

MISSOURI ATHLETIC COMMISSION: Commission has no jurisdiction over boxing events held at Jefferson Barracks.

Kansas City, Missouri
November 5, 1937.

11-6



Mr. Garrett L. Smalley, Chairman,
Athletic Commission of the State of Missouri,
Wirthman Building,
Kansas City, Missouri.

Dear Sir:

This Department is in receipt of your request for an opinion as to the following:

"Near the City of St. Louis is Jefferson Barracks. Each week or so they hold a big boxing show, open to the public with an admission charge, and most always to a capacity house of from three to five thousand.

"These boxing contests are between members of the Government Post and opponents from elsewhere throughout that part of the state.

"Jefferson Barracks is located on United States Government property and those in charge claim that because of this, the Missouri State Athletic Commission has no jurisdiction over these shows, nor have we a right to collect the five per cent tax according to the law.

"It appears to me that this would come under the jurisdiction of this Commission the same as other boxing events held in the state, because of the fact that it is open to the public and primarily dependent upon the public for its support.

"Because of the attitude of those in charge at the Post, the State of Missouri has lost several thousands of dollars in state taxes.

"I will appreciate it if you will give me an opinion on this right away so we can clear up this situation in St. Louis."

The 17th clause of Section 8 of Article I of the Constitution of the United States provides:

"The Congress shall have power * * * 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 government of the United States, and to execute 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 * * *."

Section 11072, Revised Statutes of Missouri, 1929 provides:

"The consent of the state of Missouri is hereby given in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States to the acquisition by the United States by purchase or grant of any land in this state which has been or may hereafter be acquired, for the purpose of establishing and maintaining post offices, internal revenue and other government offices, hospitals, sanatoriums, fish hatcheries, game or bird preserves and lands for reforestation. Provided, that said lands shall not exceed twenty-five acres in quantity in any one lot or parcel in any town or city and shall not exceed two thousand (2,000) acres in any one county."

We assume, for the purpose of this opinion, that the property now comprising "Jefferson Barracks" was acquired by the United States in accordance with the above section of our statutes. If so, Section 11073, R. S. Mo., 1929 applies:

"The jurisdiction of the state of Missouri in and over all such land purchased or acquired as provided in section 11072 is hereby granted and ceded to the United States so long as the United States shall own said land: Provided, that there is hereby reserved to the state of Missouri, unimpaired, full authority to serve and execute all process, civil and criminal, issued under the authority of the state within such lands or the buildings thereon."

In the case of United States v. Unzenta, 74 L.Ed. 761, the Supreme Court of the United States said:

"When the United States acquires title to lands, which are purchased by the consent of the legislature of the state within which they are situated *for the erection of forts, magazines, arsenals, dockyards and other needful buildings' (Const. art. 1, sec. 8), the Federal jurisdiction is exclusive of all state authority."

In view of the foregoing, therefore, and assuming the property upon which Jefferson Barracks is situated was acquired by the United States in accordance with section 11078 R. S. No. 1929, we are of the opinion that the Missouri State Athletic Commission has no jurisdiction with regard to boxing events held on said property.

Respectfully submitted,

JWH:ME

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General.

APPROVED:



Acting Attorney General.