

STATE RIGHT TO CEDE JURISDICTION TO FEDERAL GOVERNMENT OVER
LANDS THERETOFORE PURCHASED

February 3, 1933



Governor Guy B. Park
Jefferson City, Missouri

Dear Governor:

I acknowledge receipt of your letter dated January 31, 1933, with inclosures as follows:

1: Letter dated January 25, 1933, from Patrick J. Hurley, Secretary of War, to yourself,

2: Copy of letter dated January 7, 1931, from Patrick J. Hurley, Secretary of War, to Governor Henry S. Caulfield,

3: Proposed draft of bill amending Section 11072 Article I, Chapter 66, Revised Statutes Missouri, 1929.

The seventeenth clause of Section 8 of Article I, of the Constitution of the United States reads as follows:

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings".

You will observe that this clause of section 8 permits the Federal Government to exercise exclusive legislation in all cases whatsoever over what is now the District of Columbia, and by cession of any state like authority over all places purchased by the consent of such legislature when the same shall be for the purposes enumerated in the seventeenth subdivision of section 8.

Governor Guy B. Park,

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February 2, 1933

The proposed draft of the bill submitted adds the comprehensive words "and for military purposes" The proposed bill attempts to give the consent of the state to the acquisition of lands by purchase or grant, which has been or may hereafter be acquired. The seventeenth subdivision of section 8 contemplates that the land shall be purchased when the consent of the legislature is first had and obtained. If the conclusion in the letter of the Secretary of War to yourself is correct that this legislation is necessary, then it would seem that the purchase was made by the Federal Government without authority from the state. According to subdivision seventeen of section 8 the legislature would not have authority to confirm a previous purchase or to cede jurisdiction over territory to the United States Government, except where the land was purchased with the consent of the legislature nor does section 8 refer to a grant of land, as is contained in the proposed bill, but only to a purchase.

The bill is in proper form so far as accomplishing the desires of the United States Government is concerned, subject of course to what is said in the preceding paragraph of this letter.

If you desire further information on the subject it will be our pleasure to advise you.

Inclosures returned herewith.

Yours very truly,

GILBERT LAMB
Assistant Attorney General.

APPROVED:

Attorney General.

GL:LC

Inclosures