

1974 WL 28106 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 7, 1974

*1 T. S. Watt
Chief Attorney
Veterans Administration
1801 Assembly Street
Columbia, SC 29201

Dear Mr. Watt:

Thank you for your letter of May 15, 1974. Our research has indicated that it may be possible for the United States to unilaterally retrocede jurisdiction over Federal lands to South Carolina. Certain court decisions, notably [McDonnell & Murphy v. Lunday](#), 191 Okla. 611, 132 P.2d 322 (1942); [Ottinger Bros. v. Clark](#), 191 Okla. 488, 131 P.2d 94 (1942); [Renner v. Bennett](#), 21 Ohio St. 431 (1871), have held that such retrocession is valid in the absence of affirmative rejection by the state concerned. It does seem to be settled that the state cannot be required to accept retrocession of jurisdiction against its will.

It is the general belief in this office that while such unilateral retrocession may be valid, the better course would be to arrange for enabling legislation from the General Assembly. This could probably be done, if started at the proper time, in a fairly short time, absent unexpected opposition.

Naturally, should the property cease to be used for a Veterans' Hospital, or other approved use under South Carolina Code § 39-51, the jurisdiction would revert to the state under South Carolina Code § 39-52.

Sincerely yours,

A. Camden Lewis
Assistant Attorney General

1974 WL 28106 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.