

**REPORT OF THE**  
**JOINT SUBCOMMITTEE STUDYING THE**  
**LEGAL STATUS OF FULLER ROAD (QUANTICO, VIRGINIA)**  
**TO**  
**THE GOVERNOR**  
**AND**  
**THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 27**

**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**1983**

## **MEMBERS OF COMMITTEE**

Ralph L. Axselle, Jr., Chairman  
Joseph V. Gartlan, Jr., Vice Chairman  
Herbert H. Bateman  
Edward M. Holland  
Thomas M. Moncure, Jr.  
W. Tayloe Murphy, Jr.  
John H. Rust, Jr.



## **STAFF**

### **Legal and Research**

Mary P. Devine, Staff Attorney  
Mary K. Geisen, Legal Assistant

### **Administrative and Clerical**

Office of the Clerk, House of Delegates

Barbara Hanback

**Report of the  
Joint Subcommittee Studying The  
Legal Status Of Fuller Road (Quantico, Virginia)  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
December, 1982**

To: Honorable Charles S. Robb, Governor of Virginia  
and  
The General Assembly of Virginia

**INTRODUCTION**

By resolution sponsored by Delegate Floyd C. Bagley and passed during the 1982 Session, the General Assembly called for a general study of the legal status of Fuller Road (House Joint Resolution 89 - Appendix A). Specifically, the resolution called for the creation of a joint subcommittee to study the ownership and jurisdictional status of the road in conjunction with a study of the rights to use of the road vis-a-vis the U.S. Marine Corps and the residents of the town of Quantico, Virginia. Fuller Road is the only access road to the town.

The Chairman of the House Committee for Courts of Justice appointed Delegates Axselle, Moncure, Murphy and Rust to the subcommittee. Senators Bateman, Gartlan and E. M. Holland were appointed by the Chairman of the Senate Committee for Courts of Justice. Delegate Axselle was elected chairman of the subcommittee; Senator Gartlan was elected vice chairman.

Aware that the issues under study were of major importance to the residents of the town of Quantico, the subcommittee held their first meeting as a public hearing in Quantico on October 14, 1982. Various members of the public, including a number of residents of the town and representatives of the Marine Corps, addressed the subcommittee to express their views. A subsequent meeting was held in Richmond on December 3, 1982.

**EXECUTIVE SUMMARY**

Following their investigation into the legal status of Fuller Road and possible solutions to the problems surrounding the placement of the marine guard checkpoint, the joint subcommittee makes the following findings and recommendations:

1. That an apparent fee simple title to the property comprising the U.S. Marine Corps Base at Quantico, Va., which now includes Fuller Road, was obtained by the United States by virtue of Federal Proclamation No. 1493, subject only to the public's right to use the road;
2. That exclusive jurisdiction over the road was apparently ceded to the United States by virtue of Chapter 382 of the 1918 Acts of Assembly subject only to limited exceptions regarding service of process;
3. That persons using Fuller Road as the only means of egress and ingress to the town of Quantico seek to do so freely and without unnecessary and unreasonable restraints imposed upon their travel by the U.S. Marine Corps;
4. That a proper balance must be reached between the interests of the U.S. Marine Corps in providing a secure military installation and the rights of the users of Fuller Road to be free from unreasonable restraints; and
5. That it appears the General Assembly is without jurisdiction over Fuller Road and therefore, this balance must be reached between the United States government and the town of Quantico upon a recognition of the rights and interests of each.

## **BACKGROUND**

On November 4, 1918, President Wilson signed Executive Proclamation No. 1493 (Appendix B) authorizing the U.S. government, upon payment of just compensation as determined by the President, to immediately take possession of and title to "all land needed for the permanent U.S. Marine Corps Base at Quantico, Va." Fuller Road runs from the town of Quantico at its eastern terminus in a westerly direction to Route 1 (Jefferson Davis Highway), through the United State Marine Corps Base at Quantico. The legal description of the property (p. 1880 of the Proclamation) provides that ". . . all rights in streets and alleys and public and private ways appurtenant and appertaining in any way. . ." to the property were likewise condemned and included within the parcel taken (p. 1883). Fuller Road was in existence at the time the proclamation became effective.

Chapter 382 of the 1918 Acts of Assembly (Appendix C) ceded exclusive jurisdiction to the U.S. over all lands acquired by it in any manner, whether the acquisition occurred before or after the effective date of the Act. The Commonwealth reserved only the right to serve civil and criminal process. Once exclusive jurisdiction is so granted, a state may not unilaterally, by statute, recapture any portion. United States v Unzeuta , 281 U.S. 138, 143 (1930).

Subsequently, in U.S. v Watson , 80 F. Supp. 649 (E.D. Va. 1948) it was held that the United States had acquired a fee simple title to the property, including Fuller Road, and exclusive jurisdiction over the road subject to the limited rights reserved by the Commonwealth, by virtue of the Proclamation and Chapter 382. (Appendix D). The court reached these conclusions based upon its examination of the relevant records cited by the government. Judge Bryan found that prior to the U.S. acquisition, the base property had been held by private owners subject to the right of the public to use Fuller Road as a means of egress and ingress to the town. Id . at 651. The U.S. did not implead either the Commonwealth or the town in the condemnation as a "representative or holder of the public interest." Therefore Judge Bryan held that the fee simple remained subject to the outstanding rights of the public to use the road.

Judge Bryan concluded that the U.S. acquisition of a fee simple subject to the public's right to use and exclusive jurisdiction over the property condemned, including Fuller Road, ". . . establishes the authority of the United States to police the road, and to punish the defendant for improper conduct on the road, but it does not warrant proscription of a correct use of the road." Id . (Emphasis added). The recent controversy between the Marine Corps and the residents of the town, which resulted in the creation of the joint subcommittee, centers on what constitutes a "correct use" of the road.

In the early 1970's the Marine guard checkpoint on Fuller Road was moved from the eastern end of the road, near its intersection with Potomac Avenue in the town of Quantico, to the western end of the road, near its intersection with Route 1. According to the Marine Corps, this move was undertaken in an effort to improve base security. All users of Fuller Road are now required to stop at the checkpoint before entering or exiting from the base.

The Marine Corps takes the position that based upon its exclusive jurisdiction over the road, it has the authority to police the road and protect the military installation and dependents residing on the base – even if this means requiring all users of Fuller Road, including those merely seeking access to the town, to stop and identify themselves at the checkpoint and, in some instances, submit to command-authorized random inspections. In effect, the Marine Corps feels that a "correct use" of the road is one consistent with the military purpose and security of the base. (See Appendix E, letter from Major J. M. Pendergast, U.S. Marine Corps Public Affairs Officer.)

On the other hand, the residents believe that a "correct use" is a reasonably unrestricted use of the only mean of egress and ingress to their town. Prior to the time that the marine guard check point was moved, travel on Fuller Road was unrestricted. The residents recognize the need for a secure military installation. However, they believe that the burden of satisfying this need has unreasonably been placed upon the users of Fuller Road, to the detriment of the residents and the town. The users of Fuller Road believe that the checkpoints could be moved in such a way as to provide a secure military installation and unrestricted use of the road. Such a move would place the burden of securing the base on the Marine Corps and would recognize the rights of the users of Fuller Road and the unique geographical location of the town.

## FINDINGS AND CONCLUSIONS

After hearing testimony and examining pertinent documents, the subcommittee found that the United States had apparently acquired a fee simple title to all the property comprising the U.S. Marine Corps base, including Fuller Road. The subcommittee had been informed that a number of residents of the town of Quantico believe that Fuller Road was not within the parcel condemned in 1918. Attempts to locate a 1918 map or plat covering the parcel were not successful. The only map available is the one currently on file with the Department of the Navy (No. 90830), which is dated January 25, 1920. The map shows the relation of the town of Quantico to the U.S. Marine Corps reservation. According to this map, Fuller Road falls within the metes and bounds description of the property condemned by Proclamation No. 1493. Staff recommended that the subcommittee note the questions concerning the ownership of Fuller Road. However, based upon the description of the property, the 1920 map and Judge Bryan's findings in U.S. v. Watson, staff concluded it was probable that Fuller Road was within the parcel condemned. Staff also concluded that the Commonwealth had ceded jurisdiction over the property to the U.S. (See Appendices B, C, and D.)

Under current procedure, as detailed by the Marine Corps representatives at the public hearing, all automobiles approaching the checkpoint on Fuller Road in the left lane, designated for travel on to the Marine Corps reservation, are subject to a complete search at any time. The driver will be asked to produce his license and registration. The vehicle must have either a base sticker or visitor's pass to proceed onto the base. This procedure is consistent with applicable case law recognizing the need to provide secure military installations. See, e.g., U.S. v. Harris, 5 M.J.R. 44 (USCMA, 1978); U.S. v. Grisby, 335 F. 2d 652 (4th Cir. 1964).

Those automobiles approaching the checkpoint in the right lane, designated for travel to the town, are generally not stopped or subject to search, but are waved through the checkpoint. However, the driver may be stopped and asked to confirm his destination and produce his license and registration.

In the event of a command-ordered random inspection, all vehicles coming through the checkpoint, regardless of destination, will be subject to a complete vehicle inspection if the vehicle comes through as the pre-arranged random number. The official Marine Corps policy governing these stops and inspections does not authorize the search of persons traveling to the town.

The policy of the Marine Corps is outlined in Appendices F and G. It is the position of the Marine Corps that the types of inspections taking place at the Fuller Road checkpoint constitute judicially recognized limited intrusions upon the rights of persons seeking access to the town of Quantico.

The subcommittee recognized the need for these inspections in order to deter the introduction of contraband and otherwise secure the military installation. See U.S. v. Harris, *supra*. Major J. M. Pendergast provided the subcommittee with a breakdown on the findings resulting from the command authorized random inspections (Appendix G, page 1). However, the subcommittee also recognized that people using Fuller Road for travel to and from the town find these inspections burdensome, time consuming and, in some cases, frightening.

Throughout the course of the October 14, 1982 public hearing, the subcommittee heard from people who believed that the inspection they were party to was not conducted in a manner consistent with the policy outlined by the Marine Corps representatives. Testimony was heard regarding a number of inspections lasting far longer than the three to five minutes authorized by the Marine Corps policy. There was further testimony of late night inspections of vehicles operated by lone female drivers. It was noted that generally the guards are young trainees. Many of the speakers cited this fact as a significant contributing factor to the problems under study. Checkpoint personnel are rotated frequently and do not become familiar with those persons who consistently use Fuller Road. A number of speakers stated that they have therefore been stopped two or three times in the same week while traveling to their homes or employment and asked to identify themselves and their destination. In addition, specific instances of abusive language and harassment by the guards were brought to the attention of the subcommittee. The subcommittee also recognized the validity of the concern expressed by a number of speakers over the effect that the checkpoint has in deterring people from traveling to the town. Due to the uniquely isolated location of the town, this has had an adverse effect on local commerce.

The subcommittee offered to mediate between the residents of the town and representatives of the Marine Corps. However, the members were advised that despite repeated discussions over the years, a satisfactory solution had yet to be reached. This fact greatly concerned the subcommittee. Due to the unique geographical location, the town and the Marine Corps are, to a large extent, interdependent. Therefore, open communication and sensitivity to the interests of each are not only desirable, but necessary.

Delegate John H. Rust, Jr., drafted a proposal for consideration by the Marine Corps that would have involved elimination of the current checkpoint (Gate 1) on Fuller Road and the addition of six new checkpoints (Appendix H). B. A. Truesdale, Chief of Staff, responded to this proposal by letter, rejecting Mr. Rust's recommendations for security and economic reasons (Appendix I).

**RECOMMENDATION**

The subcommittee believes that through their work and deliberations, they have accomplished all that the General Assembly of Virginia can do to the Commonwealth's apparent lack of jurisdiction over the property. Therefore, the subcommittee recommends the adoption by the General Assembly of a resolution memorializing the United States Congress to express its members' concern for the rights of the residents of the town of Quantico (Appendix J). The subcommittee intends that the passage of the resolution and communication of the concern of the General Assembly will increase the awareness of the unique plight of the residents of the town of Quantico, Virginia, and induce further discussion and resolution of the problems involved in balancing the need for a secure military installation and the constitutionally protected right to be free from unreasonable searches and seizures.

Respectfully submitted,

.....  
Ralph L. Axselle, Jr.

.....  
Joseph V. Gartlan, Jr.

.....  
Herbert H. Bateman

.....  
E. M. Holland

.....  
Thomas M. Moncure, Jr.

.....  
W. Tayloe Murphy, Jr.

.....  
John H. Rust, Jr.

APPENDIX A  
1982 REGULAR SESSION

LD4096412

HOUSE JOINT RESOLUTION NO. 89

Offered January 29, 1982

*Creating a subcommittee to study ownership of and jurisdiction of Fuller Road.*

Patron—Bagley, F. C.

Referred to the Committee on Roads and Internal Navigation

WHEREAS, Fuller Road which runs through Quantico Marine Base is the only access road to the Town of Quantico; and

WHEREAS, the United States Marines exercise complete jurisdiction and control over this land on the basis of a 1918 Act of the Assembly that granted jurisdiction over any lands that the United States Government may acquire in fee simple and a 1918 federal proclamation condemning all land now known as Quantico Marine Base; and

WHEREAS, there is great doubt that this condemnation included Fuller Road, a public road within the sovereign Commonwealth of Virginia; and

WHEREAS, if Fuller Road was not within the parcel condemned, the Marine Corp does not have a jurisdiction over it and the citizens of the Town of Quantico will have freer and more convenient ingress and egress to and from their homes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a subcommittee of seven is created, four from the House Committee on Courts of Justice and three from the Senate Committee on Courts of Justice, all to be appointed by their respective chairmen, to study the legal status of Fuller Road and any action necessary to resolve this matter.

The subcommittee shall complete its work prior to the 1983 Session of the General Assembly.

The cost of the study shall not exceed \$3,500.

Official Use By Clerks

Agreed to By  
The House of Delegates

Agreed to By The Senate

- without amendment
- with amendment
- substitute
- substitute w/amdt

- without amendment
- with amendment
- substitute
- substitute w/amdt

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Clerk of the House of Delegates

Clerk of the Senate

1874

## PROCLAMATIONS, 1918.

control and under the supervision of said Postmaster General without further act or notice.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done by the President, in the District of Columbia, this 2nd day of November in the year of our Lord one thousand nine [SEAL.] hundred and eighteen and of the independence of the United States the one hundred and forty-third.

WOODROW WILSON

By the President:

ROBERT LANSING

*Secretary of State.*

November 4, 1918.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

## A PROCLAMATION.

Lands for naval purposes.  
Preamble.

WHEREAS, the Act of Congress approved July 1, 1918 (Public 182-65th Congress), making appropriations for the Naval Service for the fiscal year ending June 30, 1919, and for other purposes, provides that:

Statutory authorization.  
*Ante*, p. 738.

"The President is hereby authorized and empowered, within the amounts herein appropriated therefor, to take over immediately for the United States, possession of and title to each and all of the parcels of land, including appurtenances and improvements for the acquisition of which authority is herein granted and for which appropriations are herein made; Provided, That if said lands and appurtenances and improvements shall be taken over as aforesaid, the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said seventy-five per centum will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20 (and) section 145, of the Judicial Code; Provided further, That upon the taking over of said property by the President as aforesaid, the title to all property so taken over shall immediately vest in the United States;" and

WHEREAS, the Act of Congress aforesaid, authorizes the acquisition of additional land for Naval purposes at the following places, namely:

*Ante*, pp. 726, 725.

Naval Training Station, Great Lakes, Ill.;

Navy Yard, Puget Sound, Wash.;

*Ante*, p. 724.

and also authorizes the acquisition of land at Quantico, Va., as a permanent Marine Corps Base, and makes appropriations for the acquisition of the land required at the places mentioned; and

WHEREAS, it is a military necessity for the United States to take possession of the tracts of land required for Naval purposes at the places aforesaid, together with all improvements, easements, rights of way, riparian and other rights and privileges appurtenant or appertaining in any way to the said tracts of land, and to begin without delay the development of the said tracts of land for the uses and purposes of the naval service of the United States:

Possession taken of described lands.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I, WOODROW WILSON, President of the United States of America, by virtue of the power and authority vested in me by



the said Act of Congress approved July 1, 1918, do hereby on behalf of the United States, take title to and authorize the Secretary of the Navy to take possession of the following described tracts of land:

TRACT No. 1.

Additional land needed for the enlargement of  
the Naval Training Station, Great Lakes, Ill.

Great Lakes Naval  
Training Station, Ill.

All those three certain parcels of land or interests therein not owned by the United States, situate, lying and being in the County of Lake, State of Illinois, adjacent to or in the vicinity of the Naval Reservation, Naval Training Station, Great Lakes, Ill., which said three parcels of land are more definitely described as follows:

*Ante*, p. 726.

Parcel 1.

All that part of the fractional S. E.  $\frac{1}{4}$  of Sec. 33, T. 45 N., R. 12 E of the 3d P. M. County of Lake, State of Illinois, fronting on Lake Michigan and lying to the southeast of the right of way of the Elgin, Joliet & Eastern R. R., containing in all thirty-six (36) acres more or less, together with improvements and all riparian rights, privileges, easements and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to said above described parcel of land, including also all privately owned rights in the under-water lands of Lake Michigan lying in front of the above described parcel of land.

Description.

Parcel 2.

Beginning for the same at a point in the shore line of Lake Michigan which point is distant six hundred feet more or less north of the south line of Sec. 4 T 44 N, R 12 E of 3d P. M., and also marks the intersection of the northerly boundary line of the Naval Reservation, Great Lakes, Ill., with the said shore line of Lake Michigan; thence in a northerly direction following the said shore line of Lake Michigan to a certain point in said shore line, which said point is distant fifteen hundred and one and eighty-two hundredths feet (1501.82') more or less south of the north line of said Sec. 4 a distance of thirty-two hundred feet (3200') more or less; thence west on a line parallel to the north line of said Sec. 4 and distant therefrom fifteen hundred and one and eighty-two hundredths feet (1501.82') more or less to the easterly line of Champlain Street, as said street is shown on a certain plat c. the Woodland Bluffs Subdivision of a part of the fractional N. E.  $\frac{1}{4}$  of said Sec. 4, which said plat was recorded July 2, 1896, among the land records of Lake County, Illinois, as document #65331 in Book "D" of Plats, page 35, a distance of eight hundred and eighty feet (880') more or less; thence north turning at right angles and following the easterly line of said Champlain Street, a distance of nine hundred and twenty feet (920') more or less; thence west turning at right angles on a line parallel with the northerly line of Second Avenue, North Chicago, Ill., to a point in the east line of the N. W.  $\frac{1}{4}$  of said Sec. 4, which point is distant five hundred and ten feet and forty hundredths of a foot more or less south of the southerly line of the right of way of the Elgin, Joliet & Eastern R. R., a distance of four hundred and ninety feet (490') more or less; thence south turning at right angles and following the east line of the N. W.  $\frac{1}{4}$  of said Sec. 4 to a certain

point in said line, which point is distant five hundred and three feet (503') more or less north of the northerly line of Second Avenue, North Chicago, Ill., a distance of three hundred and thirty-five feet (335') more or less; thence west turning at right angles on a line parallel to the northerly line of said Second Avenue and distant therefrom five hundred and three feet (503') more or less a distance of one hundred and ninety-eight and seventy-five hundredths feet (198.75') more or less to the center of a certain switch track connecting the Elgin, Joliet & Eastern R. R. with the Chicago and Northwestern R. R.; thence southwesterly upon an 18° curve convex to the southeast along the center of said switch track to the easterly line of Marquette Street, a distance of two hundred and eighty feet (280') more or less; thence in a general southerly direction following the easterly line of Marquette Street to the north line of lot 1 of the northwest  $\frac{1}{4}$  of said Sec. 4 a distance of one hundred and seventy feet (170') more or less; thence west following the north line of said lot #1 to the easterly line of the right of way of the Chicago and Northwestern R. R. as said right of way is shown on a certain plat recorded among the land records of Lake County, Ill., Sept 28, 1892 as document 51094 in Book "C" of Plats, page 37, a distance of five hundred feet (500') more or less; thence in a southwesterly direction following the easterly line of the right of way of the Chicago and Northwestern R. R. and then following the easterly line of the highway leading from Lake Forest to Waukegan, known as the Waukegan Road, to the northwest corner of the Naval Reservation, Great Lakes, Ill., a distance of thirty-five hundred and thirty feet (3530') more or less; thence easterly following the northerly line of said Naval Reservation to the point of beginning, a distance of thirty-three hundred and fifty-five feet (3355') more or less. Containing in all two hundred and twenty-three and seventy-two hundredths acres (223.72) more or less, together with all improvements, easements, riparian rights, privileges and other rights whatsoever, including rights in streets, and alleys and public and private ways appurtenant or appertaining in any way to said above described parcel of land, including also all privately owned rights in the under water lands of Lake Michigan in front of the above described parcel of land.

#### Parcel 3.

Beginning for the same in the westerly line of the right of way of the Chicago, Lake Shore & Milwaukee R. R., which point is also the point of intersection of the south line of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of Sec. 14, T 44 N, R 12 E of the 3d P. M., County of Lake, State of Illinois, with the westerly line of the said right of way of the Chicago, Lake Shore and Milwaukee R. R., said point being distant seventy-five feet (75') more or less west of the east line of said Sec. 17; thence in a northerly direction following the westerly line of said right of way to its points of intersection with the south line of Sec. 5, T 44 N, R 12 E of the 3d P. M., a distance of sixty-six hundred feet more or less; thence west following the south line of said Sec. 5 a distance of four hundred and twenty-five feet (425') more or less; thence north turning at right angles to the south line of the N. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of said Sec. 5, a distance of thirteen hundred and twenty feet (1320') more or less; thence west turning at right angles and following the south line of the N. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of the said Sec. 5 to the east line of lot #11 as said lot is shown on a plat of the North Chicago Industrial Subdivision of a part of the N. E.

$\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of said Sec. 5, which said plat is recorded among the land records of Lake County, Illinois, June 24, 1912 as document #141926 in Book "I" of Plats, p. 35, a distance of thirty feet (30') more or less; thence north turning at right angles and following the east line of said lot 11 a distance of four hundred and one and twenty hundredths feet (401.20') more or less; thence west turning at right angles and following the northerly line of said lot #11 to the easterly line of Rush Street as shown on said plat of North Chicago Industrial Subdivision, a distance of two hundred and seventeen and forty hundredths feet (217.40) more or less; thence south turning at right angles and following the easterly line of said Rush Street a distance of four hundred and one and twenty hundredths feet (401.20') more or less; thence west turning at right angles a distance of sixty-four feet (64') more or less to the westerly line of said Rush Street; thence north turning at right angles and following the westerly line of said Rush Street to the north line of lot #21 as shown on plat aforesaid of the North Chicago Industrial Subdivision a distance of one hundred and fifty feet (150') more or less; thence west turning at right angles and following the northerly line of said lot #21 a distance of one hundred and seventy-six and thirty hundredths feet (176.30') more or less to the southeasterly corner of lot #19 as shown on plat aforesaid of the North Chicago Industrial Subdivision; thence north turning at right angles and following the easterly line of said lot 19 to the southerly line of the right of way of the North Chicago Switch R. R. a distance of four hundred and forty-eight and twenty hundredths feet (448.20') more or less; thence north continuing along the prolongation of said last described line across the right of way of the said North Chicago Switch R. R. to the southerly line of lot #17, as shown on plat aforesaid of the North Chicago Industrial Subdivision, a distance of forty feet (40') more or less; thence northeasterly following the southerly line of said lot #17 to the westerly line of Rush Street aforesaid, a distance of two hundred and fifteen feet (215') more or less; thence north following the westerly line of said Rush Street to its point of intersection with the southerly line of Morrow Avenue a distance of one hundred and forty feet (140') more or less; thence in a southwesterly direction following the southerly line of said Morrow Avenue to its point of intersection with the south line of the N. W.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of Sec. 5 aforesaid, a distance of seventeen hundred and ninety feet (1790') more or less; thence west following the south line of the N. W.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of said Sec. 5 and then following the south line of the N.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of said Sec. 5 to its point of intersection with the easterly line of a certain public road known as the Green Bay Road, a distance of twenty-three hundred feet (2300') more or less; thence in a generally southeasterly direction following the easterly line of the said Green Bay Road to its point of intersection with the south line of Sec. 8, T 44 N, R 12 E of the 3d P. M. a distance of six thousand five hundred and fifty-four feet (6554') more or less; thence east following the south line of said Sec. 8 to the northwest corner of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of Sec. 17, T 44 N, R 12 E of the 3d P. M., a distance of two thousand four hundred and fifty (2450') feet more or less; thence south turning at right angles and following the west line of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of said Sec. 17 a distance of thirteen hundred and twenty feet (1320') more or less; thence east turning at right angles and following the south line of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of said Sec. 17 to the point of beginning, a distance of

twelve hundred and forty-five (1245') feet more or less. Containing in all six hundred and forty-nine and fifteen hundredths (649.15) acres more or less, together with improvements and all easements, rights and privileges whatsoever, including all right, title and interest in streets and alleys appurtenant or appertaining in any way to said above-described parcel of land: excepting however, from said above described parcel of land so much of the right of way of the Elgin, Joliet & Eastern R. R., so much of the right of way of the North Chicago Switch R. R. and so much of Morrow Ave. as lies within the boundaries thereof.

The three above described parcels of land being shown on a certain map on file in the office of the Solicitor, Department of the Navy, which said map bears the legend, "Map showing Property to be Acquired Adjacent to U. S. Naval Training Station, Great Lakes, Ill., date, Aug. 16, 1918, W. A. Moffett, Commandant."

## TRACT NO. 2.

Puget Sound Navy  
Yard, Wash.

Additional Land Adjoining Navy Yard, Puget Sound, Wash.

*Ante*, p. 725.

All those three certain parcels of land or interests therein not owned by the United States, situate, lying and being in the County of Kitsap, State of Washington, adjacent to the Naval Reservation, Puget Sound, Bremerton, Wash., which said three parcels of land are more definitely described as follows:

## Parcel #1.

Description.

Beginning for the same at a point in the east boundary line of the Naval Reservation, Puget Sound, Washington, which point marks the intersection of the dividing line between lots 11 and 12, Block 11 of the Town of Bremerton, Kitsap County, Washington, according to the original plat of said town on file in the office of the Auditor of Kitsap County, Washington, prolonged in a westerly direction with the said easterly boundary line of said Naval Reservation; thence in an easterly direction following the said dividing line between the said lots 11 and 12 prolonged across Pacific Avenue in said town to the dividing line between lots 2 and 3, Block 10 in said town; thence continuing in an easterly direction with said dividing line between said lots 2 and 3 to the westerly line of the certain fourteen foot alley in said Block 10, a distance of two hundred and eighty-four feet (284') more or less; thence south turning at right angles and following the westerly line of said alley to its intersection with the northwesterly line of Washington Avenue in said town, a distance of thirteen feet (13') more or less; thence in a southeasterly direction and crossing Washington Avenue in a straight line to a point in the south line of Washington Avenue which point marks the intersection of the southeasterly line of Washington Avenue with the dividing line between lots 8 and 9, Block 1, in said town, a distance of seventy feet (70') more or less; thence continuing in a general southeasterly direction following the dividing line between lots 8 and 9 as said line is prolonged to its point of intersection with the Outer Harbor line of the town of Bremerton, as such Outer Harbor line is now or may hereafter be established, a distance of seven hundred and fifty feet (750') more or less; thence in a southwesterly and then westerly direction following the said Outer Harbor line to its point of intersection with the easterly boundary line of the Naval Reservation aforesaid prolonged in a southerly direction a distance of seven hundred and ninety-four

feet (794') more or less; thence in a northerly direction following the said easterly boundary line of the Naval Reservation to the point of beginning, a distance of nine hundred and fifty feet (950') more or less together with improvements and all riparian rights, privileges, easements and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to said above described parcel of land, including also all privately owned rights in the underwater lands lying between the high water line of the said above described parcel of land and the Outer Harbor line aforesaid, as said line is now or may hereafter be established.

Parcel #2.

Beginning for the same at a point in the northeast corner of the boundary line of the Naval Reservation. Puget Sound, Bremerton, Washington, which point also marks the point of intersection of the southerly line of Burwell Avenue in said town with the westerly line of a certain fifteen feet alley adjoining on the west lot #6, Block 13 in said town of Bremerton; thence in an easterly direction following the southerly line of said Burwell Avenue to a certain point which point marks the intersection of the southerly line of said Burwell Avenue with the dividing line between lots 22 and 23 in Block 13 in said town of Bremerton a distance of five hundred and twenty-five feet (525') more or less; thence in a southerly direction turning at right angles and following the dividing line between said lots 22 and 23 a distance of one hundred and twenty-five feet (125') more or less to a certain fourteen foot alley extending along the southerly side of said Block 13; thence in a westerly direction turning at right angles and following the southerly line of Lot 22 in said Block 13 a distance of fourteen feet (14') more or less; thence in a southerly direction turning at right angles a distance of fourteen feet (14') to a corner in the easterly boundary line of said Naval Reservation which corner also marks the point of intersection of the southerly line of a fourteen foot alley extending along the southerly side of Block 13 with the westerly line of a fourteen foot alley extending along the westerly side of Block 12 in said town of Bremerton; thence in a westerly direction following the northerly boundary line of the said Naval Reservation a distance of five hundred and eleven feet (511') more or less; thence in a northerly direction continuing along the easterly line of the said Naval Reservation to the point of beginning, a distance of one hundred and thirty-nine feet (139') more or less. Together with improvements, easements, privileges and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to the said above described parcel of land.

Parcel #3.

All that certain tract of land at the northwest corner of the Naval Reservation, Puget Sound, Bremerton, Washington, embraced within the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  and the N. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of Sec. 23, T 24 N, R 1 E. W. M. in Kitsap County, State of Washington, containing in all twenty acres (20) more or less together with improvements, easements, privileges and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to the said above described parcel of land.

Said above described parcels #1 and #2 being shown on a certain blueprint on file in the office of the Solicitor, Department of the Navy, which blueprint bears the legend, "Navy Yard, Puget Sound, Washington, Nov. 17, 1916. Proposed ship-building ways and available Bremerton property for yard extension. L. E. Gregory, Civil Engineer, U. S. N.-7 B-294."

## TRACT NO. 3.

Quantico Marine  
Corps Base, Va.

Land Needed for the Permanent United States Marine Corp  
Base at Quantico, Va.

*Ante*, p. 726.

All those three certain parcels of land or interests therein not owned by the United States, situate, lying and being in the County of Prince William, State of Virginia, which said three parcels of land are more definitely described as follows:

## Parcel #1.

Description.

Beginning for the same at a certain point in the low water line of the Potomac River, which said point marks the intersection of the low water line of the Potomac River with the center line of Fifth Avenue in the town of Quantico, Prince William County, Va., prolonged in an easterly direction; thence northeasterly following the low water line of the Potomac River to the south side of a certain fill and wharf at the foot of Potomac Avenue in said town of Quantico; thence around the perimeter of said fill and wharf to the point of intersection of the low water line of the Potomac River with the north line of Potomac Avenue in said town of Quantico prolonged in an easterly direction; thence westerly along said north line of Potomac Avenue prolonged to a certain iron pipe which said pipe is located one hundred and forty-one and ten hundredths feet (141.10') more or less east of the east line of lot 28, Block 4, Sec. A of a certain plat of lots of the said town of Quantico, which said plat is recorded among the land records of Prince William County, Va.; thence in a general southwesterly direction turning at right angles to an iron pipe in the center line of Fifth Avenue afore-said prolonged in an easterly direction; thence in a general westerly direction turning at right angles and following the said center line of Fifth Avenue to the westerly line of the right of way of the Richmond, Fredericksburg & Potomac R. R.; thence in a general northeasterly direction following the westerly line of the said right of way of the Richmond, Fredericksburg & Potomac R. R. to its point of intersection with the low water line of Quantico Creek; thence in a general northwesterly direction following the low water line of said Quantico Creek to its intersection with the certain line mentioned in a conveyance from Hugh B. Hutchison to the Quantico Company, Inc.; thence south thirty-two degrees thirty minutes west three thousand and sixty-four feet (3064') more or less to the land of Shackelford; thence southwesterly along the land of Shackelford and then the land of Fick to Little Creek; thence along Little Creek about south eighty-six degrees forty-eight minutes west to an iron pin; thence south eighty-six degrees forty-eight minutes west a distance of four hundred and forty-five and seventy hundredths feet (445.70') more or less; thence north eighty-seven degrees five minutes west a distance of six hundred feet (600') more or less; thence north sixty-seven degrees thirty minutes west a distance of three hundred and seventy feet (370') more

or less; thence south eighty-two degrees fifty minutes west a distance of three hundred and twenty-eight feet (328') more or less; thence north forty-five degrees twenty-five minutes west a distance of two hundred and eighty feet (280') more or less; thence north five degrees twenty minutes east a distance of four hundred and nine and thirty hundredths feet (409.30') more or less; thence north fifty degrees, no minutes west a distance of four hundred and ten feet (410') more or less; thence north ten degrees thirty-five minutes west, a distance of five hundred and forty feet (540') more or less; thence north fifty-four degrees twenty-five minutes west a distance of four hundred and fifty feet (450') more or less; thence north sixteen degrees twenty-five minutes west a distance of four hundred feet (400') more or less; thence north thirty-five degrees six minutes west a distance of three hundred and thirty-two and eighty hundredths feet (332.80') more or less; thence north six degrees twenty-five minutes west a distance of seven hundred feet (700') more or less; thence north twenty-one degrees twenty minutes west a distance of two hundred and forty feet (240') more or less; thence north forty-two degrees fifty-six minutes west a distance of five hundred and fifty feet (550') more or less; thence north ten degrees fifty-two minutes west a distance of five hundred and forty-four and seventy hundredths (544.70') feet more or less; thence north forty-six degrees twenty-four minutes west a distance of three hundred and seventy-four and forty hundredths feet (374.40') more or less; thence north sixty-five degrees sixteen minutes west a distance of six hundred and twenty feet (620') more or less; thence north twenty degrees no minutes west a distance of four hundred and fifty feet (450') more or less; thence north forty-nine degrees forty minutes west a distance of two hundred and 10 feet (210') more or less; thence south forty-one degrees no minutes west a distance of fifty feet (50') more or less; thence south twenty degrees twenty-eight minutes east a distance of one hundred and twenty-four and fifty hundredths feet (124.50') more or less to an iron pipe; thence north fifty-two degrees three minutes west along the County Road a distance of two thousand four hundred and ninety-two feet (2492') more or less to an iron pipe; thence south three degrees twenty-five minutes west five hundred and twenty-seven and forty hundredths feet (527.40') more or less to an iron pipe; thence north fifty-two degrees five minutes west a distance of five hundred and fifteen and sixty hundredths feet (515.60') more or less; thence south eighteen degrees one minute west a distance of three hundred and seventy feet (370') more or less; thence south twenty-four degrees forty minutes west a distance of eight hundred and fifteen feet (815') more or less; thence south twenty-five degrees twenty-six minutes west a distance of one thousand two hundred and eighteen and eighty hundredths feet (1218.80') more or less to an iron pipe; thence north seventy-five degrees three minutes west a distance of two thousand nine hundred and thirty-one and forty hundredths feet (2931.40') more or less to an iron pipe; thence north ten degrees twenty-one minutes east a distance of one thousand nine hundred and ninety and twenty hundredths feet more or less to an iron pipe; thence north forty degrees fifteen minutes west a distance of one thousand one hundred and fourteen and eighty hundredths feet (1114.80') more or less to an iron pipe; thence south thirty-two degrees twelve minutes west a distance of seven hundred and ninety-four and ten hundredths feet (794.10') more or less to an iron pipe; thence north forty-seven degrees fifty minutes west a distance of one thousand four hundred and thirty-eight and fifty hundredths feet (1438.50') more or

less to a white oak tree; thence north fifty-one degrees thirty-seven minutes east a distance of one thousand two hundred and eighty-four feet (1284') more or less to an iron pipe two and fifty hundredths feet (2.50') southwest of a pine tree; thence north fifty-nine degrees twelve minutes west a distance of two hundred and eight feet (208') more or less to the center line of the County Road; thence along the center line of the County Road north forty-two degrees forty-three minutes west a distance of seven hundred and forty feet (740') more or less; thence continuing along the center line of the County Road north fifty-nine degrees fifty-three minutes west a distance of three hundred and forty-two and sixty hundredths feet (342.60') more or less; thence continuing along the center line of the County Road north eighty-three degrees thirty-two minutes west a distance of two hundred and twenty-five feet (225') more or less; thence south seventy-nine degrees five minutes west a distance of three hundred feet (300') more or less to an iron pipe on the south side of the County Road; thence south one degrees fifty minutes east a distance of six hundred and thirty-two and thirty hundredths feet (632.30') to an iron pipe; thence south twelve degrees fifty-seven minutes east a distance of two hundred and thirty-one feet (231') more or less to an iron pipe; thence south twenty-six degrees thirty-four minutes east a distance of two hundred and thirty-nine and twenty hundredths feet (239.20') more or less to an iron pipe near a cedar stump and two stones; thence south thirty-one degrees fifty-four minutes west a distance of five thousand three hundred and eighty-six feet (5386') more or less to an iron pipe near a stone in a small branch; thence south sixty-one degrees fifty-six minutes east a distance of two thousand seven hundred and sixty-seven feet (2767') more or less to an iron pipe; thence south seven degrees fifty-five minutes west a distance of five thousand three hundred and forty-three feet (5343') more or less to a cedar stake which stake is distant five and seventy hundredths feet (5.70') more or less from old marked beech tree and seven feet (7') more or less from old marked dogwood pointers to Chopawamsic Creek; thence along Chopawamsic Creek south seventy-two degrees no minutes east a distance of three hundred feet more or less; thence south forty-eight degrees forty-five minutes east a distance of two hundred and sixty feet more or less; thence along the old bed of Chopawamsic Creek north thirty-four degrees ten minutes east a distance of three hundred and seventy feet (370') more or less; thence south fifty-eight degrees five minutes east a distance of four hundred and seventy feet more or less; thence south thirty-four degrees no minutes east a distance of two hundred and sixty feet (260') more or less; thence south one degrees no minutes west a distance of three hundred feet more or less; thence south eighteen degrees forty minutes east a distance of two hundred and sixty feet (260') more or less; thence south fifty-three degrees five minutes east a distance of three hundred and thirty feet (330') more or less; thence south five degrees fifty-six minutes east a distance of five hundred and sixty-two and forty hundredths feet (562.40') more or less to a certain point which point marks the intersection of the center line of the main channel of Chopawamsic Creek with the Richmond and Washington Highway; thence in a general easterly direction following the center line of the said main channel of Chopawamsic Creek to its point of intersection with the low water line of the Potomac River; thence in a general northeasterly direction following the low water line of the Potomac River to the point of beginning. Containing in all forty-



nine hundred (4900) acres more or less. Together with improvements and all riparian rights, privileges, easements and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to said above described parcel of land, and also including all privately owned rights in the underwater lands in the Potomac River, Quantico Creek and Chopawamsic Creek, lying in said above described parcel of land. There is, however, excepted from the said above described parcel of land, so much of the right of way of the Richmond, Fredericksburg & Potomac R. R. as lies within the boundaries thereof.

## Parcel #2.

Beginning for the same at the southeast corner of Potomac Avenue and Broadway in said town of Quantico, Prince William County, Va.; thence in a general southerly direction following the easterly line of said Broadway a distance of one hundred and ten feet more or less to the northerly line of a certain alley; thence turning at right angles and in a general easterly direction following the northerly line of said alley a distance of fifty feet more or less; thence turning at right angles in a general northerly direction on a line parallel with the easterly line of said Broadway a distance of one hundred and ten feet (110') more or less to the southerly line of Potomac Avenue; thence turning at right angles in a general westerly direction and following the southerly line of Potomac Avenue to the point of beginning a distance of fifty feet (50') more or less. Containing in all fifty-five hundred (5500) square feet more or less, which said parcel of land is known as lot #1, Block 5, Sec. A of a plot of lots shown on a subdivision of Quantico, filed among the land records of Prince William County, Va. Together with improvements, privileges, easements and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to said above described parcel of land.

## Parcel #3.

Beginning for the same at a cedar stake that is described in the deed to the Hutchison property as a cedar stake five and seventy hundredths (5.70') feet from old marked beach tree and seven feet (7') from old marked dogwood pointers; thence along the boundary line between the land now or late of Hutchison and the land of Reed north seven degrees fifty-five minutes east a distance of three hundred and sixty-two feet and fifty hundredths of a foot (362.50') more or less; thence south seventy-three degrees twenty minutes west a distance of six hundred and fifty-eight and eighty hundredths feet (658.80') more or less; thence north sixty-six degrees forty minutes west a distance of seven hundred and eighty-five feet (785') more or less; thence south thirty-six degrees twenty minutes west a distance of nine hundred and sixty-two and twenty hundredths feet (960.20') more or less to a point on the south bank of Chopawamsic Creek; thence south forty-six degrees ten minutes east a distance of three hundred and thirty-nine and fifty hundredths feet (339.50') more or less; thence south fifty-two degrees forty minutes east a distance of six hundred and thirty-one and sixty hundredths feet (631.60') more or less; thence north seventy-three degrees twenty minutes east a distance of five hundred and seventy and twenty hundredths feet (570.20') more or less; thence north twenty-one degrees thirty minutes

east a distance of three hundred and ninety-three and eighty hundredths feet (393.80') more or less; thence north four degrees forty minutes east a distance of four hundred and thirty feet and sixty hundredths of a foot (430.60') more or less; thence south seventy-one degrees thirty-five minutes east a distance of two hundred and seventy-six and forty hundredths feet (276.40') more or less; thence north forty-five degrees forty-eight minutes east a distance of one hundred and fifty hundredths feet (100.50') more or less to the point of beginning. Containing in all thirty-four acres more or less. Together with improvements, privileges, easements and other rights whatsoever, including rights in streets and alleys and public and private ways appurtenant or appertaining in any way to said above described parcel of land.

Said above described parcels #1 and #2 are shown on a certain blueprint on file in the Office of the Solicitor, Department of the Navy, which said blue print bears the following legend, "Topographical Map of the U. S. Marine Corp Reservation, Quantico, Va., by Capt. W. G. Emory, U. S. M. C. \* \* \* by direction Lt. Col. R. H. Dunlap, U. S. M. C., Commanding Artillery Force, Sept. 1917, outlining land proposed to be acquired, accompanying report of Board, 1-25-18."

Parcel #3 is shown on a certain tracing on file in the Office of the Solicitor, Department of the Navy, which tracing bears the legend, "Survey of Plot Containing Government Water Plant."

Immediate possession  
and control assumed.

The several tracts of land above described together with all improvements thereon and all rights and privileges appurtenant or appertaining in any way thereto are hereby declared to be and the same are set apart for use for naval purposes and are placed under the exclusive control of the Secretary of the Navy who is authorized and directed to take immediate possession thereof in accordance with the terms of said act on behalf of the United States, for the purposes aforesaid.

Secretary of the Navy  
to negotiate with prop-  
erty owners, etc.

The Secretary of the Navy is authorized and directed to take such steps as may in his judgment be necessary for the purpose of conducting negotiations with the owners of property or rights whatsoever therein within the said above described tracts of land for the purposes of ascertaining the just compensation to which said owners are entitled in order that compensation therefor may be made in accordance with the provisions of the Act aforesaid. All owners of land and improvements, title and possession of which are taken hereunder in accordance with the terms of the Act hereunder and all persons having claims or liens in respect thereto are hereby notified to appear before the Board to be appointed by the Secretary of the Navy and present their claims for compensation for consideration by the said Board in accordance with the provisions of the Act aforesaid.

Residents notified to  
vacate.

All persons residing within said above described tracts of land or owning movable property situate thereon are hereby notified to vacate the said tracts of land and to remove therefrom all movable property within thirty days from the date of this proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the District of Columbia this 4th day of November, in the year of our Lord, One thousand Nine Hundred and  
[SEAL.] Eighteen and of the Independence of the United States of America the one hundred and forty-third.

WOODROW WILSON

By the President  
ROBERT LANSING  
*Secretary of State.*

APPENDIX C

568

ACTS OF ASSEMBLY.

[VA.

CHAP. 382.—An ACT ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within the State, and authorizing the acquisition thereof, and any interest therein, and repealing all prior acts and parts of acts in conflict with this act. [S B 261]

Approved March 16, 1918.

Be it enacted by the general assembly of Virginia: 1. That the consent of the State of Virginia is hereby given in accordance with seventeenth clause, eighth section, of the first article of the Constitution of the United States to the acquisition by the United States, by purchase, condemnation, lease, or in any other manner whatsoever, of any land, or right or interest therein, in this State, required for sites for custom houses, court houses, post offices, arsenals, depots, terminals, cantonments, military or naval camps or bases or stations, aviation fields or stations, radio stations, storage places, target ranges, or for any other military or naval purposes whatsoever of the government.

2. That exclusive jurisdiction in and over any lands, or buildings, any right or interest which has been so acquired by the United States, whether before or after the passage of this act, shall be and the same is hereby ceded to the United States for all purposes, herein provided except the service upon such sites of all civil and criminal process of the courts of this State, which right of service of said process within the bounds of said lands and sites is reserved to this State; but the jurisdiction so ceded shall continue no longer than the United States shall own or occupy such lands, or any right or interest therein; and whenever such lands or buildings abut upon the navigable waters of this State, such jurisdiction so ceded shall extend to and include such of the underwater lands adjacent thereto as lie between the line of low water mark and the bulkhead or pierhead line as now established or as such lines may be hereafter established.

3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to, or possession of the said lands, or rights, or interest therein, by purchase, condemnation, lease, or otherwise; and so long as the said lands, or any rights, or interest therein are held in fee simple by the United States, and no longer, such rights, or interest, as the case may be, shall 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.

4. All acts or parts of acts in conflict with this act are to that extent repealed.

5. An emergency existing by reason of the United States being in a state of war, this act shall be in force and take effect from its passage.

recognition to the rights of each class of creditors and stockholders; does not discriminate unfairly in favor of any class of creditors or stockholders; will conform to the requirements of the law of the land regarding the participation of the various classes of creditors and stockholders, and will otherwise meet the requirements of subsection e of Section 77 of the Bankruptcy Act and will be compatible with the public interests, and

(5) provides for the payment of all costs of administration and other allowances to be made or to be made by the Court.

2. The approximate amounts to be paid by the Debtors, or by any corporation or corporations acquiring the Debtors' assets, for fees and expenses incident to the reorganization, have been fully disclosed so far as they could be ascertained at the date of the hearing, are reasonable, are within the maximum limits fixed by the Commission, and are, within such maximum limits, subject to the approval of the Court.

The Plan of Reorganization of the Debtors approved and certified to this Court by the Interstate Commerce Commission is approved.



#### UNITED STATES v. WATSON.

Cr. No. 2573.

United States District Court  
E. D. Virginia, Alexandria Division.

Sept. 19, 1948.

#### 1. Criminal law. (40(7))

Evidence of reckless driving of an automobile on Fuller Road in Quantico Marine Corps Reservation as prohibited by Virginia statutes and made a federal offense by Assimilative Crimes Act disclosed an offense within the criminal jurisdiction of the United States, where the records disclosed, that the United States acquired entire fee simple title to the road excepting certain rights. 18 U.S.C.A. § 13. Presidential Proclamation No. 1493, Nov. 4, 1918, 40

80 F.Supp. 102

Stat. 1874, 1880-1884; Act Cong. July 1, 1918, 40 Stat. 724, 738.

#### 2. Army and navy (40(7))

To sustain charge of an information alleging a violation of the statute in that defendant reentered a Marine Corps Reservation Road after having been ordered not to do so by the commanding General, the government must show an absolute ownership or an exclusive right to possession of the road, and proof of criminal jurisdiction of the road is not enough. 18 U.S.C.A. § 1382.

#### 3. Army and navy (40(7))

Evidence that Fuller Road was within the area taken for the Quantico Marine Corps Reservation did not alone justify inference that the taking destroyed the strip as a road and dissolved all rights of user theretofore held by the public or by persons having a special interest therein but merely established the authority of the United States to police the road and to punish a defendant for improper conduct thereon.

#### 4. Army and navy (40(7))

Evidence that defendant reentered the Quantico Marine Corps Reservation by going upon Fuller Road after having been ordered not to do so by the commanding General failed to disclose a violation of the statute where sole ownership or possession of the road in the United States was not shown. 18 U.S.C.A. § 1382.

Criminal prosecution by the United States of America against Harvey L. Watson. Defendant found guilty of reckless driving of an automobile on Fuller Road as prohibited by the statutes of Virginia and made a federal offense by Assimilative Crimes Act, 18 U.S.C.A. § 13, and found not guilty of a violation of sections 1382, title 18, U.S.C.A. in that defendant reentered the United States Marine Corps Reservation at Quantico after having been ordered not to do so by the General in command.

George R. Humrickhouse, U.S. Atty., of Richmond, Va., for plaintiff.

Andrew W. Clarke, of Alexandria, Va., for defendant.

BRYAN, District Judge.

The United States informs against the accused in four counts. The first specifies the reckless driving of an automobile on Fuller Road, as prohibited by the statutes of Virginia and made a federal offense by the Assimilative Crimes Act, 18 U.S.C.A. § 13. Each of the other counts alleges a violation of section 1382, title 18 U.S.C.A., in that the defendant reentered the United States Marine Corps Reservation at Quantico, Virginia, that is, went upon Fuller Road, after having been ordered not to do so by the general in command.

The first count tenders the question of whether the road was within the criminal jurisdiction of the United States, and the other counts depend for decision on whether the road is a reservation in the requisite ownership or possession of the United States.

The practical importance of the jurisdictional question here involved justifies the time that has been allowed for research by the United States and the defendant.

On proper waiver the case was tried to the court without a jury. At the conclusion of the testimony it was agreed that the parties would brief the jurisdictional point, and also submit to the court any title documents pertaining to the road and deemed relevant by the prosecution or the defense.

The Government has proved beyond a reasonable doubt the commission by the defendant of the acts charged to him in the information, and the Court should find him guilty on each count if the United States has the requisite jurisdiction and ownership or possession of the highway, all of such acts having been committed on it.

Fuller Road extends from the Richmond-Washington Highway, a public highway of the State of Virginia and designated as U.S. No. 1, eastwardly for a distance of several miles to the town or village of Quantico, Virginia, located on the west bank of the Potomac River. Originally Fuller Road was a public or county road for access to Quantico and the adjacent territory. The United States established the Marine Corps Barracks at Quantico in June 1917, holding the site under a lease

describing a tract of land that embraced the road and the land on each side of it. After the Government occupied the leased area, the road was used by the Marine Corps for vehicular and pedestrian traffic in the Reservation and between No. 1 Highway and the Reservation's main gate, which was located near the eastern terminus of the road and almost abutting Quantico, and the public continued to use it in going to and from Quantico.

In 1918 through appropriate steps, including a proclamation by the President, No. 1493, Nov. 4, 1918, 40 Stat. part 2, 1874, 1880-1884, and supplementary hearings as authorized by an enabling Act of Congress, July 1, 1918, 40 Stat. 724, 738, the United States acquired the fee simple title to the Reservation. The perimeter description of the land so acquired coincided with the boundaries set forth in the lease, thus embracing Fuller Road.

The east boundary line of the Reservation as set forth in this description runs northwardly along the west shore of the Potomac River, from a point south of Quantico, to the town and thence around its westerly side, and then to the River again, crossing Fuller Road, or its extension, at the west end of the town. Thereby Quantico was completely cut off from access to Highway No. 1, and indeed from the rest of Virginia, by land, save for the county or public road which had become Fuller Road. The town was squeezed between the Potomac River and the Reservation. If the United States acquired the entire title, that is, every outstanding title, right and easement in the public road, then the town or village was made virtually an exclave of Virginia.

By statute the State had consented to the acquisition and ceded exclusive jurisdiction to the United States over whatever property was taken, reserving only her right to serve civil and criminal process thereon. Acts of the General Assembly of Virginia, 1918, c. 382, p. 568.

[1] I. From an examination of the records cited in the Government's brief, the Court is of the opinion that the United States acquired the entire fee simple title, except only the outstanding rights herein-

after noted, in and to the land comprising Fuller Road, and thereby the United States became vested with exclusive criminal jurisdiction of it—the jurisdiction theretofore exercised over the road by the State of Virginia. Therefore, the Court holds that the United States has exclusive criminal jurisdiction over so much of Fuller Road as lies within the exterior boundary lines of the tract acquired, which practically is its full length, extending from No. 1 Highway to the west end of Potomac Avenue in Quantico.

A judgment finding the defendant guilty under the first count and fixing his punishment therefor will be passed.

II. On the other counts of the information, proof of the illegality of the conceded reentry of the accused is not so clear. It must be remembered that the “reservation”, which the defendant is here charged with reentering, is Fuller Road—the only thoroughfare connecting Quantico and the other territory of Virginia. He had been forbidden by the commandant to go upon that road. His alleged crime is the use of the road thereafter—not entry into the Reservation proper. Obviously too the ownership or possession of the road is an element of the crime charged in the last three counts of the information. It is not simply the jurisdictional phase of those counts. Without proof of the requisite ownership or possession of the United States, the crime has not been made out.

[2] The Court is of the opinion that the United States must show an absolute ownership, or an exclusive right to the possession, of the road, in order to enforce the commandant's interdiction of the defendant. To punish an infraction of the order, as an offense under title 18, section 1382, U.S.C.A., proof of criminal jurisdiction of the road alone was not enough. Sole ownership or possession, as against the accused, had to be in the United States or there was no trespass. But the evidence does not, and very probably cannot, establish such conclusive ownership or possession in the United States.

The relative location of the town of Quantico, the Reservation and the remainder of the State of Virginia itself raises

considerable doubt that the acquisition was designed to be so complete, in respect to Fuller Road, as to destroy every right of passage thereover except by the United States or by its leave. Rather it appears that the United States acquired and holds the strip of land comprising the road just as did the former owners or condemnees of it, that is, subject to the public thoroughfare, or at least subject to the right of ingress and egress in favor of the property located in Quantico, and substituting the sovereignty of the United States over it for that of the State of Virginia. As lessee of the land the road was improved by the United States and all persons used it as a county road. In taking the land the United States apparently contemplated no more exclusive user of the road.

Inspection of the condemnation records confirms this view. Nowhere therein is apparent any effort by the United States to acquire the public easement or the special property interest of the Quantico landowners in it. None of the latter's rights were mentioned. Neither the State nor the county was impleaded as the representative or holder of the public interest.

To be sure, the United States could have taken all of such rights, but the proof does not support so extensive a condemnation. Such an acquisition would have so depreciated the property in Quantico as to be almost the equivalent of a condemnation of the absolute fee in all the property in the exclave. So exclusive a taking was apparently not intended. Certainly it was not attempted—probably because it was not needed.

[3] Evidence that the road is within the area taken does not alone justify the sweeping inference that the capture destroyed the strip as a road, and dissolved all rights of user theretofore held by the public or by certain persons having a special interest therein. Such evidence may prove jurisdiction but it does not prove absolute ownership or possession. It establishes the authority of the United States to police the road, and to punish the defendant for improper conduct on the road, but it does not warrant proscription of a correct use of the road.

[4] That the defendant was forbidden to enter upon the road, and that thereafter he did so enter, have been proved beyond a reasonable doubt; but the absolute ownership or possession of the United States, so necessary to warrant the order, has not, and doubtless could not, be proved, and consequently there has been no offense made against the statute. It follows that he must be found not guilty under each of the last three counts of the information.



**FISCHER et al. v. HAEBERLE et al.**  
Civil No. 9296.

United States District Court  
E. D. New York.  
Oct. 28, 1948.

**1. United States** ⇨125(1)

When the United States creates rights in individuals against itself, it is under no obligation to provide a remedy through the courts.

**2. United States** ⇨131

Generally, no jurisdiction exists to entertain a suit against the United States in absence of express congressional consent.

**3. Administrative law and procedure** ⇨656

The silence of Congress as to judicial review of orders of an administrative body is not necessarily to be construed as a denial of the power of federal courts to grant relief in exercise of general jurisdiction which Congress has conferred on them.

**4. Administrative law and procedure** ⇨663  
**Officers** ⇨72(2)

Federal District Court has authority to exercise jurisdiction in reviewing administrative action taken under the Veterans' Preference Act of 1944. Administrative Procedure Act, §§ 2(a), 10(c, e), 5 U.S.C.A. §§ 1001(a), 1009(c, e).

**5. Administrative law and procedure** ⇨229

Where an administrative remedy is provided by statute, such remedy must be

exhausted before judicial intervention may be sought.

**6. Administrative law and procedure** ⇨223  
**Constitutional law** ⇨70(1), 73

Courts avoid judicial interference with legislative or administrative action, unless it is clear that such action immediately threatens legal rights.

**7. Administrative law and procedure** ⇨233  
**Officers** ⇨72(2)

Where honorably discharged veterans who were working at New York Navy Yard as civilian employees, and who had been demoted, had appealed to the United States Civil Service Commission, and such appeal was pending, federal District Court would not proceed with trial of veterans' action for injunction to restrain demotion, but would stay the case pending the commission's action. Veterans' Preference Act of 1944, §§ 12, 14, 5 U.S.C.A. §§ 861, 863; Administrative Procedure Act, §§ 2(a), 10(c, e), 5 U.S.C.A. §§ 1001(a), 1009 (c, e).

**8. Administrative law and procedure** ⇨233

Federal District Court has discretion to refuse to give equitable relief where party so requesting it has taken steps to obtain statutory administrative relief and determination of such relief is still pending.

**9. Officers** ⇨76

"Corrective action", within provision of Veterans' Preference Act that it shall be mandatory for an administrative officer to take such "corrective action" as Civil Service Commission finally recommends, allows commission to reinstate demoted veterans and grant back pay if commission sees fit to do so. Veterans' Preference Act of 1944, as amended, § 14, 5 U.S.C.A. § 863.

See Words and Phrases, Permanent Edition, for all other definitions of "Corrective Action".

**10. Action** ⇨68

Federal District Court has power to stay proceedings before it, such power being incidental to power inherent in every court to control disposition of causes on its docket.



APPENDIX E  
UNITED STATES MARINE CORPS  
MARINE CORPS DEVELOPMENT AND EDUCATION COMMAND  
QUANTICO, VIRGINIA 22134

C 058:JMP:sgg  
5726  
9 July 1982

Ms. Mary Devine, Esquire  
Division of Legislative Services  
P. O. Box 3AG  
Richmond, Virginia 23208

Dear Ms. Devine:

In response to your request, our Staff Judge Advocate has prepared the following legal background which describes this Command's position relative to Fuller Road and the location of the "main gate."

Prior to 1918 Fuller Road was a public or county road used primarily to gain access to the Town of Quantico and adjacent territory. In 1918, through appropriate legal action, the United States acquired the fee simple title to the present reservation. The land so acquired embraces Fuller Road and completely surrounds the privately owned Town of Quantico. Fuller Road provides egress and ingress to the military reservation of Quantico as well as to the Town of Quantico.

By statute, the Commonwealth of Virginia consented to the acquisition and ceded exclusive jurisdiction to the United States over the property taken, including Fuller Road, reserving only the right to serve criminal and civil process thereon. (Acts of the General Assembly of Virginia, 1918, c. 382, p. 568.) Fuller Road thus became a Federal road and lost its identity as a state or county thoroughfare. The United States thereby acquired exclusive criminal jurisdiction over Fuller Road. (The Commonwealth of Virginia does not exercise police power over Fuller Road.) As a result of the jurisdiction so acquired, the Federal Government and thus the U. S. Marine Corps, acquired the sole authority to police this road, and to prosecute motorists for improper conduct on the road. Persons now found by military policemen upon Fuller Road committing an offense prohibited by the statutes of Virginia and made a Federal offense by the Assimilative Crimes Act, 18 U.S.C., Section 13, are prosecuted before the Federal Magistrate in Alexandria, Virginia.

The authority of the U. S. Marine Corps to police Fuller Road is now well established. In the case of U.S. v. Watson, 80 F. Supp. 649, decided September 10, 1948, the United States District Court for the Eastern District of Virginia, Alexandria Division, held that



(f) From an examination of the records..., the Court is of the opinion that the United States acquired the entire fee simple title..., in and to the land comprising Fuller Road, and thereby the United States became vested with exclusive criminal jurisdiction over it--the jurisdiction theretofore exercised over the road by the State of Virginia. Therefore, the Court holds that the United States has exclusive criminal jurisdiction over so much of Fuller Road as lies within the exterior boundary lines of the tract acquired, which practically is its full length, extending from No. 1 Highway to the west end of Potomac Avenue in Quantico.

As a result of the Court's opinion, the defendant, Harvey Watson, was found guilty of the reckless driving of an automobile of Fuller Road as prohibited by the statutes of Virginia and made a Federal offense by the Assimilative Crimes Act, 18 U.S.C., Section 13.

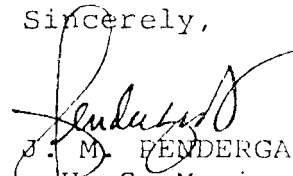
In light of the fact that the criminal jurisdiction of Fuller Road is exclusively invested in the United States, and the United States thus exercises police authority over it, all persons, including persons using Fuller Road solely to obtain egress or ingress to the Town of Quantico, may be required to participate in a command-authorized inspection. Of course, if the vehicle is proceeding to Quantico Town, it will be allowed to proceed on immediately unless a command-authorized inspection has been ordered, in which case the driver may be compelled to produce his driver's license and registration of the vehicle if his is the vehicle randomly selected for a stop. Further, any information the military police may acquire as a result of proper conversation or observation while the motor vehicle is temporarily halted may be legally taken into account, along with any other information the military police might have, in determining whether probable cause exists to believe that a crime has been committed. Without such probable cause, there can be no search of the automobile or its occupants. It must be noted, however, that any person, civilian or military, who uses Fuller Road to gain access to the military reservation, vice the Town of Quantico, will also be required to participate in a command-authorized inspection, including an entire search of the automobile.

Gate Number 1, the main gate, was moved to its present location in 1971. It has been suggested that this Gate should be transferred from its location near the intersection of Highway Number 1 and Fuller Road to its previous location on Fuller Road where Fuller Road intersects with Potomac Avenue, the main street of the Town of Quantico.


If this Gate were so moved, persons could proceed to Quantico Town without passing through any military gate. Individuals could, however, also enter the Quantico Military Reservation without passing through any military checkpoint. Because the Air Facility, the Development Center, and the various training commands are located on the installation, security of the base and its residents is an absolute necessity. Prior to the relocation of the Gate in 1971, any individual had unlimited access to the military reservation as well as to the Town of Quantico. Break-ins into dependents' housing as well as two bank robberies on the base within a year of each other in 1970 and 1971 demonstrated that additional security measures were needed to ensure the overall security of the base. The location of Gate Number 1 at its current location provides increased security by requiring all personnel who do not possess a military or dependent identification card to register if they will be visiting Marine Corps facilities, areas, activities or any of its residential areas. It should be emphasized that not only has the security of the Reservation been substantially increased, but also the security of the Town of Quantico.

I hope the above information proves useful to you. We have requested copies of the 1918 federal condemnation proclamation, and will forward them to you upon receipt. If you, or other members of the staff, need additional information -- or would like a first-hand look at the area in question -- please do not hesitate to get in touch with me.

Sincerely,



J. M. FENDERGAST  
Major, U. S. Marine Corps  
Public Affairs Officer

P.S.  
The Proclamation just  
mailed. Hope it meets your  
needs.  


Statement on Behalf of the Commanding General,  
Marine Corps Development and Education Command,  
Quantico, Virginia, presented on 14 October 1982  
to the Joint Courts of Justice Subcommittee of the  
House of Delegates and the Senate of the  
Legislature of the Commonwealth of Virginia  
Established Pursuant to House Joint Resolution  
No. 89 to Study the Ownership of and Jurisdiction  
over Fuller Road

Good morning. I appreciate this opportunity to speak with you on a matter that concerns all of us. The Commanding General of Marine Corps Development and Education Command has asked that I briefly explain the Command's position with regard to jurisdiction over Fuller Road.

Prior to 1918, Fuller Road was a county public road used primarily to gain access to the Town of Quantico. Pursuant to a Presidential Proclamation of November 4, 1918, condemning the original tracts of the Marine Corps Base, and an act of the General Assembly of the Commonwealth of Virginia consenting to the condemnation, the United States acquired title to the portion of the present reservation that embraces Fuller Road and completely surrounds the privately-owned Town of Quantico. Fuller Road provides egress and ingress to the military reservation of the Marine Corps Development and Education Command as well as to the Town of Quantico.

In its action consenting to the Federal condemnation proceedings, the Commonwealth of Virginia ceded exclusive jurisdiction to the United States over the property taken, including Fuller Road, reserving only the right to serve criminal and civil process. (Acts of the General Assembly of Virginia, 1918, c. 382, p. 568.) Fuller Road thus became

a Federal road and lost its identity as a state or county thoroughfare. The United States thereby acquired exclusive criminal jurisdiction over Fuller Road. The Commonwealth of Virginia does not exercise police power over Fuller Road. As a result of the jurisdiction so acquired, the Federal Government acquired the sole authority to police this road and to prosecute motorists for criminal conduct on the road. Nonmilitary persons now found by military policemen upon Fuller Road committing offenses prohibited by Federal law or by state statute adopted as Federal law by the Assimilative Crimes Act (18 U.S.C., Section 13) are prosecuted before a Federal Magistrate in Alexandria, Virginia.

The authority of the U.S. Marine Corps to police Fuller Road on behalf of the United States is now well established. In the Federal case of U.S. v. Watson (80 F.Supp. 649), decided September 10, 1948, the United States District Court for the Eastern District of Virginia, Alexandria Division, while recognizing that the right of citizens to ingress and egress to and from the Town of Quantico by means of Fuller Road, held that

"[f]rom an examination of the records..., the Court is of the opinion that the United States acquired the entire fee simple title..., in and to the land comprising Fuller Road, and thereby the United States became vested with exclusive criminal jurisdiction over it--the jurisdiction theretofore exercised over the road by the State of Virginia. Therefore, the Court holds that the

United States has exclusive criminal jurisdiction over so much of Fuller Road as lies within the exterior boundary lines of the tract acquired, which practically is its full length, extending from No. 1 Highway to the west end of Potomac Avenue in Quantico."

As a result of the Court's opinion, the defendant, Harvey Watson, was found guilty of the reckless driving of an automobile on Fuller Road as prohibited by the statutes of Virginia and made a Federal offense by the Assimilative Crimes Act (18 U.S.C., Section 13).

In light of the fact that the criminal jurisdiction of Fuller Road is exclusively invested in the United States, and the United States thus exercises police authority over it, all persons, including persons using Fuller Road solely to travel to and from the Town of Quantico, are subject to that jurisdiction and the proper exercise of this police power.

The previously mentioned right of the citizens, patrons, and visitors of the Town of Quantico to egress and ingress by means of Fuller Road requires that the Marine Corps not prohibit the use of Fuller Road by those travelling to and from the Town of Quantico. The right of ingress and egress, however, is necessarily limited by the proper exercise of police power just as the operation of a motor vehicle upon any public highway is limited by the police power exercised by the principality having jurisdiction over such highway. Routine

checkpoints, traffic stops, and license, registration and inspection checks are judicially recognized and accepted incidents of the exercise of the police power over the Nation's roads. In this case, the police power over Fuller Road has been clearly ceded to the United States and delegated to the U.S. Marine Corps which must fulfill this obligation. At the same time, the Commanding General, Marine Corps Development and Education Command, is also charged with the responsibility of providing for the security and well-being of the military reservation.

The Marine Corps recognizes that its exercise of the police power over Fuller Road may represent an occasional inconvenience to the citizens, visitors, and patrons of the Town of Quantico. Nevertheless, the Marine Corps is legally required to police this road, provide for the safe ingress and egress to and from the Town of Quantico, and maintain the security of the installation. The Marine Corps is striving to fulfill these diverse responsibilities with the least possible inconvenience.

APPENDIX G



UNITED STATES MARINE CORPS  
MARINE CORPS DEVELOPMENT AND EDUCATION COMMAND  
QUANTICO, VIRGINIA 22134

C 058/JMP/pbe  
5000  
20 October 1982

Ms. Mary P. Devine, Esq.  
Staff Attorney  
Division of Legislative Services  
P. O. Box 3AG  
Richmond, Virginia 23208

Dear Ms. Devine:

In response to the request by the Joint Subcommittee on the Legal Status of Fuller Road, the following information is provided.

During the period 1 August 1981 through 28 May 1982, a total of 1,730 motor vehicles were stopped as a result of Command authorized random inspections at various locations aboard the U. S. military reservation at Quantico, Virginia. As a result of those inspections, the following violations were discovered: 34 instances of unauthorized drugs; five instances of opened alcoholic containers; eight instances of unauthorized government property; 12 safety violations involving motor vehicles; and nine instances of weapons/ammunition violations.

During the period 29 May 1982 through 13 October 1982, a total of 633 motor vehicles were stopped and eight instances of unauthorized drugs were discovered, and two cases each of unauthorized government property and ammunition/weapons were discovered. No other violations were noted.

Since the first of January 1982 (there are no figures available for 1981), 20 suspects have been identified as a result of the random inspections for drug oriented violations. Of these, 13 were service members, six were civilians and one was a military dependent.

At the subcommittee's hearing, the question was raised as to the validity of the use of routine checkpoints, traffic stops, and license registration and inspection checks as judicially recognized and accepted incidents of the exercise of police power over the Nation's roads. In March of 1979, the United States Supreme Court held in the case of The State of Delaware vs. William J. Prouse, III, 440 U. S. 648 (1979), that a motor vehicle stopped by police, however brief, constitutes a "seizure" within the meaning of the Fourth Amendment to the U. S. Constitution. In this case, the Delaware state police officer stopped a motor vehicle for a license check without any articulable reason other than a hunch." The officer detected the smell of marijuana as he approached the vehicle. The driver was arrested

and charged with possession of a controlled substance. In its opinion, the Court held that a vehicle stop which is the result of unbridled discretion on the part of the arresting officer is impermissible under the Fourth Amendment as applied to the states through the due process clause of the Fourteenth Amendment. The ruling in this case clearly turned upon the officer's unfettered authority to choose which vehicles could be stopped for a license, registration inspection or proof of insurance check. The Court, however, recognized the state's legitimate interest in enforcing these requirements in stating that:

"We agree that the States have a vital interest in ensuring that only those qualified to do so are permitted to operate motor vehicles, that these vehicles are fit for safe operation, and hence that licensing, registration, and vehicle inspection requirements are being observed."  
(Prouse, *ibid*, p. 658)

The Court ruled that a balancing test was required, balancing the extent of the intrusion into the automobile operator's privacy against the state's interest in policing the roads. In this case, the Court found the intrusion involved in unbridled, discretionary police stops, on balance, to be impermissible.

The Court further held, however, that this ruling did not preclude the lesser intrusion of roadblock stops where state authorities stopped every vehicle and exercised no discretion:

"This holding does not preclude the State of Delaware or other States from developing methods for spot checks that involve less intrusion or that do not involve the unconstrained exercise of discretion. Questioning of all oncoming traffic at roadblock-type stops is one possible alternative." (Prouse, *ibid*, p. 663)

In U. S. vs. Martinez-Fuerte, 428 U. S. 543 (1976), the Court earlier upheld such a routine checkpoint established 66 miles north of the international border on a major highway in southern California to interdict illegal aliens immigrating from Mexico. The Court held that routine checkpoints of this nature do not pose the grave danger of an unlimited exercise of police discretion in the stopping of motor vehicles. After a discussion of vehicle stops based upon a police officer's discretion, the Court held that:

"Routine checkpoint stops do not intrude similarly on the motoring public. First, the potential interference with legitimate traffic is minimal. Motorists using these highways are not taken by surprise as they know, or may obtain knowledge of, the location of the checkpoints and will not be



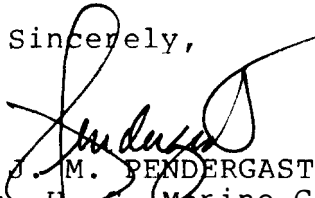
stopped elsewhere. Second, checkpoint operations both appear to and actually involve less discretionary enforcement activity. The regularized manner in which established checkpoints are operated is visible evidence, reassuring to law abiding motorists, that the stops are duly authorized and believed to serve the public interest. The location of a fixed checkpoint is not chosen by officers in the field, but by officials responsible for making overall decisions as to the most effective allocation of limited enforcement resources." (Martinez-Fuerte, ibid, p. 559)

The Command, in its exercise of police jurisdiction over Fuller Road, has implemented an inspection system which does not involve the exercise of impermissible discretion by police (i.e., vehicles are stopped for inspection on a random basis which is established by competent authority and over which the individual military policeman has no discretion). Our gate inspection procedures are thus in accord with the most recent ruling by the U. S. Supreme Court in this area.

Additionally, as requested by the subcommittee, I have enclosed a copy of an inspection procedure checklist as well as a sample copy of the Provost Marshall's report of the results (with names removed).

I hope this information proves satisfactory.

Sincerely,



J. M. PENDERGAST  
Major, U. S. Marine Corps  
Public Affairs Officer

Encls

FOR OFFICIAL USE ONLY  
APPENDIX G  
UNITED STATES MARINE CORPS  
MARINE CORPS DEVELOPMENT AND EDUCATION COMMAND  
QUANTICO, VIRGINIA 22134

C 051/TJD/mkc  
5500  
19 March 1982

From: Command Inspector  
To: PMO

Subj: Security Inspection

Ref: (a) MCDECBul 5500 of 22Jun81

1. In accordance with reference (a) you are requested to conduct the following security inspection (No. 178):

a. Date: 22 MARCH 1982 b. From 1130 to 1300

c. Location: Purvis Rd. (Purvis & Fuller) ~~Inbound/Outbound~~. At Gates #1 and #2 do not inspect Town of Quantico vehicles or vehicles with passengers visiting Quantico; however, if they coincide with a random number, their driver's license and vehicle registration can be examined.

d. Random number: 3 (At begin time, start counting vehicles. Stop and inspect random number vehicle. After inspecting this vehicle, release it and begin count again; stop when random number reached. Repeat process until end time.)

e. Purpose of inspection (check and initial applicable space).

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Unauthorized U.S. Government property
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Classified papers or materials
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Illegal substances of abuse (marijuana, opened alcohol, etc.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Unauthorized weapons
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Driver's License check
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Registration check
<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCDEC Decal check (or valid visitor's pass)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle Safety Tag check (if required)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	County Tag check (if required)

f. Supervision: During vehicle inspections a commissioned officer will be present to supervise all procedures. During working hours this officer will be from Security Battalion; after working hours the CDO will be present. Both are representatives of the Commanding General. If any unresolvable problems are encountered contact the MCDEC Chief of Staff immediately.

2. Submit a detailed report after the inspection to the Commanding General (C 051) to include name, rank, SSN, organization/address, work phone, vehicle description, tag numbers, and results of this search. In addition, report unusual incidents or comments developed as a result of this effort, and include names and ranks of all personnel conducting the inspection.

  
T.J. DUMONT

Copy to:  
C/S, MCDEC  
CDO MCDEC: in charge/i.fo

(178)

NAVY MARINE CORPS DEVELOPMENT AND EDUCATION COMMAND  
 QUANTICO, VIRGINIA 22134

APPENDIX G

C 054/DBC/LS  
 5500

22 Mar 82

FROM: Provost Marshal  
 To: Deputy Chief of Staff, Command Inspection NO. 178

Subj: Security Inspection Conducted 22 Mar 82

Ref: (a) CG's Ltr C 051/HTK/mbt 5500 of 19 MAR 82

1. As requested by the reference, a Command authorized inspection was conducted on 22 MAR 82 during the period 1130-1300 at PURVIS RD (SOUTHWEST)

2. The following vehicles were inspected at an average time of THREE minutes

TIME	NAME (NT)	RANK	ORG/ADDRESS	WORK #	VEH. DESCRI & PLATES	VISITOR/DECAL PASS - NUMBER	SEC
1138		Sgt	ASCO2 Hg Co	640	81 FORD	MCDEC	M
1141			H2S BN	2616	AA# 8EC 389	E-37587	
1145		Sgt	GPS Co		73 Olds	MCDEC	M
1148			H2S BN	2381	Va # YPZ 634	E-36314	
1153		Dep	14712 Dnebydale	650	82 Dodge Colt	MCDEC	M
1156		LT	Winchester Va	5867	Va # YPR 664	#7307	
1158		MAJ	H2S BN	640	81 YAMAHA	MCDEC	M
1201				2601	MI # SP937	D-32358	
1204		Dep	Quas 2741 B	221	79 TOYOTA	MCDEC	M
1206		W	MCDEC	8033	IL # TS8091	B-88084	
1211		Dep	18305 Kila	20	79 Olds	MCDEC	M
1214		W	Art T-1 Trump	1741	MC # FGL339	E-37435	

3. All personnel were cooperative. Military Police conducting the inspection were Capt T.D. Crowley, SSGT Poe, Sgt Clarke, Sgt Mortimer.

C.F. Woods  
 C.F. WOODS

(178)

C 054/DBC/LS  
 5500

22 MAR 82

FROM: Provost Marshal  
 To: Deputy Chief of Staff, Command Inspection **NO. 178**

Subj: Security Inspection Conducted 22 MAR 82

Ref: (a) CG's Ltr C 051/HTK/mbt 5500 of 19 MAR 82

1. As requested by the reference, a Command authorized inspection was conducted on 22 MAR 82 during the period 1130-1300 at PURVIS RD (SOUTHWEST)

2. The following vehicles were inspected at an average time of THREE minutes

TIME	NAME	RANK	ORG/ADDRESS	WORK #	VEH DESCRIP & PLATES	VISITOR/DECAI PASS -NUMBER	BEI
1138		Sgt	ASCO 4 Co	640	81 FORD	MCDEC	M
1141			HIS BN	2616	AK # REC 389	E-37587	
1145		Sgt	GPS Co		73 Olds	MCDEC	M
1148			HIS BN	2381	Va # YPZ 624	E-36314	
1153		Dep	14712 <sup>Darcydale</sup>	650	82 Dodge C/K	MCDEC	M
1156		USMC	Winbridge Va	5867	Va # Y4R6 64	#7389	
1158		MAJ	HIS BN	640	81 YAMAHA	MCDEC	M
1201				2601	MI # 5P937	D-32358	
1204		Dep	Quats 2741 B	221	79 Toyota	MCDEC	M
1206		W	MCDEC	8033	IL # TSS091	B-88084	
1211		Dep	18205 Kline	no	79 Olds	MCDEC	M
1214		USMC	Asst T-1 T/comp	1401	MC # FG L339	E-37435	

3. All personnel were cooperative. Military Police conducting the inspection were Capt T.D. Crowl, SSGT Goe, Sgt Clarke, Sgt Martiny.

C.E. Woods  
 C.E. WOODS

(178)

APPENDIX H




COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

JOHN H. RUST, JR.  
P.O. BOX 460  
FAIRFAX, VIRGINIA 22030

COMMITTEE ASSIGNMENTS:  
COUNTIES CITIES AND TOWNS  
CLAIMS

EIGHTEENTH DISTRICT  
FAIRFAX COUNTY, THAT PORTION IN  
THE 10TH CONGRESSIONAL DISTRICT,  
AND THE CITIES OF FAIRFAX AND  
FALLS CHURCH

TO: All Members of the Joint Subcommittee  
Studying the Legal Status of Fuller Road  
(Quantico, VA)

FROM: John H. Rust, Jr. 

RE: Fuller Road

Relative to the above-referenced matter, I enclose herewith copies of the street map setting forth the area of the Quantico Base in question. For your information, the various gates which were described by Colonel Cassady are located at F-8, J-10 and B-12. If you will follow Fuller Road on the map from its intersection with Route 1 at E-8 through its intersection with Quantico at B-12 on page 25, you will note that there are seven intersections along that stretch of road. The first three located at F-8 and F-9 all tie into the Purvis Road area, which is a residential complex stretching north and south across the entire boundary of the Quantico Base. I have driven Purvis Road and it appears to be a typical suburban neighborhood with shopping centers, schools, parks and no sensitive military operations. Thus, there is no overriding military security reason to have a gate which protects this area of the Marine Base. The next three intersections, at H-10 and J-10, consist of a) a service road, b) an intersection with Fuller Heights Road, and c) Liversedge Drive, which leads to the Officers Club. None of these intersections require any particular security for the Marine Base. It should be noted that the intersection at J-10 at Fuller Heights Road presently has a checkpoint located on the Quantico side of Little Creek. The road which appears on the map to run throughout the golf course to connect with the Base from J-10 over to A-10 on map 25 does not, in fact, extend throughout the golf course. There is no access to the Post from Windsor Road. The amphibious warfare school is located in the area of A-10 and B-10 on map 25. The only access to this area from Fuller Road is at

## APPENDIX H

Geiger Road at A-11 and Little Road at B-11. Thus, the Marine Base could achieve security for all of its sensitive operations by relocating the main checkpoint to the intersection of Barnett Avenue and Potomac Avenue, where it was in the earlier period, and by placing two small checkpoints at Geiger Road and Little Road. This would permit the Corps to eliminate the checkpoint at Fuller Heights Road and, therefore, it would only create one additional checkpoint for the Marine Corps. To guarantee security of the main portion of the Base, the main checkpoint on Russell Road, now located at B-12 on map 24, would have to be relocated to B-13 so that it was east of the intersection with Russell Road and old Route 1. This would assure that the sensitive areas of Quantico east of the residential area on Purvis Road and old Route 1 would not be accessible to the general public. I believe this solution would provide protection for the marine corps which it reasonably requires and, at the same time, assure free access to all the citizens of Quantico to their residences and businesses.

I recognize that our function as a study committee is somewhat limited, but it is my opinion, based upon a review of the staff memorandum and the comments of Colonel Cassady at our hearing, that we have little, if any, power to coerce a solution and that our only reasonable role is to act as a mediator between the townspeople and the Marine Corps. his solution at least gives us a positive step forward and I would suggest that we investigate it further with the Corps and the citizens.

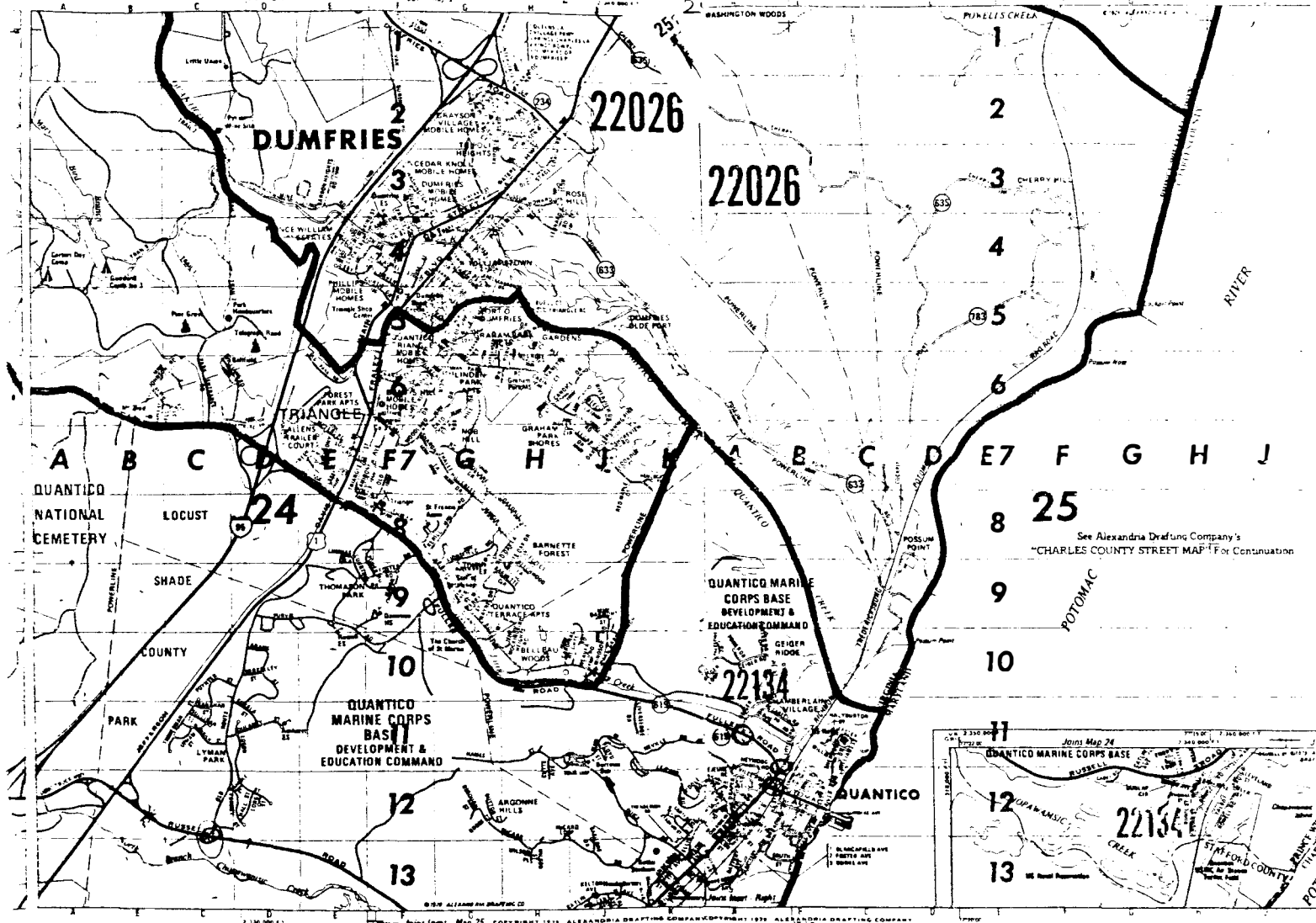
JHRJr/jab  
Enclosure

### MEMBERS:

Ralph L. Axselle, Jr., Chairman  
Herbert H. Bateman  
Joseph V. Gartlan, Jr.  
Edward M. Holland  
Thomas M. Moncure, Jr.  
W. Tayloe Murphy, Jr.

cc: Colonel Cassady  
Mary P. Devine, Esquire

APPENDIX H



See Alexandria Drafting Company's  
"CHARLES COUNTY STREET MAP" For Continuation

APPENDIX I



201000

1. The present location of the gates is as follows:  
2. The proposed relocation of the gates is as follows:  
3. The proposed relocation of the gates is as follows:

We are very much interested in your letter of 8 November requesting the relocation of the gates with regard to the proposed repositioning of the bridge on Fuller Road. We are certainly concerned in this matter and appreciate the opportunity to explain our position.

The present location of the gates was determined after careful consideration of the security requirements of this Command. After careful review of Mr. Fust's proposal, we have determined that relocation of the gates, as he has proposed, would jeopardize that security. The present locations permit the screening of all regular traffic traveling to the Exchange, Commissary, Burroughs Elementary School, Quantico High School, Thomason Park, Lyman Park, and the Liversedge Bachelor Officer's Quarters. Although these areas have purposes that have counterparts in the civilian community, they are under the Commanding General's responsibility as they are upon Marine Corps property and directly affect the mission of this Command. Additionally, to permit unlimited access to these areas would substantially increase the possibility of unauthorized entry into other areas of the base.

In light of all the security considerations, to move the main gate as proposed would require this Command to establish new gates at the intersections of Courtney Drive, Foster Drive, Purvis Road, Calder Road and Liversedge Drive along Fuller Road, on Broadway Street between the base and the Town of Quantico, as well as the proposed relocated gate at Potomac and Barnette Avenues. The gate on Windsor Road could be eliminated. The cost of building a gate on a new location, including a cement pad, floodlights, guardhouse, electrical connections and heat exceeds \$5,000.00. The total cost of the new and relocated gates is estimated to be, at a minimum, \$36,500.00. Additionally, approximately 10 military policemen are required to man each gate on an annual, 24-hour basis. This requirement substantially increases the continuing cost of this proposal.

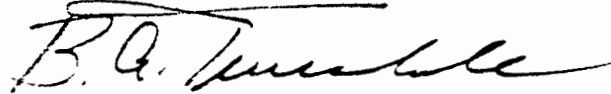
When the requirements for the security of property and personnel of the Marine Corps Development and Education Command and the additional costs and manpower demands encompassed in the proposal are balanced against the minimal imposition placed upon travelers to the



100-100000  
5000

town of Quantico which result from the present location of the gate on Fuller Road, it becomes readily apparent that Mr. Rust's proposal is impracticable. Accordingly, it is the decision of the Commanding General that the gate on Fuller Road remain in its present location.

Sincerely,



B. A. TRUESDALE  
Chief of Staff

1 D 12/4/82 DEVINE C 12/8/82 bgh

2 HOUSE JOINT RESOLUTION NO.....

3 Memorializing Congress to work toward a solution regarding  
4 free and convenient use of Fuller Road at Quantico,  
5 Virginia.

6

7 WHEREAS, the Town of Quantico, Virginia, is uniquely  
8 isolated in that the town is completely surrounded by the  
9 Potomac River and the United States Marine Corps Development  
10 and Education Command at Quantico; and

11 WHEREAS, Fuller Road, which runs through the Marine  
12 Corps base, provides the only means of egress and ingress to  
13 the town; and

14 WHEREAS, a number of complaints have been voiced  
15 regarding the apparently unnecessary hindrance of the right  
16 of persons to the use of Fuller Road due to the current  
17 location of the marine guard checkpoint on Fuller Road; and

18 WHEREAS, persons seeking egress and ingress to the town  
19 desire more convenient access to the town free from  
20 unreasonable restrictions and restraints; and

21 WHEREAS, the obligation of the U.S. Marine Corps to  
22 ensure the security of the military installation is  
23 recognized; and

24 WHEREAS, efforts by representatives of the Town of  
25 Quantico and the Joint Subcommittee of the General Assembly  
26 of Virginia Studying the Legal Status of Fuller Road

1 (Quantico, Virginia) to find a satisfactory solution to the  
2 problem of providing a secure Marine Corps installation at  
3 Quantico while affording users of Fuller Road the right to  
4 reasonably unrestrained access to the Town of Quantico have  
5 failed; and

6 WHEREAS, the United States Government contends that it  
7 has exclusive jurisdiction over Fuller Road by virtue of  
8 Federal Proclamation No. 1493 (1918) and Chapter 382 of the  
9 1918 Acts of Assembly; now, therefore, be it

10 RESOLVED, by the House of Delegates, the Senate  
11 concurring, That in recognition of the unique situation of  
12 the Town of Quantico and in the continued spirit of  
13 cooperation between the Commonwealth and the United States  
14 Government, the Congress of the United States is hereby  
15 memorialized to work toward a proper balance between the  
16 obligation to provide a secure military installation at the  
17 U.S. Marine Corps base at Quantico, Virginia, and the right  
18 of all persons to a free and convenient means of egress and  
19 ingress to the Town of Quantico; and be it

20 FURTHER RESOLVED, That the Clerk of the House of  
21 Delegates transmit copies of this resolution to: the  
22 Speaker of the House of Representatives; the President of  
23 the United States Senate; the Virginia delegation to the  
24 Congress of the United States; the Secretary of the United  
25 States Navy; B. A. Truesdale, Chief of Staff, United States  
26 Marine Corps Development and Education Command at Quantico,  
27 Virginia; and the Honorable Lively C. Able, Mayor of the  
28 Town of Quantico, Virginia, in order that they may be

1 apprised of the sense of the General Assembly.

2

#