

**Affidavit Pertaining to Federal Jurisdiction Over Areas Acquired
By the United States in the county of Otero,
state of New Mexico**

The undersigned Affiant, Wray J. Shildneck, is of majority age and of sound mind, and has researched the laws and actions of the state of New Mexico to determine if all the requirements of the law had been met by the state of New Mexico to (1) give consent to the United States to acquire areas within the county of Otero, state of New Mexico for Federal purposes; and (2) cede to the United States any exclusive legislative jurisdiction, concurrent legislative jurisdiction, or partial legislative jurisdiction over such areas. Affiant is competent to testify as to His personal knowledge and belief of the truth of all the following facts:

1. That Affiant has read the Congressional Report that was generated during the Eisenhower Administration entitled *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part 1 and Part 2*, (April 1956 and 1957 (40 USC 255 and 50 USC 175 amended to 40 U.S.C. 3111 and 3112)). Affiant affirms that this report, which is often referred to as the Eisenhower Report, defined four basic areas of federal jurisdiction within the states as follows:

1. Exclusive Legislative Jurisdiction: *This term is applied when the Federal Government possesses, by whichever method acquired, all of the authority of the State, and in which the State concerned has not reserved to itself the right to exercise any of the authority concurrently with the United States except the right to serve civil or criminal process in the area for activities which occurred outside the area.*

2. Concurrent Legislative Jurisdiction: *This term is applied in those instances wherein in granting to the United States authority which would otherwise amount to exclusive legislative jurisdiction over an area, the State concerned has reserved to itself*

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the right to exercise, concurrently with the United States, all of the same authority.

3. Partial Legislative Jurisdiction: *This term is applied in those instances wherein the Federal Government has been granted for exercise by it over an area in a State certain of the State's authority, but where the State concerned has reserved to itself the right to exercise, by itself or concurrently with the United States, other authority constituting more than merely the right to serve civil or criminal process in the area (e.g., the right to tax private property).*

4. Proprietorial Interest Only: *This term is applied to those instances wherein the Federal Government has acquired some right or title to an area in a State, but has not obtained any measure of the States authority over the area. In applying this definition, recognition should be given to the fact that the United States, by virtue of its functions and authority of the Constitution, has many powers and immunities not possessed by ordinary landholders with respect to areas in which it acquires an interest, and of the further fact that all its properties and functions are held or performed in a governmental rather than a proprietary capacity.*

2. That Affiant has read the U.S. Supreme Court case cited as *The People v. Godfrey*, 17 Johnson 225, NY (1819), and affirms that the Court said:

The jurisdiction of the courts of the United States must be derived under the eighth section of the first article and seventeenth paragraph of the constitution of the United States, which gives to the Congress "exclusive legislation over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

3. That Affiant has read the U.S. Supreme Court case of *United States v. Bevans*, (3 Wheaton, 388.) and affirms that Chief Justice Marshall said:

[T]he power of exclusive legislation under the 8th section of the first article of the constitution, which is jurisdiction, is united with cession of territory, which is to be the free act of the states.

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4. That Affiant has read the Supreme Court of the U.S. of *The People v. Godfrey*, 17 Johnson 225, NY (1819), and affirms that it is said that in *United States v. Bevans*, 3 Wheat. 336, 388:

Chief Justice Marshall observed, that to bring the offence within the jurisdiction of the courts of the union, it must have been committed out of the jurisdiction of any state; it is not, (he says,) the offence committed, but the place in which it is committed, which must be out of the jurisdiction of the state.

5. That Affiant has read Article 4, Section 3 of the Constitution of the United States, commonly referred to as the Property Clause, and affirms that the Property Clause declares:

[T]hat the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States, and that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or any particular state.

6. That Affiant affirms that in *The People v. Godfrey* it is said that:

[T]he 3d section of the 4th article of the constitution of the United States is clearly adapted to the territorial rights of the United States, beyond the limits or boundaries of any of the states, and to their chattel interests, and it therefore drops the expression of exclusive legislation. [Emphasis added]

7. That Affiant has read the Enabling Act for New Mexico (Act of June 20, 1910, 36 Statutes at Large 557, Chapter 310) and affirms that the Act reads, in part, as follows:

Sec. 2. Meeting of delegates; mandatory provisions of constitution

...and said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said state...

B. that the people inhabiting said proposed state do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof... [Emphasis added]

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8. That Affiant has read the following cases and affirms that the U.S. Supreme Court held that the reservation of the unappropriated and ungranted public lands by the United States upon statehood did not grant to the United States any degree of exclusive, concurrent, or partial legislative jurisdiction over these lands, but that the United States retained only a proprietorial interest.

In *Pollard v. Hagan*, 44 U.S. 212 (1845), the Court held:

[44 U.S. at 221] We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed...

[44 U.S., at 223] [I]f an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative: because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a state or elsewhere, except in the cases in which it is expressly granted.

In *Fort Leavenworth R. Co. v. Lowe*, 114 U.S. 525, 531 (1885), the US Supreme Court explained federal jurisdiction within the States as follows:

The consent of the states to the purchase of lands within them for the special purposes named, is, however, essential, under the constitution, to the transfer to the general government, with the title, of political jurisdiction and dominion. Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor. The property in that case, unless used as a means to carry out the purposes of the government, is subject to the legislative authority and control of the states equally with the property of private individuals.

9. That Affiant has read Chapter 47 of the 1912 Laws of New Mexico which was enacted on June 10, 1912 by the New Mexico Legislature. Affiant affirms that this Act provided a "blanket" consent by the Legislature for the United States to acquire land within the boundaries of the State and ceded exclusive jurisdiction to the United States over the lands so acquired, as follows:

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AN ACT CEDING TO THE UNITED STATES EXCLUSIVE JURISDICTION OVER CERTAIN LANDS ACQUIRED FOR PUBLIC PURPOSES WITHIN THIS STATE, AND AUTHORIZING THE ACQUISITION THEREOF. H. B. No. 168; APPROVED JUNE 10, 1912."

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. That the consent of the State of New Mexico is hereby given, in accordance with the seventeenth clause, eight section, of the first article of the Constitution of the United States to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this state required for sites for custom houses, courthouses, post offices, arsenals, or other public buildings whatever, or for any other purposes of the government.

Section 2. That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the United States shall own such lands.

Section 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State.

10. That Affiant has read Chapter 63 of the 1953 Laws of New Mexico [now codified as Section 19-2-11 NMSA 1978], which was enacted on March 18, 1953, and affirms that this act reads as follows:

AN ACT CEDING JURISDICTION TO THE UNITED STATES OVER CERTAIN DESCRIBED TERRITORY WITHIN THE HOLLOMAN AIR FORCE BASE AND WITHIN OTERO COUNTY IN THE STATE OF NEW MEXICO, RESERVING TO THE STATE OF NEW MEXICO THE RIGHT TO SERVE PROCESS WITHIN THE CEDED TERRITORY AND DECLARING AN EMERGENCY.

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Be It Enacted by the Legislature of the State of New Mexico:

Section 1. Exclusive jurisdiction is hereby ceded to the United States over the following described territory situated within the Holloman air force base and within Otero county, state of New Mexico, to wit:

Sections 1, 3, 10, 11, 11 [sic], 12, 14, 15, the west half of the northwest quarter of section 23, and the east half of the northeast quarter of section 22 in township 17 south, range 8 east, New Mexico prime meridian.

Provided, however, that the state of New Mexico reserve [reserves] the right to serve civil or criminal process within the territory herein ceded in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state, but outside of such ceded territory, and provided further that the jurisdiction ceded shall continue no longer than the United States shall own and hold said reservation for military purposes.

11. That Affiant has read Chapter 262 of the 1963 Laws of New Mexico, which was enacted by the New Mexico Legislature on March 22, 1963. Affiant affirms that this Act reads as follows:

AN ACT PROVIDING FOR THE TRANSFER OF JURISDICTION OVER LANDS FROM OR TO THIS STATE: ESTABLISHING NECESSARY CONDITIONS FOR SUCH TRANSFERS AND FOR THE EXERCISE OF JURISDICTION THEREAFTER; AND REPEALING SECTIONS 7-2-2 THROUGH 7-2-4 AND SECTION 7-2-10 [pertaining to lands under the custody of the United States Atomic Energy Commission] NEW MEXICO STATUTES ANNOTATED, 1953 COMPILATION (BEING LAWS 1912, CHAPTER 47 SECTIONS 1 THROUGH 3, AS AMENDED, AND LAWS 1949, CHAPTER 9, SECTION 1). SENATE BILL NO. 17: APPROVED MARCH 22, 1963 [now codified as Section 19-2-2 through 19-2-3 New Mexico Statutes Annotated (NMSA) 1978].

19-2-2. Jurisdiction: transfer procedure.

A. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in Article I, Section 8, Clause 17 of the constitution of the United States over any land or other area, or in order to relinquish such legislative jurisdiction, or any

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measure thereof, which may be vested in the United States, the United States, acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, together with a sufficient number of duly authenticated copies thereof to meet the recording requirements of Subsection C of this section, with the governor. The notice shall contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the governor shall furnish the attorney general with a copy of it and shall request his comments and recommendations.

B. The governor shall transmit the notice together with his comments and recommendations, if any, and the comments and recommendations of the attorney general, if any, to the next session of the legislature. Unless prior to the expiration of the legislative session to which the notice is transmitted the legislature has adopted a resolution approving the transfer of legislative jurisdiction as proposed in the notice, the transfer shall not be effective.

C. The governor shall cause a duly authenticated copy of the notice and resolution to be recorded in the office of the county clerk of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction shall take effect. If the land or other area is situated in more than one county, a duly authenticated copy of the notice and resolution shall be recorded in the county clerk's office of each such county. [emphasis added]

D. The governor shall cause copies of all documents recorded pursuant to this act [19-2-2 to 19-2-4 NMSA 1978] to be filed with the state law library.

19-2-3. Taxation; civil process; concurrent jurisdiction.

In no event shall any transfer of legislative jurisdiction between the United States and this state take effect, nor shall the

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governor transmit any notice proposing such a transfer under the applicable laws of the United States, unless:

A. this state shall have jurisdiction to tax private persons, private transactions and private property, real and personal, resident, occurring or situated within such land or other area to the same extent that this state has jurisdiction to tax such persons, transactions and property resident, occurring or situated generally within this state;

B. any civil or criminal process lawfully issued by competent authority of this state or any of its subdivisions, may be served and executed within such land or other area to the same extent and with the same effect as such process may be served and executed generally within this state; provided only that the service and execution of such process within land or other areas over which the federal government exercises jurisdiction shall be subject to such rules and regulations issued by authorized officers of the federal government, or of any department, independent establishment or agency thereof, as may be reasonably necessary to prevent interference with the carrying out of federal functions; and

C. this state shall exercise over such land or other area the same legislative jurisdiction which it exercises over land or other areas generally within this state, except that the United States shall not be required to forego such measure of exclusive legislative jurisdiction as may be vested in or retained by it over such land or other area pursuant to this act [19-2-2 to 19-2-4 NMSA 1978], and without prejudice to the right of the United States to assert and exercise such concurrent legislative jurisdiction as may be vested in or retained by it over such land or other area.

12. That Affiant has read the U.S. Supreme Court case *Kohl v. United States*, 91 U.S. 367, 371, 372 (1976)), and the *US Attorneys Manual, Title 9, Criminal Resource Manual, Section 664 Territorial Jurisdiction*. Affiant affirms that these documents state that United States may hold or acquire property within the borders of a state without acquiring jurisdiction. The United States may acquire title to land necessary for the performance of its functions by purchase

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or eminent domain without the state's consent, but it does not thereby acquire legislative jurisdiction solely by virtue of its proprietorship.

13. That Affiant has read the U.S. Supreme Court case *Adams v. United States*, 319 U.S. 313 (1943), and affirms that in this case it is said that:

Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

Affiant affirms that this statement was based on 40 U.S.C. 255, which is now codified as 40 U.S.C. 3112 (b)-(c) and reads as follows:

U.S.C. 3112

(b) Acquisition and Acceptance of Jurisdiction.— When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.

(c) Presumption.— It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

14. That Affiant has searched the U.S. General Services Administration's (GSA) *Inventory Report of Jurisdictional Status of Federal Areas Within the States (1962)* (hereafter *GSA Jurisdictional Inventory Report*) for the county of Otero, state of New Mexico. Affiant affirms that the *GSA Jurisdictional Inventory Report* provides the jurisdictional status of each Federal area within the county of Otero as shown in the following Table, using the four categories defined in the Eisenhower Report (as described above in Paragraph No. 1):

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JURISDICTIONAL STATUS OF FEDERAL LAND AREAS

LOCATION			JURISDICTIONAL CODE	DATES ACQUIRED		LAND AREA	CITATION TO LEGISLATIVE AUTHORITY							
STATE	COUNTY	DESCRIPTION		FROM	TO		STATE STATUTE			FEDERAL LAW		ACCEPTANCE OR		
							YEAR OF ENACTMENT	CHAP. NO.	SECTION NO.	VOLUME NO.	PAGE NO.	DATE	DATE	
		OTERO												
		INTERIOR												
		BUR OF INDIAN AFFAIRS												
30	0505	035 MESCALERO AGENCY	4	1819		100.0								
		GENERAL SERVICES ADMIN												
		REGION #8 DENVER												
30	0020	035 POST OFFICE	1	1957		.5	1912	0074	0047					
		NEW YORK AVE 11TH ST												
		DEFENSE												
		AIR FORCE												
30	0160	035 SACRAMENTO PEAK RSC	4	1948		41,325.0								
30	0020	035 BOLES WELLS WS	4	1947		3,596.0								
30	0160	035 CLOUDCROFT ANX	4	1956		1,360.0								
		HEALTH ED AND WELFARE												
		PUBLIC HEALTH SERVICE												
30	0505	035 PHS INDIAN HOSPITAL	4	1873		3.0								
30	9999	999 LINCOLN NATIONAL FOREST	4	1902	1956	1,064,311.0								
30	9999	999 PUBLIC DOMAIN	4	1848	1948	14,316,067.0								
30	9999	999 WHITE SANDS NAT MON	4	1933	1948	140,247.0								
		DEFENSE												
		ARMY												
30	9999	999 BLISS FORT AAA RANGES	1	1911	1915	40,280.7	1941	0022	0008			12	01	1942
30	9999	999	3	1918	1948	85,413.3	1912	0074	0047			10	16	1953
30	9999	999	4	1952	1957	1,036,490.0								
30	9999	999 WHITE SANDS MISSILE RAN	4	1945	1952	666,446.0								
		DEFENSE												
		AIR FORCE												
30	9999	999 HOLLONAN AFB	1	1942	1954	5,918.0	1912	0074	0047			11	16	1943
30	9999	999	4	1954		2,912.0	1953		0063			04	16	1954
30	9999	999 HOLLONAN RGE	1	1942	1943	2,130.0	1912	0074	0047			04	21	1943

Jurisdiction Codes: 1 = Exclusive Jurisdiction; 4 = Proprietary Jurisdiction Only

15. That Affiant affirms that the *GSA Jurisdictional Inventory Report* shows, as of 1962, that the following Federal areas within the county of Otero are listed with the jurisdictional status of four (4), which is a Proprietary Interest only:

- Lincoln National Forest

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- Public Domain
 - White Sands National Monument
 - White Sands Missile Range
16. That Affiant personally conducted a diligent search in each of the bound volumes of the Session Laws of New Mexico from 1963 to 2006 in order to determine if all the requirements of Section 19-2-2 of NMSA 1978 for transfer of jurisdiction to the United States over Federal areas within the state of New Mexico were met. The search was limited to Joint Resolutions of the Legislature that were signed by the Governor which (1) granted consent to the United States to acquire specified areas in the State of New Mexico; and (2) ceded any degree of legislative jurisdiction over such areas. Affiant conducted this search on June 20, 2007, in the state capitol of New Mexico Law Library.
17. That, as a result of Affiant's diligent search of the Session Laws of the New Mexico Legislature, Affiant affirms that he did not find any Joint Resolutions of the New Mexico Legislature that ceded any degree of legislative jurisdiction to the United States since the enactment in 1963 of Chapter 262 of the 1963 Laws of New Mexico (now codified as Section 19-2-2 NMSA 1978), as shown in the following Table:

**Results of Affiant's Search of the New Mexico Legislative Sessions Laws
1963 to 2006 for Joint Resolutions Ceding Jurisdiction to the United States.**

Year	Legislature	Session	Resolutions
1963	Twenty-Sixth	First Regular First Special	None
1964	Twenty-Sixth	Second Special	None
1965	Twenty-Seventh	First Regular	None
1966	Twenty-Seventh	Second Regular	None
1967	Twenty-Eighth	First Regular	Record not available
1968	Twenty-Eighth	Second Regular	None
1969	Twenty-Ninth	First Regular	None
1970	Twenty-Ninth	Second Regular	None
1971	Thirtieth	First Regular	None
1972	Thirtieth	Second Regular	None
1973	Thirty-First	First Regular	None
1974	Thirty-First	Second Regular	None
1975	Thirty-Second	First Regular	None
1976	Thirty-Second	Second Regular	None
1977	Thirty-Third	First Regular	None

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1978	Thirty-Third	Second Regular	None
1979	Thirty-Fourth	First Regular	None
1980	Thirty-Fourth	Second Regular	None
1981	Thirty-Fifth	First Regular First Special Second Special	None
1982	Thirty-Fifth	Third Special	None
1983	Thirty-Sixth	First Regular	None
1984	Thirty-Sixth	Second Regular	None
1985	Thirty-Seventh	First Regular First Special	None
1986	Thirty-Seventh	Second Regular Third Special	None
1987	Thirty-Seventh	First Regular First Special	None
1988	Thirty-Eighth	Second Regular Second Special	None
1989	Thirty-Ninth	First Regular	None
1990	Thirty-Ninth	Second Regular First Special Second Special	None
1991	Fortieth	First Regular First Special Second Special Second Regular	None
1993	Forty-First	First Regular	None
1994	Forty-First	Second Regular	None
1995	Forty-Second	First Regular	None
1996	Forty-Second	Second Regular Fifth Special	None
1997	Forty-Third	First Regular	None
1998	Forty-Third	Second Regular First Special	None
1999	Forty-Fourth	First Regular	None
2000	Forty-Fourth	Second Regular Second Special	None
2001	Forty-Fifth	First Regular First Special Second Special	None
2002	Forty-Fifth	Second Regular Extraordinary	None
2003	Forty-Sixth	First Regular First Special	None
2004	Forty-Sixth	Second Regular	None

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2005	Forty-Seventh	First Regular	None
2006	Forty-Seventh	First Special Second Regular	None

*Joint resolutions that cede any degree of legislative jurisdiction to the United States.

18. That Affiant has read Section 19-2-3(C) of NMSA 1978 and Affiant affirms that this Section states that any transfer of jurisdictional status over Federal lands within the state of New Mexico is not effective until recorded in the county in which the Federal land is located.
19. That, on the 24th day of August, 2007, Affiant personally conducted a diligent search in the records located in the county of Otero Clerk's Office for the recordation of any Joint Resolutions of the New Mexico Legislature that ceded any level of legislative jurisdiction to the United States over any Federal areas within the county of Otero. The results of Affiant's search are shown in the following Table:

**Results of Affiant's Search of the county of Otero Records from 1963 to 2006
for Joint Resolutions Ceding Jurisdiction to the United States.**

General Index Book (Grantee)	Dates	Resolutions*
Book 10 S-Z	1963 - 1970	None
Book 11 S-Z	1971 - 1979	None
Book 12 S-Z	1980 - 1984	None
Computer Index	1985 - Present	None

*Joint resolutions that cede any degree of legislative jurisdiction to the United States.

20. That, to the best of Affiant's knowledge and belief, the results of Affiant's diligent searches provides evidence that the New Mexico Legislature and the Governor of the state of New Mexico have not ceded exclusive, concurrent, or partial legislative jurisdiction to the United States over any lands acquired by the United States in the county of Otero, state of New Mexico since enactment of 19-2-2 NMSA 1978 in 1963.
21. That, as a result of Affiant's research, Affiant has not found, nor is in possession of, any documents that lead Affiant to believe that the state of New Mexico has ceded to the United States any exclusive, concurrent, or partial legislative jurisdiction over any lands or buildings within the county of Otero, except those listed in the *GSA Jurisdictional Inventory Report* and which are still owned by the United States.

22. That, in summary, as a result of Affiant's diligent search of applicable Federal and state statutes, Supreme Court cases, and Otero county records, Affiant affirms that, to the best of Affiant's knowledge and belief, the jurisdiction of Federal District Courts over actions taking place within the boundaries of the state of New Mexico is limited to those actions occurring outside the jurisdiction of the State of New Mexico and within the boundaries of those Federal areas within the state of New Mexico over which exclusive legislative jurisdiction has been ceded to the U.S. by the state in accordance with Article 1, Section 8, paragraph 17 of the Constitution for the United States and all applicable state statutes.

Further Affiant Sayeth Naught.

Executed on this 24th day of October, 2007.

Wray J. Shildneck

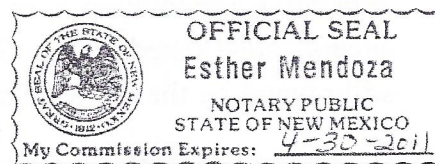
Wray J. Shildneck, Affiant
Historical Researcher
P.O. Box 111
Faywood, New Mexico 88034

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)
COUNTY OF GRANT)

Before me, the undersigned, a Notary Public in and for said county and state on this 24th day of October, 2007, personally appeared Wray J. Shildneck, known to me to be the identical person who executed the within and foregoing instrument and acknowledged to me that he first took an oath upon reason and belief as to the truth and then executed the above affidavit as a free and voluntary act.

Esther Mendoza
Notary Public



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1. That Affiant has read the Congressional Report that was generated during the Eisenhower Administration entitled *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part 1 and Part 2*, (April 1956 and 1957 (40 USC 255 and 50 USC 175 amended to 40 U.S.C. 3111 and 3112)). Affiant affirms that this report, which is often referred to as the Eisenhower Report, defined four basic areas of federal jurisdiction within the states as follows:

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