173/6 178/6 186/12 187/26 189/20 189/23 189/28 191/17 192/24 192/27 196/19 197/24 205/27 206/11 BELIEVED [1] 193/7 BELL [5] 20/1 21/9 21/11 21/18 34/28 BELOW [1] 26/14 BELTWAY [1] 75/14 BENEFIT [3] 65/17 69/26 97/18 **BENNETT [1] 2/8** BERLIN [2] 143/19 144/23 BEST [11] 1/26 1/26 55/24 62/15 66/2 69/27 107/16 147/21 184/11 189/13 198/9 BETTER [9] 1/21 27/25 84/12 90/14 119/22 156/2 156/3 159/24 186/1 BETWEEN [22] 9/5 13/3 19/23 23/12 24/11 24/13 31/15 32/19 33/13 33/16 34/2 34/6 34/23 37/1 57/13 57/17 70/17 79/13 113/14 115/6 182/6 196/3 BEYOND [5] 45/8 55/25 57/5 109/26 187/24 BIG [5] 28/6 44/5 44/9 129/8 156/11 BIGGER [1] 76/26 BILLET [1] 133/26 BILLION [2] 169/8 169/9 BINDER [1] 68/15 BIO [4] 67/28 72/11 141/21 141/23 BIOGRAPHY [2] 67/28 68/4 BIPLANE [2] 13/7 43/4 BIRTHDAY [1] 207/20 BIT [18] 33/14 67/15 69/26 73/26 75/23 86/15 88/13 92/20 92/22 94/5 96/17 96/19 105/4 112/15 134/26 155/27 161/12 167/4 BITING [1] 80/27 BLACK [6] 19/26 75/20 100/18 100/19 148/1 190/2 **BLACKBIRD [1] 56/24** BLAND [1] 39/11

BROUGHT [9] 3/3 8/9 40/21 47/7 106/26  $\mathbf{B}$ BLAST [1] 29/16 BLENDED [1] 32/16 BLOCK [5] 3/11 45/4 45/4 100/10 109/2 BLOOD [2] 107/12 107/13 BLOW [1] 46/1 BLOWN [1] 46/2 BLUE [4] 98/12 100/10 154/25 161/9 BOARD [2] 26/22 116/13 |BODY [1] 32/16 BOEING [4] 32/21 36/5 37/10 144/7 BOLTHOUSE [2] 1/20 30/24 BOMB [10] 20/25 20/26 41/2 55/1 55/6 55/10 77/1 77/17 105/7 106/15 BOMBER [12] 15/9 20/8 20/8 20/13 20/16 23/25 24/16 26/9 76/7 84/2 84/3 84/4 BOMBERS [5] 20/17 22/22 43/6 49/26 BOMBING [8] 20/23 22/24 39/28 40/3 40/14 40/26 51/4 103/5 BOMBS [8] 40/10 41/5 41/6 41/7 41/7 55/6 55/6 106/14 BONDED [1] 202/21 BOOK [11] 9/19 9/26 9/27 50/22 50/24 50/26 51/2 51/7 51/9 105/16 116/22 BOOKKEEPING [2] 1/24 61/27 BOOKS [1] 10/3 |BOOMED [1] 47/9 BOOSTER [1] 30/2 BOOSTERS [2] 30/19 30/20 BORAX [1] 2/14 BORROW [1] 195/24 **BORROWING** [1] 195/26 BOSS [3] 78/17 115/16 115/17 BOTH [6] 45/4 69/25 103/2 103/3 199/28 206/25 BOULEVARD [2] 5/7 141/4 BOUND [2] 33/17 109/17 BOUNDARIES [2] 92/19 92/20 BOUNDARY [4] 93/6 93/7 93/9 157/26 BOUNDED [1] 98/20 BOX [3] 4/23 98/12 114/11 BRADLEY [1] 1/23 BRAKE [6] 85/23 85/25 85/27 85/28 166/8 166/9 BRAKES [5] 86/2 86/5 86/11 91/27 166/11 BRANCH [1] 157/23 BREAK [10] 60/25 60/27 61/7 104/17 113/11 113/14 113/21 179/8 179/10 179/11 BREAKING [1] 26/21 BREAKTHROUGH [1] 37/3 BREATH [1] 53/2 BREATHING [2] 36/16 36/20 BREWER [14] 3/4 64/25 65/11 65/11 66/14 67/11 73/16 113/18 114/19 123/13 125/1 138/10 158/8 205/17 BREWER'S [6] 68/4 140/3 148/19 149/11 149/17 161/18 BRIEF [5] 4/7 88/27 135/22 135/24 189/4 BRIEFING [3] 148/20 149/11 149/25 BRIEFLY [10] 7/4 7/20 8/6 12/7 22/28 34/22 68/28 72/6 80/11 89/14 BRIGADIER [4] 65/10 66/16 68/3 149/10 BRIGHT [2] 81/18 161/6 BRING [9] 36/14 73/28 73/28 77/28 127/28 136/21 136/22 160/4 165/16 BRINGING [2] 2/20 95/26 BROAD [3] 73/1 125/25 126/9 BROADER [1] 71/15 BROADEST [3] 51/12 51/28 52/4 BROADLY [2] 31/3 93/6 **BROTHERS** [1] 43/4

109/6 110/4 119/6 201/13 BROWN [1] 1/20 **BROWNSTEIN [1] 1/22** BRUNICK [2] 1/24 1/25 **BUCKS [1] 89/19** BUDGET [2] 78/27 78/27 BUDGETARY [2] 132/27 139/10 BUILD [5] 80/7 91/14 132/18 136/25 137/1 BUILDING [9] 30/21 75/28 78/16 78/17 122/5 122/8 134/3 146/20 167/8 BUILDINGS [3] 25/25 167/9 167/10 BUILDUP [5] 17/22 19/19 58/11 59/8 60/4 BUILT [11] 20/6 20/7 24/2 29/8 31/15 32/3 38/18 97/3 108/23 128/13 156/14 BUNCH [2] 115/4 115/6 BURGER [1] 167/17 BUSINESS [11] 5/3 52/17 65/8 65/9 65/12 83/16 107/20 108/5 108/18 141/1 141/3 BUY [3] 85/23 168/24 169/3 C-17 [1] 78/1 C-17'S [1] 76/24 C.E [2] 119/21 132/9 C.V [2] 5/25 6/28 CABLE [1] 90/3 CALCULATE [4] 176/15 196/1 196/2 203/3 CALCULATED [3] 176/14 181/17 201/15 CALCULATING [1] 204/6 CALCULATION [7] 184/22 185/3 189/22 194/11 200/5 203/6 203/7 CALCULATIONS [5] 181/4 184/17 184/18 194/28 198/18 CALCULATOR [2] 195/19 195/21 |CALIBRATE [1] 168/10 CALIBRATED [2] 168/7 168/9 CALIBRATION [1] 57/3 CALIFORNIA [15] 1/1 2/11 2/12 1/3 8/13 12/14 13/12 65/13 75/16 101/19 114/3 141/5 168/13 208/1 208/12 CALL [21] 16/10 31/10 62/2 64/23 64/25 70/11 70/17 86/16 90/22 100/1 100/18 139/24 147/28 155/2 161/20 167/5 167/7 169/5 180/18 188/26 205/5 CALLED [32] 8/13 9/21 9/27 14/10 14/12 16/24 16/28 18/18 19/25 20/22 21/28 22/7 22/8 23/25 28/28 31/11 32/15 32/16 35/9 35/10 35/15 36/17 50/24 63/3 72/23 91/6 94/3 118/15 118/23 181/14 205/17 206/9 CALLS [4] 4/21 55/17 122/22 183/22 CAME [13] 37/2 41/10 41/17 41/17 41/27 81/18 87/22 107/3 179/28 191/24 194/12 196/19 196/22 CAMPUS [1] 155/11 CAN [179] 3/4 3/5 6/13 7/20 8/5 12/3 15/11 17/24 18/12 19/6 22/3 24/22 25/2 25/10 25/23 26/5 27/21 27/22 28/14 28/18 29/19 33/13 34/10 36/14 37/5 42/1 45/5 50/14 50/19 51/24 52/18 54/28 55/24 62/23 62/26 62/27 62/27 67/26 68/28 72/6 73/28 73/28 74/26 75/11 75/17 76/2 76/22 77/8 80/11 80/21 81/2 82/11 82/18 84/7 84/20 84/25 85/3 86/15 86/20 87/25 88/5 88/5 88/12 90/25 90/28 92/6 92/7 92/20 92/21 92/26 93/23 94/4 95/15 95/25 96/4 96/11 97/9 97/13 97/17 98/11 99/24 101/3 101/13 101/24 101/25 101/28 102/1 102/2 102/3 103/13 103/13 103/15 105/5 105/5 105/19 105/20 107/16 110/22 114/10 115/28 117/18 120/13 122/16 127/21 127/21 128/3 128/12 128/18 128/21 128/23 128/24 129/2 129/9 130/11 130/13 130/14 132/8 136/11 136/26

137/19 139/5 139/20 140/1 146/9 147/18 147/21 147/26 147/27 150/8 151/22 152/2 152/5 152/10 154/25 156/3 156/4 156/10 156/16 157/10 157/12 157/28 160/16 160/22 160/22 165/17 166/4 168/12 168/23 168/24 169/10 169/11 169/12 173/12 173/19 173/27 174/4 174/10 179/4 179/19 180/16 182/9 182/24 184/11 184/11 186/2 186/27 187/16 188/15 193/28 194/27 195/17 196/5 202/24 205/2 206/24 207/3 207/4 207/12 207/12 CAN DATE [1] 42/1 CAN'T [20] 54/5 54/13 54/26 54/26 62/21 80/5 80/6 80/7 81/17 85/23 86/8 87/12 109/8 127/16 127/20 128/11 129/22 130/9 158/2 **CANDIDATE [1] 108/17 CANDIDATES [1] 108/14** CANNOT [4] 25/4 56/5 163/7 207/21 CAPABILITIES [11] 11/13 11/15 28/22 36/28 38/16 43/11 77/21 99/14 105/16 107/8 127/22 CAPABILITY [12] 42/27 79/18 90/8 99/20 100/23 101/7 105/18 112/17 128/19 135/4 135/6 176/22 CAPACITIES [1] 9/11 CAPACITY [13] 8/16 108/13 109/13 109/14 133/12 133/14 133/17 137/9 139/15 176/18 176/18 176/22 187/24 CAPITAL [1] 146/14 CAPTAIN [4] 54/2 54/3 81/11 143/9 **CAPTAINS [1] 144/2** CAR [3] 63/28 94/17 160/12 CARE [5] 94/10 94/14 104/3 104/5 126/19 CAREER [6] 8/8 8/24 9/16 143/4 144/5 144/11 CAREFUL [3] 27/4 46/20 128/20 **CAREFULLY [1] 17/13** CARGO [1] 78/1 CAROLINA [3] 69/3 69/15 69/16 CARRYING [4] 21/15 32/25 32/25 67/17 CARS [1] 91/19 **CASCADE** [1] 126/1 CASE [23] 1/6 1/1 1/2 1/15 4/10 4/10 19/7 32/21 39/15 60/2 70/25 114/1 114/2 134/16 147/3 152/27 182/28 184/14 197/28 201/6 207/16 207/18 208/7 CASES [7] 1/6 29/9 30/8 35/2 35/19 54/27 CATASTROPHE [1] 168/28 CATASTROPHIC [1] 166/18 CATCH [3] 86/5 90/2 91/27 CAUSE [4] 5/15 65/3 140/23 208/16 CELL [3] 57/7 92/28 93/3 CENTER [41] 8/12 8/14 9/7 9/22 11/7 11/14 12/13 19/16 23/13 26/15 48/7 49/8 49/9 49/16 49/20 50/3 56/13 66/27 66/28 67/1 67/3 67/7 72/16 72/27 72/28 78/16 78/20 79/8 84/8 84/9 84/10 101/9 109/3 115/8 115/9 118/6 122/7 157/18 161/2 173/15 176/25 **CENTER'S [1] 11/12 CENTERS [1] 62/19** CENTRAL [3] 50/3 67/10 143/19 CENTRALLY [1] 155/18 CENTURY [9] 22/7 22/8 35/4 37/10 37/23 37/26 37/28 38/4 38/10 CERTAIN [5] 41/11 43/22 122/28 122/28 CERTAINLY [26] 18/26 38/6 41/2 42/6 42/26 43/14 52/15 73/22 74/6 84/3 99/8 103/10 109/19 110/24 120/14 124/10 127/20 127/27 129/11 132/5 164/13 165/19 165/19 187/19 200/28 202/21

CERTAINTY [7] 112/21 127/17 128/10 128/11 128/12 129/3 129/9 CERTIFICATE [1] 208/9 CERTIFY [1] 208/13 CHAIN [3] 119/26 120/1 140/11 CHALLENGE [2] 82/3 199/27 CHALLENGED [2] 130/11 133/20 CHALLENGING [3] 26/8 88/23 130/8 **CHANCE [1] 164/15** CHANGE [16] 3/10 10/24 10/24 40/22 47/16 56/7 56/8 67/2 75/22 99/13 99/14 99/22 135/12 142/5 162/27 162/28 CHANGED [5] 14/11 39/25 47/9 51/4 205/22 CHANGES [2] 3/7 28/23 **CHANGING [1] 83/7** CHARACTER [1] 51/3 CHARGE [2] 146/27 181/11 CHART [15] 5/27 172/27 174/15 174/21 175/17 178/28 193/5 201/11 201/19 201/22 201/27 202/1 202/6 203/19 203/26 CHARTED [1] 98/15 CHARTS [2] 172/28 189/27 CHASE [4] 27/20 102/7 102/8 202/24 CHECK [4] 68/26 86/28 157/12 203/27 CHECKED [1] 80/3 CHECKING [1] 202/20 CHIEF [5] 8/20 13/20 107/13 131/11 133/7 CHIEF'S [1] 131/8 CHINA [2] 108/28 109/3 CHOOSE [1] 181/28 CHRONOLOGY [1] 19/18 CIRCA [1] 22/15 CITY [4] 144/23 145/12 166/22 167/20 CIVIL [19] 13/24 17/15 32/24 52/20 123/1 142/26 143/4 143/18 143/23 144/7 144/12 144/26 144/27 144/27 173/8 184/24 185/18 186/7 187/15 CIVILIAN [11] 19/9 19/9 22/20 22/28 52/12 54/7 58/21 121/11 121/13 145/2 152/9 CIVILIANS [2] 58/22 151/25 CLAIM [2] 202/2 202/3 CLARENCE [1] 181/10 CLARIFICATION [1] 3/1 CLASS [1] 92/11 CLASSIC [2] 31/26 180/6 CLASSIFIED [1] 9/15 |CLAYTON | 1 | 75/20 | CLEAR [3] 47/8 132/24 145/16 CLEARLY [1] 43/7 CLIENT [1] 116/20 **CLIFFORD** [1] 1/20 CLIMATE [3] 181/16 182/2 182/3 CLINIC [3] 146/19 146/20 158/25 CLOCK [1] 42/3 CLOSE [3] 65/15 191/10 191/12 CLOSELY [1] 23/16 CLOSER [2] 67/18 160/17 CO [1] 2/9 COAST [1] 63/2 **COCKPITS** [1] 13/7 **COINCIDES [1] 17/22** COLD [2] 143/20 144/23 COLEMAN [2] 4/10 180/6 COLLEAGUE [1] 52/17 COLLECT [1] 105/20 COLLECTION [1] 146/2 COLLECTIONS [2] 12/10 12/12 COLLEGE [8] 69/10 69/11 70/3 70/11 70/19 70/25 71/12 144/3 COLONEL [8] 13/19 144/6 144/10 144/19

176/24 189/5 197/3 197/22 COMPRISED [2] 58/16 115/9 COLONELS [2] 143/10 143/11 COLOR [1] 74/6 COLUMN [1] 174/8 COLUMNS [1] 174/14 COMBAT [7] 16/5 20/4 41/15 77/23 82/20 106/27 112/17 COMBAT-WORTHY [1] 41/15 COMBINED [1] 66/20 COMBUSTION [1] 36/18 COME [25] 3/25 4/1 4/22 12/10 16/7 50/19 64/26 83/25 83/27 83/28 92/20 107/5 110/23 111/21 119/9 119/10 125/8 127/28 132/9 167/22 176/20 180/11 184/4 200/25 207/11 COMES [10] 2/23 84/1 128/9 136/18 154/24 156/22 159/9 196/15 204/11 204/26 COMING [15] 3/24 19/2 62/25 66/3 81/15 87/19 110/28 114/21 114/23 126/24 129/25 137/11 157/11 165/6 191/19 COMMAND [23] 9/12 69/9 70/3 70/11 70/19 71/2 72/6 72/7 72/8 78/24 84/11 94/23 115/5 115/6 115/13 119/27 120/2 121/15 121/18 122/2 123/2 140/12 144/3 COMMANDED [1] 73/2 COMMANDER [20] 13/19 66/17 67/10 72/12 72/15 72/22 72/27 73/5 73/5 94/23 114/26 115/7 115/15 125/6 127/9 127/10 176/24 176/25 181/14 189/1 COMMANDING [2] 114/28 144/11 COMMENCE [1] 154/1 COMMENDATION [1] 144/21 COMMENT [1] 165/24 COMMENTS [2] 182/28 183/8 COMMERCIAL [6] 13/24 25/15 30/19 44/9 148/3 154/20 COMMISSARY [3] 148/5 167/12 167/13 COMMISSION [2] 142/21 143/1 COMMISSIONED [2] 142/20 142/26 **COMMITMENT [1] 107/14** COMMITTEE [3] 7/26 33/20 56/6 |COMMON [5] 23/28 78/28 79/1 79/11 125/17 COMMONLY [3] 21/10 28/28 31/10 COMMONPLACE [1] 29/10 COMMUNICATED [1] 189/4 COMMUNICATING [1] 189/1 COMMUNITIES [3] 15/3 58/23 63/5 COMMUNITY [3] 1/19 148/4 154/22 COMPANIES [1] 93/4 COMPANY [5] 2/6 18/15 18/17 143/6 143/8 COMPARABLE [1] 191/6 COMPARE [2] 191/3 202/5 COMPARED [2] 181/11 181/16 **COMPARING** [1] 176/1 COMPASS [3] 28/11 157/5 157/13 COMPATIBLE [7] 79/9 91/6 91/7 91/9 91/13 92/2 116/3 **COMPETE** [1] 93/3 COMPETITIVE [1] 88/23 COMPILATION [1] 151/19 COMPILED [1] 172/24 COMPLAINT [1] 93/25 COMPLETE [3] 83/23 83/24 207/12 COMPLETED [2] 85/20 102/11 COMPLETELY [3] 50/8 60/5 189/3 COMPLEX [14] 20/6 26/13 44/5 72/20 74/17 100/1 100/3 101/3 118/25 148/7 154/17 154/18 156/20 157/18 COMPONENT [2] 148/1 148/2 COMPONENTS [3] 72/28 104/22 147/28 COMPOUND [1] 155/13 COMPREHENSION [1] 28/13 COMPRISE [1] 208/14

COMPRISES [2] 67/5 84/11 COMPUTER [2] 31/28 32/5 CONCENTRATE [1] 146/25 CONCENTRATED [1] 18/21 CONCEPT [2] 17/5 155/11 CONCEPTS [1] 185/18 CONCERNED [2] 29/2 93/7 CONCERNING [2] 164/25 206/17 CONCERNS [2] 80/21 113/20 CONCERT [1] 18/25 CONCLUDED [2] 1/24 114/12 CONCLUSIONS [1] 139/4 CONCORD [1] 75/24 |CONCRETE [4] 108/23 109/9 109/12 151/6 CONCUR [1] 194/27 CONCURRED [2] 184/17 194/20 CONDITION [3] 24/3 68/18 87/10 CONDITIONS [6] 19/11 27/11 27/12 31/24 38/12 87/2 CONDUCT [1] 37/1 CONDUCTED [1] 10/4 CONDUCTING [2] 20/3 63/13 CONES [2] 93/3 100/22 CONFERENCE [1] 41/23 CONFERRED [2] 188/18 188/19 CONFESS [2] 54/25 57/6 CONFIDENT [1] 171/27 CONFIGURATION [1] 32/23 CONFINES [5] 74/20 75/15 75/21 90/20 CONFIRM [2] 54/5 54/13 CONFUSING [1] 138/27 CONGESTED [5] 99/27 108/1 108/2 108/3 CONGRESSIONAL [2] 33/21 127/14 CONJUNCTION [1] 2/13 CONSERVATION [3] 170/16 171/9 172/1 CONSERVE [1] 164/2 CONSIDER [2] 29/10 163/16 CONSIDERED [3] 4/14 17/5 144/24 **CONSISTED** [1] 16/15 CONSISTENT [4] 50/8 50/12 57/27 116/22 CONSISTENTLY [1] 63/22 CONSOLIDATE [1] 128/6 CONSOLIDATION [7] 108/9 108/10 108/12 108/14 108/19 127/27 139/11 CONSTANCY [2] 11/6 31/22 CONSTANT [2] 11/11 11/20 CONSTITUTES [2] 26/3 57/15 CONSTRAINED [3] 43/15 63/4 108/9 CONSTRAINTS [3] 45/6 127/28 161/17 CONSTRUCT [1] 133/24 CONSTRUCTION [8] 119/17 119/18 119/23 133/26 183/13 188/23 188/24 205/12 CONSULTANT [1] 8/1 CONSUME [1] 170/1 CONSUMED [3] 169/19 169/24 175/15 CONSUMPTION [22] 31/2 124/2 124/13 125/3 166/28 168/16 171/2 171/17 174/2 174/3 176/5 178/25 181/4 182/16 183/26 183/28 188/17 189/19 193/22 194/4 194/15 202/23 CONSUMPTIVE [1] 190/10 CONTACT [2] 8/9 9/13 CONTACTS [1] 181/14 CONTAIN [1] 4/11 CONTAINS [3] 5/26 169/12 169/13 CONTAMINATION [1] 169/6 CONTENDED [1] 201/3 CONTEXT [3] 37/6 41/12 84/10 CONTINENTAL [2] 4/10 180/6 CONTINGENCIES [1] 145/22

203/15 COUNTY [4] 1/2 1/26 208/2 208/13 COUPLE [4] 111/23 119/20 167/2 168/12 DATABASE [3] 62/1 162/18 162/25 CONTINUE [12] 28/15 32/7 38/19 83/9 COUPLING [1] 35/10 DATE [10] 6/24 15/22 18/3 18/4 18/5 35/24 83/15 107/22 108/5 108/12 110/24 169/3 COURSE [42] 15/24 16/12 17/22 24/6 26/2 36/7 42/1 68/25 142/3 182/9 202/22 27/15 45/7 54/13 58/2 59/6 69/13 79/24 DATED [1] 208/17 CONTINUED [5] 1/28 2/2 9/15 24/20 29/20 83/21 87/9 93/5 98/16 126/1 129/28 130/3 DATES [3] 56/11 122/27 123/1 **CONTINUES** [1] 24/12 143/11 155/1 156/11 158/16 158/17 158/20 **DAUGHTER** [1] 94/16 DAVIS [5] 2/8 181/13 181/15 181/28 182/1 **CONTINUING [1] 144/5** 158/21 159/8 159/11 159/27 160/9 161/1 CONTINUUM [2] 81/5 82/8 161/3 166/11 167/24 171/22 173/15 176/8 DAVIS-MONTHAN [4] 181/13 181/15 CONTRACTOR [1] 119/24 181/28 182/1 176/10 182/1 188/23 193/11 194/22 CONTRACTORS [6] 18/11 19/2 52/15 COURT [22] 1/1 3/17 5/15 6/5 6/5 10/18 DAY [17] 13/14 15/10 15/13 22/1 24/20 79/25 119/16 151/25 65/4 66/3 66/15 72/7 103/14 140/24 162/11 24/21 29/11 29/20 35/21 82/9 84/2 86/27 CONTRACTORS' [2] 119/12 119/13 163/16 165/17 180/8 197/15 198/10 200/20 87/1 87/4 94/28 159/1 207/21 CONTRARY [4] 34/20 187/21 200/9 201/5 200/25 208/1 208/12 DAYS [7] 15/4 47/22 95/18 95/21 96/2 CONTRAST [1] 70/23 COURT'S [3] 88/7 162/1 186/23 113/20 207/11 COURTCALL [2] 2/4 1/16 CONTROL [24] 54/10 77/16 79/22 81/23 **DEAD [1] 160/28** COURTROOM [2] 1/18 96/28 DEAL [7] 22/23 28/6 56/27 165/17 175/16 82/10 82/17 89/7 89/22 89/23 90/5 95/25 97/3 101/5 101/9 101/27 102/5 104/11 COVER [3] 95/17 113/6 148/19 176/10 185/10 104/12 105/19 113/18 127/10 145/17 146/2 COVERED [2] 95/16 113/5 DEALING [4] 43/23 43/24 47/4 179/26 175/14 CRAFTSMAN [1] 166/9 **DEALT [1] 34/14** CONTROLLED [4] 18/23 18/24 88/1 CRASH [5] 46/25 62/2 62/3 62/5 62/9 DEATH [1] 14/13 **DEBATING** [2] 133/21 199/15 101/23 CRATER [1] 90/7 CREATE [2] 151/2 183/14 CONTROLS [8] 31/28 35/11 56/28 81/26 **DECEMBER [1] 59/6** 82/12 82/13 82/14 104/14 CREATED [4] 141/27 142/1 183/16 185/15 **DECEMBER 7 [1] 59/6** CREATION [2] 63/24 163/12 CONVENTIONAL [3] 21/19 28/2 28/4 DECENT [1] 4/23 CONVERSATION [1] 195/2 CREDIBILITY [2] 187/20 200/9 **DECIDE [2] 61/6 200/25** DECIDED [3] 200/14 206/19 206/25 CREEK [1] 2/9 CONVERSATIONS [1] 183/19 CONVINCED [1] 30/14 CREWS [11] 14/27 14/28 16/7 20/8 20/8 **DECIDING** [1] 201/1 COOK [1] 49/24 20/15 20/21 50/10 58/18 58/19 58/20 DECISION [5] 41/18 106/3 127/13 135/15 |COOKING [1] 167/10 CRISSCROSSING [1] 27/10 207/13 **DECISIONS [1] 133/9** |COOPERATION | 1 | 57/13 CRITICAL [3] 77/12 94/12 97/28 COORDINATE [1] 97/9 CROSS [17] 1/24 2/7 3/2 34/11 34/19 38/24 DECLARATION [1] 3/3 COPY [4] 3/6 48/21 149/27 201/12 38/26 53/19 53/22 61/24 113/17 113/19 **DECLINING** [1] 128/4 114/13 114/17 135/20 192/13 200/9 **DEEP [1]** 73/14 CORE [1] 19/13 **DEFEND** [1] 50/11 |CORPS | 11 | 13/1 17/12 47/15 48/5 49/10 CROSS-DEFENDANT [1] 1/24 DEFENDANT [6] 1/20 1/22 1/24 1/26 2/3 49/13 49/23 50/4 57/23 57/24 143/26 CROSS-DEFENDANTS [1] 2/7 CORRECT [65] 11/22 14/8 36/10 40/28 CROSS-EXAMINATION [10] 34/11 38/26 2/14 41/20 42/24 44/11 44/12 49/6 53/10 53/11 53/19 53/22 113/17 113/19 114/17 135/20 **DEFENDANTS [2] 2/5 2/7** DEFENSE [12] 8/2 54/10 64/6 70/26 120/5 54/7 54/10 54/11 54/12 60/13 77/5 77/6 83/3 192/13 200/9 85/17 86/20 87/22 87/23 95/20 98/21 100/2 CROSS-EXAMINE [3] 34/19 61/24 114/13 120/27 121/3 121/8 127/5 129/27 131/7 100/3 103/21 103/25 103/27 115/14 115/14 CROSSES [1] 158/17 171/16 117/3 118/10 118/11 121/9 121/10 121/14 DEFENSE'S [1] 121/20 CRR [2] 2/28 208/23 **DEFENSIVE** [1] 20/11 127/12 129/20 132/16 138/12 138/13 142/2 CRUCIAL [3] 30/21 35/12 35/13 151/20 177/22 177/27 183/6 183/14 183/15 DEFER [1] 52/17 **CRYSTAL** [1] 2/5 183/17 185/15 186/14 190/11 190/12 190/15 CSR [4] 2/28 1/5 114/5 208/23 **DEFINE [2] 57/15 125/27 CURATOR [1] 8/8** 190/16 192/26 193/3 195/11 198/10 202/25 **DEFINED [1] 117/12** 202/27 206/11 208/15 CURRENT [18] 66/15 70/4 77/18 114/25 DEFINITELY [2] 55/10 160/12 **DEFINITION [3] 10/26 57/15 97/19 CORRECTED** [1] 86/19 133/27 134/1 134/2 134/6 147/7 147/18 CORRECTED FOR [1] 86/19 183/28 188/6 191/15 195/10 195/13 196/27 DEFINITIVE [1] 127/2 **CORRECTION [1] 154/12** 198/4 200/2 **DEFLECTED** [1] 29/16 CORRECTLY [5] 39/7 89/6 97/25 99/6 CURRENTLY [5] 7/28 10/1 72/12 134/4 |DEGREE |6| 47/6 69/2 93/20 127/17 129/3 129/9 202/21 193/12 CORRELATE [1] 30/15 CURRICULUM [1] 88/24 **DELAY [1] 86/18** CORRESPONDENCE [1] 18/7 CURSORY [1] 122/24 DELIVER [3] 77/20 77/27 80/7 CORRIDOR [5] 100/11 100/19 100/20 CURTAIN [1] 143/20 **DELUGE** [1] 166/16 DEMAND [20] 176/14 187/27 187/27 188/5 102/12 102/24 **CURTISS [1] 18/16** COST [3] 89/14 134/8 169/15 188/5 189/17 191/15 193/16 194/16 194/18 CURVES [2] 202/20 202/21 **CUSTODIANS [1] 38/19** COUGHING [2] 4/28 85/1 195/9 195/10 195/13 195/15 196/27 197/27 COULD [64] 13/15 13/16 13/17 21/22 26/9 **CUSTOMER [1] 23/7** 198/4 198/4 198/7 198/10 30/14 32/3 32/8 36/26 37/7 41/3 45/24 48/16 CUT [2] 3/15 202/24 DEMANDED [1] 13/14 51/26 66/14 74/9 75/23 79/12 81/18 82/14 CUTTING [1] 15/15 **DEMANDING** [1] 99/26 87/6 91/10 102/14 109/18 109/20 109/21 CYCLE [3] 83/23 83/25 188/26 DEMANDS [8] 99/23 112/22 164/3 177/7 109/22 109/26 109/28 110/4 110/6 113/16 CYCLES [1] 188/25 177/25 184/3 188/14 190/27 135/5 136/4 136/6 136/17 136/19 137/2 DEMOLISHING [1] 175/12 137/27 138/1 153/3 155/25 155/26 156/1 DEMOLITION [3] 175/11 175/15 188/24 D.C [5] 8/3 70/27 75/12 75/13 75/14 158/14 160/15 162/5 164/24 165/27 168/27 **DEMONSTRATED [2] 36/19 38/9** 169/2 173/9 173/21 174/14 176/28 177/14 D.F.R.C [1] 118/3 DEMONSTRATIONS [1] 57/4 DAILY [2] 45/18 190/22 **DEMONSTRATIVE [3] 3/25 4/2 150/26** 180/14 186/12 195/21 195/25 196/11 199/4 DAMAGE [4] 82/13 82/15 89/4 89/11 DEMONSTRATOR [1] 32/22 199/6 207/10 COULDN'T [4] 2/14 85/27 109/11 205/19 DANVILLE [1] 75/20 **DENY [1] 59/1** COUNSEL [9] 1/17 49/2 52/27 55/20 149/9 DATA [18] 2/13 100/27 101/6 101/6 103/12 DEPARTMENT [15] 1/3 1/14 2/12 1/4 54/9 105/4 105/10 105/20 148/25 172/28 181/12 114/4 120/5 120/27 121/3 121/8 145/17 149/9 150/2 150/11 164/7 183/21 188/20 190/23 193/1 193/1 193/3 155/18 167/15 171/16 208/3 COUNTERINTELLIGENCE [2] 8/23 8/26

D DEPENDENT [1] 26/2 DEPENDING [3] 27/11 87/9 176/8 **DEPENDS** [2] 89/15 133/23 DEPICT [1] 161/9 |DEPICTED [2] 74/21 100/17 **DEPICTING** [1] 157/17 DEPICTS [2] 154/24 158/16 DEPLOY [2] 14/22 14/26 |DEPLOYED |3| 22/22 27/17 31/16 |DEPLOYING [1] 185/28 DEPLOYMENTS [3] 11/10 47/24 186/4 **DEPOSED [1] 163/3** DEPOSITION [40] 2/3 2/8 2/18 2/19 30/25 34/1 34/8 39/17 40/13 40/26 41/9 48/11 50/27 51/1 51/18 51/20 55/20 111/8 111/20 119/16 120/23 129/14 131/17 132/21 149/4 149/5 149/17 152/22 161/14 161/27 162/9 162/13 162/21 163/1 163/6 174/26 194/2 196/17 201/13 206/9 **DEPTH** [1] 88/15 DEPUTY [2] 2/13 181/13 DEREK [1] 2/8 **DERIVED** [1] 174/9 **DESCENT** [1] 16/14 DESCRIBE [19] 3/18 7/20 8/6 10/24 12/6 39/16 59/21 62/17 68/28 74/9 75/11 80/11 84/7 90/17 91/10 98/11 147/18 175/19 176/4 DESCRIBED [4] 37/19 59/26 119/16 DESERT [10] 77/10 106/25 170/24 170/28 171/6 181/15 182/2 182/2 182/6 182/7 DESIGN [4] 18/17 18/19 32/16 104/9 DESIGNATED [5] 49/9 50/2 57/6 118/18 152/14 DESIGNATION [1] 152/14 DESIGNED [5] 17/1 21/18 30/2 32/3 85/27 DESIGNERS [1] 17/2 **DESIGNS [1] 17/17** DESK [1] 92/28 **DESPITE** [1] 110/2 DETAIL [7] 58/24 62/17 129/17 156/7 167/4 182/11 184/15 **DETAILS** [1] 2/15 **DETERIORATING [2] 15/24 16/3** DETERMINE [9] 53/6 105/5 105/6 149/26 164/22 168/5 185/24 187/16 193/2 DETERMINED [3] 14/1 35/2 200/27 DETERMINES [3] 44/15 44/16 79/21 DEVELOP [12] 29/5 40/16 42/27 72/20 79/3 115/8 134/27 137/11 139/9 140/2 79/10 81/8 106/24 107/2 107/8 107/19 197/26 DEVELOPED [7] 18/17 21/20 38/7 41/25 79/4 83/27 107/2 DEVELOPING [4] 71/23 81/14 82/6 134/7 DEVELOPMENT [28] 9/25 11/10 12/17 23/15 29/2 34/27 35/12 35/13 37/9 39/23 49/28 54/16 67/6 72/16 78/20 79/1 79/13 79/18 80/6 80/6 80/19 81/5 95/1 136/20 136/22 136/23 137/22 139/1 DEVELOPMENTAL [10] 23/4 23/20 24/6 35/6 67/9 72/26 73/2 79/28 79/28 138/1 **DEVOTED** [1] 57/7 **DIABLO [1] 75/20 DIALOGÙÉ [1] 2/16** DIAMOND [1] 2/5 **DICTATES** [1] 59/12 DID [89] 6/19 6/20 7/6 22/23 33/16 36/9 40/2 40/13 40/16 40/19 41/3 42/6 43/14 44/4 44/6 49/6 49/20 51/6 51/14 51/22 52/2 52/3 52/19 53/5 54/2 54/3 56/18 59/3 66/2 68/10

68/11 82/3 85/19 85/28 90/1 90/10 91/28 99/7 99/17 103/18 104/26 106/23 110/15 116/9 116/14 125/16 135/3 142/17 142/21 142/23 142/28 143/3 143/5 148/21 152/20 152/25 162/28 166/8 171/21 176/13 178/12 178/18 180/7 180/9 181/6 181/19 181/28 182/27 183/1 183/7 183/14 183/18 183/19 184/3 184/10 184/14 188/28 190/20 192/27 194/7 194/14 196/26 199/7 201/27 202/15 203/14 204/5 206/1 206/6 DIDN'T [20] 2/11 2/12 3/25 15/26 42/23 48/4 68/17 90/2 97/25 97/25 97/26 106/26 109/10 111/25 163/2 174/5 187/11 192/25 192/25 203/15 DIFFERENCE [2] 115/5 196/2 DIFFERENT [14] 2/20 49/15 60/5 79/7 81/20 82/11 99/4 104/20 121/15 122/11 131/18 158/9 170/12 193/21 DIFFERENTLY [1] 82/16 DIFFICULT [8] 69/16 81/24 81/25 82/2 88/14 92/22 128/23 133/8 DIFFICULTY [3] 25/4 26/9 106/20 **DIGITAL** [1] 56/28 **DILIGENT [1] 203/1** DIORIO [22] 178/19 178/20 178/21 178/24 180/4 180/21 180/26 181/10 182/10 182/15 183/16 183/20 184/14 187/7 187/9 188/19 194/14 194/15 194/26 195/1 196/3 205/7 DIORIO'S [2] 190/24 194/20 DIRE [3] 10/13 73/20 147/14 DIRECT [9] 3/2 6/10 66/12 77/1 101/26 112/28 114/12 123/23 141/9 DIRECTION [10] 3/9 71/6 71/20 86/8 90/28 155/21 157/12 172/25 193/21 197/23 DIRECTIONAL [1] 89/22 **DIRECTIONS** [1] 171/15 DIRECTLY [4] 9/1 9/18 148/23 168/4 DIRECTOR [6] 8/22 8/25 142/5 144/27 144/27 145/11 **DISAGREE** [1] 39/26 DISAPPEARS [1] 46/4 DISAPPOINTED [1] 206/22 |DISASTER [1] 28/5 DISCIPLINED [1] 33/9 **DISCOVER** [1] 81/8 DISCOVERY [5] 149/19 161/22 162/12 162/18 162/24 DISCRETE [2] 117/13 125/28 **DISCRETIONARY [1] 133/5** DISCUSS [4] 7/4 126/27 178/2 201/11 DISCUSSED [9] 4/16 80/14 85/8 110/11 DISCUSSING [5] 13/9 34/4 34/23 112/14 112/16 DISCUSSION [4] 33/28 54/6 80/23 112/18 DISCUSSIONS [1] 134/15 DISK [1] 3/5 **DISPOSAL [1] 145/14** DISPUTE [5] 3/21 163/11 164/21 207/1 207/2 DISSERTATION 111 7/12 DISTANCE [6] 27/2 31/17 62/18 62/21 98/24 159/26 **DISTANCES** [1] 31/18 DISTINGUISH [1] 23/3 DISTINGUISHED [5] 69/6 69/7 69/9 69/10 144/1 DISTRESS [2] 25/14 25/18 DISTRIBUTED [1] 159/6 DISTRIBUTION [3] 158/27 170/17 171/23 |DISTRICT [1] 1/27 DIVERGE [1] 25/23 DIVERGENCE [2] 28/1 28/9

DIVERSE [1] 145/8 DIVIDE [2] 50/15 77/22 **DIVIDED [2] 78/27 117/13 DIVISION [1] 1/15 DIVISIONS** [1] 98/15 DO [205] 2/25 4/23 5/14 5/18 9/17 9/19 10/24 11/2 11/18 17/9 30/5 35/3 38/24 39/17 39/21 44/18 54/20 55/8 55/17 56/15 57/6 58/7 60/12 60/19 60/22 62/24 63/9 64/6 65/2 65/6 66/1 69/22 69/23 71/20 72/17 73/3 73/10 73/13 74/6 75/12 75/16 76/6 78/9 78/22 78/23 78/23 78/25 79/2 79/20 79/21 79/22 79/24 79/25 80/5 80/18 80/28 81/22 81/24 82/2 82/10 83/8 84/17 85/19 86/7 86/8 86/12 87/11 88/11 88/24 89/3 89/4 89/14 90/26 91/2 92/19 92/25 93/23 94/4 94/18 94/18 95/11 96/1 96/4 96/11 96/12 96/15 97/18 99/3 99/28 100/4 100/7 100/15 100/28 101/1 101/11 101/28 102/1 102/2 102/14 102/16 102/16 103/18 104/4 105/24 106/13 107/19 107/22 108/20 109/14 112/18 113/18 115/28 116/23 117/9 117/11 119/1 119/17 119/22 119/23 120/8 120/24 123/27 125/15 125/18 126/22 127/6 127/8 128/18 128/23 129/1 129/26 130/2 130/23 130/27 131/2 131/6 131/19 132/26 132/28 133/3 133/6 133/10 133/13 133/14 134/18 135/8 135/15 136/23 137/2 137/8 139/3 139/15 140/22 140/26 141/18 141/19 145/6 145/25 149/1 153/22 157/7 159/25 159/25 163/2 163/19 164/1 165/3 166/9 166/23 166/23 167/5 167/6 167/12 167/13 168/10 169/26 170/3 172/4 173/11 174/22 176/10 179/7 179/12 180/4 183/25 183/25 183/25 184/7 184/10 184/10 184/13 184/24 186/15 187/11 191/22 194/10 195/17 195/18 198/14 198/22 201/10 203/5 206/6 207/12 208/13 DO CROSS-EXAMINATION [1] 38/24 DO YOU [1] 78/9 DOCTOR [2] 53/15 60/11 DOCTORATE [1] 7/10 DOCUMENT [34] 2/20 6/17 67/26 68/7 116/26 116/28 123/14 123/15 123/20 124/4 124/6 124/7 124/21 124/23 130/14 130/20 131/19 131/24 131/26 134/18 134/19 141/18 141/20 141/27 148/14 149/4 149/8 149/15 149/24 150/16 150/20 162/13 196/24 197/2 **DOCUMENTATION [2] 3/8 162/9 DOCUMENTATIONS** [1] 131/15 DOCUMENTS [27] 3/3 43/9 53/6 131/1 131/5 131/12 131/14 132/6 132/10 132/15 132/18 138/11 138/14 138/20 138/24 149/18 161/24 161/25 161/25 162/3 162/11 162/14 162/22 162/23 194/9 196/18 197/1 DOES [54] 6/21 6/23 12/26 22/5 31/8 52/5 61/28 63/16 68/22 68/24 70/2 70/2 71/12 75/26 78/21 78/22 78/22 82/18 87/24 88/6 89/5 89/11 93/10 93/27 94/27 96/23 100/8 103/5 103/9 103/10 117/21 117/28 125/1 125/9 125/11 125/26 126/13 128/10 131/14 149/2 152/4 158/12 159/1 166/12 167/22 168/19 178/14 187/3 191/3 196/9 196/23 197/19 197/20 201/16 DOESN'T [16] 46/10 46/13 47/16 84/24 92/14 94/26 98/14 98/25 104/12 124/21 132/1 135/12 137/6 162/27 162/28 163/11 DOING [38] 2/15 45/17 46/28 47/17 47/18 47/22 47/23 47/24 49/27 49/28 56/23 56/26 56/26 63/6 71/11 78/5 81/14 82/11 83/15 83/18 91/24 93/17 97/19 104/15 104/16 114/20 126/25 129/23 129/27 138/24 138/25 163/16 164/2 169/15 183/5 189/22 198/27 205/19

DROPPING |4| 76/23 76/23 77/16 128/16 EKE [1] 88/16 D DRY [28] 13/11 13/25 14/10 14/11 15/18 **ELABORATE** [1] 33/13 DOLLARS [1] 89/20 17/8 17/9 21/23 25/12 25/16 27/9 39/11 40/9 ELECTRICAL [4] 69/4 151/9 168/15 DOMESTIC [4] 166/19 166/21 167/5 167/7 40/26 42/20 44/24 45/10 45/24 45/26 48/6 168/16 DON'T [104] 3/20 10/28 13/8 34/7 42/11 **ELECTRICITY [1] 146/2** 60/18 75/3 75/17 76/12 76/14 87/8 118/17 45/13 45/15 45/16 46/6 46/25 46/27 47/21 118/26 ELECTRONIC [3] 2/9 35/11 56/28 51/9 51/16 52/13 52/13 54/12 56/17 57/5 DRYDEN [5] 9/7 9/22 12/13 118/5 157/18 ELEMENT [5] 36/14 78/25 84/11 90/14 58/9 59/20 60/21 60/24 61/4 61/19 63/8 DUBOIS [5] 1/16 64/24 66/9 111/17 114/12 126/4 64/28 67/16 71/28 72/1 78/11 79/5 79/10 **ELHANEY [1] 1/24 DUCKS** [1] 113/16 80/28 85/25 86/12 86/24 90/6 91/11 91/12 DUE [2] 164/8 178/5 **ELIGIBLE [1] 108/25** 91/14 91/15 91/16 91/19 92/7 92/8 92/9 DUNN [1] 1/26 ELITE [1] 20/16 104/24 107/12 107/18 108/11 111/18 115/13 **ELLSWORTH** [1] 28/3 115/20 116/8 116/11 116/23 117/15 121/13 **ELONGATE [1] 147/23** 82/21 82/24 82/25 106/25 120/23 143/19 122/26 124/6 124/6 124/8 124/25 129/26 ELSE [7] 61/23 90/24 96/28 122/9 141/28 143/28 144/23 161/13 163/1 168/22 175/13 130/28 131/13 131/18 132/18 132/20 135/16 193/24 194/2 196/16 207/21 180/7 183/7 138/10 138/14 138/20 153/23 156/17 160/12 DUST [1] 175/14 **EMERGE [1] 49/19** EMERGENCY [8] 25/16 27/16 62/6 62/7 160/23 163/25 164/20 165/6 165/8 165/15 DUTY [3] 151/24 152/9 160/10 171/12 173/1 180/1 183/1 183/2 186/24 DYING [1] 160/28 87/7 87/27 145/19 145/20 188/8 188/9 189/27 193/25 195/18 195/23 DYNAMIC [4] 43/2 43/2 177/21 178/5 **EMINENTLY [1] 13/25** 196/6 197/1 198/15 199/18 199/24 200/20 **DYNAMICS [1] 86/24 EMOTION [1] 207/18** 205/9 205/27 207/2 **EMPLOYED** [1] 151/15 DONALD [1] 8/19 EMPLOYEES [3] 142/6 148/24 152/8 ENABLED [1] 44/25 DONE [24] 2/18 47/19 50/12 54/15 54/15 E-A-R-L [1] 141/3 E-MAIL [8] 33/7 197/3 197/10 197/18 54/16 56/20 56/27 60/12 60/26 60/27 78/7 **ENABLES** [1] 44/18 82/7 94/1 99/19 101/16 104/16 111/1 112/28 197/21 197/26 198/14 198/23 **ENCAMPMENT [2] 14/2 14/2** E-MAILS [1] 197/6 113/4 137/25 146/21 187/7 193/20 **ENCOMPASSED [1] 31/4** DORM [1] 94/16 EACH [1] 99/5 ENCOMPASSES [2] 40/23 75/18 DORMS [1] 160/11 **EAGLE [1] 119/5 ENCOUNTER [1] 205/26 EAGLES [1] 73/9** DORSAL [1] 89/8 ENCROACH [2] 63/22 63/27 EARL [3] 3/5 141/2 141/24 ENCROACHMENT [19] 63/16 63/20 92/16 DOT [2] 90/22 90/23 DOUBLE [2] 68/26 203/27 EARLIER [15] 32/2 78/4 80/9 80/23 84/15 92/17 92/18 92/21 92/24 92/27 93/1 93/4 DOUBLE-CHECK [2] 68/26 203/27 85/8 88/2 134/27 138/18 144/8 154/17 160/1 93/6 93/7 93/9 93/10 93/13 94/20 94/26 95/8 110/12 161/26 166/8 194/27 DOUBLY [1] 97/10 DOUBT [4] 83/10 83/14 128/27 129/7 EARLY [17] 10/4 11/3 12/27 13/1 17/15 END [16] 28/10 58/4 64/12 72/3 72/3 77/2 17/17 17/19 18/20 22/6 31/21 43/5 57/19 80/3 91/4 105/3 105/3 106/19 118/26 143/23 DOWN [38] 25/20 26/21 62/25 69/25 85/16 87/19 87/22 88/12 88/16 88/18 89/6 89/7 61/22 79/13 83/18 106/22 191/5 155/23 157/24 165/16 99/11 101/5 109/6 111/3 113/17 126/3 EARS [1] 67/19 **ENDANGER [1] 25/25** 126/11 126/13 126/14 126/15 126/16 126/24 EARTHQUAKE [3] 129/8 145/22 168/27 **ENDANGERING [1] 19/8** EASIER [6] 70/5 97/15 97/16 98/7 163/20 130/1 135/5 136/16 136/19 139/20 146/8 **ENDED** [1] 59/6 ENDORSE [2] 116/14 116/15 153/6 155/15 155/21 155/23 168/14 171/2 195/20 175/26 196/23 EASIEST [1] 72/9 ENDS [8] 71/23 71/23 71/25 95/1 99/4 EASILY [1] 50/14 DOWNLOADABLE [1] 131/9 112/15 112/16 200/1 EAST [8] 14/1 15/19 29/7 60/17 60/18 76/15 DOWNSIDE [1] 93/20 ENEMY [2] 20/4 20/12 **DOWNSIDES [1] 93/23** 167/26 167/26 ENGAGEMENT [1] 94/24 **DOWNSIZED** [1] 142/6 EASY [2] 27/24 207/16 ENGINE [18] 21/5 29/2 29/22 29/25 30/15 |DOWNTOWN [1] 133/26 EBB [5] 83/6 83/8 83/10 83/14 205/25 36/20 47/5 56/18 56/20 56/23 56/28 57/2 EBBS [2] 86/23 205/17 57/8 84/17 84/18 84/19 84/22 89/11 DR [4] 5/24 6/27 13/8 64/13 DR. [14] 4/21 6/13 10/7 16/26 18/1 37/12 ECONOMIC [3] 152/14 152/21 152/27 ENGINEER [11] 123/2 143/23 144/7 38/28 53/24 55/24 59/3 62/14 64/7 166/28 EDGE [3] 15/16 155/4 155/4 144/26 178/22 184/24 185/18 186/8 187/16 EDISON [1] 168/13 173/6 193/8 193/12 DR. HALLION [12] 6/13 10/7 16/26 18/1 **EDITOR [1] 10/2** ENGINEERING [15] 67/6 69/4 72/16 78/20 37/12 38/28 53/24 55/24 59/3 62/14 64/7 **EDUCATED** [1] 139/18 142/26 143/4 143/18 144/12 144/27 145/10 EDUCATION [6] 70/10 70/24 105/23 154/20 156/15 173/8 206/1 206/10 DR. NISHIKAWA [1] 173/6 142/17 144/1 185/20 **ENGINEERS [1] 143/27 EDUCATIONAL [2] 7/3 69/1** DR. RICHARD [1] 4/21 ENGINES [7] 26/14 29/13 29/21 30/16 EDWARDS [233] 30/18 72/18 72/19 DRAFT [3] 2/19 3/10 59/16 DRAFTS [2] 2/10 3/4 EDWARDS' [1] 42/4 ENJOY [1] 207/20 DRAMATIC [1] 101/21 **EDWIN [1] 2/19** ENLARGE [3] 12/3 173/21 190/8 DRAW [2] 43/28 182/5 EFFECT [2] 92/3 92/5 ENLARGEMENT [1] 173/9 DRAWN [2] 37/24 156/23 **EFFECTIVE [2] 72/4 89/9 ENLISTED [1] 13/28** DRAWS [1] 108/9 EFFECTIVELY [1] 13/16 ENOUGH [6] 2/5 19/5 65/15 66/4 90/24 DRHYPERSONIC [1] 33/8 EFFICIENT [3] 78/28 165/10 169/14 96/1 EFFORT [8] 9/5 35/15 108/10 136/28 137/1 DRINK [1] 179/11 ENSURE [4] 71/25 78/27 79/1 99/5 **DRINKING [1] 169/7** 137/3 137/4 138/1 ENSURING [4] 126/18 126/19 126/19 126/20 DRIVE [9] 75/28 76/1 76/6 76/8 91/22 109/9 EFFORTS [1] 207/15 EGLIN [19] 49/26 67/8 72/24 78/19 79/5 ENTER [5] 28/28 38/3 38/4 164/25 207/3 152/26 168/14 171/1 91/3 93/7 94/23 94/26 95/2 100/7 106/10 ENTERED [6] 24/6 37/10 37/23 37/25 DRIVEN [1] 175/26 107/26 115/10 115/25 115/26 116/1 135/3 DRIVING [1] 156/20 37/26 37/28 DRONE [4] 18/22 31/10 31/21 40/23 137/10 ENTERPRISE [1] 69/14 DRONES [3] 44/4 44/5 44/9 EICHHORN [1] 176/26 ENTERTAIN [1] 165/20 DROP [7] 30/13 30/13 40/10 54/12 54/28 EITHER [8] 42/24 46/3 96/11 118/14 ENTIRE [10] 26/1 47/15 75/14 85/25 93/2 128/17 149/17 162/15 163/12 101/19 106/26 109/15 157/16 174/4 102/18 169/9 DROPPED [4] 76/28 103/16 106/14 106/25 EJECT [2] 89/24 90/3 ENTITIES [2] 23/11 92/18

EXPEDIENCY [1] 202/9 EXAMPLE [35] 11/17 13/3 14/23 17/17 EXPEDITIOUS [1] 64/5 22/6 26/7 28/27 29/26 34/28 44/4 50/9 56/22 ENTITLED [1] 208/16 63/23 71/18 76/23 76/24 77/28 79/2 79/13 EXPERIENCE [15] 6/22 8/4 8/6 8/7 8/28 ENTRY [3] 57/4 160/25 160/26 89/21 93/14 103/13 103/16 106/10 117/16 10/21 68/23 105/22 181/13 187/16 188/3 ENVIRONMENT [12] 1/14 15/1 36/26 188/4 190/23 190/24 206/8 119/4 126/16 127/23 131/10 132/9 132/12 71/19 71/21 92/13 106/7 108/9 108/19 128/4 146/17 167/7 167/8 205/23 **EXPERIENCES [2] 72/6 72/8** 182/6 182/7 EXCEED [1] 21/15 EXPERIMENTAL [4] 18/17 40/20 44/25 ENVIRONMENTAL [1] 143/14 EXCEL [1] 201/28 **ENVISION [1] 44/4** EXCELLENCE [1] 7/27 EXPERIMENTS [1] 44/7 ENVISIONED [1] 43/13 EXPERT [10] 4/13 10/7 31/1 73/17 147/10 **EXCELLENT [1] 68/28** 162/14 180/7 184/3 184/21 187/10 **EQUATES [1] 124/17** EXCEPT [1] 166/22 |EQUIPMENT |2| 16/8 77/27 EXCEPTIONALLY [2] 73/13 108/24 **EXPERT'S [1] 4/13** EQUIVALENCY [3] 178/2 178/16 187/25 EXCERPT [5] 123/13 123/19 124/5 149/10 EXPERTISE [4] 46/5 152/13 152/16 202/10 EQUIVALENT [28] 15/14 75/16 109/20 173/14 EXPLAIN [7] 25/2 50/18 51/13 88/7 97/14 126/7 135/6 136/4 136/5 136/11 136/12 EXCESSIVE [1] 99/8 136/4 136/11 136/15 136/16 137/4 137/12 137/14 137/15 EXCHANGE [4] 151/27 151/28 167/14 EXPLAINED [2] 87/15 196/16 137/20 138/1 138/21 145/11 167/14 177/1 EXPLANATION [1] 49/8 EXCLUSIVE [4] 97/18 188/7 188/12 189/17 177/15 178/9 184/6 186/13 186/18 191/19 EXPLODE [1] 17/27 EXCLUSIVELY [1] 40/1 EXPLODED [2] 47/13 47/13 ERA [4] 13/7 21/3 21/13 63/25 EXCUSE [9] 16/26 48/16 83/12 85/1 117/12 ESQ [16] 1/15 1/16 1/18 1/19 1/21 1/23 1/23 120/27 150/4 162/5 174/25 EXPLORE [2] 33/12 167/4 1/25 1/26 1/27 2/3 2/5 2/8 2/8 2/15 2/19 EXCUSED [2] 64/11 139/22 EXPLORED [2] 11/15 32/23 ESSENCE [3] 67/4 67/9 90/27 EXECUTE [7] 70/14 71/26 72/2 99/12 **EXPLORING [1] 50/10** ESSENTIALLY [2] 44/7 163/17 123/3 125/22 145/25 EXPLOSIVE [1] 145/13 EXECUTING [2] 66/25 146/16 EXECUTIVE [8] 7/15 8/18 8/18 124/10 ESTABLISH [8] 3/20 14/2 41/19 60/3 **EXPRESS [1] 167/18** 124/23 131/26 138/15 183/20 EXPRESSION [3] 44/2 136/11 158/11 ESTABLISHED [4] 20/6 29/6 33/20 177/11 EXTEND [2] 25/4 26/10 143/25 171/10 171/12 171/13 ESTABLISHING [1] 186/5 EXEMPLARY [1] 3/16 EXTENDED [2] 26/16 195/2 ESTABLISHMENT [2] 28/26 36/27 EXEMPLIFIES [2] 17/7 21/11 EXTENSIVE [2] 73/10 166/16 ESTIMATE [25] 30/5 176/13 178/4 178/6 EXTENSIVELY [1] 42/9 |EXEMPLIFY |1| 164/26 178/12 178/18 178/24 180/4 180/8 184/4 EXTENT [3] 47/8 50/20 108/3 EXERCISE [2] 15/3 161/7 184/26 184/27 187/7 187/10 187/17 188/2 **EXTRAORDINARILY [2] 27/19 44/24 EXERCISES** [1] 16/11 188/12 188/13 188/15 190/9 194/6 194/20 **EXERCISING [2] 161/6 161/7** EXTREMELY [2] 44/23 45/11 EXHAUST [2] 29/17 81/15 EYES [1] 104/18 195/3 199/7 203/11 EXHIBIT [71] 5/26 5/27 6/12 6/16 6/27 ESTIMATED [3] 181/4 187/4 194/15 **ESTIMATING [1] 185/27** 11/21 11/22 11/25 37/15 37/16 37/18 37/22 F-1 [3] 29/22 30/9 30/16 ET [2] 174/17 174/17 61/28 64/20 68/2 74/1 74/3 74/23 75/8 84/26 F-100 [1] 22/11 85/11 90/15 96/13 98/7 116/5 116/15 116/18 EUROPE [2] 16/14 73/9 F-101 [1] 22/11 **EVALUATE [1] 182/16** 117/5 120/8 120/16 120/22 120/25 121/2 EVALUATED [4] 13/15 17/16 20/27 188/20 123/5 123/18 123/24 124/28 140/5 140/19 F-102 [1] 22/11 F-104 [2] 22/11 160/25 EVALUATING [3] 19/25 19/28 20/2 141/12 141/23 148/8 148/9 148/13 148/17 F-111 [2] 27/20 55/5 **EVALUATION [3] 11/10 122/7 183/2** 148/18 148/26 149/2 150/26 153/2 153/5 F-111'S [1] 73/9 EVAPORATES [1] 46/4 153/25 154/3 172/3 172/4 172/7 172/8 EVEN [24] 23/10 31/17 58/23 58/24 71/15 172/20 179/5 180/18 180/20 180/24 192/17 F-15 [2] 57/1 134/6 F-15'S [2] 73/6 102/8 74/18 90/16 91/15 93/23 95/28 98/25 99/1 194/2 197/5 197/9 197/17 201/21 202/6 99/22 105/15 109/8 112/13 113/14 115/15 F-15E [1] 73/9 203/25 203/26 F-15E'S [1] 134/6 122/1 122/1 127/10 129/25 139/15 160/12 EXHIBIT 125 [2] 11/21 11/22 F-15S [1] 177/4 EVENT [3] 18/28 199/8 207/19 EXHIBIT 167 [1] 153/25 F-16 [15] 25/3 25/19 35/12 54/22 87/17 89/5 EVENTUALLY [4] 15/4 71/3 83/24 110/26 EXHIBIT 178 [4] 172/3 172/8 192/17 202/6 EVER [4] 54/21 59/26 100/15 198/2 EXHIBIT 187 [2] 179/5 180/18 89/16 89/17 89/21 89/22 90/1 99/9 102/8 EXHIBIT 194 [4] 74/1 74/3 90/15 98/7 125/28 134/5 EVERY [4] 82/9 86/27 87/1 205/25 **EVERYBODY [2] 61/13 186/2** EXHIBIT 196 [2] 148/9 148/26 F-16'S [1] 73/6 F-16S [3] 155/15 177/3 177/4 **EVERYONE** [1] 104/11 EXHIBIT 2 [1] 123/5 **EVERYONE'S [1] 22/16** EXHIBIT 221 [2] 116/5 140/5 F-22 [5] 82/6 84/1 84/1 134/6 155/12 EVERYTHING [8] 50/18 58/27 66/23 66/23 EXHIBIT 243 [1] 84/26 F-22'S [1] 99/10 79/19 103/11 108/20 126/22 F-22S [1] 156/27 EXHIBIT 253 [1] 96/13 **EVICTING [1] 115/19** EXHIBIT 260 [1] 37/15 F-35 [13] 15/14 63/3 79/12 84/1 99/17 99/19 99/19 103/15 107/27 110/25 126/17 134/7 EVIDENCE [19] 3/10 3/25 34/20 48/5 **EXHIBIT 3 [1] 197/17** 134/8 EXHIBITS [18] 1/28 2/19 4/2 4/9 5/21 5/25 111/10 139/3 139/6 150/21 152/12 163/4 F-35'S [1] 99/10 164/16 180/11 182/23 187/21 196/10 199/21 6/6 22/2 37/22 64/14 64/14 64/15 65/22 F.A.A [1] 122/6 200/10 200/26 201/5 67/12 140/1 150/9 165/4 201/12 EVOLUTION [4] 11/7 41/21 43/7 50/5 EXIST [7] 42/24 85/26 92/15 107/9 131/6 F.Y.07 [1] 171/20 FACILITIES [34] 28/23 56/9 56/9 57/13 EVOLVED [3] 14/12 44/3 49/18 131/12 207/3 63/12 64/2 72/18 73/15 94/7 94/10 97/3 EXACT [3] 127/19 171/12 204/11 **EXISTED [1] 24/14** EXACTLY [7] 103/1 104/1 113/2 127/20 **EXISTING [1] 138/11** 109/4 117/23 132/12 143/17 145/28 146/7 180/2 184/23 190/7 147/10 147/11 147/19 153/28 154/5 155/20 EXISTS [1] 101/7 155/22 158/10 159/25 161/8 161/10 166/14 EXAGGERATION [1] 95/19 EXOTIC [2] 29/10 29/11 EXAMINATION [21] 2/15 6/10 34/11 EXPAND [2] 16/4 175/17 167/5 167/11 184/21 184/21 188/3 38/24 38/26 53/19 53/22 62/12 66/12 113/17 FACILITY [15] 14/7 23/2 24/7 29/24 52/12 **EXPANDED [1] 15/5** 52/21 56/19 57/7 72/21 74/17 151/11 157/15 113/19 114/12 114/17 135/20 136/1 138/8 EXPANSION [4] 16/16 59/10 59/11 132/14 157/16 159/27 161/3 141/9 163/27 164/6 192/13 200/9 EXPECT [4] 83/8 113/13 137/27 206/16 FACT [21] 3/4 3/21 15/7 46/7 50/2 76/25 EXAMINE [3] 34/19 61/24 114/13 EXPECTATION [1] 62/24 **EXAMINING** [1] 164/14 77/14 85/19 93/23 95/17 105/15 108/17 **EXPECTS [1] 199/11** 

FACT... [9] 108/27 109/1 127/25 130/1 160/23 162/18 162/28 166/23 179/26 FACTOR [11] 46/21 188/27 189/5 190/14 190/17 190/27 190/28 191/14 194/5 194/11 204/17 FACTORS [2] 26/2 46/16 FACTS [7] 150/17 162/27 163/12 164/20 179/27 206/21 207/4 FACTUAL [3] 149/5 207/1 207/2 FAILING [1] 85/26 FAIR [3] 39/24 59/21 96/17 FAIRLY [5] 6/1 50/17 153/23 169/7 202/7 FAIRNESS [2] 2/23 165/13 FAIRWAYS [1] 159/12 FALLS [1] 47/20 FAMILIAR [22] 6/16 53/28 68/7 94/19 94/22 94/24 117/1 119/13 119/25 119/26 120/1 120/4 121/17 121/28 122/18 122/22 122/24 126/10 145/9 151/14 157/8 176/3 FAMILIARITY [2] 124/21 132/26 FAMILY [6] 117/17 117/21 151/28 160/5 160/7 160/9 FAMINE [1] 188/25 FANTASTIC [1] 19/9 FAR [11] 24/15 24/15 31/24 60/9 132/7 137/26 156/8 156/18 202/15 203/5 206/22 FARBER [1] 1/22 **FARMING [1] 2/6** FARMS [1] 2/6 **FARSEEING** [1] 13/19 FARTHER [1] 130/11 FASCINATING [1] 39/2 FASHION [1] 164/17 FAST [2] 69/23 82/5 FAST-FORWARD [1] 82/5 FASTER [1] 130/10 FAVORABLY [3] 168/17 181/16 191/6 FEAST [1] 188/25 FEATURE [2] 100/9 100/15 **FEATURES [1] 19/3** FEBRUARY [6] 1/12 1/3 114/3 207/25 208/16 208/17 FED [3] 82/7 157/27 158/3 FEDERAL [9] 7/14 7/15 53/7 121/12 164/22 FISHING [1] 157/28 171/15 200/27 206/17 206/26 FEED [1] 158/25 FEEDING [4] 94/14 104/3 104/5 126/19 FEEDS [2] 80/27 81/5 FEEL [2] 161/12 171/27 FEELING [2] 27/22 42/28 FEET [31] 77/3 151/6 151/8 151/11 151/12 151/12 154/28 155/1 155/3 155/4 155/6 155/6 155/7 155/17 155/28 156/10 173/17 173/18 174/2 174/3 175/22 178/7 186/19 187/28 191/14 191/24 192/2 193/17 194/13 194/23 194/24 FELLOW [3] 7/23 7/24 7/25 FEW [12] 17/25 53/25 82/5 85/20 89/12 89/19 89/20 96/4 109/1 110/23 173/20 196/18 FIELD [32] 7/6 7/12 13/18 14/23 14/24 14/25 21/24 22/20 22/22 28/2 41/26 41/26 42/6 43/1 49/11 49/17 49/24 49/25 49/26 49/27 70/14 79/19 80/4 80/8 108/1 137/14 143/7 143/9 143/22 144/4 160/21 161/10 FIELDED [2] 80/1 80/2 FIFE [2] 1/23 2/5 FIGHT [3] 77/27 77/28 77/28 FIGHTER [51] 12/28 22/23 22/23 22/25 22/25 25/3 35/16 100/14 127/4 127/11 133/12 133/27 134/1 134/12 134/20 134/24

135/10 136/24 137/16 138/15 155/13 177/1 177/2 177/10 177/11 178/3 178/10 178/16 178/25 180/5 181/5 182/1 184/5 185/3 185/25 186/13 186/17 187/5 187/18 187/25 188/7 188/13 189/2 189/2 189/17 191/19 194/16 194/19 196/4 198/7 199/5 FIGHTERS [6] 20/12 22/8 35/7 77/25 155/23 155/24 FIGHTING [1] 63/22 FIGURE [8] 152/10 153/5 157/4 174/1 174/9 178/1 189/16 203/10 FIGURED [1] 9/28 FIGURES [7] 57/19 149/15 153/21 173/12 173/28 183/26 191/4 FILE [1] 3/5 FILL [4] 83/23 83/24 86/3 146/5 FILLS [1] 86/26 FILM [1] 25/19 FILTER [1] 169/11 FILTERS [1] 169/16 FINAL [1] 3/11 FINALLY [1] 17/7 FIND [11] 11/5 11/8 19/12 47/22 50/9 58/15 109/10 109/11 116/9 164/16 164/24 FINDS [1] 10/18 FINE [6] 39/1 53/27 96/11 111/28 113/15 179/24 FINISH [2] 102/5 176/12 FINISHED [2] 8/24 144/10 FINS [1] 89/8 FIRE [10] 29/13 86/6 91/27 145/16 145/17 145/18 145/19 145/19 155/18 166/15 FIRED [1] 54/21 FIREFIGHTERS [1] 166/10 FIRES [1] 166/18 FIRING [2] 54/17 54/19 FIRINGS [2] 60/19 60/22 FIRM [1] 19/5 FIRST [40] 5/25 6/15 9/3 12/7 12/26 12/27 14/11 14/12 18/21 20/1 20/25 20/26 20/28 21/14 21/27 22/24 23/26 24/4 31/21 32/9 38/9 41/14 43/25 44/6 56/2 75/28 76/28 77/22 85/3 90/27 99/1 103/16 143/12 148/18 148/18 149/20 153/4 165/7 179/22 179/26 FISCALLY [1] 108/8 FIT [1] 75/14 FITS [2] 37/4 81/2 FITTING [1] 106/21 FIVE [19] 36/21 95/7 112/12 127/22 131/2 131/20 135/16 147/28 189/8 189/20 189/26 193/26 194/3 194/8 195/16 203/4 203/7 203/12 207/14 FIVE-YEAR [5] 131/2 189/8 194/8 203/4 203/12 FIX [1] 27/23 FIXED [1] 13/7 FIXED LANDING [1] 13/7 FIXING [1] 104/8 FLAG [3] 16/10 16/11 71/4 FLAMING [1] 27/26 FLAT [3] 27/3 27/6 148/2 FLEET [1] 18/23 FLEW [5] 14/25 47/25 82/27 102/7 102/9 FLEX [3] 102/5 102/11 102/16 FLEXIBILITY [2] 94/6 94/11 FLIES [2] 82/15 96/28 FLIGHT [80] 8/12 9/7 9/21 9/22 9/26 10/3 12/13 19/15 19/25 21/6 21/12 21/15 21/22 21/25 21/27 23/4 23/5 23/13 23/14 23/15 23/20 23/26 24/4 24/6 24/7 24/19 32/3 32/11 32/12 33/1 35/6 35/11 36/6 36/20 36/23 36/27 37/1 37/3 37/5 38/10 40/18 40/20

40/22 41/14 43/6 43/7 43/11 48/7 49/8 49/9 49/16 49/20 50/3 54/22 56/27 57/3 57/4 58/19 62/6 62/6 63/14 63/14 63/28 66/25 66/27 72/8 73/5 79/21 81/26 82/10 82/11 82/12 82/14 82/17 91/23 95/23 100/1 118/5 154/18 166/16 FLIGHTS [2] 126/3 161/7 FLORIDA [6] 5/7 49/27 67/9 69/5 93/8 106/12 FLOW [10] 83/6 83/8 83/10 83/15 119/9 123/2 205/25 206/18 206/22 207/5 FLOWN [7] 18/24 24/4 31/16 41/28 96/15 96/17 98/2 FLOWS [4] 86/23 170/5 205/17 206/27 FLUCTUATING [1] 147/6 FLY [18] 14/5 20/10 40/10 43/4 78/12 78/12 82/4 82/18 86/27 87/4 95/25 96/26 96/27 100/12 101/3 101/24 104/7 128/14 FLYING [27] 14/18 16/25 17/1 17/2 18/27 19/10 20/11 20/11 22/20 32/10 32/11 32/13 38/11 40/21 40/23 55/4 73/6 73/8 81/11 89/13 96/16 99/1 99/2 99/16 102/8 104/24 128/14 FOCUS [3] 70/18 71/1 202/9 FOCUSED [1] 70/24 **FOERSTER [1] 2/14** FOLDER [3] 116/7 116/9 116/13 FOLKS [9] 75/26 77/28 104/23 106/11 106/22 108/27 132/10 133/21 198/3 FOLLOW [2] 53/25 122/14 FOLLOW-UP [1] 53/25 **FOLLOWED** [1] 20/3 FOLLOWING [4] 14/13 42/26 56/7 207/8 FOND [1] 33/5 FOOLISH [1] 47/26 FOOT [3] 57/17 88/17 88/18 FOOTAGE [1] 125/8 FORBID [1] 145/23 **FORCE [248] FORCE-NASA [1] 57/1** FORCED [1] 94/18 FORCES [16] 9/13 13/20 22/21 49/14 49/24 50/4 59/17 69/11 70/26 71/20 107/27 107/28 107/28 128/1 137/11 137/13 FORECAST [3] 132/13 134/23 137/8 FORECASTED [1] 178/8 FOREGOING [1] 208/14 FORESEEABLE [2] 188/6 192/1 FORESIGHT [3] 106/23 107/1 135/2 FORM [4] 92/24 92/26 93/1 180/12 FORMAL [1] 142/16 FORMAT [1] 2/10 FORMATION [2] 20/11 99/16 FORMATIONS [1] 20/17 FORMATS [1] 193/1 FORMER [1] 146/20 **FORMERLY** [1] 66/19 FORT [1] 70/27 FORTH [4] 23/12 46/2 46/2 77/9 FORWARD [7] 4/22 16/18 64/27 79/23 81/6 82/5 202/10 FOUND [4] 11/14 39/4 48/4 201/12 FOUNDATION [8] 124/6 124/23 177/8 180/14 180/16 186/24 186/25 187/20 FOUNDATIONAL [2] 183/4 200/2 **FOUNDING** [1] 11/7 FOUR [11] 22/6 35/27 35/27 64/14 76/28 86/16 106/16 147/27 193/26 194/3 195/15 FOUR MILES [1] 106/16 FRAME [7] 71/22 105/28 106/1 137/28 173/16 175/10 175/13 FRANCHISES [2] 167/15 167/16 FRANCISCO [4] 14/24 75/17 75/18 75/19

FRANK [1] 62/26 FRANKLY [5] 50/6 106/25 112/18 112/20 129/17 FREE [1] 169/13 FREEDOM [1] 63/9 FREIGHT [1] 32/25 FREQUENCY [1] 93/4 FRESNO [1] 98/24 FRONT [4] 67/11 127/5 189/27 193/26 FRONTIER [2] 9/21 50/24 FUEL [4] 15/2 15/11 155/19 155/20 **FUELING** [1] 104/7 FULL [8] 5/2 15/5 48/2 65/7 87/8 107/25 140/28 208/14 **FULLY [1] 15/14** FUNCTION [26] 17/18 20/5 67/4 77/13 78/21 79/8 80/17 83/4 128/24 128/25 128/26 129/1 129/5 138/27 138/28 138/28 145/8 145/10 145/20 159/14 159/15 160/8 168/22 185/17 186/7 199/6 FUNCTIONS [4] 72/14 145/24 161/4 166/14 FUNDS [3] 94/5 94/7 151/26 FUNNY [1] 57/26 FURTHER [14] 38/21 43/14 51/21 53/19 53/22 64/8 104/2 125/4 130/10 133/25 135/17 138/4 139/19 192/3 FUSED [1] 32/1 FUSELAGE [2] 26/15 26/21 FUTURE [44] 13/22 14/7 16/5 33/1 36/22 38/16 44/1 83/9 107/5 107/7 108/13 108/26 111/8 111/11 112/11 131/11 132/14 137/8 137/26 139/8 147/8 176/12 176/15 177/7 177/10 177/25 177/27 178/4 178/11 179/2

### G

199/15

G.P.S [2] 77/1 105/7 **GABRIELS** [1] 46/17 GALLON [2] 158/24 167/2 GALLONS [3] 30/8 30/10 159/1 GANDY [4] 176/25 189/5 197/4 197/22 GAS [2] 146/1 151/10 GATE [1] 94/17 GATHER [1] 101/3 GAVE [9] 19/10 30/25 34/1 34/14 184/25 185/6 194/26 195/19 196/3 GEAR [9] 13/7 25/5 26/10 26/11 26/16 27/23 87/22 89/25 89/25 GENERAL [51] 2/12 2/13 11/16 64/25 65/10 66/8 66/14 66/16 67/11 68/3 69/21 71/4 71/17 73/16 74/9 74/10 80/28 104/13 111/24 112/28 113/18 114/19 115/4 115/6 116/26 120/22 123/13 124/4 125/1 127/7 127/21 127/22 127/26 128/19 129/14 130/9 135/18 135/21 136/3 136/10 138/10 140/3 143/11 148/19 149/10 155/7 158/8 160/11 166/7 176/26 199/9 GENERAL'S [4] 111/7 114/11 131/25 145/15 GENERALIZED [1] 3/19 GENERALLY [8] 73/18 107/12 116/28 119/26 120/1 122/14 126/26 132/20 GENERATE [5] 37/3 103/19 103/27 104/6 201/28 GENERATION [1] 103/28 GENTLY [3] 88/12 88/18 89/6 GEOGRAPHICAL [1] 45/6 GEOGRAPHICALLY [2] 3/26 23/11

179/2 180/5 184/3 184/22 187/5 188/5 188/6

188/13 192/1 193/16 196/4 198/6 198/10

GERMANY [1] 20/14 GET [62] 2/5 2/28 17/27 28/13 32/1 46/1 50/19 53/18 55/25 66/1 66/4 67/17 70/15 70/21 70/28 71/27 75/1 76/8 77/8 77/27 78/26 88/15 88/23 90/26 90/28 98/25 99/4 99/19 101/25 103/12 103/18 103/20 104/28 105/4 105/7 105/9 107/21 111/8 111/16 123/2 125/7 131/9 134/20 134/24 135/10 156/3 156/4 157/28 163/18 165/14 165/26 170/18 177/9 179/11 179/14 179/19 193/28 194/7 200/3 203/1 205/9 207/4 GETS [6] 63/7 63/8 76/1 78/27 127/11 GETTING [5] 17/26 89/9 100/27 128/20 152/23 GIANT [1] 84/25 GIVE [32] 2/14 5/15 8/6 12/21 16/23 52/27 55/16 60/27 63/23 65/3 65/14 74/28 75/24 89/18 98/19 98/22 103/13 115/28 139/5 140/23 140/28 158/8 162/6 163/12 163/24 164/13 164/27 184/2 191/26 194/14 194/21 195/9 GIVEN [13] 43/8 43/10 43/18 43/21 43/27 44/11 94/3 94/14 97/22 125/21 126/7 163/21 GIVES [8] 45/8 75/2 94/6 101/18 131/20 153/4 168/24 195/13 **GLANCING** [1] 173/2 GLEN [1] 14/14 GLOBAL [10] 31/9 38/5 77/23 77/26 78/3 78/6 78/9 131/10 136/27 155/22 GO [84] 2/5 6/1 12/16 17/28 18/1 20/16 23/8 23/9 31/7 46/6 48/12 48/22 49/4 50/13 53/3 66/9 67/19 68/19 69/17 70/6 70/14 71/3 84/17 85/7 86/27 86/28 87/5 87/8 88/17 88/21 89/25 90/28 91/3 91/25 91/26 96/25 99/3 99/24 101/13 102/4 102/14 104/2 104/13 105/17 107/6 107/16 113/13 119/10 121/17 122/27 129/15 130/1 130/4 131/9 134/9 140/1 142/17 150/20 153/8 153/25 155/24 157/15 157/22 159/18 163/22 164/4 165/28 173/19 173/25 174/4 174/21 175/5 175/20 177/17 179/4 179/22 182/22 184/12 186/22 188/25 195/22 198/14 201/7 202/15 GOAL [2] 171/21 171/24 GOALS [2] 125/7 125/8 GOD [4] 5/17 65/5 140/25 145/23 GOES [12] 33/18 66/23 80/4 87/1 118/20 118/28 119/23 138/26 156/21 158/23 159/8 168/6 GOING [124] 1/14 3/21 3/23 5/24 12/16 12/21 31/4 34/17 36/4 38/23 39/10 40/19 50/7 50/16 50/18 51/23 52/6 59/1 60/8 60/26 61/16 61/18 67/14 70/7 71/11 72/4 78/26 84/2 85/19 86/5 86/6 86/10 86/13 89/17 89/22 90/4 90/4 90/27 91/25 91/26 94/15 94/16 97/20 97/21 97/23 104/17 106/2 106/5 106/8 106/18 107/7 107/20 107/25 108/5 108/7 108/12 108/16 108/18 109/17 112/1 112/25 113/11 114/13 124/9 126/15 127/4 127/20 128/22 128/24 128/25 129/21 129/21 129/23 129/27 130/2 130/4 130/5 130/7 130/10 130/10 130/20 131/28 134/20 134/24 135/10 135/14 135/15 136/21 136/22 136/25 136/26 137/2 137/3 137/21 138/11 138/15 138/21 146/8 149/3 152/11 160/5 164/9 164/13 164/22 172/18 174/27 175/1 175/23 177/6 177/9 177/12 177/16 179/20 179/22 185/5 187/13 192/9 192/19 199/5 199/22 201/18 202/22 206/14 207/3 **GOLDEN [1] 2/9** GOLF [7] 158/16 158/17 158/20 158/21 159/8 159/11 159/27

GONE [2] 28/16 42/9 GOOD [23] 1/10 1/20 1/23 38/19 38/28 39/1 40/27 53/24 66/4 85/17 88/15 95/28 96/1 108/16 114/19 156/3 171/2 171/5 171/28 171/28 192/15 192/16 193/10 GOT [19] 2/19 26/9 61/6 67/22 82/3 84/21 86/17 87/12 107/26 109/26 112/27 131/26 137/18 139/17 140/9 161/20 163/1 191/14 193/19 GOTTEN [1] 25/3 GOVERNMENT [5] 7/18 9/20 53/7 142/6 171/15 GOVERNMENT'S [1] 1/15 GRADE [6] 143/6 143/7 143/8 143/9 143/22 GRADUATE [10] 69/7 69/8 69/9 69/10 69/16 142/18 142/24 143/16 144/2 144/3 GRADUATED [8] 7/16 7/17 69/3 69/14 81/10 142/18 142/19 142/25 GRADUATED WITH [1] 142/25 GRANTS [1] 3/27 GRAPH [1] 203/24 GRAPHICALLY [1] 3/18 GRASS [3] 160/23 160/28 170/24 GRAVITY [2] 106/14 158/25 GRAY [1] 119/5 GREAT [16] 21/4 22/23 31/26 56/26 56/27 81/20 85/1 85/2 90/9 91/22 95/18 96/3 101/15 106/3 175/16 176/10 GREATER [3] 13/14 139/14 139/14 GREEN [4] 87/7 98/12 98/20 156/17 GREENS [1] 159/12 GRESHAM [1] 2/7 GRID [1] 90/19 GROSS [1] 86/4 GROUND [13] 57/2 72/17 72/21 74/19 103/26 157/27 158/4 159/3 159/4 167/24 168/24 169/1 169/2 GROUNDWATER [5] 1/6 1/22 1/2 114/2 208/6 GROUP [9] 2/8 22/25 22/25 107/27 137/14 137/14 142/5 144/12 181/14 GROWN [1] 11/13 GROWS [1] 84/2 GROWTH [11] 59/17 91/13 92/6 105/25 108/17 110/9 110/10 111/8 111/13 137/14 137/15 **GUARANTEE** [1] 92/12 GUESS [15] 66/1 66/18 70/5 76/27 96/9 106/11 110/6 117/19 117/20 118/6 163/24 164/19 188/28 199/20 199/23 GUIDANCE [2] 131/7 131/7 GUIDED [6] 76/28 77/1 103/17 105/7 107/2 107/3 GULF [1] 63/2 GUN [1] 50/10 GUNNERY [6] 39/28 40/3 40/14 51/4 58/18 103/5 GUY [2] 39/17 139/26 GUYS [1] 79/24 GYMNASIUM [2] 160/21 160/26 H-A-L-L-I-O-N [1] 5/6 HABITATION [1] 64/3

H-A-L-L-I-O-N [1] 5/6 HABITATION [1] 64/3 HAD [125] 1/24 2/16 3/13 9/24 13/18 16/12 17/9 17/14 18/16 18/21 18/22 19/4 19/7 19/9 19/23 20/5 20/15 20/19 20/24 21/18 21/26 21/27 23/5 24/7 24/18 25/14 26/8 26/17 27/1 27/12 28/2 28/4 28/5 28/23 29/14 29/15 30/11 31/21 35/7 35/14 35/17 36/27 36/27 36/28 37/21 38/9 40/7 41/18 41/28 43/3 44/24 44/26 45/3 45/3 45/20 46/7 47/15

H HAD... [68] 49/16 50/4 50/6 50/9 51/4 55/6 56/10 56/20 56/25 58/21 58/22 58/23 58/24 59/14 62/14 79/6 82/13 82/22 82/25 83/19 85/24 87/21 88/1 89/24 89/28 93/16 93/16 99/18 103/2 103/19 103/21 103/27 106/28 109/9 119/4 119/16 121/7 127/9 133/11 134/15 136/20 138/23 143/5 143/11 143/17 145/1 160/1 161/16 162/12 164/14 170/24 170/24 170/24 171/23 175/10 175/13 175/14 179/21 181/12 181/12 181/17 185/20 192/28 192/28 193/5 194/3 195/1 206/20 HADN'T [1] 152/12 HALF [4] 66/19 67/3 158/28 179/9 HALFWAY [1] 76/1 HALLION [18] 3/3 4/21 5/5 5/24 6/13 10/7 13/8 16/26 18/1 37/12 38/28 52/26 53/24 55/24 59/3 62/14 64/7 166/28 HALLION'S [2] 5/24 6/28 | HALLION, [1] 64/13 HALLION, I [1] 64/13 | HAMILTON [1] 14/24 HAND [6] 5/13 36/28 50/13 50/13 65/1 80/27 |HANDED [1] 116/27 HANDLE [2] 169/10 177/14 HANDS [1] 22/28 |HANDY [1] 84/24 HANGAR [3] 155/16 156/13 156/13 HANGARS [6] 20/7 103/24 151/12 155/22 166/17 167/11 HAP [5] 13/19 17/10 17/11 42/9 43/3 145/25 177/16 199/11 199/15 199/17 HAPPENED [2] 21/2 83/4 HAPPENING [3] 47/10 129/8 130/26 HAPPENS [1] 82/8 HAPPY [5] 2/22 4/26 5/1 66/7 201/13 HARD [5] 45/11 45/21 45/24 91/22 206/24 HARVARD [1] 7/18 HAS [74] 11/6 11/13 11/14 11/14 11/15 14/16 17/24 17/25 19/4 24/19 25/13 25/17 26/13 29/20 30/21 38/8 38/17 39/25 39/25 43/6 47/8 47/9 51/20 52/17 54/15 54/21 63/18 63/20 63/21 65/22 78/18 80/2 82/6 82/22 82/22 84/18 93/21 94/1 101/6 107/14 114/12 116/5 120/11 122/7 124/20 125/25 127/23 131/11 142/5 142/5 147/6 149/13 149/25 152/16 155/13 162/25 168/13 171/11 175/26 176/10 177/11 180/9 182/26 187/4 187/21 195/5 195/6 199/1 199/9 199/21 200/26 201/4 205/22 206/23 HASN'T [2] 124/5 181/23 HAVE [387] HAVEN'T [7] 104/16 129/25 162/14 163/4 174/19 193/14 196/16 HAVING [12] 16/1 27/25 42/9 42/9 62/21 65/17 73/2 95/25 104/6 164/16 165/2 171/4 HAWK [5] 31/9 75/20 78/6 78/9 155/22 HAZARD [1] 91/5 HAZARDOÚS [3] 63/14 63/14 91/24 |HAZARDS | 1 | 68/19 HE [76] 2/11 2/11 2/14 3/18 10/17 10/19 13/21 13/22 13/27 17/3 17/9 17/12 30/25 34/1 34/4 34/13 34/14 43/6 43/7 51/22 51/22 51/24 51/25 52/24 65/22 78/18 89/9 89/11 102/20 111/25 115/7 124/21 131/25 131/28 132/22 138/18 147/15 149/13 149/14 152/13 152/16 152/25 158/11 161/21 162/25 163/3 174/26 174/28 177/13 178/22 178/28 180/3

181/3 181/23 181/24 181/24 181/25 182/21

182/27 183/1 183/7 184/10 184/10 184/11

184/11 184/25 185/6 187/3 187/4 187/6 187/6 187/7 189/1 195/5 195/6 197/24 HE'D [1] 189/2 HE'S [11] 30/28 43/5 115/16 115/16 131/24 131/26 152/26 152/26 182/21 187/12 198/27 HEAD [1] 195/17 HEADINGS [1] 28/14 HEADQUARTER'S [1] 67/4 HEADQUARTERED [1] 22/24 HEADQUARTERS [5] 78/17 143/25 143/26 144/8 146/20 HEALING [1] 86/25 HEAR [6] 15/26 55/15 136/6 180/14 183/3 186/2 HEARD [23] 1/17 2/7 3/16 17/10 18/6 40/3 54/4 80/9 80/23 81/1 95/18 111/23 113/8 158/8 163/10 165/2 170/4 171/8 176/2 183/9 200/18 200/24 201/5 HEARING [4] 16/1 165/7 183/2 206/16 HEARSAY [7] 4/11 4/11 4/12 170/6 170/8 181/21 183/22 HEART [1] 122/17 HEAVILY [1] 93/7 HELD [2] 8/15 8/21 HELICOPTERS [2] 82/26 82/27 HELP [10] 5/17 6/19 30/2 55/12 55/14 65/5 68/10 75/10 88/7 140/25 HELPED [1] 151/1 HELPFUL [6] 3/17 84/27 90/16 163/27 194/1 202/11 |HENRY [1] 13/19 HER [1] 69/26 HERBERT [5] 1/25 3/3 3/9 108/1 137/14 HERBERT'S [2] 2/3 3/9 HERD [1] 67/24 HERE [131] 2/28 14/26 17/20 21/3 23/18 23/19 25/19 25/22 25/26 26/12 26/17 27/20 28/1 28/5 29/17 31/14 32/6 34/22 34/28 36/14 36/22 48/1 66/7 74/15 74/17 74/19 74/21 74/26 74/27 75/3 75/4 75/19 76/5 76/12 76/13 76/19 76/26 76/27 78/7 79/2 80/13 80/24 80/24 85/5 85/6 85/9 86/14 87/17 90/21 90/22 90/26 92/7 93/16 97/28 98/5 98/18 99/11 99/11 100/10 100/13 100/17 100/18 101/5 101/18 101/22 102/1 102/2 102/3 102/10 103/2 103/3 109/2 113/6 113/20 114/21 114/23 118/25 128/22 128/24 128/25 129/6 129/11 129/16 129/23 130/2 130/4 138/28 139/1 149/12 150/9 154/18 154/23 155/2 155/2 155/10 155/13 155/14 155/16 155/19 155/23 155/24 155/24 156/13 156/15 156/21 156/21 157/17 158/1 158/2 158/3 160/3 160/8 160/21 161/1 161/2 161/4 161/12 164/21 165/26 174/5 179/11 179/26 182/7 182/21 184/2 186/2 192/22 203/1 203/19 206/14 206/16 HERE IS [1] 100/17 HERE'S [5] 75/17 90/25 105/16 105/17 105/18 HEREBY [1] 208/13 HEREIN [1] 37/19 HERREMA [1] 1/23 HESITATES [1] 134/25 HEY [1] 130/1 HI [1] 192/15 HIGH [13] 21/6 32/18 36/22 63/1 93/17 100/11 102/11 102/17 102/24 175/9 176/1 182/2 191/7 HIGHER [3] 143/7 168/25 198/4 HIGHLIGHTING [1] 48/15 HIGHLIGHTS [1] 72/10 HIGHLY [5] 36/16 62/23 108/15 133/1

177/21 |HILL [1] 158/24 HILLS [3] 1/19 29/27 46/17 HIM [14] 5/11 12/21 34/19 51/24 78/18 107/4 115/19 131/25 152/22 161/21 184/15 187/8 189/14 200/4 HIROSHIMA [1] 20/26 HIS [35] 2/14 3/3 3/7 3/17 5/25 5/25 17/3 26/19 30/25 30/25 34/1 51/24 58/27 60/1 64/14 64/14 114/12 115/3 124/24 131/11 132/21 152/15 152/22 163/1 178/28 181/3 183/2 184/16 184/16 184/17 184/18 187/16 189/2 194/28 200/4 HISTORIAN [8] 8/5 8/7 8/12 8/20 31/1 31/4 34/6 37/8 HISTORICAL [11] 7/25 8/16 10/22 12/19 42/12 42/18 53/6 175/24 175/25 176/2 176/5 HISTORICALLY [1] 175/28 HISTORY [21] 7/5 7/7 7/8 7/9 7/13 9/7 9/21 10/8 10/9 10/17 10/23 11/3 11/5 12/12 21/10 21/14 34/5 34/15 37/5 56/5 56/5 HIT [4] 72/10 75/27 77/2 78/4 HOFFMAN [1] 2/8 HOLD [3] 33/25 181/20 199/4 HOLE [2] 27/26 159/10 HOME [5] 14/23 106/26 107/3 107/5 151/24 HON [4] 1/3 1/4 114/4 208/3 HONOR [119] 1/20 1/23 2/2 2/27 3/24 4/4 4/7 4/20 4/25 5/20 5/23 10/6 10/14 10/16 12/15 15/25 24/23 25/11 30/23 30/28 33/3 33/22 34/5 37/15 38/21 44/20 48/10 48/17 48/20 51/15 51/17 51/27 53/1 55/26 60/3 60/25 61/16 61/26 62/9 62/10 64/8 64/10 65/19 66/10 68/13 73/16 84/28 111/5 113/5 113/15 114/14 116/4 116/10 116/18 120/7 120/19 123/4 123/8 124/3 131/23 135/22 139/19 139/28 140/8 141/11 142/10 142/15 142/18 143/8 146/11 147/9 149/3 149/8 149/22 150/4 150/8 152/11 153/3 153/17 153/26 153/27 154/9 154/12 161/11 161/23 161/28 162/16 162/28 163/25 165/21 165/24 169/28 174/26 175/4 177/6 177/18 179/6 179/15 179/23 179/25 180/17 182/19 182/24 185/9 185/12 185/16 185/19 185/22 185/26 186/15 192/3 192/11 192/21 196/9 199/13 199/28 200/16 202/26 203/27 |HONOR'S [1] 165/2 HOPE [2] 120/3 128/14 HOPED [1] 206/20 HOPEFUL [1] 206/23 |HORSE [1] 37/24 HORSE-DRAWN [1] 37/24 HOST [2] 118/14 122/11 HOST-TENANT [2] 118/14 122/11 HOT [3] 29/16 29/17 161/5 HOTEL [1] 2/4 HOUR [8] 37/11 37/24 37/27 38/1 38/4 86/11 113/11 113/21 HOURS [1] 179/9 HOUSES [4] 46/26 91/4 175/13 175/13 HOUSING [18] 56/14 58/22 58/25 117/17 117/21 117/22 126/18 133/19 133/20 148/4 166/20 167/6 168/3 168/4 168/6 175/11 175/11 175/15 HOW [78] 10/24 11/2 30/5 38/28 39/24 44/2 50/11 56/15 58/7 59/18 60/19 60/22 70/2 70/2 71/20 75/2 79/21 79/22 81/2 81/22 81/22 82/2 82/11 82/15 83/17 83/19 87/24 87/25 89/14 93/10 93/27 96/7 97/4 105/18 105/19 107/21 114/20 116/1 124/5 131/14 132/11 132/17 133/21 134/12 135/8 145/1 145/6 156/11 158/20 163/19 166/4 166/11 168/5 169/18 169/23 169/26 170/3 174/18

Н HOW... [20] 175/19 175/23 176/4 176/13 176/14 178/12 178/18 183/25 184/4 184/23 188/15 189/5 191/3 193/19 195/25 196/19 201/3 201/15 202/15 203/5 HOWEVER [1] 63/21 HUGE [2] 29/8 45/23 HUH [3] 39/19 50/23 203/19 HUMAN [1] 21/15 HUMILIATIONS [1] 69/18 |HUNDRED [1] 22/9 HUNDREDS [4] 25/14 25/14 30/10 175/12 HUNG [3] 128/21 139/17 145/14 HYATT [1] 1/22 HYDROGEOLOGIST [1] 169/27 HYPERSONIC [11] 33/2 33/4 35/2 35/22 36/20 38/5 42/23 43/25 128/16 136/27 137/1 HYPERSONICS [1] 33/5 I'D [21] 1/27 12/17 72/5 73/16 73/26 81/9 93/19 107/4 107/9 112/4 116/4 116/6 117/20 147/9 153/25 165/25 183/3 183/9 195/25 201/10 201/13 I'LL [26] 4/7 4/26 14/6 16/22 48/19 51/11 58/27 66/5 69/25 72/10 124/3 125/5 139/25 139/28 154/9 156/16 163/24 164/27 165/16 168/25 179/13 180/15 183/8 193/21 201/26 202/22 I'M [137] 2/22 3/21 4/27 10/1 12/10 12/19 12/21 13/8 14/6 15/20 15/26 16/1 19/17 23/27 24/9 25/6 26/8 31/4 33/5 34/17 35/8 35/9 39/10 41/11 45/14 46/12 46/15 48/8 50/16 50/18 51/13 51/14 51/23 57/14 59/1 60/7 60/8 60/26 61/16 61/17 61/18 62/2 66/16 67/14 67/16 68/13 81/11 81/11 88/6 92/12 93/17 93/17 94/9 94/14 94/22 94/24 95/23 97/22 98/1 103/8 111/6 115/14 115/27 116/12 119/13 119/20 119/24 119/25 125/16 125/16 132/15 134/9 134/10 134/27 136/8 140/8 142/15 142/22 144/3 145/13 145/16 145/18 145/27 146/5 146/8 146/15 146/16 149/1 149/3 149/22 151/18 152/11 153/14 153/17 157/7 157/8 157/16 161/11 163/23 164/6 164/11 164/13 164/19 165/6 165/10 168/8 169/4 169/12 171/3 171/4 172/6 177/6 177/12 178/21 178/21 179/20 179/22 182/19 185/5 187/13 189/12 193/13 195/23 195/28 196/5 199/23 201/18 202/20 202/23 203/10 203/14 203/26 204/6 204/12 206/5 206/23 207/3 I'VE [28] 72/27 93/13 95/18 96/15 96/16 96/17 98/1 108/21 112/27 116/27 117/2 123/4 125/4 125/21 143/11 143/17 145/2 156/18 156/22 157/24 160/1 161/15 161/15 163/1 163/10 182/15 187/14 206/22 I'VE ASKED [1] 182/15 |I.S.R [2] 31/12 78/4 IDEA [9] 71/16 78/4 81/18 81/21 97/24 104/13 156/4 187/9 198/6 IDENTIFICATION [8] 3/10 116/5 116/17 116/19 120/10 120/12 123/5 150/21 IDENTIFIED [18] 6/27 11/25 31/1 37/18 68/3 74/23 85/11 117/5 117/21 121/2 123/18 141/23 148/13 154/3 172/20 180/24 197/9

201/21

165/16

IFFY [1] 109/27

IDENTIFY [5] 16/26 67/26 85/3 97/14

II [20] 13/21 17/26 17/27 18/1 19/18 21/3

24/16 28/16 47/7 47/10 47/25 49/19 58/1

58/2 59/3 59/4 59/5 59/21 59/26 60/5 ILLUSTRATE || 1 103/14 IMAGE [2] 25/9 27/9 **IMAGINE [1] 147/22** IMMEDIATELY [2] 102/10 143/3 IMMENSE [1] 105/8 IMPACT [12] 37/9 76/21 77/4 77/8 85/8 105/1 105/1 136/16 137/4 147/5 152/21 190/26 IMPACTS [1] 76/22 IMPEACHMENT [1] 51/19 **IMPERIAL** [1] 20/14 **IMPLEMENTATION [1] 122/19** IMPLEMENTED [1] 170/27 IMPLY [1] 92/18 IMPORTANCE [1] 72/25 IMPORTANT [10] 2/28 23/3 29/24 36/21 46/21 72/1 86/21 88/20 97/6 97/10 IMPORTED [2] 169/17 185/14 IMPOSITION [1] 59/16 IMPROPER [4] 51/18 55/20 177/11 180/10 IMPROVE [1] 171/1 IMPROVED [1] 171/23 IMPROVEMENT [2] 123/27 146/21 IMPROVEMENTS [1] 146/23 **IMPROVING [1] 146/22** IN-BETWEEN [1] 13/3 IN-FLIGHT [3] 56/27 62/6 62/6 **INADMISSIBLE [2] 4/12 4/15** INAPPROPRIATE [2] 127/6 127/7 INAUDIBLE [4] 4/28 15/25 65/25 140/7 INCIDENTALLY [1] 102/19 INCLUDE [4] 32/24 75/23 80/21 146/1 INCLUDED [2] 110/11 162/3 INCLUDES [1] 148/2 INCLUDING [7] 46/16 133/17 133/19 147/11 168/3 171/16 203/9 INCOMPATIBLE [1] 79/4 INCORPORATED [1] 20/13 **INCORPORATION [1] 32/12** INCREASE [1] 17/25 INCREASED [1] 99/20 **INCREASES** [1] 99/25 INCREDIBLY [1] 74/18 INDEED [1] 18/14 INDICATED [4] 4/3 12/20 179/8 200/7 **INDICATES** [1] 42/19 INDICATING [17] 1/21 3/15 6/3 12/4 26/12 INV [1] 2/9 27/17 29/9 48/15 80/14 114/22 120/18 123/10 150/9 165/23 190/4 196/7 197/13 INDICATION [1] 30/12 INDISCERNIBLE [4] 81/28 96/18 172/10 200/22 INDIVIDUALS [2] 58/17 145/7 INDUSTRIAL [8] 32/20 69/10 70/25 71/12 72/19 124/15 148/3 166/13 INERTIAL [1] 35/10 INEXTRICABLY [1] 33/17 INFECT [1] 66/5 INFLUENTIAL [1] 15/10 INFORMATION [13] 2/11 12/8 18/13 100/27 101/7 135/9 141/28 148/22 151/2 152/20 154/10 173/4 201/11 INFRASTRUCTURE [20] 77/15 96/6 96/10 97/2 97/9 100/24 101/8 101/25 109/25 110/12 128/4 132/6 143/18 145/27 146/1 146/22 146/28 149/15 150/25 151/5 INITIAL [3] 11/18 24/8 44/6 INITIALLY [1] 29/1 INSIDE [4] 75/14 98/16 102/5 155/5 INSPECTS [1] 87/1 INSTALLATION [43] 20/19 63/20 66/22 72/14 91/7 91/9 92/1 115/15 115/18 125/6

137/18 137/19 144/11 145/10 145/26 146/7 146/23 147/19 147/22 147/27 152/1 152/9 157/26 159/7 160/4 160/6 160/14 166/15 167/19 168/26 170/18 170/25 170/27 171/7 176/19 176/24 176/28 188/17 188/21 190/25 193/23 205/13 205/27 INSTALLATION'S [1] 176/21 **INSTALLATIONS [1] 49/15** INSTALLED [2] 55/1 167/18 INSTALLING [1] 104/9 **INSTANCE [1] 89/26** INSTEAD [1] 199/15 INSTITUTE [5] 7/16 7/23 7/27 8/2 8/2 **INSTITUTION [1] 8/9** INSTRUCTION [1] 55/20 INSTRUMENTATION [8] 77/11 79/3 79/4 97/26 103/22 104/9 104/10 104/20 INSTRUMENTED [2] 77/8 105/2 INSTRUMENTS [2] 77/12 195/27 INSULATED [1] 93/9 INTEGRATION [2] 32/4 35/16 INTELLIGENCE [2] 31/12 32/27 INTEND [1] 42/6 INTENDED [3] 40/9 42/13 42/19 **INTENSELY [1] 29/17** INTENT [1] 41/25 INTENTIONALLY [1] 91/27 INTERAGENCY [1] 9/4 INTERCONTINENTAL [2] 31/17 38/1 INTERESTED [2] 18/11 19/2 INTERESTING [7] 12/18 12/22 21/18 27/28 39/4 74/7 163/23 **INTERFERE [1] 13/24** INTERNAL [1] 117/15 INTERNATIONAL [1] 69/4 INTERPOSE [2] 52/27 111/6 **INTERRELATIONSHIP** [1] 34/2 INTERRUPT [3] 13/9 23/27 37/12 INTERRUPTED [1] 19/17 INTERRUPTING [2] 165/11 165/12 INTERRUPTION [2] 65/25 81/28 INTERSECTION [1] 28/11 INTERSERVICE [1] 118/15 INTRIGUING [1] 17/6 INTRODUCE [2] 40/19 172/3 INTRODUCTION [2] 41/13 45/20 **INVENTORY [1] 115/22** INVESTED [1] 170/16 INVESTIGATIONS [1] 10/22 INVOLVE [2] 62/23 167/6 INVOLVED [5] 43/1 54/18 57/2 185/27 207/18 INVOLVEMENT [2] 42/4 59/5 INVOLVES [2] 43/22 62/22 IRON [1] 143/20 IRRIGATION [4] 124/16 159/2 160/22 166/21 IS [585] IS DEFINED [1] 117/12 IS IFFY [1] 109/27 ISLAND [1] 49/25 ISLANDS [3] 143/24 157/25 160/2 ISN'T [2] 127/16 138/17 ISOLATED [2] 93/24 94/4 **ISOLATION [1] 93/21** ISSUE [11] 12/20 46/18 46/19 61/27 62/27 63/21 91/3 93/24 110/1 111/16 199/27 ISSUED [2] 124/12 171/11 ISSUES [15] 8/25 60/2 62/22 62/23 91/14 93/16 93/17 110/3 144/9 206/17 206/18

ISSUES... [4] 206/25 206/28 207/1 207/2 IT [441] IT'S [160] 1/22 6/2 6/5 12/18 13/3 17/1 18/26 23/25 27/22 31/19 35/20 36/3 36/5 39/20 39/24 45/10 46/15 46/17 46/18 46/25 47/6 47/7 48/18 48/23 51/22 52/24 57/26 60/8 60/17 60/17 65/17 66/19 67/19 67/24 72/1 74/4 74/17 74/18 75/3 75/28 76/10 76/11 76/27 77/20 78/24 82/8 84/12 84/24 84/28 85/21 86/5 86/6 86/15 87/16 87/28 88/3 88/9 88/13 88/20 88/22 90/4 90/7 90/9 90/24 91/20 91/21 92/21 93/8 93/24 95/20 96/22 99/20 100/26 100/27 104/13 105/27 106/1 107/6 108/15 109/19 112/8 116/10 116/10 116/13 116/15 116/16 117/18 118/14 118/24 118/25 119/2 121/12 121/13 121/19 122/2 122/3 124/4 124/5 125/6 126/7 129/18 130/28 131/14 133/1 134/10 135/13 137/7 139/16 139/18 139/18 139/25 140/2 148/9 149/12 150/16 150/21 152/13 152/15 154/12 155/16 157/27 157/27 158/3 158/6 160/12 161/5 161/22 162/7 165/25 166/19 166/20 166/21 166/25 166/26 170/1 172/8 172/16 173/15 175/3 176/7 176/11 180/10 182/2 182/19 184/20 185/13 191/6 191/26 191/27 195/27 196/17 196/17 199/3 199/16 199/16 201/3 201/9 206/14 207/9 207/16 IT'S A [1] 88/13 ITEM [2] 123/26 124/1 ITEMS [1] 127/22 ITS [25] 9/25 10/24 10/24 11/7 20/27 23/26 24/4 25/4 26/10 31/23 31/24 32/12 49/13 62/16 82/17 82/18 104/9 158/18 177/15 178/16 184/6 186/13 186/18 191/19 199/5 ITSELF [12] 4/15 13/10 16/4 18/17 36/5 45/5 45/7 45/10 72/11 122/3 149/24 182/22

J-A-M-E-S [1] 141/2 J-R [1] 5/6 J-U-D-K-I-N-S [1] 141/3 JACK [6] 1/3 1/4 17/2 27/22 114/4 208/3 JAM [1] 166/11 JAMES [5] 1/16 3/5 141/2 141/12 141/24 JANUARY [2] 9/9 14/16 JAPAN [1] 20/14 JAPANESE [3] 16/13 20/20 47/28 JCCP4408 [4] 1/6 1/1 114/1 208/7 JDAM [1] 103/17 **JEFFREY** [1] 1/26 **JEOPARDY** [1] 27/1 JET [13] 20/1 20/2 20/4 22/7 22/25 38/1 38/2 41/15 47/5 56/18 63/9 72/19 134/2 JIM [1] 64/24 JOB [1] 144/25 JOE [10] 178/19 178/20 178/21 178/24 178/27 180/21 180/25 181/17 194/14 194/15 JOHN [1] 7/18 JOIN [1] 30/28 JOINED [1] 8/10 JOINT [11] 9/4 34/25 34/26 34/27 35/14 55/5 56/28 77/1 126/16 126/25 155/13 JOSE [1] 207/11 JOYCE [2] 2/14 40/25 JR [2] 3/3 5/6 JUDGE [2] 1/3 208/3 JUDGMENT [2] 139/18 206/10 **JUDICIOUS** [1] 171/22 JUDKINS [28] 3/5 119/21 124/11 141/2 141/12 141/15 141/24 142/16 147/10 149/13 156/24 160/16 161/16 161/18 166/4 177/20

180/20 183/12 185/8 192/10 192/15 197/6 197/10 197/17 201/9 201/26 202/28 203/3 JUDKINS' [2] 149/4 161/14 JUMPED [1] 58/5 JUNE [3] 142/20 143/2 170/23 JUNE 1974 [1] 142/20 JUST [157] 1/23 3/26 4/2 5/27 6/6 6/7 7/4 7/20 10/22 14/5 16/17 22/16 26/11 26/18 32/9 33/12 33/25 37/12 38/14 40/10 45/6 46/18 47/17 51/14 52/24 53/2 55/16 55/19 55/23 57/7 57/16 61/26 62/10 64/12 65/18 66/2 66/18 69/21 69/25 70/5 70/27 71/19 72/10 73/26 74/28 75/1 75/6 75/22 75/24 76/8 76/27 76/28 77/7 77/9 77/16 81/18 81/19 82/27 83/3 83/15 83/26 85/19 86/11 86/13 86/15 88/6 88/16 88/27 91/28 92/14 92/17 96/28 98/17 98/18 98/22 99/13 99/15 99/20 102/25 103/16 104/19 108/17 108/27 109/1 109/25 111/14 111/23 113/8 117/17 118/24 125/5 129/18 129/18 129/19 131/14 132/17 132/17 132/20 133/21 135/3 135/24 136/3 136/10 137/7 138/17 144/16 146/8 146/13 146/25 146/26 148/17 149/13 149/27 151/22 153/3 154/21 154/27 156/7 156/11 156/23 156/26 157/19 157/20 161/21 161/22 162/26 164/18 165/25 165/28 169/16 172/5 173/2 173/20 173/21 174/11 175/20 176/21 177/20 177/24 181/24 182/25 183/13 187/3 187/26 189/7 190/23 191/4 191/26 201/10 202/23 202/24 203/5 203/27 204/12 204/20 205/10 205/25 JUSTICE |2| 1/14 2/12 JUSTIFY [1] 198/3

K KC [2] 110/28 155/28 KC-135 [1] 155/28 KC-46 [1] 110/28 KEEP [11] 15/12 39/10 69/24 72/1 86/13 88/4 88/11 88/15 146/9 161/11 177/17 **KEEPING [1] 26/18** KENNEDY [2] 1/24 7/18 KEPT [1] 93/14 KERN [2] 167/26 167/26 KIDDING [1] 137/17 KILLED [1] 26/22 KIND [6] 2/5 31/19 39/11 43/15 100/24 163/26 KINDS [1] 145/24 KING [1] 167/17 KNEW [2] 106/18 188/20 KNOW [80] 15/28 34/7 39/14 40/8 42/12 43/27 43/28 43/28 44/1 46/1 50/17 54/2 54/3 54/14 55/8 56/15 57/6 58/7 58/24 59/12 59/20 60/19 60/21 60/22 60/24 64/2 66/8 84/19 86/6 86/14 89/12 91/11 93/13 95/18 108/4 108/5 108/7 109/11 109/19 113/4 113/11 115/28 116/8 117/15 117/20 121/13 122/5 122/17 122/26 124/6 125/7 128/9 129/26 131/19 132/11 136/6 137/25 139/3 157/7 157/8 157/9 157/11 159/26 164/9 165/6 165/11 169/26 172/4 174/22 177/16 191/22 192/25 194/10 194/12 198/17 199/19 201/3 201/4 205/10 207/22 KNOWING [3] 86/5 139/11 188/24 KNOWLEDGE [13] 31/4 39/22 46/5 50/18 54/20 73/10 73/13 73/14 105/22 105/24 170/3 174/22 199/9 KNOWN [3] 14/16 21/10 119/11 KNOWS [1] 161/21 KOMAR [4] 1/3 1/4 114/4 208/3 KOREAN [1] 23/1 KRIEGER [1] 1/26

KUHS [22] 2/3 2/3 2/1 3/6 4/5 53/19 53/25 61/5 61/15 111/4 114/14 124/9 138/17 150/15 162/5 162/26 164/20 171/8 179/21 192/4 198/27 201/7 KUHS'S [1] 162/20

L.A [3] 1/26 29/27 46/17 LAB [8] 30/4 79/25 80/10 80/16 80/18 118/21 121/28 166/26 LABEL [14] 12/2 16/23 16/27 62/1 62/3 141/13 148/9 148/14 148/27 149/25 149/26 154/1 154/13 161/23 LABELED [2] 148/9 172/8 LABELING [1] 162/19 LABORATORY [2] 29/7 148/5 LACHLAN [1] 1/17 LACK [3] 92/1 110/11 159/24 LACKS [1] 177/8 LADY [1] 69/24 LAID [1] 180/14 LAKE [93] 13/11 13/25 14/1 14/1 14/3 14/9 14/10 14/11 14/20 15/8 15/11 15/18 15/19 17/8 17/9 17/14 19/4 19/6 19/12 19/12 21/23 25/13 25/16 25/28 26/1 27/5 27/6 27/9 27/10 27/10 28/12 28/12 31/23 38/10 41/1 41/1 41/4 42/20 44/24 44/26 45/5 45/7 45/7 45/10 45/22 46/2 46/3 48/6 60/18 75/3 75/5 75/18 76/12 76/14 76/16 76/17 84/16 84/25 85/7 85/9 85/16 86/20 86/25 87/2 87/5 87/5 87/7 87/10 87/15 87/24 88/1 88/3 88/14 88/19 88/24 90/5 90/8 90/26 93/15 95/11 96/5 108/22 108/28 109/3 118/26 148/6 151/7 155/7 156/8 157/1 157/6 157/14 158/19 LAKE'S [1] 25/21 LAKES [2] 40/27 118/17 LAKESHORE [4] 20/5 20/20 29/8 60/18 **LANCASTER [1] 90/21** LAND [26] 2/6 14/25 19/5 26/19 28/14 40/9 41/2 41/3 42/13 42/19 45/4 45/24 84/25 88/2 89/6 100/6 100/7 100/12 100/16 100/22 102/6 115/22 115/26 133/15 146/5 157/13 LANDABLE [3] 76/13 76/13 86/22 LANDED [1] 102/12 LANDING [17] 11/19 13/7 14/21 25/4 26/16 27/12 28/10 40/27 45/8 62/3 62/5 87/22 87/25 87/27 88/1 93/15 157/6 LANDINGS [3] 25/16 25/18 88/25 LANDOWNERS [1] 92/4 LANDSCAPING [6] 170/21 170/22 170/28 171/7 171/22 175/27 LANE [1] 146/21 LANGLEY [3] 41/26 49/25 56/13 LAPIS [1] 2/6 LARGE [27] 13/23 27/1 29/17 30/18 30/19 31/24 41/1 66/20 72/19 74/18 75/3 76/9 90/24 98/3 106/12 106/21 110/2 119/24 121/26 124/5 136/19 136/21 136/28 137/21 137/28 156/13 166/26 LARGELY [2] 24/20 86/22 LARGER [3] 116/1 116/2 163/24 LARGEST [5] 19/5 100/7 115/21 115/23 115/24 LAS [2] 98/23 98/24 LASER [4] 74/11 107/2 107/3 117/9 LASER-GUIDED [2] 107/2 107/3 LAST [15] 2/18 5/27 27/15 37/22 38/14 123/23 124/28 149/20 152/25 153/24 161/15 168/8 168/12 171/6 175/25 LATE [5] 10/4 32/12 50/9 59/13 106/11 LATER [7] 13/20 21/26 40/16 47/22 49/24 82/5 82/20

LAUNCH [2] 102/4 104/27

LAUNCHED [4] 41/24 102/19 102/20 102/20 **LAUNCHING [1] 32/26** LAW [3] 1/17 53/28 54/4 LAWS [2] 79/22 82/17 LAWYER [1] 57/14 LAWYERS [2] 50/19 134/16 LAY [2] 124/22 180/16 LAYOUT [1] 74/10 LE [1] 2/5 LEAD [2] 20/15 20/17 LEADER [1] 69/14 LEADERSHIP [3] 7/15 42/8 176/23 LEADING [2] 43/5 186/4 LEADS [3] 108/11 138/6 156/12 LEAKY [1] 170/19 LEAPT [1] 57/28 LEARN [3] 13/16 81/7 88/24 [LEARNED [1] 43/3 LEAST [9] 30/7 40/15 108/7 113/19 119/15 123/16 146/27 160/8 162/21 LEAVE [5] 33/11 35/24 96/27 139/25 159/23 LEE [1] 1/15 LEEMAN [1] 60/12 LEEWAY [1] 12/22 LEFT [4] 2/4 37/21 119/8 155/3 LEGAL [5] 12/20 57/12 57/15 164/21 206/28 LEGION [1] 144/19 LEININGER [12] 1/15 1/19 2/16 2/24 2/26 4/19 149/21 163/2 165/12 179/7 180/16 188/9 **LEININGER'S [1] 179/28** LENGTH [2] 27/5 99/24 LENGTHY [1] 33/27 LESS [2] 146/10 191/7 LET [22] 16/26 23/27 26/25 37/12 44/14 44/22 48/18 54/6 66/8 68/26 98/6 121/17 123/23 129/13 131/16 131/25 161/21 179/22 189/7 197/5 198/17 198/28 LET'S [60] 3/15 4/6 5/11 7/3 8/4 10/22 11/21 12/2 12/7 22/13 25/6 28/15 31/7 32/7 33/11 46/6 61/12 74/1 84/6 84/26 89/16 90/13 90/14 92/20 96/7 96/13 97/12 106/9 106/10 113/21 122/9 142/16 142/23 146/25 148/26 150/25 150/26 157/15 157/22 165/14 167/4 168/18 170/12 172/3 174/21 175/5 175/17 175/20 176/12 176/14 178/11 179/10 180/14 180/18 182/17 183/12 186/21 189/25 191/13 198/14 LEUHMAN [9] 29/6 29/7 29/21 29/23 30/3 60/14 60/15 60/20 60/23 LEVEL [34] 57/12 70/13 70/16 70/18 70/21 70/23 70/25 71/2 71/8 71/10 71/16 100/21 102/15 102/16 127/14 127/14 128/3 129/17 129/21 131/4 131/5 131/13 131/15 132/19 137/8 137/14 137/15 143/5 143/7 143/12 143/17 146/16 169/6 207/17 LEVELS [2] 63/6 124/17 LEVIN [1] 2/13 LICENSED [2] 193/12 193/14 LIEUTENANT [3] 143/9 143/10 144/6 LIFE [8] 62/27 69/19 83/23 83/24 93/24 160/13 171/1 189/3 LIFTER [1] 38/2 LIKE [65] 1/27 8/28 12/17 15/1 15/15 16/13 30/9 30/19 32/17 36/15 41/7 45/18 47/5 48/9 49/10 51/7 55/13 57/11 58/19 63/8 71/14 72/5 73/26 81/20 84/17 86/8 89/24 91/3 93/6 96/21 96/28 100/9 104/13 106/1 107/4

111/12 116/4 116/6 116/18 116/19 117/12 117/20 122/17 132/11 135/15 140/1 141/11 147/9 153/2 153/25 161/12 164/28 165/26 166/22 167/20 182/3 182/3 183/3 183/9 191/2 195/18 195/24 195/25 201/10 202/21 LIKELIHOOD [1] 137/24 LIKELY [7] 26/21 38/3 108/16 110/23 137/20 160/5 205/25 LIKEWISE [2] 83/22 128/15 LIMIT [4] 44/1 44/1 112/12 164/6 LIMITATIONS [1] 94/20 LINCOLN'S [1] 207/20 LINE [21] 44/1 73/6 74/27 98/12 113/16 117/17 129/14 131/16 148/1 148/2 154/18 154/23 156/23 166/17 166/23 184/15 184/16 187/8 187/8 195/2 195/2 LINE 1 [1] 129/14 LINES [12] 48/23 51/2 74/21 117/15 117/18 151/9 151/9 151/10 154/26 154/26 161/9 161/9 LINES 22 [1] 51/2 LINES 7 [1] 48/23 LINK [6] 24/11 24/13 24/17 34/5 34/22 198/6 LINKAGE [1] 31/26 LINKED [1] 101/12 LIQUID [1] 29/11 LIST [1] 140/1 LISTED [2] 95/6 95/7 LISTEN [4] 1/16 55/23 58/6 165/3 [LISTING [1] 132/8 LITERALLY [1] 29/22 LITTLE [33] 33/12 33/14 36/14 44/6 44/7 50/6 50/17 62/17 63/5 67/15 67/17 69/26 75/22 86/15 88/13 89/4 92/22 94/5 94/11 98/4 98/17 101/18 105/4 112/15 134/26 146/9 155/26 156/2 156/7 160/17 167/4 170/20 181/25 LIVE [9] 14/28 54/12 55/8 55/9 58/25 63/2 108/25 133/22 160/5 LIVES [2] 25/15 107/18 LIVING [3] 56/14 58/22 160/11 LLC [1] 1/21 LLP [1] 1/19 LOAD [2] 27/23 91/26 LOANER [1] 81/12 LOCATED [8] 24/7 26/14 88/28 117/18 117/23 155/18 156/26 157/26 LOCATING [1] 119/3 LOCATION [3] 118/1 128/6 185/25 LOCATIONS [4] 159/11 185/28 186/4 186/6 LOCKHEED [1] 17/17 LOCOMOTIVE [1] 37/11 LONG [31] 2/6 25/28 25/28 27/5 31/17 32/26 33/17 49/25 71/7 71/13 75/1 75/2 88/22 90/28 105/25 106/7 106/16 106/16 106/18 106/20 107/21 108/24 130/16 130/17 133/8 145/1 155/1 155/4 155/6 155/7 205/20 LONG-RANGE [2] 32/26 71/7 LONG-TERM [3] 71/13 133/8 205/20 LONGER [3] 29/27 60/6 128/1 LOOK [42] 11/17 21/17 26/10 27/8 32/19 37/4 42/28 43/19 48/9 53/5 61/5 65/10 67/12 67/22 76/25 87/4 90/9 90/10 90/15 92/23 103/15 104/12 106/6 109/2 116/26 117/22 124/28 127/21 127/21 128/8 130/9 132/7 133/23 134/28 147/26 149/18 163/20 164/15 168/14 172/5 197/19 202/21 LOOKED [6] 37/8 160/27 188/16 192/17 193/22 194/4 LOOKING [19] 10/23 44/13 45/6 57/16 71/7 71/9 71/11 104/18 104/23 109/10

112/22 116/12 137/26 163/26 164/3 177/25 190/23 202/22 202/23 LOOKS [7] 36/15 117/1 117/2 117/12 153/1 202/25 202/27 LOS [5] 1/2 1/3 114/3 208/2 208/13 LOSE [2] 74/6 168/27 LOSS [2] 106/27 170/20 LOSSES [1] 170/13 LOST [2] 90/4 93/12 LOT [17] 2/11 26/2 27/25 39/22 50/17 62/22 63/5 90/6 94/6 98/2 104/18 107/25 156/17 161/1 163/10 163/11 164/11 LOTS [1] 108/23 LOW [4] 20/22 27/1 63/27 100/21 LUKE [1] 136/18 LUNCH [2] 113/11 113/21 M-I-C-H-A-E-L [1] 65/11 M.C.L [2] 169/6 169/14 M.W [1] 159/13 M.W.R [5] 94/7 94/8 158/11 159/14 159/15 MACH [2] 55/6 56/24 MACRO [1] 57/16 MADE [11] 3/10 4/8 21/20 25/16 25/17 107/14 127/13 180/12 186/28 187/9 187/10 MAIL [8] 33/7 197/3 197/10 197/18 197/21 197/26 198/14 198/23 MAILS [1] 197/6 MAIN [21] 74/27 74/28 76/16 85/5 85/7 117/25 118/3 146/17 148/2 154/17 155/2 155/3 155/8 155/16 156/12 156/25 157/19 157/20 174/16 174/16 178/27 MAINS [1] 89/25 MAINTAIN [1] 128/3 MAINTAINED [3] 9/12 15/1 63/21 MAINTAINERS [3] 14/27 58/17 104/5 MAINTAINING [1] 63/19 MAINTENANCE [11] 14/27 66/24 103/20 119/1 145/28 146/28 155/16 155/17 155/20 166/14 168/10 MAJOR [12] 7/7 7/21 7/22 23/1 25/12 73/11 109/3 115/4 122/2 146/23 156/13 176/26 **MAJOR AIR [1] 73/11** MAJORS [1] 143/10 MAKE [21] 26/17 27/3 72/28 74/20 79/8 80/3 86/2 86/19 87/26 88/26 100/25 107/7 107/15 107/17 108/24 124/8 133/8 184/22 186/27 195/19 198/28 MAKES [9] 77/14 84/6 84/8 84/12 84/14 99/26 130/11 130/12 163/4 MAKING [6] 52/16 128/19 161/11 176/19 186/9 190/9 MALL [1] 91/22 MANAGE [5] 86/23 93/27 97/4 110/4 110/7 MANAGEMENT [10] 69/12 73/17 121/18 123/27 143/17 145/20 146/6 146/7 147/10 184/21 MANAGER [1] 188/3

MANAGING [1] 143/18

MANEUVER [1] 19/14 MANEUVERS [2] 15/5 40/7

MANNED [2] 90/27 91/1

MANUALS [1] 206/2

MANDATED [2] 88/24 124/18

MANNER [3] 64/5 96/23 181/7

MANUFACTURERS [1] 85/25 MANY [30] 32/17 35/2 39/9 47/17 47/18

MANUFACTURED [2] 22/12 23/18

49/15 52/5 56/15 58/7 59/18 60/19 60/22

74/17 83/20 91/19 91/25 92/21 100/14

MANUFACTURE [1] 207/2

MANDATE [4] 124/12 125/2 171/25 171/26

M MANY... [12] 105/18 105/19 125/7 128/1 133/21 134/4 134/12 136/23 143/12 145/6 174/18 207/16 MAP [2] 74/24 90/24 MAPS [4] 2/7 2/8 3/12 3/12 MARCH [3] 13/18 14/24 41/23 MARCH 16 [1] 41/23 MARILYN [1] 2/13 |MARINE [2] 82/26 82/27 MARK [6] 20/16 120/10 120/11 120/11 120/13 201/18 MARKED [12] 6/2 6/4 16/12 27/10 116/4 116/16 120/16 123/4 150/21 197/5 197/17 202/6 MARSHAL [1] 145/17 MARTINEZ [1] 75/23 MARYLAND [2] 7/6 7/11 MASS [3] 115/22 115/26 133/15 MASSIVE [3] 16/16 17/22 58/11 MASTER'S [2] 69/5 143/16 **MASTERS [1] 5/7** MATCH [1] 28/23 MATERIAL [4] 59/15 103/26 112/19 113/5 MATH [4] 193/10 193/11 195/17 195/18 MATTER [15] 1/24 49/22 75/6 76/25 77/14 85/19 89/12 93/23 95/17 105/15 106/15 108/27 109/1 154/28 193/2 **MATTERS [1] 4/16** MAX [2] 86/3 86/4 MAXIMIZE [1] 197/27 MAXIMUM [4] 169/6 173/12 173/13 174/23 MAXWELL [1] 69/13 MAY [43] 5/15 5/20 5/20 9/10 10/19 15/6 16/20 21/7 25/25 36/8 36/11 43/13 47/26 48/20 54/18 65/3 65/19 73/23 74/13 97/14 99/22 113/13 120/7 120/22 123/5 126/4 136/28 139/14 139/24 140/17 140/23 144/8 147/16 153/12 154/10 163/15 165/24 170/4 172/5 177/13 177/16 199/23 200/24 MAY 2010 [1] 36/8 MAY 2013 [1] 36/11 MAYBE [3] 71/9 97/12 165/14 MC [2] 1/17 1/24 MCNAIR [1] 70/27 ME [92] 2/5 3/16 8/9 16/26 16/26 23/27 26/25 31/19 37/8 37/12 44/14 44/22 48/17 48/18 54/6 55/16 65/14 65/18 66/4 66/8 67/26 68/26 76/7 80/27 81/2 83/12 84/7 85/1 92/5 92/6 92/6 94/4 94/6 94/11 94/14 98/6 99/2 100/20 107/20 108/11 108/15 108/24 111/15 115/28 116/28 117/13 119/28 120/27 121/17 123/23 124/8 125/20 127/6 127/8 129/13 130/14 131/16 134/25 134/25 146/26 147/18 148/25 149/5 149/16 150/4 150/19 152/5 162/5 163/9 163/20 168/25 174/25 179/24 181/12 183/4 189/7 189/27 191/26 193/19 193/26 194/7 194/21 196/1 197/5 197/24 198/17 198/28 200/4 202/7 202/15 203/5 205/2 MEAN [26] 13/8 34/11 41/3 49/20 52/5 59/16 75/26 88/5 94/13 96/23 105/21 117/16 117/18 121/13 121/19 125/18 126/1 126/13 128/10 129/7 130/1 133/14 136/12 136/15 136/19 154/20 MEANING [2] 103/6 103/9 MEANS [28] 42/3 47/17 50/6 71/23 71/26 72/2 84/21 97/22 101/2 103/21 103/28 104/1 104/7 104/8 104/8 104/8 104/9 104/10 104/11 105/11 106/6 107/13 112/15 119/25 126/14 126/18 127/28 128/5

MEANT [3] 62/17 103/20 136/4 MEASURANDS [1] 105/19 MEASURE [2] 115/28 137/7 MEASURES [2] 171/9 172/1 MECHANICAL [1] 178/22 **MECHANICS** [1] 103/24 MECHANIZATION [1] 136/14 MEDAL [2] 144/20 144/21 MEET [2] 159/1 169/5 MEMBER [3] 7/26 8/17 9/9 MEMBERS [6] 104/21 113/8 142/7 151/28 160/10 160/10 MEMORIZED [1] 174/19 MEMORY [3] 22/16 51/26 190/1 MENTIONED [12] 45/1 58/10 60/11 88/2 89/21 93/13 95/11 100/10 125/4 133/11 154/17 166/7 MENU [1] 109/17 MERELY [4] 3/11 14/18 62/21 131/28 MERIT [1] 144/19 **MERITORIOUS [1] 144/20** MET [4] 171/21 171/24 171/26 184/14 METAL [3] 12/28 13/5 43/5 METEOROLOGIST [1] 46/15 METER [2] 168/5 168/17 METERED [3] 168/1 168/4 168/15 METERS [1] 168/7 METHOD [1] 81/23 METHODOLOGY [1] 184/20 METHODS [1] 82/11 MIC [3] 67/18 160/16 186/1 MICHAEL [8] 1/17 1/23 2/8 3/4 64/25 65/10 65/11 68/4 MICHAEL T [1] 65/10 MID [3] 15/4 173/10 174/10 MIDDLE [3] 28/27 41/2 91/20 MIDMORNING [1] 61/7 MIGHT [32] 28/5 52/26 54/14 55/12 55/14 58/21 58/22 58/23 58/24 60/27 65/9 70/5 75/10 84/26 90/14 90/15 95/28 126/28 134/15 145/9 158/11 164/23 177/3 177/3 177/3 177/4 185/24 187/17 190/26 199/15 199/18 207/11 MILE [4] 25/27 44/26 75/28 99/7 MILES [27] 19/5 20/10 37/11 37/24 37/27 37/28 38/4 75/1 75/4 75/4 86/11 86/15 86/16 86/16 91/20 94/17 106/15 106/16 109/1 147/24 147/24 151/7 151/8 151/8 151/9 151/10 159/28 MILESTONE [1] 37/3 MILIBAND [1] 1/19 MILITARY [48] 8/7 10/8 10/8 14/4 15/5 15/9 15/16 17/6 18/25 28/25 30/20 30/20 32/24 33/13 33/17 33/23 34/4 34/6 34/23 34/25 37/25 38/18 40/7 40/16 44/15 44/16 48/2 56/14 58/5 59/11 59/17 60/4 70/10 70/24 77/18 81/3 82/22 121/14 133/4 133/9 142/7 144/1 144/18 152/8 158/7 168/21 188/26 198/3 MILITARY'S [1] 132/27 MILLION [9] 89/18 134/11 151/7 151/11 151/11 151/12 158/24 158/28 167/1 MIND [6] 15/12 66/2 126/6 128/27 163/26 165/5 MINE [3] 195/24 195/27 198/8 MINIMIZE [1] 170/28 MINOR |2| 7/7 142/5 MINUS [2] 147/25 195/9 MINUTE [12] 33/25 55/19 60/28 90/5 91/22 113/2 174/25 179/11 182/25 193/28 198/15 202/5 MINUTES [2] 61/7 76/8 MISS [1] 110/15

MISSILE 141 32/26 36/15 37/2 102/3 MISSILES [1] 29/5 MISSING [1] 82/16 MISSION [48] 10/25 10/27 66/23 66/24 77/18 81/3 97/22 102/5 102/6 102/11 104/12 105/25 125/15 125/19 125/20 125/21 125/23 125/25 125/25 125/27 126/2 126/2 126/4 126/6 126/15 126/27 129/6 129/11 129/16 136/15 147/6 148/20 149/24 166/7 168/26 176/8 176/9 176/14 177/26 177/26 178/2 178/9 189/16 190/26 191/15 191/15 205/12 205/22 MISSIONS [20] 20/9 32/24 82/23 82/23 83/6 110/22 111/11 127/17 128/5 129/3 129/10 132/8 176/19 176/20 188/6 188/7 188/21 188/22 205/5 205/28 MISSTATES [1] 189/10 MITCH [3] 73/28 75/7 98/6 MITCHELL [2] 7/27 49/25 MIX [2] 169/11 169/12 MIXED [1] 159/5 MIXING [1] 169/15 MIXTURE [2] 158/21 159/4 MOBILITY [3] 37/6 37/25 37/27 MOCK [1] 20/19 MOCK-UP [1] 20/19 MOD [2] 130/5 130/6 MODE [1] 1/17 MODEL [2] 33/2 44/8 MODERN [3] 13/4 14/22 15/8 MODERNIZATION [1] 107/14 MODIFIED [2] 55/4 57/1 MOJAVE [1] 45/9 MOMENT [5] 22/13 37/13 48/20 149/23 172/5 MONDAY [1] 207/9 MONITOR [1] 88/13 MONITORING [1] 77/12 MONOPLANE [2] 12/28 43/5 MONTH [1] 142/27 MONTHAN [4] 181/13 181/15 181/28 182/1 MONTHLY [2] 174/1 184/1 MONTHS [4] 71/9 71/9 89/12 162/26 MOON [1] 29/22 MORALE [4] 94/9 158/13 159/16 159/20 MORE [47] 20/10 31/10 33/12 33/14 36/14 44/7 46/17 47/17 47/18 52/18 61/6 61/19 61/21 62/17 62/20 70/24 81/17 86/15 90/16 93/5 93/23 94/5 94/11 99/25 99/25 99/26 102/28 106/17 107/25 111/19 116/3 122/21 130/11 130/12 131/3 133/28 144/5 144/9 155/27 156/7 160/5 164/14 167/4 169/14 176/17 181/25 182/11 MORNING [9] 1/10 1/20 1/23 2/4 38/28 39/1 41/23 53/24 125/14 MORNING'S [1] 80/25 **MORRISON [1] 2/14** MOST [6] 13/16 26/8 73/8 76/12 87/9 137/20 MOTION [2] 34/18 165/20 MOTOR [3] 84/22 89/9 104/21 MOTORS [1] 166/26 MOUNTAIN [2] 100/19 100/19 MOUNTED [1] 54/24 MOUTH [2] 179/28 180/1 MOVE [16] 1/27 16/18 30/26 44/14 50/16 55/12 58/27 64/13 79/22 97/27 112/4 138/12 138/15 138/21 139/28 160/16 MOVED [2] 20/28 83/1 MOVES [1] 81/6 MOVING [4] 71/20 155/15 155/21 165/26 MR [5] 2/19 179/21 180/4 180/25 197/10

# M

MR. [104] 1/19 1/25 2/1 2/3 2/5 2/14 2/16 2/24 2/26 3/3 3/6 3/9 3/9 4/5 4/6 4/19 5/21 5/24 30/23 38/24 40/25 52/26 53/3 53/19 61/5 61/15 65/19 66/9 74/13 111/4 111/17 114/12 114/14 119/21 124/9 124/11 138/17 141/15 142/16 147/10 149/4 149/13 149/17 149/21 150/15 156/24 160/16 161/14 161/16 161/18 161/18 162/5 162/20 162/26 163/2 164/20 165/12 166/4 171/8 177/20 179/7 179/22 179/28 180/16 180/20 180/21 181/10 181/10 182/10 182/15 183/12 183/16 183/20 184/14 185/8 187/7 187/9 187/13 188/9 188/19 188/19 190/24 190/24 192/4 192/10 192/15 194/14 194/20 194/26 195/1 196/3 197/6 197/17 198/27 198/28 200/7 201/7 201/9 201/26 202/28 203/3 205/7 205/8 MR. BREWER [1] 205/17 MR. BREWER'S [2] 149/17 161/18 MR. CLARENCE [1] 181/10 MR. DIORIO [13] 181/10 182/10 182/15 183/16 183/20 184/14 187/7 187/9 188/19 194/26 195/1 196/3 205/7 MR. DIORIO'S [2] 190/24 194/20 MR. DUBOIS [3] 66/9 111/17 114/12 MR. FIFE [1] 2/5 MR. HALLION [1] 52/26 MR. HALLION'S [1] 5/24 MR. HERBERT [2] 3/3 3/9 MR. HERBERT'S [2] 2/3 3/9 MR. JOE [2] 180/21 194/14 MR. JOYCE [2] 2/14 40/25 MR. JUDKINS [23] 119/21 124/11 141/15 142/16 147/10 149/13 156/24 160/16 161/16 161/18 166/4 177/20 180/20 183/12 185/8 192/10 192/15 197/6 197/17 201/9 201/26 202/28 203/3 MR. JUDKINS' [2] 149/4 161/14 MR. KUHS [18] 2/1 3/6 4/5 53/19 61/5 61/15 111/4 114/14 124/9 138/17 150/15 162/5 162/26 164/20 171/8 192/4 198/27 201/7 MR. KUHS'S [1] 162/20 MR. LEININGER [11] 1/19 2/16 2/24 2/26 4/19 149/21 163/2 165/12 179/7 180/16 188/9 MR. LEININGER'S [1] 179/28 MR. OYARZO [3] 5/21 65/19 74/13 MR. RAND [1] 1/25 MR. SANDERS [2] 188/19 205/8 MR. SANDERS' [1] 190/24 MR. ZIMMER [7] 4/6 30/23 38/24 53/3 179/22 187/13 198/28 MR. ZIMMER'S [1] 200/7 MUCH [42] 20/10 26/19 30/5 39/1 46/11 46/13 50/6 53/17 71/28 83/17 89/14 90/24 109/8 109/12 111/1 113/23 116/1 116/2 135/21 137/3 139/22 139/27 141/6 142/12 146/26 163/20 164/20 166/21 168/5 168/25 169/14 169/18 169/23 169/26 170/3 182/3 182/3 184/4 199/24 201/3 205/22 207/19 MULTIPLE [5] 71/6 80/21 97/7 101/23 128/5 **MULTIPLIER [1] 196/28** |MUNITION |2| 76/22 77/1 **MUNITIONS** [1] 54/12 MUROC [36] 13/11 13/25 13/28 14/11 14/12 14/26 15/18 16/7 17/8 17/9 17/14 17/18 18/16 18/19 18/24 18/27 18/27 19/14 19/21 19/25 20/10 20/28 21/3 21/13 21/23 21/24 41/10 41/14 41/17 44/23 47/21 48/6

49/22 51/3 56/13 58/13 MUROC-EDWARDS [1] 21/3 MURPHY [2] 54/2 54/3 MURPHY'S [2] 53/28 54/4 MUSEUM [1] 12/11 MUST [2] 47/27 49/12 **MUTUALS** [1] 2/8 MX [1] 30/20 MY [108] 2/21 3/8 5/5 5/6 7/5 7/6 7/10 7/11 7/22 8/8 8/24 9/16 33/7 39/9 39/10 42/17 46/5 48/15 52/17 53/24 55/15 58/7 66/2 67/17 67/19 67/28 68/19 69/27 70/25 76/2 76/5 78/17 79/3 81/20 90/10 91/17 92/9 92/24 93/19 93/24 93/25 94/6 102/6 102/24 105/5 107/3 109/7 113/8 115/16 115/16 116/8 116/13 116/20 116/22 128/27 129/2 131/27 132/9 138/26 141/3 141/21 143/12 143/16 144/5 144/10 144/22 145/17 145/21 146/16 162/13 162/15 163/22 163/27 165/5 166/9 167/8 169/1 169/2 169/2 170/15 170/15 170/26 176/7 176/23 176/23 179/25 181/11 181/14 183/8 187/15 188/18 189/1 189/27 190/23 192/27 193/11 193/25 194/22 195/21 195/25 196/9 199/3 199/9 199/12 200/6 205/6 205/11 206/8 MYSELF [2] 23/25 69/22

## N

NACA [3] 35/5 55/2 56/9 NAF [2] 151/26 151/26 NAME [14] 1/2 5/2 5/5 14/7 14/14 14/17 53/24 56/7 56/8 65/7 114/2 115/3 119/5 140/28 **NARRATIVE [1] 55/25** NARROW [1] 40/12 NASA [41] 32/19 33/13 33/14 33/16 33/19 34/2 34/6 34/14 34/16 34/23 34/25 35/11 35/14 35/18 54/6 54/7 54/15 54/21 55/1 55/5 56/2 56/4 56/5 56/9 56/16 56/18 57/1 81/1 81/2 81/6 81/12 81/12 82/8 118/7 118/8 118/9 118/13 121/8 121/27 156/20 157/18 NASA-AIR [1] 55/5 NATION [4] 13/22 58/3 107/16 125/22 NATION'S [1] 77/21 NATIONAL [15] 7/17 9/5 10/1 12/10 28/23 28/24 33/19 56/6 56/7 64/6 69/12 70/26 98/27 129/27 136/21 **NATIONWIDE [1] 59/12** NATURAL [4] 1/14 86/25 146/1 151/10 NATURE [11] 9/15 83/15 83/26 99/13 99/13 99/23 130/7 139/12 139/13 164/26 205/21 NAVY [3] 23/7 101/23 108/27 NAZI [1] 20/14 NEAR [5] 14/24 112/19 131/3 157/26 169/25 NEAT [1] 163/27 NECESSARILY [4] 40/27 68/17 137/6 148/23 NECESSARY [3] 100/25 165/25 191/18 NEED [46] 15/12 16/3 34/19 39/14 45/19 46/6 58/6 74/11 88/25 91/16 99/12 101/1 101/1 102/15 104/18 106/4 106/6 107/7 107/8 107/17 112/16 113/5 135/2 137/7 137/9 139/7 154/9 157/6 157/8 160/6 160/6 160/13 168/21 168/22 171/5 179/3 179/10 179/12 182/11 194/9 196/24 197/1 197/2 197/3 200/3 200/4 NEEDED [7] 11/14 13/22 17/3 17/8 43/20 44/10 186/17 NEEDS [13] 28/25 44/16 64/5 112/22 131/25 176/15 177/26 177/26 178/4 178/6 178/12 187/4 192/1 **NEIGHBOR [1] 171/5** 

NEIGHBORHOOD [2] 101/15 102/13 **NEIGHBORING [1] 92/3 NEIGHBORS** [1] 171/2 **NEITHER [1] 199/9** NET [1] 77/2 NEVADA [1] 102/2 NEVER [5] 34/14 161/15 161/15 168/25 187/4 NEVERTHELESS [1] 4/11 NEW [29] 13/14 32/13 40/7 63/2 83/25 83/26 83/27 83/28 84/3 85/27 118/15 126/27 129/25 130/6 134/20 134/24 135/10 136/25 137/1 138/15 146/19 146/19 146/20 149/17 150/16 163/4 165/5 176/19 176/20 NEXT [58] 15/6 15/7 16/20 21/7 22/3 23/22 24/22 24/23 26/5 26/23 27/14 27/15 27/18 27/27 28/7 28/15 29/19 31/7 32/8 35/23 35/28 37/7 38/4 44/19 64/23 64/25 70/23 110/23 125/12 127/3 128/9 135/8 135/9 135/16 137/28 139/24 139/26 148/8 149/1 151/17 151/18 152/2 153/6 153/12 156/1 156/6 156/19 157/22 158/14 159/19 159/21 160/15 165/6 190/13 192/10 197/7 205/26 207/20 NEXUS [3] 24/21 31/14 57/11 NIGHT [1] 94/28 NINE [2] 96/27 162/26 NISHIKAWA [2] 173/6 173/11 NO [88] 1/6 1/27 2/28 3/13 3/24 10/14 11/18 14/20 21/20 28/6 29/27 30/24 33/3 33/28 38/21 39/26 40/9 42/21 48/5 48/15 51/21 53/9 53/15 55/16 55/17 57/22 60/6 61/19 61/21 64/8 64/16 78/24 83/10 83/14 87/21 89/11 89/25 92/13 93/22 94/17 97/24 111/28 112/24 116/10 117/17 125/9 125/16 127/9 128/1 128/10 128/13 128/15 128/15 128/22 128/27 129/1 129/7 130/22 130/26 131/27 132/9 132/13 133/16 134/21 135/16 135/17 137/17 138/23 138/23 139/19 150/17 153/23 161/28 172/26 177/8 187/2 187/8 189/10 192/3 193/13 195/12 198/1 198/11 203/16 206/3 206/5 206/8 208/7 NOBODY [2] 199/8 199/21 NOISE [8] 62/28 62/28 63/5 63/9 91/3 91/14 92/8 93/16 NON [1] 151/26 NON-APPROPRIATED [1] 151/26 NONE [1] 161/13 NONEXCLUSIVE [3] 96/23 97/4 110/13 NONSUPERSONIC [1] 100/14 NONTEST [1] 82/23 NOON [2] 112/26 113/26 NORMAL [2] 96/24 102/25 NORMALLY [1] 75/12 NORTH [20] 19/24 35/1 69/3 69/15 69/16 109/1 118/3 118/23 118/24 118/26 118/28 119/8 141/4 148/7 154/15 156/26 157/19 157/20 158/15 160/20 **NORTHEAST [1] 148/6** NORTHROP [10] 16/24 16/28 17/2 17/8 18/7 18/14 23/24 32/10 40/21 40/23 NOSE [6] 26/10 26/11 26/20 89/7 89/24 89/25 NOT [216] NOTE [2] 17/11 27/8 NOTES [3] 61/5 193/25 193/28 NOTHING [5] 5/16 65/5 94/17 138/4 140/25 NOTICE [5] 26/13 85/15 162/13 163/21 179/9

NOTWITHSTANDING [2] 39/9 186/23

21/17 25/5 26/10 26/13 44/8 49/12 51/5

NOW [94] 4/21 5/15 8/13 11/21 19/13 19/22

NOW... [81] 54/24 55/8 64/12 65/3 66/19 67/3 67/10 70/28 71/6 73/26 79/5 79/27 80/2 80/9 81/5 82/6 82/10 82/15 82/17 82/19 85/6 85/15 86/11 86/16 93/1 95/18 96/16 97/6 97/10 99/7 99/9 99/24 100/7 102/16 104/27 105/16 106/2 106/5 106/19 107/4 108/2 109/5 109/7 109/26 126/25 128/27 129/7 129/12 129/15 129/22 129/23 129/28 130/3 130/4 130/4 130/9 130/21 130/25 133/22 133/25 135/5 135/13 137/16 137/26 139/20 140/23 144/25 144/26 152/25 153/25 157/23 162/17 163/9 169/23 173/19 182/17 183/5 189/12 190/14 196/1 206/14 NOZZLES [3] 81/15 81/19 82/6 NUMBER [91] 3/10 1/1 1/15 3/2 3/5 3/5 5/26 6/7 6/12 6/13 6/15 6/16 11/9 12/2 19/23 37/16 57/10 57/28 58/26 60/21 60/24 63/12 67/5 67/13 67/25 68/2 68/12 74/2 74/4 74/23 75/7 84/27 85/11 90/15 93/25 93/25 95/27 96/14 98/7 101/14 107/23 107/24 114/1 116/6 116/19 116/20 116/21 121/2 122/4 122/12 140/11 141/5 141/12 148/13 149/7 149/18 149/25 149/27 151/15 151/22 152/4 152/8 152/12 152/13 153/27 154/3 159/10 171/1 174/19 179/28 180/2 180/24 185/6 189/18 193/19 194/7 194/14 194/21 194/26 195/13 196/3 196/15 197/6 199/8 200/1 200/2 200/27 201/18 204/11 204/26 206/20 NUMBER 1 [5] 93/25 93/25 107/23 140/11 152/12 NUMBER 17 [1] 159/10 NUMBER 2 [2] 107/24 152/13 NUMBER 3 [4] 6/12 6/13 6/16 197/6 NUMBER 4 [1] 201/18 NUMBER 40790 [1] 67/25 NUMBER 43913 [1] 149/25 NUMBER 43968 [1] 116/6 NUMBER 44001 [1] 96/14 NUMBER 51900 [1] 74/2 NUMBER 51905 [1] 75/7 NUMBER 5674 [1] 149/27 NUMBER 8 [1] 141/12 NUMBERS [23] 16/23 22/9 58/4 64/20 99/22 140/19 152/23 153/14 153/16 171/12 173/2 173/3 181/16 183/21 185/14 193/4 193/7 196/19 199/17 201/15 201/27 202/8 202/20 NUMEROUS [3] 25/18 143/12 146/21

O'CLOCK [7] 96/26 96/26 97/22 97/23 113/10 113/13 113/24 OAKLAND [1] 75/19 OASIS [1] 170/23 OATH [2] 114/11 122/16 OB [1] 52/23 OBJECT [5] 124/3 149/3 152/11 165/9 177/6 **OBJECTED [1] 187/1 OBJECTING** [1] 165/4 OBJECTION [51] 2/22 3/22 3/24 3/28 4/8 10/15 10/26 15/25 15/27 30/23 33/24 33/26 33/28 51/15 51/17 51/23 52/25 59/23 59/28 60/8 64/15 83/11 111/6 111/26 131/23 132/2 161/12 163/25 169/21 170/6 170/7 174/12 174/25 175/6 177/13 179/21 179/25 180/13 180/13 180/15 181/21 184/28 185/1 185/5 186/26 187/3 187/14 195/26 198/12 199/12 200/8 OBJECTIONS [3] 52/28 179/14 179/20 OBSERVE [4] 109/14 109/21 109/22 109/26

OBSERVED [1] 148/24 OBSTRUCTIONS [1] 25/24 OBTAIN [1] 54/17 OBTAINED [1] 143/16 OBVIOUS [2] 39/20 166/19 OBVIOUSLY [11] 70/13 71/27 72/10 77/20 98/12 99/4 100/13 101/19 105/27 127/13 200/13 OCCASION [2] 51/25 185/23 OCCUPATION [1] 144/22 OCCUPIED [2] 52/21 144/24 OCCUR [1] 92/21 OCCURRED [1] 206/23 OCCURS [2] 163/9 207/10 OCTOBER [3] 21/13 21/26 21/26 OCTOBER 14 [1] 21/13 OCTOBER 1946 [1] 21/26 OCTOBER 1947 [1] 21/26 ODD [1] 76/15 OFF [28] 14/23 15/10 18/27 25/9 25/23 26/21 28/1 37/1 58/25 74/12 77/2 82/7 84/20 84/23 89/10 90/2 91/4 100/27 101/4 101/26 102/18 103/12 103/17 107/18 129/26 133/22 134/25 160/27 OFF-BASE [1] 58/25 OFFER [6] 12/17 42/25 51/21 73/16 124/8 147/9 OFFERED [2] 19/3 199/21 OFFICE [12] 1/17 2/12 2/14 3/10 9/20 12/12 OPERATION [7] 70/17 73/7 81/1 109/20 76/2 76/5 134/10 167/8 167/9 167/10 OFFICER [16] 69/7 71/4 71/18 114/28 143/6 143/7 143/8 143/14 143/22 143/24 143/26 144/2 144/6 144/9 144/12 184/8 OFFICERS [10] 70/12 70/19 70/28 71/1 71/1 71/3 143/9 143/10 143/11 144/4 OFFICES [1] 35/20 OFFICIAL [5] 2/28 67/28 126/27 208/11 208/23 OFFICIALLY [1] 49/9 **OFFSHORE [1] 58/25** OFTEN [2] 39/8 104/17 **OFTENTIMES** [1] 172/26 OH [10] 28/20 60/15 82/25 103/1 114/24 136/8 149/1 151/18 153/15 157/3 OHIO [3] 41/26 49/11 49/17 OILED [1] 28/12 OKAY [76] 6/2 7/3 15/7 25/8 39/13 72/9 73/10 77/18 79/9 79/17 87/5 88/9 88/10 88/17 90/17 94/19 95/3 95/15 98/9 103/5 105/11 106/4 107/6 108/4 110/5 111/17 111/25 113/2 113/21 115/12 116/17 116/24 117/9 118/9 118/17 120/7 124/26 126/10 129/21 132/13 132/23 139/5 139/25 142/28 145/4 146/10 147/23 148/21 149/2 156/7 157/5 160/18 165/27 170/10 171/24 173/5 174/16 175/23 177/12 177/24 179/4 181/2 182/5 183/10 183/12 187/18 187/22 194/18 195/5 196/26 197/5 204/7 204/16 204/20 206/12 207/15 OLD [7] 35/27 35/27 85/21 85/24 94/13 94/15 94/15 OLDER [2] 13/6 33/19 ON THE [1] 109/17 ONCE [8] 28/9 31/14 31/25 32/9 36/24 59/14 79/10 156/28 ONE [103] 5/25 5/25 5/26 15/9 17/1 18/27 21/22 22/13 25/6 25/12 26/8 27/22 32/28 33/4 33/17 36/4 37/13 39/6 40/5 44/24 46/24 48/20 49/16 55/12 56/24 57/20 58/14 62/10 62/16 65/14 66/20 67/13 68/19 69/21 75/4 75/17 76/2 78/16 78/28 84/2 84/16 84/18 84/22 86/27 90/9 91/12 91/15 94/22 95/11 95/13 96/11 97/13 97/14 97/15 100/9 101/11

101/13 101/13 102/27 105/27 107/9 107/11 113/2 113/8 113/11 113/21 115/24 116/12 116/13 116/15 118/16 119/15 120/18 121/27 122/8 122/21 123/8 128/6 128/13 128/15 128/15 133/7 133/28 134/6 135/22 135/24 138/6 142/5 145/14 147/21 149/22 150/4 153/6 153/6 160/2 160/2 163/9 171/13 171/14 173/1 176/20 194/5 197/15 ONE-OFF [1] 18/27 ONEROUS [1] 63/8 ONES [4] 83/28 105/18 122/12 140/2 ONLY [24] 1/16 4/13 4/14 4/14 4/15 5/24 18/14 21/22 29/3 36/25 63/21 66/17 79/9 84/18 87/6 90/23 95/16 111/22 112/27 121/26 122/1 122/24 158/28 160/9 ONSET [1] 42/1 ONWARDS [2] 8/17 59/13 OOPS [1] 155/25 OP [2] 63/14 79/19 OPEN [12] 13/7 13/23 19/7 25/26 28/6 31/24 40/10 44/28 45/3 45/4 93/14 105/17 OPERATE [15] 21/19 44/25 45/5 70/12 70/20 71/2 71/5 91/23 92/7 96/21 96/22 97/4 98/18 109/6 146/5 OPERATED [3] 17/15 36/26 119/7 **OPERATES** [1] 96/21 OPERATING [6] 15/10 20/9 43/15 43/16 97/7 109/7 145/27 146/28 163/13 OPERATIONAL [20] 11/9 13/2 19/15 22/22 27/24 47/24 70/12 70/18 71/8 73/7 73/8 82/27 122/7 126/17 126/17 126/21 126/23 126/23 126/25 167/3 OPERATIONALLY [1] 32/4 OPERATIONS [18] 13/25 20/13 24/15 34/23 45/17 45/19 51/3 63/15 70/21 70/22 73/17 78/9 78/11 78/23 78/28 86/28 87/1 190/22 **OPERATIVE** [1] 94/22 OPERATORS [1] 15/8 OPINE [1] 174/27 OPINING [1] 10/17 OPINION [25] 4/13 19/1 34/14 38/15 63/17 105/25 176/7 177/7 180/7 180/8 182/22 184/3 186/16 187/10 187/15 191/26 191/27 194/18 194/22 195/8 196/3 200/8 205/6 205/10 205/11 OPINIONS [5] 30/25 34/2 34/13 205/7 OPPORTUNITIES [1] 27/13 OPPORTUNITY [3] 52/27 161/16 164/13 OPPOSED [3] 71/8 71/10 152/27 OPTIMUM [1] 54/17 ORDER [19] 71/26 88/26 88/26 96/2 99/12 99/19 105/4 105/9 124/10 126/8 127/6 128/6 137/7 162/11 162/12 171/10 171/13 197/7 199/25 ORDERS [2] 122/15 171/12 ORDNANCE [7] 54/19 54/21 54/24 55/9 55/10 145/13 145/14 ORGANICS [1] 2/5 ORGANIZATION [11] 33/19 54/7 120/4 120/27 121/4 121/11 121/12 121/14 121/20 145/8 168/21 ORGANIZATIONAL [3] 32/20 67/2 120/26 ORGANIZATIONS [2] 73/3 122/13 ORGANIZING [1] 186/4 ORIENT [1] 86/18 ORIENTATION [1] 75/22 ORIGINAL [2] 2/28 31/20 ORIGINALLY [6] 14/10 22/19 40/2 40/14

PENNED [1] 17/11 O PEOPLE [37] 16/15 17/24 17/28 19/13 P-59 [1] 20/1 ORIGINALLY... [2] 41/25 163/3 19/22 25/25 28/13 35/19 40/10 42/15 43/3 P-80 [1] 41/14 ORIGINATED [1] 54/4 43/8 46/28 47/14 47/18 56/12 56/12 57/25 OTHER [49] 11/18 11/19 12/8 12/9 18/11 P-A-U-L [1] 5/6 58/1 58/11 58/12 58/13 58/15 58/24 58/26 20/2 20/16 22/2 23/5 25/25 35/1 49/22 50/7 P.A.A [15] 177/2 178/10 178/13 178/14 63/8 99/11 104/3 106/28 136/23 145/6 52/5 53/15 54/27 76/9 78/14 82/22 90/27 178/25 181/5 184/5 184/26 185/3 187/25 151/15 151/23 152/24 153/18 157/28 181/22 188/7 188/13 189/17 191/18 194/16 92/13 92/15 92/18 94/20 99/5 99/11 99/28 **PEOPLE WHO [1] 43/3** 100/4 102/26 102/27 105/24 107/24 108/6 P.M [2] 113/27 114/6 PEOPLE'S [1] 46/26 P.M.E [4] 69/6 70/6 70/9 70/24 110/13 115/13 119/15 121/19 121/22 129/1 PER [5] 38/4 124/18 169/8 169/9 178/7 135/20 144/17 164/17 164/27 168/28 172/28 P.T [1] 161/4 PERCENT [27] 124/2 124/15 124/16 124/18 176/21 181/22 193/1 206/25 PACIFIC [2] 37/2 136/27 171/19 171/19 171/20 188/27 189/5 189/24 PAGE [15] 1/7 6/15 48/16 48/23 48/27 51/1 OTHERS [3] 9/15 65/27 83/27 190/14 190/17 190/20 190/27 190/28 194/5 OTHERWISE [3] 77/16 131/26 185/14 51/2 114/7 123/24 124/28 129/14 131/16 194/10 195/14 195/16 196/27 204/16 204/19 OUGHT [2] 164/2 195/9 148/18 148/18 149/2 204/21 205/3 205/14 206/4 206/7 PAGE 16 [1] 51/2 OUR [86] 1/28 39/15 44/6 48/21 61/6 63/27 PERCENTAGES [1] 122/28 70/19 74/27 75/26 77/2 77/25 77/25 77/28 PAGE 35 [2] 48/23 48/27 **PERCEPTION [1] 88/15** 78/26 78/27 79/25 81/8 85/5 86/21 87/2 PAGE 37 [1] 51/1 PERFECTLY [2] 27/6 27/6 88/21 90/10 90/25 93/25 94/10 96/21 97/1 PAGE 41 [1] 129/14 PERFORMANCE [3] 43/23 63/1 122/20 97/8 97/8 99/14 99/20 101/9 101/17 101/27 PAGE 45 [1] 131/16 PERHAPS [5] 26/7 29/28 41/8 41/12 41/26 102/10 102/11 105/16 105/17 105/18 106/19 PAGES [1] 208/14 PERIMETER [1] 95/4 PAINT [1] 155/19 106/19 107/27 107/28 112/26 113/20 119/21 **PERIMETERS** [1] 63/19 122/2 125/23 130/28 134/6 146/17 146/23 PAINTED [1] 28/12 PERIOD [15] 10/5 13/12 18/16 18/20 35/8 147/6 147/7 149/19 154/25 155/16 156/4 PALLETS [1] 76/24 45/21 48/6 81/11 107/21 108/19 113/14 156/11 158/16 158/19 158/24 158/26 158/26 PALMDALE [5] 23/26 23/27 23/28 24/5 173/10 174/22 175/18 195/15 159/2 160/13 160/20 161/2 167/23 167/25 102/20 PERIPHERY [1] 64/4 168/10 168/14 168/16 170/17 171/2 171/23 PANDA [1] 167/18 **PERMANENT [1] 20/6** 178/23 178/27 179/1 182/16 188/22 188/23 PANELS [1] 89/8 PERMANENTLY [1] 9/9 190/26 205/12 205/22 206/13 PANHANDLE [3] 67/8 93/8 106/12 PERMISSIBLE [1] 6/5 PAPER [2] 173/14 196/5 PERSON [3] 142/11 142/12 180/4 OURS [3] 116/11 168/17 205/28 OUT [74] 9/8 16/23 20/16 26/20 27/10 36/14 PAPERS [1] 43/9 PERSONAL [1] 54/20 PARAMETERS [1] 43/22 PERSONNEL [7] 13/28 34/25 56/15 57/27 46/26 46/28 50/21 69/2 69/3 69/7 69/8 69/9 70/27 71/7 71/9 71/27 72/20 72/24 74/17 PARDON [1] 119/28 59/18 60/4 93/28 PARK [4] 109/11 119/18 119/23 126/20 PERSPECTIVE [9] 9/27 14/9 39/12 75/6 74/21 76/24 77/7 78/10 78/12 80/3 81/15 85/23 86/17 90/3 90/11 91/18 91/19 93/15 PARKER [1] 2/3 75/10 75/24 86/14 93/22 101/18 94/2 102/4 102/10 102/19 102/20 102/20 PARKING [2] 109/10 161/1 PHASE [5] 206/19 206/21 206/22 206/26 PARLANCE [1] 105/11 102/22 104/27 109/12 112/17 112/19 112/23 207/13 119/8 119/9 122/27 125/5 131/11 131/13 PART [25] 60/15 67/1 70/26 74/15 74/18 PHELAN [1] 1/19 77/12 82/16 86/25 88/23 89/23 121/8 121/19 132/7 132/19 133/23 135/7 145/15 155/7 PHONE [2] 92/28 93/3 122/1 122/2 122/3 126/24 130/28 158/5 155/25 156/16 156/16 156/22 157/4 162/26 PHONETIC [3] 19/28 89/23 93/3 158/6 159/13 159/15 159/23 162/13 170/15 163/22 179/28 179/28 191/24 194/12 196/15 PHOTO [26] 15/6 15/7 15/21 16/20 18/2 203/10 204/11 204/26 185/17 21/7 21/8 21/9 22/3 22/5 22/6 22/14 22/15 PARTIAL [1] 207/13 23/24 23/25 24/9 24/10 29/28 33/11 36/7 OUTAGES [1] 145/23 OUTBREAK [1] 59/14 36/8 36/9 36/11 36/13 76/2 92/22 PARTICIPATING [1] 21/4 PHOTOGRAPH [7] 12/9 12/26 12/27 15/23 PARTICULAR [11] 3/20 10/10 15/23 36/11 OUTCOME [1] 164/22 **OUTLINE [1] 45/7** 58/14 129/16 147/12 149/26 172/27 173/1 17/20 26/11 85/12 202/1 PHOTOGRAPHS [8] 11/22 11/26 12/9 OUTLOOK [1] 131/21 PARTICULARLY [6] 8/5 9/14 35/8 39/4 OUTRANKS [1] 115/1 12/16 12/22 163/17 163/20 164/26 89/24 100/21 OUTSET [1] 199/14 PHOTOS [10] 5/26 22/10 26/23 62/1 89/28 OUTSIDE [3] 134/15 152/13 162/4 **PARTIES** [1] 1/16 153/28 154/4 161/13 162/19 165/28 **PARTNERS** [1] 37/1 OVER [63] 11/8 11/11 11/20 13/11 14/5 PHRASE [3] 84/13 103/5 125/19 PARTNERSHIP [6] 23/10 23/12 32/18 14/19 15/4 17/25 20/9 22/21 22/28 26/1 27/1 PHRASES [1] 57/10 27/10 31/16 32/13 36/21 37/2 37/10 39/25 33/12 57/11 168/14 PHYSICAL [2] 74/10 109/25 40/10 45/5 45/17 45/18 45/18 46/2 47/8 PARTS [4] 85/23 90/5 169/8 169/8 PHYSICALLY [3] 2/9 109/28 117/22 66/18 75/1 75/3 75/4 76/6 76/7 76/10 87/8 PARTY [1] 13/27 PHYSICS [1] 79/22 92/28 100/6 100/7 100/8 100/12 100/16 PASSAGE [2] 111/12 129/13 PICK [1] 148/8 100/22 101/22 102/12 102/14 102/22 102/23 PASSED [1] 193/11 PICNIC [1] 158/2 PICTURE [16] 13/10 13/11 15/17 23/23 108/10 110/23 118/20 127/10 127/26 128/8 **PASSENGER [1] 32/25** 146/27 155/17 162/26 166/10 170/25 171/6 **PASSENGERS'** [1] 25/15 28/21 35/25 80/13 85/3 90/9 109/2 142/9 171/18 171/20 175/25 195/15 PAST [11] 28/16 29/26 90/26 108/10 127/26 146/18 154/8 156/3 157/23 163/25 OVERALL [2] 179/2 179/3 127/27 136/20 137/24 147/4 147/19 172/28 PICTURES [4] 12/18 156/18 163/26 164/4 PIECE [7] 66/21 80/17 96/24 99/17 101/17 **OVERHEAD** [1] 27/9 PATTERN [4] 11/20 41/3 46/19 176/5 OVERRULE [4] 3/22 31/5 51/23 177/12 PATTERSON [1] 143/13 106/12 196/5 OVERRULED [5] 83/13 132/3 186/26 PAUL [2] 3/3 5/5 PIECES [1] 105/20 PAUSE [20] 25/6 26/25 48/25 52/8 52/26 187/14 200/7 PILE [1] 141/16 OVERSEAS [4] 96/19 102/23 128/1 128/2 53/13 61/2 110/19 150/6 150/13 173/23 PILOT [21] 9/27 14/14 21/16 26/17 69/8 192/7 196/13 198/20 198/25 202/13 203/22 OVERSIGHT [3] 8/24 8/27 146/27 73/6 73/8 73/8 81/10 88/21 88/22 88/27 89/5 OVERSTATEMENT [1] 205/15 204/2 204/9 204/24 104/19 107/4 157/7 157/10 157/11 157/12 OVERVIEW [4] 10/23 57/17 116/28 117/5 PAVE [3] 45/13 45/15 45/16 189/2 189/2 OWN [8] 79/3 79/26 82/17 86/21 162/20 PAY [4] 48/15 79/6 79/6 79/10 PILOTED [1] 31/11 PILOTS [4] 9/28 13/16 13/17 17/16 182/16 195/21 195/25 **PAYLOADS** [1] 29/3 OXYGEN [1] 29/11 PEDESTAL [1] 160/26 PINON [1] 1/19 OYARZO [4] 2/19 5/21 65/19 74/13 PENDING [3] 5/15 65/3 140/23 PINPOINT [1] 162/17

| PRIORITIES [1] | 131/11 129/19 139/2 147/7 207/9 POSSIBLY [1] 54/18 PIPE [1] 158/26 POST [2] 21/3 50/4 | PRIVATE [1] 18/11 PIPELINE [1] 166/6 POSTDATE [1] 149/19 PRIVILEGE [2] 111/9 111/15 PROBABILITY [1] 168/25 PIPES [1] 170/19 POSTED [1] 149/19 PIPING [1] 170/14 POTABLE [4] 124/2 124/14 158/22 159/4 PROBABLY [24] 30/15 39/11 46/16 46/24 PITCH [1] 35/9 POTENTIAL [12] 48/7 64/2 92/3 105/25 55/9 67/19 72/9 89/11 95/13 95/19 95/20 PITCH-UP [1] 35/9 110/9 110/10 111/10 111/14 178/11 179/3 96/2 98/7 108/18 109/16 109/23 110/4 PIVOTAL [1] 47/5 192/1 199/2 119/22 128/16 137/21 147/27 179/8 186/1 PLACE [16] 11/18 15/3 17/25 21/22 29/3 POTENTIALLY [5] 47/5 63/14 106/5 135/1 204/18 49/22 50/1 60/20 60/23 91/3 93/6 119/2 PROBLEM [10] 27/23 35/9 35/10 62/28 119/23 126/20 126/20 129/1 POUND [3] 41/6 55/6 55/10 63/17 67/17 69/23 91/17 150/18 162/15 PLACED [1] 13/1 POUNDS [3] 29/15 41/8 86/10 PROBLEMS [6] 16/1 35/7 66/8 199/28 PLACES [3] 96/4 119/21 128/5 POWER [11] 30/22 30/22 77/23 77/24 88/3 200/1 200/2 PLAINTIFF [2] 1/14 1/17 PLAINTIFF'S [1] 3/2 88/4 88/12 88/13 88/16 125/7 126/3 PROCEDURE [2] 89/11 89/23 POWERPOINT [2] 150/18 161/18 PROCEDURES [3] 78/28 97/2 97/8 PLAN [10] 72/2 122/19 122/20 122/22 **PRACTICE** [1] 41/6 PROCEED [2] 114/15 141/7 130/16 130/23 130/24 130/27 131/2 131/3 PROCEEDINGS [20] 1/10 48/25 52/8 53/13 PRECEDING [1] 203/8 PLANE [12] 13/10 18/9 18/23 27/1 36/1 61/2 110/19 150/6 150/13 173/23 192/7 PRECISE [2] 60/21 60/24 36/3 39/17 87/21 136/25 136/26 137/1 180/5 PRECISELY [1] 38/8 196/13 198/20 198/25 202/13 203/22 204/2 PLANES [5] 14/5 14/18 39/6 45/24 87/26 PREDATES [1] 33/18 204/9 204/24 207/24 208/15 PLANNED [1] 138/25 PREDATOR [1] 119/6 PROCESS [11] 43/2 55/14 55/15 66/6 PLANNING [16] 71/13 71/18 73/19 105/23 PREDECESSORS [1] 49/13 126/16 126/24 132/27 133/2 161/22 164/8 112/11 130/14 131/7 131/13 132/5 132/10 PREDICT [1] 112/21 165/13 132/18 133/8 134/18 136/14 138/20 146/15 PREDOMINANTLY [2] 52/11 52/19 PROCESSED [1] 101/6 PLANS [1] 126/28 PREFACE [1] 188/10 **PROCESSES [1] 79/11** PLANT [31] 10/17 10/17 22/12 22/17 22/19 PREFER [3] 97/15 107/19 164/15 PRODUCE [3] 158/28 162/11 163/1 PREJUDICE [2] 164/12 165/16 23/2 23/4 23/8 23/9 23/14 23/18 24/1 24/3 PRODUCED [17] 2/9 2/9 23/6 24/2 58/3 24/5 24/12 24/14 24/15 24/18 31/15 31/15 PREMIER [2] 15/9 17/1 161/13 161/14 161/26 161/27 162/23 163/6 178/27 178/28 180/22 180/25 186/9 188/16 52/11 52/16 52/18 57/9 57/18 102/22 146/3 PREPARATION [2] 59/9 70/12 146/24 154/25 158/18 158/23 PREPARE [9] 2/12 6/19 6/19 13/22 68/10 **PRODUCING [1] 186/8** PLANT 42 [7] 10/17 10/17 23/14 24/1 24/18 71/3 71/13 139/8 192/25 PRODUCTION [18] 23/1 23/5 23/14 24/18 79/14 80/3 147/5 149/14 161/24 162/15 52/18 57/18 PREPARED [7] 2/12 3/8 45/20 71/2 163/21 PLAY [3] 41/10 41/17 41/18 171/19 172/16 172/21 175/24 175/25 175/28 182/20 192/25 PLAYED [1] 35/5 PREPARES [1] 71/15 184/1 205/24 PLEASE [53] 4/22 5/3 5/12 5/21 6/7 6/13 PREPARING [3] 104/10 145/21 145/24 **PRODUCTS** [1] 2/10 10/28 12/8 22/3 23/22 26/6 28/20 31/7 32/8 PRESENCE [1] 56/11 PROFESSIONAL [6] 7/21 7/22 8/11 70/10 33/25 35/28 61/14 64/27 65/1 65/7 65/8 PRESENT [20] 2/18 1/18 11/4 15/13 22/1 70/23 144/1 65/23 66/14 67/15 67/27 69/26 74/9 80/12 24/20 24/21 29/20 34/20 35/21 56/2 63/19 PROFESSIONALLY [1] 31/10 80/28 91/10 103/14 136/11 141/1 148/8 111/10 127/18 129/3 129/10 147/5 174/10 PROFFERED [1] 149/12 151/4 151/17 152/2 153/13 153/16 156/6 175/18 202/18 **PROFFERS** [1] 10/7 156/19 157/22 158/14 160/15 172/3 172/6 PRESENTATION [3] 3/11 150/18 161/19 |PROFILE [1] 93/19 173/4 174/15 175/17 177/17 179/5 191/14 PRESENTED [9] 41/22 51/20 120/23 PROFILES [1] 92/10 195/22 150/19 152/12 152/19 161/19 163/28 200/26 | PROFIT [3] 52/12 52/16 52/20 PLENTY [1] 86/17 PRESERVE [6] 106/23 107/1 112/16 128/19 PROFOUND [1] 24/17 PLOT [1] 166/23 137/9 139/7 PROGNOSIS [1] 176/20 |PLOWED |2| *77/7 77/*9| PRESERVED [1] 106/11 PROGRAM [46] 7/15 7/17 35/17 41/14 PLUS [4] 126/22 147/24 190/28 195/14 41/19 41/22 41/24 41/24 42/2 42/4 54/23 PRESIDENT [5] 59/13 122/15 124/11 POINT [34] 8/16 14/3 15/12 23/21 42/3 124/13 171/11 55/3 55/4 55/5 56/22 56/24 57/1 79/28 80/1 70/13 77/3 81/19 84/19 84/21 99/5 103/1 PRESIDENT'S [1] 171/24 84/3 84/4 88/22 88/23 91/5 110/26 112/19 111/14 116/16 124/7 127/19 130/14 132/3 PRESIDENTIAL [3] 125/2 127/14 171/10 125/28 126/5 134/10 136/20 136/22 137/22 138/26 155/25 156/16 156/16 161/20 163/15 PRESIDENTS' [1] 207/21 146/15 155/12 156/14 158/5 158/6 168/10 164/12 165/18 170/19 171/3 176/18 199/19 170/16 170/28 175/11 175/12 175/14 175/15 PRESSURE [1] 198/2 200/4 200/6 200/28 201/2 PRESSURES [2] 139/9 139/11 175/27 178/23 POINTED [4] 33/14 46/26 155/7 162/26 PROGRAM'S [1] 119/8 PRESUMABLY [1] 52/16 PRETTY [7] 73/1 105/8 107/25 128/24 POINTER [4] 74/11 117/9 154/10 154/10 PROGRAMS [11] 8/23 8/26 34/26 34/27 POLICIES [1] 124/24 146/26 166/21 193/10 35/18 83/19 83/25 119/10 154/19 155/11 POLICY [2] 8/1 28/24 PREVENTATIVE [1] 168/10 188/23 **POLITICAL** [1] 133/1 **PREVENTS** [1] 64/4 **PROGRESS** [1] 201/6 POND [3] 157/23 157/25 159/9 PREVIOUS [8] 37/21 49/21 146/18 185/23 PROGRESSES [1] 25/20 POPULAR [2] 42/16 93/8 189/19 189/21 193/25 194/3 PROJECT [2] 168/18 168/20 |POPULATED | 1 | 62/25 PREVIOUSLY [6] 4/18 6/2 6/4 65/28 80/15 PROJECTED [2] 180/5 189/16 POPULATION [7] 19/9 19/20 19/21 62/18 176/3 |PROJECTION [1] 199/10 151/24 152/5 153/10 PRIMARILY [7] 39/17 72/24 73/6 76/7 PROJECTIONS [1] 177/25 POPULATIONS [1] 151/20 80/18 118/22 167/16 PROJECTOR [1] 74/7 PORTION [10] 2/22 77/5 78/26 111/2 PRIMARY [8] 49/16 67/5 79/24 80/17 90/8 PROJECTS [6] 10/3 32/18 119/9 125/28 154/16 154/22 170/16 175/15 194/6 207/5 93/1 177/2 178/15 146/22 206/6 PRIME [3] 108/14 119/2 128/28 **PORTIONS [1] 30/27** PROMINENTLY [1] 9/28 PRINCIPALLY [1] 206/28 POSITION [8] 8/21 66/15 70/4 105/5 105/6 PROMISED [1] 111/15 145/1 145/2 145/4 PRINCIPLES [2] 71/17 71/17 PROOF [2] 12/17 124/9 POSITIONS [1] 8/15 PRINTING [1] 9/20 PROPANE [1] 146/2 PRIOR [11] 51/25 72/15 72/22 73/4 129/13 PROPEL [1] 29/4 POSSIBILITY [1] 138/3 POSSIBLE [8] 16/4 76/3 112/21 129/18 132/1 174/27 175/2 193/4 203/17 206/6 PROPELLANTS [1] 29/10

40/19 42/17 44/19 51/21 55/15 55/15 55/23 55/25 58/7 62/10 111/13 111/19 112/5 124/25 125/12 129/2 131/18 131/28 132/13 132/22 135/22 135/25 136/7 138/6 152/18 159/19 159/21 161/16 161/26 169/28 171/9 174/12 184/9 185/7 185/8 188/8 189/14 199/16 199/18 QUESTIONING [2] 51/18 184/16

OUESTIONS [16] 34/7 34/9 38/21 39/11 53/16 53/26 61/6 61/19 61/21 64/8 112/28 135/17 139/19 150/22 164/21 192/3 QUICK [1] 172/5 QUICKLY [3] 41/27 50/17 87/25 QUIETLY [1] 165/3 QUITE [13] 4/25 27/24 62/26 87/28 89/13 96/19 101/21 104/12 108/8 162/16 176/7 199/24 204/12 QUOTATIONS [1] 3/11 QUOTE [4] 50/21 51/3 111/12 164/8 QUOTED [2] 50/26 57/19

R R-2508 [2] 100/1 100/3 R-I-C-H-A-R-D [1] 5/6 RADAR [8] 92/25 92/26 95/25 99/3 99/4 99/5 99/9 99/25 RADIO [4] 18/23 18/23 18/24 101/9 **RADIOED** [1] 101/9 **RAFTING [1] 158/1 RAILROAD [1] 37/28** RAIN [4] 46/10 46/13 46/18 87/10 RAINS [2] 46/1 46/1 **RAINS BLOW [1] 46/1** RAISE [2] 5/12 64/28 RAMP [8] 20/7 23/19 151/8 154/18 155/1 155/23 156/5 156/22 RAMPS [1] 156/11 RAMSTEIN [1] 143/21 RAN [1] 102/10 RANCH [2] 2/3 116/20 RAND [1] 1/25 RANGE [40] 27/12 31/16 32/26 36/28 37/2 39/28 40/3 58/16 71/4 71/7 74/16 75/15 75/25 77/15 95/5 96/25 99/25 101/9 101/20 102/1 102/2 102/3 102/10 102/14 103/6 103/9 103/10 103/11 105/11 105/15 105/16 105/21 106/12 106/15 106/16 106/20 106/23 107/1 135/3 145/16 RANGES [6] 100/4 101/11 101/22 102/4 102/23 110/13 **RANGING [1] 38/5** RANK [1] 66/15 RANKS [2] 71/4 86/23 RAPIDLY [3] 6/1 15/24 16/3 RARE [2] 100/21 100/23 RATE [1] 85/26 **RATES [1] 37/6** RATHER [5] 13/9 108/1 119/3 163/22 164/15 **RATINGS [1] 29/14** RATIONALE [1] 53/6 RE [2] 1/4 208/5 REACH [4] 41/18 77/26 136/27 155/6 REACHED [2] 188/15 196/20 READ [11] 2/22 42/9 48/18 129/13 131/16 131/28 152/10 153/15 173/13 174/11 174/14 **READILY [1] 50/14** READING [2] 132/4 132/21 **READINGS [1] 168/17** READY [2] 87/8 104/6 REAL [5] 48/1 97/9 101/5 101/27 111/14 **REALISTIC [1] 112/12** REALIZED [2] 13/21 21/20 REALLY [31] 3/20 11/18 11/18 13/24 19/13 19/22 21/11 31/19 31/20 39/7 40/11 45/16 50/5 51/19 52/13 52/13 77/22 84/9 84/11 85/21 87/28 89/13 90/6 91/11 101/21 105/9 121/26 131/5 138/17 165/25 199/13 REALM [1] 135/7 REAPER [1] 119/6 REASON [10] 13/13 36/13 85/18 91/11

174/23 175/8 187/2 187/14 199/12 205/2 REASONABLE [11] 36/25 135/4 137/27 138/3 177/26 187/17 188/4 188/5 191/15 191/27 201/16 REASONABLY [2] 188/6 192/1 REASONING [1] 53/7 REASONS [7] 4/2 41/28 46/24 63/12 133/8 166/20 176/1 RECALL [17] 39/17 40/18 48/8 51/16 54/26 54/26 54/28 56/21 120/22 123/16 125/15 153/22 173/1 185/26 192/17 196/24 197/1 RECEIVE [3] 142/21 142/28 167/23 RECEIVED [10] 7/5 7/10 64/17 64/21 140/20 144/17 144/19 144/20 144/22 193/1 **RECEIVES [1] 158/21** RECENT [2] 87/9 153/24 RECENTLY [6] 99/17 102/7 119/4 147/19 161/25 169/7 RECESS [7] 61/10 112/26 113/12 113/24 113/26 179/17 206/13 **RECITE [1] 173/28 RECITED** [1] 144/16 RECLAIMED [8] 154/24 158/16 158/22 158/22 158/26 159/1 159/3 159/5 RECOGNITIONS [1] 144/17 RECOGNIZE [2] 43/7 141/18 RECOGNIZED [1] 94/2 RECOLLECTION [9] 48/14 54/25 124/24 125/2 125/10 131/25 162/21 193/4 201/15 RECONNAISANCE [1] 35/3 RECONNAISSANCE [3] 32/27 78/5 98/1 RECONNOISSANCE [1] 31/13 RECORD [14] 1/28 3/23 5/4 16/27 36/11 42/12 42/18 55/14 142/8 153/16 157/17 175/3 186/27 186/28 **RECORDS** [1] 173/8 RECOVER [4] 28/4 44/26 87/26 105/2 RECOVERED [1] 28/2 RECOVERY [2] 25/13 62/7 **RECREATION [2] 94/9 158/13** RECREATIONAL [6] 157/27 158/9 159/24 159/27 160/9 161/3 **RECROSS [2] 3/2 138/8** RECROSS-EXAMINATION [1] 138/8 RED [4] 16/10 16/10 87/5 202/1 REDDIX [4] 2/28 1/5 114/5 208/11 REDESIGN [1] 85/24 REDESIGNATED [1] 14/14 REDIRECT [8] 3/2 53/18 61/25 62/10 62/12 135/23 135/24 136/1 REDOING [2] 108/28 109/5 REDUCE [3] 122/28 124/13 171/17 REDUCED [2] 125/3 169/8 REDUCTION [6] 124/1 124/16 124/18 125/7 125/8 171/19 REDUCTIONS [2] 122/23 125/8 REDUNDANCY [2] 168/23 171/4 REFER [1] 6/7 REFERENCE [1] 57/9 REFERRED [2] 2/7 166/28 REFERRING [6] 41/13 57/22 89/26 121/21 134/5 134/13 REFINE [2] 17/7 23/16 REFLECT [2] 6/21 68/22 REFLECTED [1] 30/14 REFLECTIVE [1] 99/20 REFLECTS [1] 150/27 REFRESH [7] 22/16 51/26 125/1 125/10 131/24 190/1 201/14 **REFRESHED** [1] 124/24 **REFRESHES** [1] 48/14 REFUEL [1] 126/21 REFUELING [3] 32/25 103/2 103/4

R REGARD [12] 3/7 10/10 18/8 28/17 30/26 38/15 61/27 137/10 182/27 183/8 199/1 206/25 REGARDING [4] 171/9 206/26 207/4 207/13 REGION [3] 2/19 38/11 45/9 **REGULAR [1] 185/11** REGULATIONS [1] 169/5 REITERATE [1] 149/14 |**REITERATION** [1] 138/18 **REJOINED [1] 102/21** RELATE [2] 30/27 70/3 RELATED [4] 9/17 54/16 96/10 111/10 **RELATES [1] 41/21 RELATION [1] 56/22** RELATIONS [1] 69/4 **RELATIONSHIP** [6] 33/16 57/10 57/17 57/27 122/10 156/25 **RELATIVE [1] 92/3** RELATIVELY [5] 11/11 13/23 57/26 99/16 122/13 RELAY [1] 101/4 **RELEVANT** [1] 60/1 RELIED [2] 4/12 187/6 RELIEF [1] 164/28 RELOCATE [1] 126/28 RELY [5] 183/25 183/26 183/28 184/4 206/1 RELYING [2] 162/12 162/14 **REMAIN [1] 64/28** REMAINED [1] 11/11 REMARKABLE [7] 11/6 19/3 31/19 31/22 87/28 89/13 98/27 REMARKABLY [1] 89/4 REMEDY [1] 164/27 REMEMBER [8] 41/5 47/28 49/12 56/4 87/12 104/15 159/18 171/12 REMOTE [9] 13/23 17/3 44/27 46/22 46/25 51/5 91/16 94/3 186/4 **REMOTELY [1] 31/11** REMOTENESS [11] 62/16 62/18 62/20 62/22 63/10 63/11 90/11 90/14 93/26 95/10 REMOTES [2] 157/24 160/1 **REMRY [1] 2/6 RENEW [1] 4/8 RENEWED [1] 59/28** REPEAT [1] 122/16 REPHRASE [1] 10/28 REPLACE [4] 84/2 89/7 89/8 110/25 REPLACEMENT [2] 110/26 175/11 **REPLACING** [1] 146/17 REPORT [4] 67/10 78/18 173/6 173/11 REPORTED [1] 2/28 REPORTER [6] 2/28 1/5 114/5 146/9 208/11 208/23 REPORTER'S [4] 1/10 65/25 81/28 208/8 REPORTS [2] 184/1 188/18 REPRESENT [3] 47/16 154/26 201/26 REPRESENTATION [1] 2/17 REPRESENTING [1] 31/25 REPRESENTS [6] 32/17 32/28 36/22 120/26 181/3 202/8 REQUEST [5] 59/1 69/21 162/8 162/13 200/24 REQUESTED [1] 180/3 REQUESTS [2] 162/10 162/22 REQUIRE [2] 132/1 184/5 REQUIRED [4] 29/9 122/14 187/18 199/8 REQUIREMENT [3] 122/27 168/9 199/22 REQUIREMENTS [7] 44/15 147/7 147/8

159/2 178/9 185/27 186/5 RESEARCH [43] 9/7 9/22 9/26 10/3 11/10 12/13 21/10 32/17 35/1 35/11 35/14 35/22 36/17 41/19 41/22 42/2 55/1 56/13 56/24 79/19 79/20 79/21 79/25 80/5 80/10 80/16 80/17 80/19 81/5 81/7 81/22 82/3 82/4 82/7 82/10 82/19 118/6 118/21 118/22 121/28 148/5 157/18 166/25 RESERVATION [2] 4/1 63/11 RESERVATIONS [1] 3/27 RESERVE [5] 164/23 183/8 200/28 206/17 206/26 **RESERVED [1] 40/3** RESIDE [1] 154/19 RESOLVING [1] 35/6 RESOURCE [1] 123/27 RESOURCES [1] 1/15 **RESOURCING [1] 78/25** RESPOND [3] 2/25 132/21 200/15 RESPONDING [1] 59/12 RESPONSE [6] 23/1 33/27 58/28 112/4 132/2 162/2 RESPONSES [1] 1/12 **RESPONSIBILITIES [2] 152/17 186/8** RESPONSIBILITY [1] 145/21 RESPONSIBLE [8] 66/21 72/13 145/13 145/18 145/27 146/5 146/15 186/3 **RESPONSIVE [1] 184/9** REST [8] 9/16 27/21 61/16 61/18 61/20 61/22 67/24 183/3 RESTART [3] 84/20 84/23 84/24 RESTATE [1] 189/13 **RESTORE [1] 30/2** RESULTING [1] 26/21 **RESULTS [1] 83/18** RESUME [9] 1/14 2/21 5/25 6/28 113/10 114/10 179/13 206/14 207/8 **RETAIN [1] 116/21** RETIRED [3] 83/28 178/22 195/5 **RETIREES** [1] 158/7 **RETRIEVE [1] 48/21** RETURN [8] 27/23 61/13 87/25 170/5 206/18 206/22 206/27 207/5 **RETURNED [1] 22/27 RETURNS [1] 170/4** REVIEW [2] 162/1 198/15 REVIEWED [3] 2/3 181/9 184/15 REVOLUTION [6] 21/5 21/6 21/17 31/27 **REVOLUTIONS [2] 21/5 31/26 REWRITE [1] 82/17** RHONA [4] 2/28 1/5 114/5 208/11 **RICE [1] 8/19** RICHARD [5] 1/17 1/21 3/3 4/21 5/5 RID [1] 170/18 RIDGE [12] 29/7 29/21 29/23 30/3 60/12 60/14 60/16 60/17 60/20 60/23 80/14 92/23 RIGHT [156] 1/14 1/19 4/6 4/18 4/19 4/22 4/25 5/2 5/12 5/28 10/18 15/10 26/18 26/25 33/6 34/17 38/22 38/23 40/25 44/19 45/12 46/11 55/11 61/12 61/23 61/25 62/8 64/9 64/11 64/26 65/1 67/20 67/22 68/16 68/22 73/20 73/22 74/26 74/27 76/5 80/13 82/10 83/5 84/6 85/5 87/14 89/10 89/27 90/1 90/22 93/1 95/6 97/20 98/5 100/18 102/12 105/14 106/1 106/19 109/5 109/18 109/26 112/3 112/15 113/7 114/10 114/15 116/7 116/14 118/25 120/13 120/20 121/27 123/9 125/12 126/2 126/25 127/2 128/21 129/28 130/10 133/22 135/21 136/13 138/4 140/4 140/7 140/17 142/13 147/15 150/23 153/7 153/8 154/18 154/23 155/1 155/3 155/10 155/12 155/13 155/14 155/14 155/16 155/17 155/18

155/19 155/22 155/23 155/24 155/25 155/26 155/27 156/8 156/10 156/13 156/15 156/21 156/21 156/22 158/1 158/2 158/3 159/9 160/8 160/21 160/24 161/1 161/2 161/4 161/8 162/17 163/5 164/8 164/23 165/22 165/28 173/20 174/15 175/20 179/19 179/21 179/23 179/26 182/17 183/5 185/11 186/20 191/13 191/24 197/7 197/19 200/28 201/9 203/1 206/13 206/17 **RIGHTS [1] 206/26** RISE [2] 30/13 163/12 RISES [2] 47/20 60/17 RISK [13] 93/17 188/27 189/6 189/24 190/21 194/5 194/10 195/16 204/19 204/21 205/5 205/11 205/14 RISKY [1] 62/23 RMR [2] 2/28 208/23 ROAD [4] 58/1 76/8 146/21 157/13 ROADS [4] 28/11 66/25 151/8 157/5 ROBERT [2] 2/3 53/25 ROBUST [1] 175/10 ROCK [1] 2/10 ROCKET [17] 29/2 29/7 29/17 29/25 30/1 30/4 30/15 60/12 60/19 60/22 72/18 80/18 80/20 80/20 80/22 118/22 166/26 ROCKETS [1] 176/9 **RODRIGUEZ** [1] 14/10 ROGERS [2] 60/18 148/6 ROLE [3] 35/5 115/13 115/13 ROLLED [1] 133/25 ROOM [4] 86/17 94/17 104/12 105/19 ROOMS [3] 101/5 101/27 104/11 **ROOSEVELT** [1] 59/13 ROSAMOND [7] 63/25 76/14 76/16 76/16 85/9 90/21 141/4 ROUGHLY [7] 57/24 136/16 137/4 147/23 151/14 156/23 194/22 ROUND [2] 19/10 38/12 ROUNDED [4] 196/18 196/22 204/12 204/18 ROUTE [2] 101/26 154/24 ROUTINE [4] 9/13 20/3 45/17 63/6 ROW [4] 119/12 119/13 119/24 174/5 ROYAL [2] 7/24 7/25 RPR [2] 2/28 208/23 RUDIMENTARY [1] 20/12 RULED [2] 4/18 200/7 RULES [3] 95/23 163/5 163/5 RUN [11] 16/11 28/10 78/9 78/11 85/15 86/17 86/21 93/14 99/3 110/3 203/5 |RUNNING |1| 16/9 RUNS [2] 57/2 57/3 RUNWAY [30] 20/6 25/22 25/23 28/1 28/5 45/21 74/27 74/28 75/2 85/5 85/6 85/15 90/25 91/4 95/1 108/24 118/25 146/17 154/28 155/2 155/3 155/3 155/5 155/5 155/8 155/9 156/12 166/10 166/12 188/24 RUNWAYS [9] 25/24 27/9 28/11 76/13 87/2 108/28 109/5 151/7 151/7 RUSH [1] 61/4 S.O [1] 118/15 SAFE [3] 23/6 36/25 88/26 SAFELY [1] 21/22

S.O [1] 118/15 SAFE [3] 23/6 36/25 88/26 SAFELY [1] 21/22 SAFETY [8] 21/21 21/22 26/3 41/28 62/23 91/14 92/9 93/16 SAID [34] 23/17 26/28 27/25 30/6 41/9 41/16 41/24 43/17 46/21 47/9 47/13 51/3 51/25 52/24 57/20 65/27 74/3 95/7 111/9 124/20 132/17 136/10 138/18 138/24 144/8 160/1 160/12 180/3 181/24 181/25 182/21 187/7 194/27 203/16

104/19 104/26 108/11 114/7 117/20 118/17 SHIP [1] 20/20 122/9 123/27 124/6 130/11 131/25 139/10 SHIPS [1] 20/22 SALES [1] 155/20 147/26 147/27 154/16 154/23 154/25 156/10 |SHOOTING [1] 39/5 SAME [15] 7/10 18/24 45/18 47/18 47/23 156/17 157/12 158/2 160/22 160/22 160/28 SHOP [1] 181/11 69/23 75/8 85/28 90/19 102/17 116/13 163/17 166/11 173/11 190/25 194/9 206/24 SHOPPING [1] 167/15 142/11 142/26 193/1 194/26 207/3 207/12 207/20 SHOPS [1] 188/18 SAN [6] 14/24 46/17 75/17 75/18 75/19 SHORE [2] 14/1 15/19 SEEING [3] 46/28 63/1 173/1 207/11 SHORT [5] 2/6 3/16 4/9 24/24 129/7 SEEKS [1] 44/17 SAN FRANCISCO [3] 75/17 75/18 75/19 SEEM [1] 163/11 **SHORTHAND [1] 23/28** SAN JOSE [1] 207/11 SEEMS [7] 3/16 25/9 57/26 81/20 85/15 SHORTLY [3] 17/26 33/5 162/20 SANDERS [3] 181/10 188/19 205/8 105/8 161/27 SHOULD [11] 6/1 49/25 74/11 102/27 110/6 |SANDERS' |1| 190/24 SEEN [19] 2/21 11/20 15/15 16/17 43/6 88/8 | 141/15 158/3 163/16 195/8 200/10 200/27 SANDS [2] 2/9 102/3 108/10 117/2 123/14 124/5 127/26 161/15 SHOULDN'T [1] 182/22 SANTA [2] 29/26 47/28 162/15 163/4 172/7 172/12 172/28 192/28 SHOW [16] 12/26 22/5 23/22 26/5 31/8 SANTA BARBARA [1] 47/28 57/12 90/24 91/18 98/14 120/14 138/11 SATISFY [1] 191/28 SATURN [3] 29/22 30/16 30/19 SELECT [1] 36/9 142/8 149/2 153/28 174/7 175/18 SELECTED [4] 36/13 45/23 46/13 143/15 SHOWED [4] 34/28 35/5 191/4 191/18 SAVAGE [1] 2/7 SHOWING [5] 12/10 12/22 30/1 127/4 **SELECTION [1] 45/22** SAVE [1] 145/15 SELL [2] 107/18 198/10 153/27 SAVED [1] 25/15 SEMINAR [1] 69/14 SHOWN [5] 23/19 24/26 25/19 28/19 SAVES [2] 89/19 89/20 SEND [3] 65/18 91/18 145/15 156/18 SHOWS [17] 15/7 22/6 27/15 28/9 28/10 SAVINGS [1] 128/7 SENDING [1] 197/21 31/14 42/13 85/4 90/18 90/23 98/11 101/11 SAW [11] 32/2 32/9 32/11 41/13 41/22 47/4 SENIOR [6] 7/28 8/17 8/24 71/1 143/10 49/18 49/19 90/20 92/28 146/18 117/25 130/15 156/2 158/16 202/1 144/6 SAY [43] 3/23 14/22 14/28 18/26 22/15 28/2 SENSE [12] 14/22 21/21 24/14 40/7 51/12 **SHRINKS** [1] 84/1 33/13 35/26 39/10 39/24 42/8 47/3 49/25 51/28 52/4 57/12 57/16 82/14 82/15 126/9 SHUT [1] 89/10 79/12 81/9 89/16 91/25 94/26 95/22 97/17 SHUTTLE [5] 11/17 42/7 42/13 42/19 43/13 **SENSITIVE [1] 19/26** 97/21 102/27 106/4 110/6 113/9 122/21 SENT [4] 13/27 56/12 197/3 197/26 SHUTTLES [1] 42/16 125/5 127/3 127/3 127/16 127/20 129/2 SEPARATE [2] 23/11 56/5 SIC [5] 3/3 101/4 162/7 201/4 206/15 129/6 129/9 129/15 130/13 133/28 134/12 SEPTEMBER [3] 13/27 59/4 59/15 SICK [1] 66/3 136/14 138/23 177/2 193/26 202/24 SEPTEMBER 1933 [1] 13/27 SIDE [8] 17/11 35/19 35/19 76/9 145/26 148/6 156/28 157/1 SAYING [6] 19/19 48/8 127/5 135/13 SEPTEMBER 1939 [2] 59/4 59/15 SIDES [1] 25/24 164/19 189/8 SEQUENCE [2] 162/4 162/6 SIGN [2] 75/27 91/21 |SAYS |9| 104/1 105/5 105/16 118/3 123/26 SERIES [8] 8/15 10/3 11/22 12/16 21/28 SIGNIFICANCE [2] 92/2 121/27 130/21 130/25 135/15 153/7 22/7 22/8 35/4 SCALE [4] 15/5 74/28 98/19 98/22 SIGNIFICANT [3] 3/13 13/13 169/9 SERIOUS [2] 35/6 62/28 SCANNING [1] 71/19 SERVED [7] 8/17 34/25 34/26 34/27 35/19 SIGNIFICANTLY [1] 170/17 SIMILAR [3] 67/4 100/5 192/28 SCHEDULE [1] 205/13 143/22 144/6 SIMPLE [2] 79/20 139/15 SCHEDULING [1] 96/28 SERVICE [15] 1/19 2/10 13/2 27/24 36/4 SIMPLY [6] 9/27 27/22 32/3 57/12 133/14 SCHOOL [11] 7/18 69/7 69/8 69/13 81/10 48/2 49/10 49/14 49/23 50/1 50/3 58/5 134/5 88/21 88/22 122/10 142/17 143/16 144/2 144/20 167/17 187/12 SERVICES [1] 145/19 SIMULTANEOUSLY [3] 97/7 172/10 SCHOOLS [1] 88/28 SERVICINĠ [1] 104/8 SCHRECK [1] 1/22 200/22 SCIENCE [5] 8/1 69/2 69/5 142/25 143/16 SESSION [1] 207/21 SINCE [8] 2/18 11/7 14/17 33/7 163/3 SCOPE [2] 40/12 154/28 178/22 193/14 195/5 SESSIONS |2| 1/6 114/6 SCORING [1] 77/9 SET [8] 85/18 88/12 88/18 89/7 105/27 SINGLE [7] 13/5 84/17 84/22 106/27 110/4 110/6 122/5 SCOUTED [1] 13/28 106/1 106/17 155/11 SCRAMJET [2] 36/17 36/18 SET-DOWN [1] 89/7 SINO [1] 16/13 SETTING [1] 136/16 SINO-JAPANESE [1] 16/13 SCRATCH [1] 196/9 SCREEN [1] 154/15 **SETTLERS [1] 14/11** SIR [92] 4/22 5/9 5/12 40/13 42/5 49/6 53/5 SCRUNCHED [1] 4/27 SETUP [1] 99/7 64/26 96/25 114/20 118/27 138/20 139/20 141/17 142/22 143/5 145/5 147/1 148/11 SETUPS [1] 99/9 SEA [2] 102/15 102/15 SEAT [1] 140/27 SEVEN [3] 107/26 144/20 179/11 148/23 148/28 150/28 151/16 151/21 153/11 **SEATED [1] 61/13 SEVEN-MINUTE [1] 179/11** 153/19 153/23 157/21 159/14 159/28 167/8 167/13 167/21 168/2 168/8 171/11 171/26 SEATTLE [1] 111/2 SEVERAL [7] 15/4 84/14 143/5 143/6 172/13 172/26 173/15 174/1 174/19 176/7 SECOND [16] 5/25 22/20 22/27 25/6 46/7 144/18 171/6 175/26 47/4 65/14 90/10 90/13 106/9 115/23 142/23 SEWAGE [1] 170/14 176/17 177/23 177/28 178/8 178/17 181/9 150/4 160/2 181/20 201/10 SEWER [1] 66/25 182/8 183/18 184/14 186/11 188/1 191/16 191/21 192/16 192/22 193/9 193/11 193/13 SECONDS [2] 113/3 193/3 SHADE [1] 161/7 SECONDS' [1] 105/10 193/15 193/18 193/26 194/9 194/25 195/12 SHALIMAR [1] 5/7 195/17 195/18 197/1 197/2 197/20 198/1 SECRECY [3] 21/21 24/4 46/27 SHALL [5] 5/16 22/1 65/4 140/24 166/1 SECRETARIAL'S [1] 8/18 SHAPE [2] 20/25 20/25 198/11 198/22 201/17 201/17 202/15 202/19 |SECRETARY [4] 8/19 121/20 127/5 127/14 202/26 203/9 203/10 203/13 203/20 204/5 |SHAPES [2] 55/1 76/15 204/6 204/15 205/4 205/18 206/3 206/5 SECRETARY'S [1] 8/18 SHARE [1] 151/17 SECTION [3] 26/15 51/7 98/17 SHARED [1] 35/19 SECURITY [6] 7/17 8/23 8/26 28/24 69/12 SHEEP [1] 2/9 SIT [3] 4/24 88/13 165/3 SITE [12] 14/21 17/3 19/14 19/15 19/15 SHEER [1] 152/23 171/3 SEE [73] 1/7 15/6 15/11 16/6 16/20 17/24 SHEET [2] 148/19 183/8 25/17 30/17 31/23 51/5 51/5 159/4 162/1 20/13 21/2 21/4 22/1 25/10 25/20 26/23 SITES [2] 29/26 90/27 SHEFFIELD [1] 2/5 27/21 27/28 31/22 32/5 32/13 43/8 43/9 SHELLED [1] 47/28 SITING [1] 63/12 SITS [5] 76/5 78/17 80/13 100/17 136/18 47/21 48/14 51/7 62/22 74/15 74/19 74/26 SHEMYA [2] 143/23 157/24 75/17 75/19 75/23 88/5 90/25 92/22 93/15 SITTING [4] 85/6 90/22 129/20 134/28 SHIELDS [1] 29/16 97/15 97/16 98/8 98/15 101/19 101/20 SITUATION [4] 15/24 16/2 60/5 180/6 SHIFT [2] 8/4 72/5

STAGES [1] 27/16 SORT [19] 3/19 24/17 28/3 28/14 32/28 40/24 45/19 50/14 55/13 63/15 74/27 79/12 STALLED [1] 26/20 SITUATIONS [1] 16/5 87/26 88/16 94/26 115/17 126/6 136/24 STAMP [2] 116/6 149/18 SIX [2] 86/16 127/22 137/12 STAMPED [1] 65/28 SIX MILES [1] 86/16 SORTIE [8] 102/7 102/8 102/18 102/25 STAND [6] 61/13 118/6 158/12 165/8 SIZE [10] 47/14 47/15 47/20 57/22 57/23 103/19 103/19 103/28 103/28 178/14 179/11 63/10 109/20 110/12 138/2 139/14 STANDING [2] 64/28 159/15 SORTIES [2] 47/25 97/7 SKIES [1] 32/13 SORTS [2] 47/23 119/18 STANDOFF [2] 32/26 92/14 SOTTO [5] 5/10 49/2 140/14 150/2 150/11 SKILL [1] 88/25 STANDPOINT [2] 12/19 40/16 SKIP [4] 20/22 28/18 28/20 165/28 SOUND [6] 4/28 21/15 36/21 47/26 63/9 STANDS [5] 29/8 36/17 77/15 151/26 167/3 |SKYDIVE [1] 157/8 |STARBUCKS [1] 167/18 START [10] 7/3 10/22 54/6 59/3 74/1 97/25 SLASH [1] 19/14 SOUNDS [2] 8/28 55/13 |SLATED [1] 111/21 SOURCE [4] 12/7 173/3 173/3 196/24 99/11 178/2 188/9 192/4 SLICE [2] 42/28 43/18 SOURCES [4] 167/24 169/4 174/10 186/10 STARTED [15] 16/6 17/18 17/21 21/2 21/4 SLIDE [32] 23/22 26/5 27/14 27/15 27/18 40/6 59/4 66/1 69/2 87/12 97/24 99/1 99/2 SOUTH [10] 20/20 24/8 76/6 147/28 154/17 27/27 28/7 28/8 28/15 28/18 29/19 31/7 32/8 154/27 155/9 156/8 156/25 157/26 179/20 203/16 35/23 35/24 35/26 35/28 37/7 151/17 151/18 SOUTHERN [2] 154/16 168/13 STARTING [5] 103/23 166/6 172/17 200/4 152/2 152/3 152/25 153/12 156/1 156/6 SPACE [47] 9/6 10/2 11/17 17/27 19/7 20/7 203/11 156/19 157/22 158/14 158/15 159/23 160/15 28/6 29/1 29/3 30/3 30/22 31/24 38/11 42/6 STATE [23] 1/1 2/11 2/11 5/2 5/3 5/14 SLIDES [1] 34/28 42/13 42/16 42/19 43/13 44/28 45/2 45/3 43/21 65/2 65/7 65/8 69/3 69/5 69/16 101/19 SLIGHTLY [1] 122/10 45/4 56/8 75/21 76/10 92/10 93/4 96/25 106/19 140/22 140/28 147/22 168/18 168/19 SLIP [1] 97/27 99/17 119/9 126/3 130/11 130/12 133/17 187/2 208/1 208/12 **SLOAN [1] 2/15** 136/25 136/26 137/1 137/16 146/6 151/8 STATED [3] 131/18 176/1 190/14 SLOW [2] 69/25 146/8 151/11 151/13 154/19 155/17 156/5 156/15 STATEMENT [5] 149/11 149/25 162/20 SMALL [17] 19/23 56/11 56/12 63/4 74/18 156/22 181/6 207/13 76/15 77/5 94/16 99/17 119/22 122/8 122/12 SPACES [2] 13/15 14/25 **STATEMENTS** [1] 149/6 STATES [20] 1/14 2/13 4/21 8/10 8/11 8/20 **SPAIN [1] 16/13** 122/13 145/12 166/22 166/22 167/20 **SMALLER [1] 122/4** SPAN [1] 156/9 10/7 12/11 34/3 38/6 64/24 73/12 96/20 SMASH [1] 26/20 SPAN'S [1] 155/28 111/9 122/15 124/14 130/15 134/16 142/19 **SMITHSONIAN [2] 8/9 9/5** SPEAK [3] 67/14 78/23 186/1 160/3 STATIONED [9] 9/10 58/8 58/12 58/13 **SMOKES [1] 85/21** SPEAKING [2] 172/10 200/22 **SMOKING [1] 27/26** 59/18 82/23 82/28 83/4 178/27 SPECIAL [9] 8/23 8/26 24/7 63/13 107/27 SMOOTH [2] 27/6 27/20 107/28 107/28 137/11 137/13 STATIONS [1] 101/2 SMOOTHLY [1] 25/20 SPECIALTY [2] 7/8 17/3 STATUS [3] 94/3 94/4 94/12 SPECIFIC [11] 4/16 52/14 56/22 57/6 103/6 STAY [3] 6/6 24/3 182/17 SMOOTHS [1] 46/3 SO [402] 105/20 111/20 111/20 111/23 126/3 126/4 STEADY [4] 9/13 43/10 59/10 59/11 SO-CALLED [4] 19/25 22/7 23/25 32/15 SPECIFICALLY [5] 10/8 48/5 71/22 78/16 STEALTH [1] 23/25 SOCIETY [2] 7/25 7/25 STEAM [1] 37/11 SOD [1] 170/24 **SPECIFICS [1] 71/17** STEP [3] 87/4 103/23 139/20 SOFTBALL [1] 160/21 STEWARD [1] 171/28 **SPECULATE [1] 42/11** SOLELY [1] 187/6 SPECULATING [2] 42/15 42/17 STICK [1] 94/16 SOLEMNLY [3] 5/14 65/2 140/22 SPECULATION [5] 134/23 134/26 139/17 STILL [16] 19/4 19/6 24/21 85/22 96/1 SOLID [2] 30/1 146/6 139/18 199/16 102/5 114/11 122/2 128/13 128/28 142/2 **SOLUTIONS [1] 54/18** SPECULATIVE [2] 177/7 199/14 144/24 186/24 200/18 204/6 206/18 SOME [59] 9/14 12/21 13/4 13/6 17/16 18/6 SPEED [11] 21/6 21/15 36/21 36/22 37/11 STIPULATION [1] 164/25 22/1 25/4 29/9 29/14 29/25 30/8 32/24 34/28 37/24 37/26 38/1 38/5 86/4 137/1 STIPULATIONS [3] 206/21 206/24 207/4 35/6 35/19 35/20 39/14 45/19 50/19 50/20 SPEEDS [1] 136/28 STOOD [1] 137/18 54/14 54/14 57/19 58/11 60/11 67/12 69/18 STOP [9] 22/13 26/25 86/3 86/4 86/9 113/6 SPELL [3] 5/2 65/7 140/28 80/23 84/19 84/21 86/19 86/20 94/6 98/22 SPEND [4] 94/5 145/21 164/14 199/24 161/20 189/7 189/25 102/16 106/11 108/8 108/19 112/1 119/1 SPENDING [3] 133/4 133/5 199/25 STORAGE [3] 158/18 158/24 167/2 136/13 136/15 137/7 137/8 137/11 154/25 SPLIT [1] 19/22 STORE [1] 167/15 161/20 162/22 163/15 164/17 164/21 165/12 SPOKE [5] 5/10 49/2 140/14 150/2 150/11 STORM [1] 106/25 165/16 168/28 181/6 182/28 201/11 207/17 SPRANG [1] 33/19 STORY [1] 54/4 SOMEBODY [3] 2/13 74/12 182/21 SPRAY [1] 166/10 STRAFE [1] 40/11 SOMEHOW [1] 207/18 SPREAD [2] 98/16 99/18 STRAIGHT [1] 85/16 SOMEONE [4] 96/27 141/28 142/9 180/7 SPREADSHEET [14] 178/28 180/10 180/21 STRAIGHTFORWARD [2] 49/7 105/8 SOMEONE'S [2] 84/21 93/18 180/25 182/12 182/17 182/20 182/22 182/27 STRATEGIC [13] 37/27 70/25 71/6 71/18 SOMETHING [15] 15/15 17/12 28/3 30/9 73/19 105/23 122/19 127/7 127/21 131/6 183/13 183/14 183/17 184/15 201/28 44/14 62/21 64/1 100/5 100/18 135/15 SPREADSHEETS [1] 198/22 134/28 139/7 144/9 137/20 160/13 169/1 191/2 203/27 SPRING [3] 188/16 193/20 195/4 STRATEGICALLY [2] 71/5 71/5 SOMETIMES [6] 20/9 79/26 88/14 102/14 SQUADRON [6] 69/7 73/5 82/26 144/2 STRATEGY [7] 28/24 70/15 70/16 70/20 160/11 207/1 196/4 198/7 71/28 72/4 197/26 SOMEWHAT [1] 90/7 **SQUADRONS** [1] 161/6 STRESS [1] 146/10 SOMEWHERE [2] 81/10 134/10 SQUARE [14] 19/4 25/26 44/26 75/3 75/4 STRESSES [2] 104/20 104/21 SON [2] 94/15 107/3 76/26 76/27 125/8 151/8 151/11 151/12 STRETCH [1] 40/9 STRIKE [11] 20/21 30/26 34/18 58/27 73/9 **SOPHISTICATED [2] 36/16 44/5** 151/12 155/17 186/24 SORRY [40] 5/20 13/8 14/6 15/20 15/26 SQUASH [1] 147/23 112/4 112/6 134/16 155/13 165/20 169/28 19/17 23/27 24/9 25/7 25/11 26/9 37/21 ST [1] 2/10 **STRIKES [1] 37/8** STRIKING [1] 164/16 45/14 61/17 62/2 67/16 68/13 94/9 95/23 STACK [1] 65/22 136/8 140/8 142/15 142/22 149/1 149/22 STAFF [16] 8/11 8/17 8/18 9/8 13/20 65/18 STRING [2] 197/6 197/10 151/18 151/18 153/14 153/17 157/16 161/11 69/9 70/3 70/11 70/19 107/14 113/8 143/24 STRONGLY [1] 36/15 169/12 172/6 173/13 174/7 178/21 178/21 144/3 144/9 184/7 STRUCTURE [8] 13/5 26/15 28/25 29/15 190/7 195/23 206/5 79/19 121/16 121/18 130/28 STAGE [1] 57/20

STRUCTURES [3] 31/27 81/25 151/10 STUDENTS [1] 88/21 STUDIES [1] 7/17 STUDY [1] 9/4 STUFF [4] 39/2 65/18 72/21 162/24 |SUBJECT [3] 34/18 121/7 200/8 SUBMARINE [1] 48/1 SUBMARINES [1] 47/27 SUBMISSION [3] 1/28 3/2 64/14 |SUBMITTED [2] 140/2 142/4 **SUBSCALE [1] 32/22** SUBSONIC [1] 43/23 SUBSTANTIALLY [2] 39/25 149/19 SUBSTANTIVELY [1] 163/7 |SUBSTITUTE [1] 150/8 SUBWAY [1] 167/19 SUCCESSES [1] 21/27 SUCCESSFUL [1] 63/18 SUCCESSFULLY [6] 63/26 103/17 105/5 105/6 105/7 106/26 SUCH [12] 16/10 25/19 35/21 49/24 49/24 160/22 106/20 125/28 145/22 145/22 146/17 151/27 T 205/28 SUFFER [2] 69/18 69/22 SUFFICIENT [1] 186/9 SUGGEST [4] 98/6 134/23 135/9 138/21 SUGGESTING [4] 42/26 152/26 177/15 199/23 SUGGESTS [1] 134/19 SUITABLE [2] 13/26 14/1 SUITE [1] 141/5 SUITED [1] 27/6 SUM [1] 46/5 SUMMARIZE [8] 11/2 72/7 151/4 151/22 152/4 166/4 175/19 175/23 **SUMMARIZES [2] 152/5 152/6** SUMMARY [4] 150/27 151/1 152/3 153/10 SUMMERTIME [1] 161/5 SUPERIOR [3] 1/1 208/1 208/12 **SUPERIORS** [1] 198/3 SUPERSONIC [19] 21/9 21/13 21/27 22/7 36/18 42/2 42/22 42/23 43/24 63/27 100/11 100/13 100/19 100/20 100/20 100/22 102/12 102/17 102/24 **SUPERVISE [1] 145/6** SUPERVISION [1] 185/13 SUPERVISORY [1] 145/4 **SUPPLEMENT [1] 159/2** SUPPLEMENTAL [1] 162/2 SUPPLY [5] 154/26 161/9 168/23 169/2 169/2 SUPPORT [15] 66/24 112/17 139/4 151/13 154/20 156/15 160/7 166/7 166/24 166/27 167/2 168/26 181/14 186/13 205/7 **SUPPORTING [1] 166/28** SUPPRESSION [2] 145/18 166/15 SUPREMACY [1] 30/3 SURE [38] 12/19 48/8 60/7 65/17 79/9 79/15 TALKS [1] 124/1 80/3 81/4 82/25 85/5 86/2 86/19 94/1 96/8 98/14 103/15 107/7 107/15 111/6 115/27 119/20 125/16 127/24 128/19 128/24 134/9 134/10 135/19 163/23 164/11 180/17 182/13 182/19 186/9 195/28 198/16 198/28 204/12 SURFACE [9] 25/21 27/11 28/12 28/13 45/20 46/2 89/23 90/5 90/7 SURROUNDING [3] 14/4 15/2 58/23 SURVEILLANCE [3] 31/12 32/27 78/5 SURVEY [1] 13/27 SURVIVE [1] 68/17 SUSANA [1] 29/27

SUSPECT [2] 30/8 55/9 **SUSPICION [1] 192/9** SUSTAIN [3] 60/8 180/15 185/5 SUSTAINABILITY [1] 122/19 SUSTAINED [6] 4/9 59/24 111/26 170/9 175/6 183/23 SWEAR [1] 140/17 SWING [1] 98/23 SWITCH [1] 73/26 **SWITCHED [1] 8/22** SWORN [2] 5/11 64/27 SYMBOL [1] 33/15 **SYMBOLS [1] 32/20** SYMPATHY [2] 69/27 152/27 SYNCHRONIZED [1] 39/7 SYNOPSIS [2] 8/6 10/25 **SYRACUSE [1] 69/13** SYSTEM [22] 31/11 31/12 31/13 32/6 54/16 TEJON 1 [1] 120/11 66/25 79/3 79/4 80/2 80/2 80/7 80/7 85/25 85/27 85/28 129/25 158/27 166/16 170/13 170/14 170/17 171/23 SYSTEMS [13] 9/12 44/17 79/5 79/7 79/9 80/21 80/22 80/22 81/6 81/8 83/27 131/12

T-H-O-M-A-S [1] 65/12 T.A.C.T [1] 35/17 TABLE [9] 46/4 123/24 123/26 172/15 172/16 172/21 173/12 190/2 192/18 TACT [1] 55/3 TACTICAL [4] 70/21 71/10 78/23 106/3 TACTICS [6] 16/8 20/4 40/8 49/28 70/14 TAILLESS [1] 18/19 TAKE [44] 14/22 15/3 26/10 32/19 34/17 36/10 37/4 43/17 48/9 53/2 60/25 60/26 61/6 76/25 84/17 84/18 84/22 84/22 86/4 89/18 89/20 90/9 94/15 103/15 106/6 112/25 113/11 113/14 113/21 116/26 137/3 176/17 179/8 179/10 179/10 179/13 179/20 193/10 193/28 195/8 198/15 201/27 202/5 206/13 TAKEN [13] 13/10 13/11 15/17 15/18 17/20 17/25 22/21 22/28 29/28 47/21 113/26 180/13 208/15 **TAKEOFF [1] 86/4** TAKES [4] 31/20 49/28 76/7 103/12 TAKING [8] 42/28 49/22 94/10 124/28 154/27 157/6 163/22 187/12 TALK [30] 12/7 33/11 36/1 46/6 50/21 56/4 69/23 70/5 71/22 74/16 74/16 81/4 84/6 92/20 95/15 96/7 97/12 97/17 98/3 103/11 106/9 110/22 127/6 128/18 128/26 150/25 175/1 176/14 178/11 183/12 TALKED [8] 95/8 98/16 101/16 108/21 111/18 112/14 127/23 181/24 TALKING [24] 34/15 40/17 41/5 41/6 41/7 73/26 76/18 86/16 87/14 90/13 99/10 101/17 101/20 103/11 103/24 105/28 111/22 127/3 128/21 131/5 146/16 152/27 164/2 199/14 TALL [2] 63/24 147/24 TANK [4] 158/19 158/24 158/25 167/2 TANKERS [1] 103/2 TANKS [2] 55/1 159/9 TARGET [2] 77/2 105/6 TARGETS [6] 20/17 20/18 54/17 99/18 123/2 123/3 TASK [3] 125/20 126/7 126/7 TASKED [1] 178/19 TAXIWAY [1] 156/12 TAXIWAYS [1] 155/6 **TAXPAYER** [1] 79/6

TEACH [1] 71/16 TEAM [4] 56/11 56/12 104/23 126/17 TEAMS [1] 23/15 TECHNICAL [3] 43/1 44/17 151/13 TECHNICALLY [3] 32/16 95/20 115/15 **TECHNOLOGIES [2] 47/5 83/27** TECHNOLOGY [25] 7/8 8/1 13/3 13/4 13/6 13/9 13/13 18/22 19/27 29/3 32/18 35/16 35/17 37/9 43/15 43/22 44/2 44/2 49/18 55/4 79/27 107/16 107/19 107/22 139/12 **TECTONIC** [1] 21/12 TEES [1] 159/12 TEETH [1] 77/24 TEJON [22] 2/3 3/11 3/12 3/13 3/15 116/20 120/11 120/11 120/16 120/26 121/2 123/5 123/18 123/24 125/1 140/11 140/19 140/19 197/5 197/9 201/18 201/21 TEJON-1 [2] 120/16 120/26 TEJON-3 [1] 197/9 TEJON-4 [1] 201/21 TELEMETRY [9] 93/4 101/1 101/2 101/8 101/25 101/26 104/10 104/28 105/17 TELL [18] 66/14 81/2 109/8 116/28 119/22 128/11 128/12 128/15 129/22 152/5 157/10 168/12 187/11 188/15 193/19 194/7 200/4 202/7 **TELLING [1] 170/5** TELLS [1] 107/20 **TEMPELHOF** [1] 143/19 **TEMPORARY** [1] 85/6 TEN [5] 96/27 112/13 130/27 131/20 145/3 TEN-YEAR [1] 130/27 TENANT [11] 115/16 115/17 118/9 118/12 118/14 122/1 122/3 122/8 122/8 122/11 122/13 |TENANTS [4] 119/3 121/22 121/26 122/5 TEND [2] 69/23 164/5 TENNESSEE [2] 67/7 72/20 TENS [2] 30/7 58/5 TENT [1] 15/1 TENT-LIKE [1] 15/1 TENURE [3] 82/21 82/24 170/26 TERM [24] 14/6 18/22 19/26 71/13 103/6 103/9 105/25 106/7 106/19 112/19 118/15 119/14 119/25 125/14 125/15 125/17 125/18 126/10 130/16 130/18 131/4 133/8 136/3 205/20 TERMS [48] 11/12 20/27 37/25 45/10 45/22 46/28 57/11 63/12 71/18 71/23 75/5 75/13 76/10 76/23 77/16 78/1 79/15 79/17 80/19 81/25 81/25 85/1 90/20 92/14 93/17 97/3 98/27 99/9 99/23 99/24 100/6 101/8 101/16 104/6 104/20 108/21 118/1 127/2 127/3 131/10 132/8 133/14 137/12 139/7 139/10 139/14 181/12 189/4 TERRAIN [1] 27/4 TEST [137] 8/12 8/14 9/13 9/14 9/27 9/27 11/19 14/14 16/8 17/4 19/15 19/25 21/22 23/4 23/5 23/13 23/14 23/15 24/7 24/19 29/8 29/25 35/7 36/25 36/27 37/1 41/14 48/7 49/8 49/9 49/16 49/20 50/3 54/22 56/18 57/3 57/6 57/7 58/19 58/21 63/14 63/15 63/28 65/13 66/17 66/18 66/21 66/27 66/28 67/1 67/3 69/8 72/12 72/21 72/23 72/26 72/28 73/2 73/6 73/7 73/7 73/14 77/13 77/15 78/12 78/15 78/18 78/19 78/27 79/28 81/10 83/16 83/17 83/19 83/26 84/8 84/9 84/10 86/20 88/21 88/21 88/27 88/27 91/23 92/10 92/13 93/22 94/20 94/23 95/20 96/1 96/3 97/7 97/11 97/19 97/22 99/12 99/17 99/19 99/28 100/4 100/20 102/1 102/2 103/11 109/4 109/6 110/22 110/24 112/16 115/8 115/9

TEST... [25] 119/4 119/7 119/10 122/3 122/7 126/4 126/17 126/17 126/21 126/23 128/17 128/26 128/28 129/6 129/11 138/28 154/19 155/10 166/7 166/27 167/1 167/2 167/10 168/16 205/28 TESTED (13) 12/28 17/16 18/19 29/21 29/22 30/3 30/16 30/18 31/15 32/4 36/6 38/7 110/27 TESTERS [1] 166/11 TESTIFIED [22] 2/10 28/17 44/22 48/4 51/22 62/14 149/13 174/26 177/20 177/24 180/9 182/26 183/13 183/16 187/3 187/6 187/21 187/26 191/17 193/16 199/9 203/11 **TESTIFIES** [1] 164/10 TESTIFY [19] 10/19 40/13 49/6 51/6 51/14 52/2 52/3 52/19 73/23 147/16 149/13 150/17 152/21 161/18 161/21 164/9 165/15 176/4 177/13 TESTIFYING [2] 3/18 51/16 TESTIMONY [51] 1/25 2/7 3/17 4/15 4/17 5/14 17/10 18/6 30/12 30/24 30/27 34/1 34/18 40/21 46/27 51/10 51/19 51/20 51/24 60/1 65/3 80/25 94/25 112/7 120/25 121/7 124/11 132/1 132/24 140/3 140/23 141/12 147/2 147/4 163/8 163/10 165/4 165/26 170/5 177/8 187/22 189/8 189/10 189/11 189/13 192/24 192/27 195/7 199/1 199/3 199/13 TESTING [78] 9/22 11/9 11/10 17/8 17/18 17/21 18/8 18/8 18/15 18/21 21/25 30/15 30/15 32/10 32/12 40/7 40/18 40/20 40/22 40/23 47/1 49/15 49/21 49/26 49/27 49/28 50/7 50/13 51/5 54/14 54/15 54/16 56/21 56/23 56/27 57/8 60/12 62/23 63/7 63/13 67/9 72/13 72/18 72/18 72/24 76/7 78/7 79/14 83/20 83/22 85/18 85/22 86/7 86/19 92/25 92/26 93/17 97/20 99/3 100/14 102/16 102/17 106/13 110/28 111/1 111/3 112/22 126/25 129/21 129/23 130/2 130/4 130/21 130/25 166/8 166/9 166/24 166/26 TESTS [12] 18/26 20/3 20/24 23/20 24/6 31/21 66/26 72/26 92/19 96/1 99/2 125/22 TEXAS [2] 147/22 195/27 TEXTS [1] 206/1 TFLS [1] 66/17 THAN [25] 11/19 13/9 27/25 44/7 46/18 52/18 60/5 62/20 71/15 86/15 97/15 97/28 106/17 111/19 116/1 121/19 122/11 125/4 131/4 160/5 163/22 164/16 181/25 191/7 198/4 THANK [56] 4/4 4/5 4/20 5/9 5/19 6/14 12/24 38/22 39/1 39/3 44/20 53/1 53/15 53/17 55/26 55/27 61/8 61/26 64/7 64/9 64/10 64/18 66/10 68/14 70/2 70/9 71/12 73/24 76/26 82/21 89/2 95/24 98/21 110/17 113/22 113/23 114/21 114/23 120/20 123/11 135/17 135/21 138/4 139/21 139/22 139/23 139/27 141/6 146/10 160/19 165/21 165/22 179/15 196/8 197/14 207/19 THAT [1028] THAT'S [138] 2/20 4/25 25/3 28/18 36/4 39/2 40/10 40/11 40/20 46/10 46/19 46/19 47/2 47/2 51/28 53/11 55/20 60/7 65/15 68/16 70/6 70/17 70/18 74/7 76/26 77/6 78/16 78/16 82/19 83/3 83/15 83/25 84/23 85/17 86/9 86/10 87/14 87/23 89/27 92/24 92/26 93/1 94/12 94/18 95/19 96/3 97/16 97/20 98/4 98/21 98/23 100/3 100/21 102/25 103/1 103/25 103/27 105/20 106/2 107/15 107/21 107/23 109/3 109/16 109/18 110/1

111/28 112/3 113/15 115/14 115/14 116/7

121/10 121/14 121/20 122/1 122/16 123/1 125/16 127/19 127/24 128/22 129/20 130/7 131/8 132/16 132/16 132/17 133/7 134/5 135/14 136/22 137/3 137/21 138/2 138/13 139/16 139/17 148/10 153/1 153/5 153/18 155/28 157/3 158/1 160/25 161/3 161/28 162/15 164/4 169/14 177/16 179/23 179/24 181/8 182/14 182/14 182/26 182/27 183/1 183/6 184/9 185/6 185/17 189/12 193/15 194/26 196/19 196/19 200/28 201/4 207/18 THE NUMBER [1] 57/28 THEATER [3] 70/20 71/7 71/10 THEIR [24] 2/18 14/23 15/13 16/8 16/8 22/9 29/11 43/9 43/9 54/14 79/26 80/16 80/16 83/23 99/24 108/28 109/5 109/6 119/18 121/18 166/26 168/16 202/2 205/9 THELEN [1] 2/5 THEM [32] 2/11 2/12 3/22 3/24 3/25 6/7 13/16 20/11 44/26 62/16 77/8 87/6 91/18 91/19 91/19 91/22 94/16 95/17 98/2 110/1 117/16 128/6 133/26 145/25 158/2 161/15 161/16 163/1 164/16 168/11 181/24 201/28 THEME [1] 32/7 THEMSELVES [2] 3/13 80/22 THEN [98] 7/10 8/19 9/15 13/1 14/12 14/13 14/28 19/13 20/28 21/23 22/28 24/4 24/6 24/19 32/11 41/17 44/1 44/16 45/5 45/19 46/3 48/19 49/12 55/16 56/13 58/2 59/6 63/7 69/4 70/15 70/21 71/25 71/28 72/3 72/23 73/7 77/26 78/3 80/2 81/8 81/19 84/23 87/7 88/18 89/11 93/5 96/27 96/27 101/6 102/5 102/6 102/18 102/21 105/2 106/24 115/12 116/23 118/17 122/4 123/3 125/24 125/27 137/24 143/10 144/10 146/16 147/22 148/6 148/26 156/14 156/22 157/13 158/25 159/6 159/10 162/12 162/23 164/2 166/10 167/25 171/14 173/7 174/4 177/4 179/1 181/11 182/15 189/23 190/14 190/17 193/6 194/4 199/7 200/19 200/20 201/12 204/16 204/18 THEORETICALLY [1] 177/14 THERE [162] 3/2 4/27 6/6 10/13 11/6 11/8 11/17 14/12 16/3 17/17 18/10 19/19 20/24 22/13 23/10 23/12 25/23 25/24 26/25 27/13 30/12 30/24 33/28 40/17 40/21 41/23 42/14 42/18 43/10 43/27 45/24 45/26 45/27 45/28 45/28 46/6 46/11 46/14 46/28 47/2 48/1 49/21 51/22 52/5 52/15 52/15 54/23 54/23 54/28 56/7 56/8 57/20 58/10 58/13 58/15 59/10 59/10 60/11 67/11 67/23 70/17 73/20 74/11 74/11 76/7 76/21 78/13 81/6 83/4 84/3 84/16 85/18 88/13 90/12 91/18 92/13 92/28 93/20 93/22 94/2 94/22 94/23 95/1 95/7 96/3 97/21 97/23 105/7 107/27 107/28 109/8 109/12 111/13 111/14 111/20 114/28 117/16 117/16 118/23 119/2 119/7 119/11 119/20 119/20 121/22 121/24 121/26 122/26 122/27 124/12 129/1 129/20 130/3 131/27 133/21 134/26 135/14 135/14 142/4 145/7 146/14 147/14 147/27 148/1 151/28 153/4 153/7 154/21 155/18 155/18 155/25 155/27 156/8 156/10 157/4 159/10 160/24 161/8 162/10 162/10 162/22 163/11 164/12 164/21 167/6 168/9 169/10 173/20 173/25 174/5 174/18 180/1 181/15 186/25 188/2 189/7 189/10 189/25 190/9 194/2 200/10 206/20 THERE ALSO [1] 188/2 THERE IS [1] 45/28 THERE'S [41] 12/19 24/21 27/19 27/21 42/12 49/7 51/21 70/16 83/10 83/14 85/2 88/17 88/17 91/4 91/5 91/25 92/23 93/5 98/24 100/13 104/23 112/6 117/25 118/12 123/24 124/11 126/1 126/28 128/12 128/27

116/12 117/17 117/21 118/7 118/8 118/11

130/2 130/3 130/20 164/11 177/8 183/7 186/9 188/23 199/28 200/1 207/17 THEREABOUTS [2] 156/10 159/28 THEREAFTER [1] 173/7 THEREFORE [1] 3/21 THESE [77] 2/17 3/4 3/26 4/9 12/22 13/15 14/5 14/18 15/13 15/15 19/1 22/8 22/10 22/11 23/11 23/16 23/17 29/8 29/13 30/6 32/1 34/6 34/9 35/18 40/26 47/1 50/10 62/25 65/27 67/10 76/21 77/7 77/9 84/15 87/5 87/5 87/7 101/22 102/4 102/26 102/27 103/3 104/22 106/15 108/24 113/20 117/15 122/12 126/22 139/4 139/25 149/17 149/19 155/22 156/17 158/9 161/13 161/24 161/25 162/3 162/15 162/17 162/19 162/25 163/16 164/7 164/15 164/26 165/4 165/7 165/15 165/28 167/28 173/3 174/5 183/20 206/28 THEY [99] 1/16 1/17 2/9 2/10 2/12 3/16 3/17 3/18 3/20 6/2 14/18 14/22 16/7 16/8 19/22 19/28 20/2 20/3 23/19 28/14 34/12 34/26 34/26 35/2 40/2 42/5 42/13 42/19 42/23 43/9 43/12 43/12 43/13 43/15 43/19 44/6 44/10 44/10 44/24 50/20 52/28 54/9 54/12 54/14 54/15 54/15 56/14 56/20 56/20 56/22 56/25 56/26 56/26 65/18 68/17 78/23 81/7 81/17 82/3 82/10 82/26 83/1 85/26 87/2 89/1 89/14 91/18 94/2 106/17 106/18 106/20 108/4 109/6 111/10 116/3 116/14 119/7 121/15 121/25 133/25 134/14 135/3 137/2 138/23 145/25 149/18 160/5 161/14 161/27 162/25 163/6 163/27 163/28 168/2 168/15 171/14 181/23 200/16 207/2 THEY'LL [4] 4/1 64/17 80/18 161/7 THEY'RE [20] 3/17 23/18 47/22 50/13 52/16 72/10 87/7 89/17 101/5 109/5 109/7 109/8 116/2 153/23 163/6 163/26 167/3 173/2 200/17 200/19 THEY'VE |5| 6/4 47/19 94/2 94/3 107/26 THING [7] 55/12 69/21 85/28 123/1 128/21 128/22 138/27 THINGS [36] 16/12 24/16 28/14 30/19 32/28 39/9 39/14 40/24 41/7 47/18 47/21 50/14 52/6 58/19 63/15 72/18 79/10 81/7 84/15 84/17 85/19 86/28 91/24 104/15 104/16 104/18 104/22 105/28 106/15 108/24 111/21 111/24 119/19 127/2 139/15 163/9 THINK [113] 4/8 12/18 26/8 28/8 28/18 31/3 32/28 34/10 37/5 37/25 38/14 39/16 39/24 40/8 40/11 40/17 41/11 41/12 41/16 43/12 43/14 43/28 44/12 44/28 46/15 46/18 47/9 52/4 52/28 57/19 58/6 60/8 63/18 70/10 71/5 72/25 75/13 76/11 77/24 80/24 81/15 83/17 87/15 88/9 88/20 94/13 94/25 95/8 95/11 95/13 97/13 106/6 106/7 108/8 109/16 109/17 109/18 109/23 109/28 110/3 111/18 111/21 112/25 113/5 114/10 115/20 122/16 123/14 127/19 128/20 129/26 130/2 132/16 134/28 135/2 135/6 137/10 138/2 149/1 152/15 153/1 156/2 158/8 161/26 163/26 164/5 164/12 164/20 164/28 165/27 171/8 171/13 171/20 173/21 176/3 179/9 179/19 179/27 179/27 180/1 180/10 180/12 180/14 183/1 183/2 184/20 186/24 195/10 196/6 203/16 205/17 205/21 206/9 THINKING [4] 35/8 35/9 39/5 55/13 THINKS [1] 104/11 THIRD [5] 46/21 95/9 95/11 95/13 98/25 THIRTY [2] 130/19 130/21 THIS [442] THOMAS [2] 3/4 65/11 THOSE [63] 3/8 11/15 12/18 21/28 31/21 32/24 34/13 37/25 39/6 47/22 57/11 57/13 58/11 71/25 71/26 71/27 72/1 77/4 77/12

THOSE... [44] 77/22 78/25 79/1 83/6 83/19 83/20 85/25 86/2 87/26 91/15 104/24 105/1 106/22 112/1 119/18 123/3 124/24 128/8 131/1 131/6 131/6 131/7 131/12 131/15 132/18 136/20 145/9 145/24 153/14 153/21 161/8 161/9 162/23 166/27 173/28 174/11 185/18 186/6 188/22 191/7 191/22 201/14 205/19 207/11 THOUGH [13] 23/11 74/18 95/21 95/28 97/18 99/22 106/4 115/16 116/3 122/1 122/10 124/20 202/23 THOUGHT [10] 42/26 48/5 95/16 128/13 128/15 128/16 129/25 139/7 181/25 198/9 THOUGHTS [1] 115/19 THOUSAND [1] 20/10 THOUSANDS [3] 30/8 30/10 58/5 THREE [25] 5/24 19/3 22/11 23/17 30/1 35/27 44/23 44/27 47/14 67/5 67/10 72/27 76/28 77/22 78/18 78/26 84/11 99/15 106/2 106/16 112/19 115/9 135/16 193/26 207/11 THROUGH [44] 9/16 9/23 9/25 9/26 11/2 11/4 12/16 30/20 39/5 42/9 48/23 50/16 51/2 55/14 61/5 66/5 67/2 70/6 75/1 85/7 88/23 104/14 123/2 140/1 143/9 158/17 158/26 162/3 162/7 170/4 170/13 171/22 172/18 173/5 175/26 187/8 188/25 195/2 198/14 202/22 202/22 207/5 207/13 208/14 **THROUGH HAP [1] 42/9** THROUGHOUT [7] 50/1 101/3 159/6 159/11 166/16 170/18 171/7 THROW [1] 95/10 THROWS [1] 134/25 THRUST [4] 11/12 29/14 40/18 81/19 **TICKING [1] 42/3** TIE [1] 79/17 TILL [4] 8/21 36/4 183/8 202/18 TIME [105] 1/6 1/27 9/10 10/5 10/6 10/25 11/8 11/11 11/20 13/12 13/18 15/13 15/16 15/23 16/2 16/15 17/23 18/12 18/15 18/19 18/25 19/21 22/18 23/26 24/26 34/19 35/8 37/10 42/9 42/28 43/8 43/16 43/18 43/18 43/20 43/21 43/27 44/8 44/11 45/21 47/3 47/8 48/6 49/21 49/21 50/13 56/14 57/23 57/24 57/28 58/14 61/5 61/7 63/19 72/5 73/8 82/12 82/25 97/9 99/9 101/5 101/27 102/10 105/28 106/1 106/14 106/17 106/21 107/21 108/8 108/19 111/7 112/26 113/14 114/6 122/21 133/28 137/28 143/28 145/14 145/21 145/24 149/20 161/17 161/26 163/6 163/19 163/22 164/2 164/14 165/7 168/8 169/21 171/18 173/16 175/10 175/13 176/9 176/9 176/24 176/26 193/22 197/25 199/24 206/14 TIMES [5] 36/21 47/15 85/18 144/20 168/22 TRUE [18] 11/16 35/20 39/28 42/22 42/25 TITLE [3] 1/7 114/7 144/25 TODAY [23] 15/15 16/10 17/7 18/22 29/11 29/25 35/21 44/6 47/6 51/24 56/16 59/19 60/5 80/9 80/24 83/20 83/23 84/16 114/21 128/14 133/25 138/25 160/28 TODAY'S [1] 19/26 TOGETHER [10] 23/16 32/1 37/2 57/3 79/5 79/27 99/16 101/12 179/1 191/13 TOLD [4] 62/2 146/26 181/23 181/24 TOMORROW [1] 71/11 TONS [1] 92/23 TOO [5] 26/19 40/12 61/22 77/3 100/13

TOOK [11] 17/6 23/25 29/21 43/8 60/19

60/22 105/8 111/7 149/4 189/8 205/23

TOPS [2] 3/12 174/14

TOP [11] 63/7 67/13 76/26 76/27 99/18

141/15 153/4 154/15 158/15 160/20 174/7

TOTAL [12] 57/22 57/23 171/20 184/25

184/27 191/22 194/12 195/9 202/3 202/3 202/4 202/23 TOUCHDOWN [3] 27/19 27/20 89/10 TOUCHED [2] 25/20 84/15 TOUTED [1] 95/27 TOWARD [2] 28/10 40/22 TOWARDS [2] 40/19 42/3 TOWER [2] 63/25 157/10 TOWN [2] 90/21 90/23 TRACE [1] 9/6 TRACING [3] 9/25 10/3 56/10 TRACK [2] 38/3 160/22 TRACKING [1] 54/17 TRACT [1] 45/18 TRADE [2] 107/12 107/13 TRADITIONAL [2] 122/11 136/18 TRAFFIC [1] 97/3 TRAILERS [2] 119/18 119/18 TRAIN [4] 13/17 20/11 20/21 88/21 TRAINED [1] 20/8 TRAINING [34] 6/21 11/9 13/23 14/2 16/6 16/11 19/14 19/20 20/5 20/15 22/24 22/25 24/14 24/16 40/6 47/23 50/12 50/13 63/6 63/13 68/23 70/3 71/13 83/4 102/1 102/2 107/4 136/17 137/5 137/7 137/16 137/17 137/20 185/20 TRAIPSING [1] 46/20 TRANS [1] 58/18 TRANSCRIPT [5] 1/10 2/23 2/28 131/17 208/15 TRANSFERRED [1] 23/7 TRANSFERRING [1] 111/2 TRANSFORM [1] 70/20 TRANSFORMATION [1] 21/12 **TRANSIENT** [1] 119/3 TRANSLATED [1] 70/21 TRANSMISSION [1] 63/25 TRANSONIC [3] 35/17 41/19 55/3 TRANSPORT [2] 68/18 78/2 TREASURE [2] 107/12 107/13 TREATMENT [5] 146/3 146/3 154/25 158/18 158/23 TREES [1] 116/3 TREMENDOUS [3] 19/7 44/27 46/7 TREND [3] 107/23 107/24 127/26 TRENDS [9] 106/7 107/9 127/7 127/21 128/8 128/19 130/9 134/28 139/13 TRIAL [5] 1/11 2/20 111/16 147/3 207/5 TRIALS [1] 50/10 TRICKY [1] 26/18 TROOP [1] 59/8 TROOPS [1] 145/15 TRUCKED [2] 15/2 15/11 TRUCKS [1] 15/2 47/1 47/2 47/2 47/3 47/6 47/12 52/11 53/5 60/7 127/16 142/2 167/1 208/14 TRUTH [10] 3/26 5/16 5/16 5/17 65/4 65/4 65/5 140/24 140/24 140/25 TRY [13] 16/23 39/10 50/16 50/19 55/18 55/24 66/2 66/4 66/5 69/22 69/27 84/23 131/24 TRYING [16] 54/17 60/3 69/24 81/16 124/22 149/26 152/26 162/17 164/1 164/6 165/10 182/5 197/26 202/28 203/10 205/16 TUESDAY [2] 206/15 207/9 TULLAHOMA [2] 67/7 72/20 **TUMBLE [1] 90/4** TUNNELS [1] 72/19 **TURBINE [1] 21/5** TURBOJET [1] 19/28 TURN [11] 6/13 11/21 44/22 81/8 81/16 81/17 81/18 84/23 84/26 148/26 168/18

TURNED [3] 82/20 101/6 160/27 TURNS [3] 80/1 84/20 85/23 TWENTY [2] 130/23 130/25 TWENTY-YEAR [1] 130/23 TWICE [4] 79/6 79/10 91/28 144/21 TWO [41] 19/23 21/4 31/26 44/26 46/24 57/13 60/28 66/19 75/1 79/6 86/15 86/16 89/25 95/6 95/7 95/16 99/4 99/15 102/9 106/16 109/22 110/4 112/19 112/27 115/13 118/16 119/7 121/26 143/15 153/24 157/24 160/1 162/10 162/27 167/23 169/4 169/10 171/11 179/9 191/13 191/22 TWO MILES [3] 75/1 86/15 86/16 TYPE [17] 78/1 78/7 86/7 92/14 94/7 94/10 122/8 123/1 128/8 130/25 131/5 131/15 132/18 135/6 136/13 137/8 137/8 TYPES [1] 125/7 TYPICAL [2] 95/27 144/18 TYPICALLY [10] 14/21 25/24 56/21 71/1 99/8 126/14 177/1 184/7 184/10 184/13

U.S [10] 1/14 2/18 67/12 68/2 115/22 116/5 116/6 116/19 123/14 123/19 U.S.A.F [3] 6/16 12/6 37/16 U.S.A.F. [1] 16/27 U.S.A.F. 044007 [1] 16/27 U.S.G.S [1] 173/6 UH [3] 39/19 50/23 203/19 UH-HUH [3] 39/19 50/23 203/19 ULTIMATE [1] 42/4 **ULTIMATELY [1] 184/17** UNCERTAIN [1] 124/4 UNCERTAINTY [11] 188/27 189/6 189/24 190/21 194/5 195/16 204/19 204/21 205/5 205/11 205/14 UNCOMFORTABLE [1] 109/24 UNDER [14] 25/5 54/9 55/3 56/28 77/10 114/11 124/10 139/10 145/17 168/10 170/26 178/26 185/13 198/2 UNDERBELLY [1] 89/8 UNDERGOING [1] 23/20 UNDERNEATH [2] 84/25 161/8 UNDERSTAND [31] 1/15 3/13 12/15 12/23 55/15 83/1 86/24 87/21 100/28 110/8 112/9 112/18 115/12 125/18 133/1 133/4 133/7 139/2 185/18 187/1 188/8 189/7 195/7 198/28 200/5 200/6 200/12 200/17 202/2 202/28 207/17 UNDERSTANDING [9] 3/8 71/19 71/24 73/1 122/25 131/27 139/11 139/13 199/3 UNDERSTOOD [2] 9/2 93/6 UNDERTAKE [1] 49/14 UNDERTAKEN [1] 36/24 UNDERTOOK [2] 23/4 49/26 UNDISPUTED [1] 206/21 **UNEXECUTABLE [1] 72/3** UNFAIR [1] 161/22 UNFAMILIAR [1] 189/3 UNFORTUNATELY [3] 2/4 4/23 80/26 UNIQUE [19] 19/4 26/3 84/7 84/8 84/12 84/14 96/22 97/10 97/28 100/12 100/15 102/28 108/21 108/22 108/22 116/20 127/22 130/12 139/8 **UNIQUENESS** [1] 38/10 UNIT [1] 82/27 UNITED [20] 2/8 2/13 4/20 8/10 8/11 8/20 10/7 12/11 34/3 38/6 64/24 73/12 96/20 111/9 122/15 124/13 130/15 134/16 142/19 160/3 UNITES [1] 1/14

UNITS [1] 137/11

UNIVERSITY [10] 7/6 7/11 7/11 7/19 69/3

U UNIVERSITY... [5] 69/5 69/13 69/15 69/15 70/27 UNKNOWNS [1] 205/18 UNLESS [3] 111/26 126/28 132/22 UNLIKE [1] 137/10 **UNMANNED [1] 78/6** UNOBTAINABLE [1] 72/3 UNREASONABLENESS [1] 135/7 UNTIL [6] 9/10 40/16 113/13 113/24 113/26 207/25 UNUSUAL [1] 62/7 UP [75] 4/27 6/24 14/24 20/19 22/1 24/20 25/10 27/23 29/14 30/20 35/9 40/21 47/7 53/25 58/3 63/18 65/10 67/14 68/25 69/24 74/1 74/11 74/20 75/7 76/2 81/18 85/18 86/3 86/26 87/5 87/8 87/8 90/23 90/24 91/18 91/26 96/13 97/13 97/24 98/6 98/25 98/25 99/11 105/17 108/28 113/16 117/13 119/2 127/4 128/21 139/17 142/2 142/23 145/14 146/9 148/8 155/11 155/12 156/21 158/3 162/24 165/8 167/23 172/18 177/17 179/11 179/13 179/20 180/18 184/4 196/22 200/25 201/10 204/12 204/18 UPGRADING [1] 170/17 UPLOADED [1] 162/18 UPON [26] 2/12 4/12 51/24 63/22 63/27 153/22 161/21 162/18 162/20 171/9 177/7 178/7 178/8 183/25 183/26 184/4 187/7 187/9 188/2 188/5 188/20 189/9 189/18 191/15 193/3 205/11 **UPON WHAT [1] 189/18** |UPWARD [1] 205/3 URGE [1] 207/3 US [41] 2/14 3/16 17/6 28/8 29/21 29/27 31/20 69/25 77/20 78/5 86/21 91/2 91/23 93/1 93/2 93/2 93/12 94/3 98/22 98/26 99/3 100/12 100/26 102/25 103/2 103/4 103/10 103/28 107/6 109/1 140/28 168/5 168/14 180/22 181/23 181/24 182/21 187/11 191/4 195/9 195/13 USAF [1] 144/8 USAGE [10] 30/26 30/27 122/28 173/13 185/10 185/14 185/24 187/17 199/7 201/4 USE [82] 13/16 14/6 17/8 20/4 29/9 30/13 31/2 40/2 41/25 42/6 43/19 44/10 63/13 70/7 75/12 76/22 77/7 79/12 81/19 81/23 82/11 84/9 87/6 87/15 91/6 91/7 91/9 92/2 93/15 96/23 97/5 97/18 103/4 103/13 106/10 119/8 122/23 124/18 125/19 134/14 147/11 150/26 152/28 154/9 154/10 158/9 158/25 166/1 166/19 166/23 167/5 167/7 168/19 173/12 174/22 174/23 174/27 175/2 175/9 176/2 176/2 176/12 176/14 177/4 177/21 180/5 182/6 184/22 184/22 184/26 188/28 190/10 192/18 195/21 195/25 200/2 201/19 201/22 202/3 202/3 202/4 203/15 USED [41] 14/3 14/4 14/20 17/14 20/20 20/26 22/17 22/21 26/1 29/26 30/6 31/23 32/4 39/25 39/27 40/14 47/9 57/10 102/22 102/23 102/23 102/24 102/24 103/16 125/14 125/27 136/3 136/10 153/5 158/11 163/7 166/5 166/6 166/19 166/20 166/21 166/22 166/25 166/27 167/6 179/1 USEFUL [5] 3/19 28/8 51/4 87/16 177/16 USERS [1] 101/23 USING [16] 18/12 30/7 30/9 30/10 36/20 51/18 57/1 57/11 82/12 125/15 131/24 169/4 203/19 203/24 203/24 203/26 USUALLY [1] 67/16 UTAH [2] 21/1 102/1 UTILITY [4] 145/22 170/15 171/17 186/5 VOICE [2] 67/17 177/17

**UTILIZATION [1] 164/26** UTILIZE [2] 163/7 163/19 UTTR [1] 101/28

V.F.R [3] 95/19 95/22 95/28 VAGUE [7] 10/26 59/23 83/11 169/21 170/1 174/12 181/8 VALID [2] 183/26 184/20 VALIDATE [2] 181/6 183/21 VALIDATING [1] 184/16 VALLEY [9] 1/6 1/22 1/2 45/9 114/2 167/26 167/26 171/5 208/6 VALUABLE [1] 130/12 VALUE [2] 184/25 199/18 VALUES [3] 25/12 174/5 191/23 VANDENBERG [1] 101/23 **VARIABILITY [1] 205/12** VARIABLE [7] 81/15 82/6 176/7 176/11 177/22 178/5 188/21 VARIANCE [1] 190/25 VARIATIONS [2] 188/22 188/22 VARIETY [4] 9/11 32/23 46/16 49/15 VARIOUS [6] 14/25 37/1 159/11 163/13 164/7 174/9 VARY [1] 137/19 VAST [6] 27/2 38/10 44/28 45/3 45/3 88/14 VASTNESS [1] 156/4 VEERED [1] 90/2 VEGAS [2] 98/23 98/24 VEHICLE [7] 35/2 36/17 36/19 37/24 38/5 38/7 78/6 VEHICLES [5] 18/15 27/16 29/4 119/23 128/17 VENERABLE [1] 36/3 **VERGE [1] 16/16 VERIFIED [1] 193/6** VERIFY [1] 196/25 VERIFYING [1] 23/6 VERSION [1] 119/6 VERSUS [1] 57/27 VERY [106] 12/22 13/18 15/10 16/3 16/17 17/5 17/13 17/13 17/18 17/18 17/25 18/20 19/23 19/25 23/15 23/15 25/20 25/20 26/17 26/17 27/3 27/3 29/2 29/24 31/17 33/5 35/6 39/1 39/8 39/27 41/1 41/27 45/23 45/24 46/10 46/13 46/20 47/3 50/6 50/6 50/11 53/17 63/11 63/24 72/19 75/1 76/9 76/9 77/5 81/24 81/25 82/2 84/24 85/17 86/21 88/3 88/22 91/24 93/8 94/22 94/24 96/4 98/3 100/11 100/22 103/17 104/17 106/12 106/16 106/21 108/2 110/2 113/23 116/2 116/2 122/13 128/23 130/5 135/21 136/19 136/21 136/28 137/21 137/28 138/2 139/22 139/27 141/6 143/23 145/8 154/16 161/5 161/5 163/23 164/20 170/20 175/10 189/4 191/6 191/6 191/8 191/10 191/12 192/28 206/23 207/19 VETTED [2] 176/23 176/25 VIA [1] 2/4 VICTIM [1] 161/12 VIDEO [5] 24/24 24/26 61/28 87/17 88/5 VIEW [8] 40/11 57/17 95/18 112/12 163/16 163/18 171/4 176/18 VIGILANCE [2] 78/3 131/10 VIRTUAL [1] 170/23 VIRTUALLY [3] 19/10 38/12 40/5 VISION [1] 131/8 VISUAL [1] 95/23 VISUALIZE [1] 147/21 VITAL [1] 35/5 VOCE [5] 5/10 49/2 140/14 150/2 150/11

VOIR [3] 10/13 73/20 147/14 VOLUME [2] 175/<u>20</u> 175/<u>20</u>

WALKED [1] 74/12 WANG [1] 1/27 WANT [32] 2/25 3/25 33/12 42/11 42/11 46/27 50/18 50/20 50/21 60/25 61/4 61/5 61/19 62/16 62/24 71/24 76/1 76/5 79/2 84/19 86/2 88/11 117/19 128/20 131/9 139/3 196/2 202/9 202/15 203/5 205/9 205/10 WANTED [6] 17/12 53/25 111/5 140/4 187/2 203/27 WANTING [1] 135/5 WANTS [2] 150/17 192/4 WAR [46] 13/21 13/22 16/13 16/13 16/14 17/26 17/27 18/1 19/18 20/14 21/3 22/20 22/27 23/1 24/16 28/16 47/4 47/7 47/10 47/25 49/19 50/4 58/1 58/2 58/4 58/14 59/3 59/4 59/5 59/9 59/14 59/21 59/22 59/26 59/27 60/4 60/5 70/14 70/18 107/10 107/11 107/15 139/12 139/13 143/20 144/23 WAR II [1] 60/5 WARFARE [6] 70/13 71/8 71/10 99/13 139/13 139/14 WARS [2] 60/6 77/21 WAS [308] WASHINGTON [2] 8/3 70/27 WASN'T [5] 39/8 42/17 66/4 116/8 176/19 WASTE [7] 146/2 146/6 146/23 151/9 154/25 158/18 158/23 WATCH [2] 17/13 64/2 WATER [168] 2/9 29/12 29/18 30/5 30/13 30/26 30/27 31/1 45/26 45/28 45/28 46/3 46/4 46/5 100/8 101/22 102/14 102/22 102/23 106/1 122/23 122/28 123/26 124/2 124/13 124/14 124/16 124/18 125/3 146/1 146/2 146/23 146/25 146/28 147/6 147/8 147/11 151/9 152/28 154/25 154/26 157/27 158/4 158/18 158/22 158/23 158/23 158/26 159/1 159/3 159/3 159/4 159/5 159/6 159/8 160/27 161/9 164/3 165/28 166/4 166/6 166/10 166/13 166/15 166/19 166/28 167/6 167/22 167/23 167/24 167/25 167/27 167/28 168/5 168/19 168/20 168/24 168/26 169/2 169/2 169/3 169/4 169/5 169/7 169/12 169/13 169/17 170/3 170/13 170/13 170/15 170/16 170/17 171/2 171/18 171/28 172/16 172/20 173/12 173/13 174/22 174/23 174/27 175/2 175/9 175/16 175/24 175/25 175/28 176/2 176/2 176/5 176/12 176/13 176/15 177/7 177/20 177/25 178/4 178/9 178/12 178/23 178/24 179/3 179/12 180/5 181/4 181/11 182/6 183/26 184/1 184/1 184/3 184/5 184/22 184/26 185/10 185/24 185/27 186/5 186/8 186/9 186/17 187/4 187/17 187/26 187/27 188/5 188/14 190/26 191/28 192/1 192/18 192/18 195/10 197/27 198/4 198/7 198/10 199/7 200/16 201/4 201/19 201/21 202/3 202/3 202/4 205/24 WATERED [1] 158/20 WATERLINE [2] 154/24 158/17 WATERWORKS [1] 1/26 WAY [33] 3/19 44/12 51/11 81/20 81/24 84/12 90/26 90/28 98/25 99/11 99/11 99/18 103/2 104/3 106/17 107/3 107/9 107/11 107/15 116/3 121/17 125/5 126/3 131/19 157/11 158/18 169/14 170/12 176/20 177/14

198/9 200/15 200/17

WE [527]

WAYS [11] 71/23 71/24 71/26 72/2 74/17

92/21 112/15 147/21 168/14 169/10 207/16

WE'D [7] 99/3 110/3 112/28 128/13 128/16

```
W
WE'D... [2] 141/11 168/28
WE'LL [19] 6/5 6/12 26/23 61/6 78/11 86/18
86/18 89/7 89/12 95/16 100/14 110/24
113/10 113/23 123/3 153/27 154/1 174/7
206/13
WE'RE [73] 1/14 4/27 5/23 12/15 19/18
34/5 34/15 41/5 41/6 41/7 43/23 43/24 63/1
66/7 67/9 81/14 81/14 82/5 83/22 84/2 85/19
86/16 91/15 91/24 91/25 91/26 94/16 94/18
95/28 101/15 101/20 103/11 104/15 104/16
105/28 107/20 107/25 108/5 108/7 108/18
108/18 109/16 109/17 109/18 111/21 112/16
112/25 113/11 126/16 126/25 129/27 130/10
130/10 133/22 134/4 134/6 135/15 136/25
136/26 145/10 145/23 152/23 157/1 162/16
162/17 164/1 169/15 169/15 179/26 183/2
183/5 199/13 206/14
WE'VE [19] 2/21 16/17 28/16 80/9 84/15
95/8 110/1 111/18 121/7 136/20 140/9
146/21 160/26 170/26 170/27 171/6 171/26
176/2 197/17
WEAPON [8] 44/17 54/16 80/22 130/5
130/6 130/6 130/7 131/11
WEAPONS [10] 40/8 49/27 72/24 99/24
106/13 106/19 106/20 106/24 107/2 107/3
WEATHER [13] 19/10 31/24 44/27 46/8
46/18 95/17 95/19 96/2 96/3 96/5 110/16
110/17 176/10
WEB [1] 162/1
WEEK [8] 127/3 149/20 161/15 192/10
206/16 207/6 207/8 207/20
WEEKS [3] 76/28 85/20 102/9
WEIGH [1] 137/23
WEIGHING [1] 86/10
WEIGHT [2] 86/4 200/10
WEIRD [1] 115/17
WELCOME [4] 75/27 91/21 114/24 187/19
WELFARE [2] 94/9 158/13
WELL [135] 3/15 11/16 12/21 25/22 28/5
30/22 31/3 32/6 33/9 34/11 39/27 45/1 46/19
47/27 51/11 51/13 53/18 55/19 60/7 61/4
62/8 65/9 66/7 66/22 71/17 72/7 72/13 73/5
75/11 75/24 76/14 76/22 77/8 78/8 78/22
80/1 80/19 81/18 82/12 83/20 85/17 86/1
86/7 90/6 90/13 90/28 92/5 92/12 94/18 95/4
96/18 96/19 100/8 101/24 103/19 105/7
107/5 110/24 111/1 111/3 111/23 111/25
113/19 115/20 116/16 119/9 121/12 124/20
127/2 127/15 128/10 128/10 129/5 130/3
130/17 134/4 138/17 142/23 143/20 143/24
146/3 146/6 147/5 147/7 148/3 150/20
152/15 152/23 152/25 153/1 157/5 157/28
158/3 159/4 161/23 163/15 164/5 165/8
165/10 165/20 165/27 167/19 168/7 169/26
170/15 170/24 171/16 173/5 175/3 175/12
176/11 176/17 178/19 178/28 179/2 180/13
181/23 182/11 183/1 184/11 186/27 186/28
189/12 190/24 193/20 199/20 202/3 204/18
204/20 205/7 205/18 205/18 206/18 206/21
206/26
WELL-TAKEN [1] 180/13
WELLS [9] 167/25 167/28 168/9 168/16
169/1 174/16 174/17 174/18 174/20
WENDOVER [1] 21/1
WENDY [1] 1/27
WENT [18] 2/2 9/3 9/8 19/8 19/22 47/14
67/2 69/12 102/9 102/22 157/28 162/1
```

162/24 169/1 182/16 187/8 190/2 195/2

WERE [102] 2/7 2/8 2/9 2/10 2/12 3/4 3/8

3/12 3/19 3/27 15/13 15/15 17/2 18/11 18/27

19/1 19/8 19/22 19/28 20/2 20/3 21/28 23/6

30/9 30/16 34/7 34/9 34/12 34/22 35/18 40/17 40/26 42/15 43/16 44/7 47/4 49/27 49/28 52/5 54/28 55/4 56/12 56/14 56/22 56/26 56/26 57/11 58/7 58/11 58/13 80/24 80/24 82/12 82/23 82/26 82/28 85/26 87/14 87/17 95/7 96/24 101/17 102/9 102/10 106/15 107/1 110/11 111/20 111/21 138/25 147/2 149/5 149/19 153/21 155/26 161/13 161/14 161/25 161/26 161/27 162/11 162/17 162/22 162/23 162/25 171/14 174/10 175/12 193/2 197/21 197/26 198/23 199/17 205/16 207/24 WEREN'T [1] 163/28 |WESLEY [1] 1/19 WEST [4] 143/19 144/23 156/28 157/1 WESTERN [2] 2/19 20/5 WET [2] 166/9 166/12 WHAT [275] WHAT'S [27] 18/2 21/17 22/14 28/21 33/26 66/27 77/18 78/14 92/2 93/5 106/2 115/5 115/26 118/4 122/25 127/20 130/17 134/8 137/23 144/25 149/7 165/6 173/3 175/20 188/12 188/13 202/6 WHATEVER [8] 14/23 64/3 112/8 164/22 164/27 179/12 186/10 199/18 WHATNOT [1] 57/7 WHATSOEVER [1] 34/15 WHEN [70] 2/16 2/23 9/8 17/26 26/20 29/13 30/25 40/19 41/13 41/24 42/27 44/6 47/4 47/25 56/4 56/10 56/11 56/12 56/23 59/3 63/23 70/7 72/25 74/16 75/12 75/27 76/5 81/4 81/24 85/18 86/7 87/4 87/9 87/22 88/2 88/20 95/22 97/18 97/21 97/24 99/1 99/10 99/15 103/10 104/11 105/28 111/7 112/11 112/14 112/15 119/23 125/19 128/26 133/23 134/12 136/14 142/4 142/28 145/25 157/5 161/6 162/17 166/25 167/3 170/22 179/14 188/28 192/17 195/1 200/7 WHENCE [1] 33/19 WHERE [73] 3/26 13/10 15/17 16/7 23/14 24/5 25/17 26/14 28/3 28/14 30/12 31/21 31/22 31/23 34/1 37/4 41/16 41/17 49/26 49/27 56/8 63/2 70/13 71/8 71/10 72/2 72/17 72/20 76/6 76/22 77/24 78/17 78/25 85/18 87/12 88/28 96/4 98/13 99/3 102/14 106/4 109/3 109/10 109/11 109/16 109/18 117/17 117/22 119/16 119/23 124/9 133/22 133/24 134/27 136/20 137/26 139/17 142/17 142/21 154/19 155/10 155/26 156/22 156/24 156/26 157/7 157/9 157/12 164/4 166/9 167/22 180/7 207/2 WHEREAS [1] 25/25 WHEREVER [1] 117/18 WHETHER [16] 18/10 39/6 42/12 51/21 66/24 111/6 111/20 116/28 124/23 125/6 126/27 127/10 135/12 176/20 200/26 202/7 WHICH [110] 4/8 5/26 9/28 13/15 13/16 13/17 16/14 17/14 18/17 22/22 24/14 25/19 26/1 29/1 29/9 29/11 29/14 30/16 35/18 35/23 36/5 36/26 40/22 41/12 41/14 42/2 45/5 45/20 47/8 47/14 56/24 66/17 67/12 69/16 72/23 75/17 76/2 77/23 77/26 78/3 80/21 81/12 82/6 82/7 87/6 89/10 90/2 90/22 91/6 91/27 94/3 96/13 99/26 100/10 101/14 101/28 104/2 107/13 108/9 108/28 110/11 110/11 111/13 113/18 115/7 115/9 115/17 115/24 116/5 116/27 118/15 119/11 122/6 122/22 126/4 128/4 130/12 130/15 131/5 131/8 131/20 138/11 139/12 146/17 148/2 148/4 150/26 153/28 157/11 159/1 159/6 159/9 161/19 163/21 163/23 167/14 167/24 168/24 177/11 179/1 187/10 187/26 195/8

23/11 23/20 25/18 28/27 29/1 29/11 30/9

207/21 WHILE [6] 48/21 95/19 95/26 96/15 104/24 198/27 WHITE [1] 102/3 WHO [28] 1/16 2/14 13/19 13/28 38/23 43/3 47/26 52/17 70/12 71/3 79/24 88/21 104/6 104/23 114/12 117/16 119/17 128/13 145/9 148/24 160/10 176/24 176/25 178/20 180/7 181/10 192/4 192/25 WHO'S [4] 37/8 78/26 178/22 180/8 WHOEVER [1] 23/7 WHOLE [12] 5/16 45/9 62/22 63/12 65/4 90/6 94/5 107/25 140/24 163/11 164/11 WHOM [1] 197/21 WHOSE [2] 197/23 198/6 WHY [32] 10/28 19/1 19/13 25/22 25/22 36/9 40/20 45/20 53/7 60/1 64/28 85/16 85/21 87/16 97/6 97/10 97/20 112/18 116/23 124/8 124/25 152/16 165/14 168/19 181/19 181/28 186/25 188/9 189/12 190/20 196/19 198/15 WIDE [6] 25/26 27/12 147/24 154/28 155/4 155/6 WILL [90] 10/17 16/10 17/26 17/27 17/28 18/28 27/8 33/4 34/18 34/20 38/7 38/19 42/1 43/10 48/2 55/18 57/16 67/17 69/22 69/27 71/2 71/3 75/14 82/19 83/15 83/23 83/24 83/25 84/3 84/3 86/2 86/3 90/2 90/7 97/17 98/7 99/10 105/17 107/13 107/22 108/25 110/25 110/25 110/26 110/28 111/1 111/2 113/6 113/10 115/20 116/22 123/2 123/2 127/6 127/17 128/28 129/3 129/6 129/10 129/11 129/16 129/24 129/24 129/24 130/21 130/26 138/28 139/1 142/8 145/11 147/28 148/8 149/13 149/14 151/4 151/17 153/15 155/12 158/22 160/17 165/19 179/13 184/7 184/13 187/22 188/26 200/25 206/23 207/8 207/19 WILLIAM [2] 1/25 2/15 WIND [3] 27/11 72/19 157/13 WIND'S [1] 86/19 WINDMILLS [2] 92/23 92/25 WINDS [3] 157/7 157/9 157/11 WING [90] 13/5 16/25 17/1 18/27 26/15 32/10 32/11 32/13 32/16 40/21 40/23 65/13 66/17 66/18 66/20 71/2 72/13 72/23 78/19 78/19 106/26 109/15 109/19 109/19 109/26 122/3 125/22 127/4 127/9 127/11 131/4 133/12 134/12 134/14 134/20 134/24 135/6 135/11 136/3 136/4 136/11 136/12 136/14 136/17 136/17 136/18 136/19 136/24 137/5 137/7 137/12 137/15 137/16 137/17 137/17 137/20 138/1 138/11 138/15 138/21 139/14 149/24 155/28 156/9 177/1 177/3 177/10 177/11 177/15 178/3 178/10 178/16 178/25 181/5 184/5 185/4 185/25 186/13 186/18 187/5 187/18 187/26 188/13 189/1 189/17 191/19 194/16 194/19 199/5 200/3 WING-WING [1] 109/19 WINGS [6] 17/2 18/23 66/20 78/18 104/21 109/22 WINS [1] 77/21 WINTER [1] 46/1 WISH [2] 61/23 166/2 WISHES [2] 1/17 165/2 WITHIN [13] 8/25 37/4 75/21 77/3 103/6 124/13 125/28 130/15 148/26 152/15 161/14 168/12 207/5 WITHOUT [12] 32/4 80/5 80/6 80/7 95/25 133/25 165/4 165/11 165/11 165/12 168/25 188/9

197/2 200/13 201/13 202/1 202/10 207/9

## $\mathbf{W}$

WITNESS [53] 2/10 4/13 4/17 4/23 10/13 10/19 30/24 34/1 48/10 48/18 51/18 51/20 61/12 61/24 64/11 64/23 64/25 65/20 73/21 73/22 114/11 120/14 123/6 124/20 132/2 139/24 140/17 147/14 147/15 150/17 152/20 162/28 163/2 163/28 164/9 164/10 164/14 165/11 165/15 174/26 175/1 180/3 180/9 182/20 182/24 182/26 185/6 187/3 187/11 187/11 187/20 187/21 199/10 WITNESS'S [4] 132/1 163/8 163/8 180/1 WITNESSES [5] 3/2 2/17 119/15 164/7 164/7 WON'T [3] 112/6 150/20 176/4 **WONDERFUL** [1] 38/11 WONDERFULLY [1] 25/26 **WONDERING [1] 39/6 WOOD [1] 1/17** WOODEN [1] 20/19 WORD [5] 92/17 134/26 139/6 139/17 WORDS [3] 20/16 23/5 159/24 WORK [30] 2/18 2/21 7/7 23/4 23/5 23/15 68/19 72/9 79/5 79/22 79/23 80/19 82/19 83/18 83/26 86/12 93/16 97/20 97/25 97/26 98/8 100/25 115/20 119/3 119/17 125/5 148/25 163/3 203/14 206/24 WORKED [4] 59/16 73/4 168/13 189/4 WORKER [1] 7/14 WORKING [11] 1/21 7/27 9/12 10/1 18/25 19/24 52/15 84/23 99/5 144/9 178/23 WORKS [2] 145/11 181/10 WORLD [34] 13/21 15/23 16/2 16/12 17/26 17/27 18/1 19/6 19/18 19/26 19/27 21/3 22/20 22/27 24/16 28/16 29/4 32/20 47/4 47/7 47/10 47/25 49/19 58/1 58/2 59/3 59/4 59/5 59/21 59/26 60/4 85/22 92/11 189/3 **WORLDWIDE** [1] 21/12 WORRIED [4] 47/27 93/18 171/3 171/4 WORRY [6] 90/6 91/4 91/5 92/8 92/8 92/9 WORTH [2] 105/10 112/8 WORTHY [1] 41/15 WOULD [185] 4/7 4/15 4/28 4/28 5/12 13/23 14/21 14/22 14/22 14/25 14/26 14/28 15/1 15/3 16/7 16/8 16/10 18/16 18/22 19/26 20/9 20/13 20/16 20/17 22/15 23/8 23/8 23/15 26/11 26/20 26/22 27/3 29/10 29/13 30/7 30/8 30/28 31/9 31/11 35/3 35/26 39/10 39/26 40/8 42/5 42/8 42/22 42/25 43/7 43/12 43/14 43/17 43/19 43/28 44/10 44/12 45/18 45/19 47/3 48/9 51/7 52/3 52/17 55/17 57/2 57/14 58/16 58/17 58/18 58/19 59/8 63/23 63/27 64/13 64/25 64/26 67/12 67/12 69/21 70/9 75/7 75/7 75/19 77/25 78/1 78/6 79/2 79/8 79/28 81/9 81/19 84/12 86/8 88/6 89/10 90/3 90/21 92/18 93/19 95/9 95/10 95/16 97/15 99/8 99/15 100/9 104/1 104/2 106/11 106/24 107/19 108/15 109/23 109/24 109/24 111/10 111/12 116/18 116/19 117/13 118/5 118/6 119/21 125/5 125/24 127/13 127/25 129/5 129/6 132/11 133/20 133/20 133/24 133/26 134/22 134/22 136/15 136/23 137/5 137/12 138/23 138/24 149/27 152/16 160/28 163/17 163/17 163/19 163/23 163/27 164/15 164/24 166/22 167/7 169/5 175/19 176/4 176/17 176/20 176/21 178/26 179/9 184/5 184/10 184/21 184/24 190/1 190/3 191/18 193/26 194/1 195/19 195/24 195/26 199/7 199/8 199/17 201/14 202/5 202/10 202/11 203/3 203/18 204/22 206/20 WOULDN'T [9] 40/27 41/2 45/26 84/9 104/25 111/15 179/8 205/21 205/24

WOUND [1] 58/3
WRIGHT [5] 41/26 43/4 49/11 49/17
143/13
WRIGHT-PATTERSON [1] 143/13
WRITE [2] 131/1 196/6
WRITTEN [4] 118/12 130/24 134/18
135/14
WRONG [2] 19/8 169/1
WROTE [1] 50/24
WYNDER [1] 1/19

## X

X-1 [4] 21/11 21/18 35/1 41/21 X-15 [1] 35/1 X-48 [1] 32/15 X-51 [1] 35/21 XL [1] 54/22 XS [1] 21/9 XS-1 [1] 21/9 XX [1] 127/4 XX FIGHTER [1] 127/4

## $\mathbf{v}$

YEAH [10] 2/2 5/11 41/16 47/2 49/7 91/11 111/5 124/22 150/16 203/28 YEAR [48] 8/21 19/10 21/26 38/12 55/22 56/2 66/18 66/19 67/2 85/21 85/24 87/9 88/22 94/13 94/15 94/15 96/2 124/14 124/15 124/17 124/18 130/23 130/27 131/2 131/13 131/20 131/20 138/10 144/14 153/21 153/24 169/16 169/23 172/17 172/18 173/17 178/7 189/8 189/11 191/25 192/2 193/14 193/17 194/8 203/4 203/12 203/18 205/23 YEAR-LONG [1] 88/22 YEAR-ROUND [2] 19/10 38/12 YEARLY [1] 169/25 YEARS [70] 11/3 17/6 17/25 30/1 35/27 35/27 39/25 54/25 71/7 82/5 96/16 99/2 106/2 106/5 110/23 112/13 112/13 112/17 112/19 112/23 119/7 127/18 127/27 128/9 128/14 128/27 129/4 129/7 129/10 129/12 129/15 129/22 129/23 129/27 130/3 130/4 130/19 130/21 130/25 132/19 133/23 133/24 135/5 135/8 135/9 135/13 135/13 135/16 137/24 137/28 143/15 145/3 168/13 171/6 173/16 173/19 173/20 173/27 174/5 175/18 175/26 189/20 189/26 191/9 193/24 193/27 194/3 195/16 203/7 205/26 YEARS' [1] 173/13 YELLOW [1] 87/6 YEP [1] 48/28 YES [155] 1/26 2/27 5/22 6/8 6/14 6/18 6/20 6/23 6/25 9/3 9/19 10/12 11/23 14/9 16/21 18/14 19/21 22/4 24/13 25/3 26/27 28/20 33/16 37/14 38/17 39/21 45/25 46/9 46/23 48/22 50/25 50/28 52/22 52/24 53/11 53/20 54/1 54/8 55/16 55/17 58/28 59/10 60/14 62/20 65/21 69/20 74/14 76/4 76/20 79/16 87/18 87/20 101/13 111/25 114/20 114/27 115/2 117/24 117/27 118/2 118/5 118/8 118/16 118/19 118/27 120/6 120/9 123/7 123/25 123/28 126/1 126/9 126/12 128/24 129/6 133/13 133/18 135/24 140/6 140/10 140/15 141/17 142/10 143/5 145/5 146/11 147/1 147/13 148/11 148/23 148/28 150/28 151/16 151/21 153/11 153/19 154/11 157/20 159/14 167/8 167/13 167/21 168/2 169/25 171/11 171/26 172/6 172/6 172/12 172/12 172/13 173/15 174/1 176/17 177/18 177/23 177/28 178/17 181/9 182/8 183/18 185/9 185/12 185/16 185/19 185/22 186/11 186/15 188/1 190/3 190/19 191/16 191/21 192/5 192/11 192/22 193/6 193/9 193/11 193/15

193/18 194/25 196/7 196/25 197/20 201/17 201/17 202/19 202/26 202/26 203/13 203/20 204/15 205/4 205/18 YESTERDAY [9] 1/24 2/3 2/8 4/8 17/11 18/6 30/11 40/4 80/10 YET [4] 44/8 50/2 167/6 201/5 YF [1] 56/23 YF-12 [1] 56/23 YIELDED [1] 191/1 YOU [791] YOU'D [7] 7/4 58/15 75/23 133/11 134/9 140/1 164/28 YOU'LL [1] 154/23 YOU'RE [61] 2/20 19/18 45/17 46/28 47/23 47/24 55/13 60/26 60/27 63/6 68/7 70/7 71/9 71/11 72/4 76/18 77/16 82/16 89/22 89/26 97/19 97/20 97/21 99/10 103/23 104/24 108/12 110/8 112/14 114/24 120/4 121/17 121/21 121/23 121/28 124/9 126/15 129/20 130/24 131/5 133/21 134/5 135/13 136/21 138/27 139/22 146/26 152/18 156/28 157/6 157/16 169/26 177/25 182/5 187/19 189/8 190/9 192/9 193/8 193/10 205/25 YOU'VE [14] 2/19 28/16 61/6 67/22 87/15 95/7 109/25 123/14 126/7 164/14 180/12 185/20 186/28 191/14 YOUNG [3] 69/24 90/10 91/17 YOUNGER [1] 142/12 YOUR [273] YOURS [1] 116/9 YOURSELF [1] 39/16

## Z

ZERO [1] 83/20 ZEROED [1] 19/13 ZEROES [1] 105/18 ZEROSCAPING [1] 170/28 ZIMMER [8] 1/21 4/6 30/23 38/24 53/3 179/22 187/13 198/28 ZIMMER'S [1] 200/7 ZONE [3] 91/7 91/9 92/2 ZONES [2] 76/21 91/13 ZOOM [2] 153/3 155/26