

DEPARTMENT OF THE AIR FORCE
WASHINGTON

REC'D AFR - 1 1955

OFFICE OF THE SECRETARY

Dear Mr. Chairman:

I refer to your interest concerning the position of the Department of the Air Force with respect to proposed Substitute Senate Bill 45, presently under consideration by the 22nd Legislature of the State of Arizona. The following will verify the questions discussed on the telephone with your office with respect to this matter.

The laws of the State of California provide for the cession of jurisdiction to the United States, subject to certain conditions and reservations. Because of these conditions and reservations, the Department of the Air Force has not accepted jurisdiction over Air Force installations located within the State of California. Prior to the establishment of the Department of the Air Force, and pursuant to earlier California laws which provided for the cession of jurisdiction to the United States without conditions and reservations, the United States did accept jurisdiction over certain military installations located within the State of California. With the establishment of the Air Force, some of these previously Army installations were transferred to the Department of the Air Force with the result that these few Air Force installations are now under Federal jurisdiction in the State of California.

The laws of the State of Utah provide for the cession to the United States of concurrent jurisdiction. The Department of the Air Force has not accepted jurisdiction pursuant to these cession laws. Exclusive jurisdiction pertains to Hill Air Force Base located in the State of Utah by virtue of the acceptance of jurisdiction over that installation in 1943 pursuant to an exclusive jurisdiction statute in effect at that time.

Federal jurisdiction has not been accepted over Air Force installations located within the State of Nevada. It is understood that amendatory legislation is presently before the Nevada State Legislature, but the scope of this legislation is not known to this office.

An example of a situation where the United States and a state share concurrent jurisdiction can be found at Wright-Patterson Air Force Base in the State of Ohio. The United States had in the past accepted

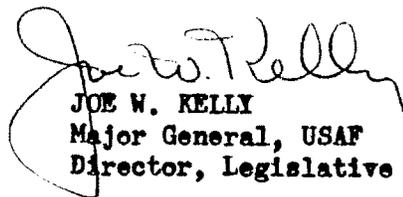
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exclusive Federal jurisdiction over this installation, including areas occupied by state and county roads. One state highway bisects the base and is heavily traveled by the public. It was important that the persons using this state highway abide by traffic laws of the State of Ohio. In order that traffic could be regulated and traffic laws enforced by the State of Ohio, the Department of the Air Force requested the United States Congress to retrocede to the State of Ohio concurrent jurisdiction over this and other public roads traversing Wright-Patterson Air Force Base. The retrocession of concurrent jurisdiction to the state thus permits the state to exercise criminal jurisdiction for the promulgation and enforcement of traffic regulations on the highways, and at the same time the United States retains jurisdiction for appropriate military control of roads within the military reservation.

With respect to Substitute Senate Bill 45, telephone conversations on 19 March 1955 between representatives of the Air Force and Senator Fred Dove and Mr. Ben Avery, members of the Arizona State Legislature, have culminated in substantial agreement. This agreement is set forth in confirmatory telegram attached, forwarded to Governor McFarland on 21 March 1955. A second telegram, copy attached, was dispatched on 21 March 1955 to Senator Fred Dove confirming further agreement with respect to inclusion in amended bill of reservation in the State of Arizona of concurrent jurisdiction for the administration and enforcement of State Fish and Game laws.

The Air Force appreciated the assistance of Mr. Robert Koch of your office given throughout the negotiations between the State of Arizona and the Department of the Air Force.

Sincerely yours,


JOE W. KELLY
Major General, USAF
Director, Legislative Liaison

2 Inclosures

Honorable Carl Hayden
Chairman, Committee on Appropriations
United States Senate