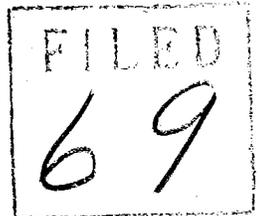


FEDERAL: Right to enforce laws, rules and regula-
CONSERVATION COMMISSION: tions pertaining to wildlife at Camp
OFFICERS: Crowder.

October 7, 1947



Honorable James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion which reads:

"I respectfully request the opinion of your office on the following question:

"Does the wildlife and forestry code act of this state apply on federal-owned reservations and if so do the conservation agents have a right to enter upon said reservations for the purpose of enforcing the fish and game laws?"

"This question has come up relative to the Camp Crowder Reservation located in the North end of this county."

Your request applies to federal-owned reservations which is very broad and one opinion might not apply alike to each and every reservation. Since you are particularly interested in Camp Crowder, we believe it better to have this opinion apply only to that camp.

Article I, Section 8, Clause 17 of the Constitution of the United States reads:

"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; and "

The foregoing provision authorizes the United States government to assume exclusive jurisdiction over land in this state when the State of Missouri cedes certain land to the United States government. It has been held that such action on the part of the state is a necessary adjunct to the federal government assuming exclusive jurisdiction over such land.

It is our understanding that the federal government purchased land comprising Camp Crowder for military purposes and that the federal government did use the land for military purposes and assumed an exclusive jurisdiction over same. So far as we are able to determine at this date, the United States government still owns said land. Therefore, we are assuming for the purpose of this opinion that the federal government to some extent is still using Camp Crowder for military purposes.

The Supreme Court of the United States has held that the national government and state government may make satisfactory arrangements as to jurisdiction of territory within the border of the state and adjust problems, and that the courts will recognize such arrangements. See *Collins et al. vs. Yosemite Park & Curry Co.*, 58 S. Ct. Rep. 1009, l.c. 1013. It has also been held that Article I, Section 8, Clause 17 of the Constitution of the United States should not be construed to mean that consent of the state to purchases must be made without reservations. See *Silas Mason Co. vs. Tax Commission*, 58 S. Ct. Rep. 233, l.c. 242. However, in this instance, the state practically ceded exclusive jurisdiction over land now known as Camp Crowder. The 62nd General Assembly enacted legislation ceding to the United States government exclusive jurisdiction over land acquired by the United States government for military purposes, prior to and subsequent to said legislation becoming effective; however, reserving the right to serve civil and criminal process in certain actions and for any crime committed in the state but outside the boundaries of such land with the further reservation that such exclusive jurisdiction shall continue only so long as said land is used for the purpose for which it was acquired. Sections 1, 2 and 3, pages 627-628, Laws of Missouri, 1943, read:

"Sec. 1. 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, condemnation, or otherwise, of any land in this State which has been acquired, prior to the effective date of this Act, as sites for customhouses, courthouses, post offices, arsenals, forts, and other needful buildings required for military purposes."

"Sec. 2. Exclusive jurisdiction in and over any land so acquired, prior to the effective date of this Act, by the United States shall be, and the same is hereby, ceded to the United States for all purposes, saving and reserving, however, to the State of Missouri the right of taxation to the same extent and in the same manner as if this cession had not been made; and further saving and reserving to the State of Missouri the right to serve thereon any civil or criminal process issued under the authority of the State, in any action on account of rights acquired, obligations incurred, or crimes committed in said State, but outside the boundaries of such land, but the jurisdiction so ceded to the United States shall continue no longer than the said United States shall own such lands and use the same for the purposes for which they were acquired."

"Sec. 3. Whereas, there now exist within the boundaries of this State large areas of land occupied for military purposes, among which are those occupied by Lake City Ordnance Plant, Weldon Spring Ordnance Works, St. Louis Ordnance Plant, St. Louis Powder Farm, St. Louis Medical Depot, Fort Leonard Wood, Camp Crowder, Missouri Ordnance Works, Vichy Airport, and Kansas City Quartermaster Depot, and there exists in the said areas uncertainty as to complete jurisdiction, which is resulting in duplication and misunderstandings between the

State and Federal law enforcement agencies, and an emergency exists within the meaning of Article IV of the Constitution of this State, this act shall be in force from and after its passage and approval by the Governor."

CONCLUSION

In view of the foregoing, it is the opinion of this department that if Camp Crowder is still being used to some extent for military purposes that laws of this state and rules and regulations of the Conservation Commission pertaining to wildlife can not be enforced at Camp Crowder by agents of the Conservation Commission or officers of the county and state. However, if said camp is not used for military purposes, then such laws, rules and regulations may be enforced by Conservation Commission agents, county and state officers at Camp Crowder.

Respectfully submitted,

AUBREY R. HAINETT, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

ARH:VLM