

24 OCT 1950

Honorable Carl Hayden

United States Senate

Dear Senator Hayden:

Further reference is made to your communications of recent date to the Secretary of the Army, with which you inclosed a letter from the Honorable Dan E. Garvey, Governor of Arizona, requesting that the State of Arizona be permitted to sell improvements located in Cantonment Areas Nos. 10 and 13 of the Fort Huachuca Military Reservation, Arizona, which was conveyed to the State of Arizona for National Guard purposes by deed dated March 2, 1949, pursuant to the provisions of Public Law 829 - 80th Congress.

Under the provisions of paragraph 4 on page 13 of the deed of conveyance, as corrected, the United States of America has the right, during the existence of any national emergency, to the full unrestricted possession, control and use of the premises or any part thereof without charge, except for the cost of maintaining the premises or portions thereof, if such use occurs within the period of 20 years from the date of the conveyance, and with the further exception that the Government will pay a fair rental for those installations and structures added to the premises without Federal aid.

The Department of the Army is currently conducting a survey to determine its requirements for former Army properties which have been disposed of subject to recapture and use by the Government in the event of a national emergency. In view of the rights of the Government to the use of this property in the event of a national emergency, as indicated above, it is not deemed in the best interest of National Defense to grant the request of the Adjutant General of Arizona pending completion of the aforementioned survey. However, at such time as it is determined that Fort Huachuca will not be required in the present emergency, the request for permission to sell the improvements in Cantonment Areas Nos. 10 and 13 will be further considered.

A review of the deed of conveyance dated March 2, 1949, as amended, indicates that some points could be clarified to define

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better the rights and obligations of the parties; for example, the deed does not specifically set forth the obligation of the State of Arizona in respect to maintenance of the property. It is considered that a review of the deed with the view of clarifying the rights and obligations of the parties would be to the best interest of the Government and the State of Arizona. The Division Engineer, South Pacific Division, Corps of Engineers, at Oakland, California, is being instructed to consult with Major General Tuthill in the near future, concerning the proposal to clarify the provisions of the instrument of conveyance.

The Adjutant General is being advised of the above by separate correspondence.

Your interest in this matter is appreciated, and it is regretted that a more favorable reply cannot be afforded you at this time.

Sincerely yours,

T. A. YOUNG
Assistant to the Chief

3 Inclosures