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ATTORNEY GENERAL

OFFICE OF
Attorney General
STATE CAPITOL
Phoenix, Arizona

January 24, 1951

Honorable Howard Pyle
Governor of Arizona
State Capitol
Phoenix, Arizona

Dear Governor Pyle:

At your request we have examined the correspondence relative to the re-entry by the Army Air Force, upon the lands and other property comprising Ft. Huachuca.

Under the provisions of Chapter 67, Laws of 1949, the Legislature authorized the Governor to accept the grants of Ft. Huachuca made to the State subject to the terms and conditions contained in the deeds of transfer.

We note that the deed covering the property transferred for the use of the National Guard, that such property may be repossessed by the Secretary of the Army. "during the existence of any National emergency declared by the President of the United States of America, or the Congress thereof,". Inasmuch as we are unaware of any proclamation declaring an emergency issued either by the President or the Congress, and inasmuch as the Governor was authorized by the Legislature to accept the property subject to the conditions set forth in deeds, we believe a rather serious question exists as to whether the Governor should voluntarily relinquish all claim to the National Guard lands, and we particularly doubt the advisability of stating in a letter to the Secretary of the Air Force that we admit the reversion of the lands to the Federal Government has already taken place.

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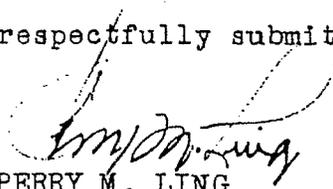
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We suggest that before any definite commitments are made, this matter be given further consideration as to what the rights and duties of the State are under all of the circumstances.

Very respectfully submitted,



PERRY M. LING
Chief Assistant
Attorney General

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