



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

February 17, 1981

Mr. F. S. Sterns
Deputy Assistant Commander for
Real Estate
Naval Facilities Engineering Command
200 Stovall Street - Code 20R
Alexandria, Virginia 22332

Dear Mr. Sterns:

Governor Thornburgh has asked me to reply to your letter of March 17, 1989. The United States has proposed relinquishing its exclusive legislative jurisdiction over a portion of the Willow Grove Naval Air Station and retaining merely a proprietary interest over this installation.

Under Commonwealth law, Governor Thornburgh is authorized to accept retrocession of federal jurisdiction over lands in the Commonwealth of Pennsylvania provided the offer is in accordance with applicable federal statutes. The law you cite as authority for this offer (10 U.S.C. § 2683) authorizes a service secretary to relinquish federal jurisdiction over lands under the control of a military department. Although we do not doubt that the Secretary of the Navy has authorized you to act for him in this matter, the Commonwealth does require some written confirmation of this delegation of authority before we may proceed with the additional steps necessary to effect acceptance of your offer.

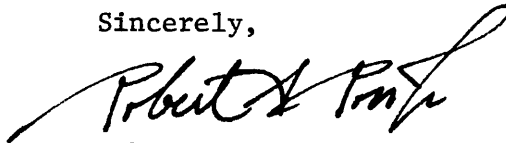
Before the Commonwealth acts on your offer, we would like you to consider an alternative approach to this matter. Your concerns seem to focus on law enforcement difficulties arising because the United States Attorney and the federal courts will not take cognizance of minor crimes committed at Willow Grove. We share your concern that there should be uniform and proper law enforcement in all areas within the Commonwealth, and we agree that it is highly undesirable for some criminals to go unpunished because of the jurisdictional status of the area where they commit their crimes. However, is it necessary for the United States to relinquish all legislative jurisdiction to accomplish its objective of proper law enforcement? Could not the same objective be achieved by relinquishing exclusive jurisdiction but retaining concurrent jurisdiction?

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The applicable federal law permits the Secretary of the Navy to relinquish all or part of the federal jurisdiction over Willow Grove. Based upon the Commonwealth's experience with other areas in the state, we know it's difficult to quickly establish federal legislative jurisdiction when circumstances make such action appropriate. Accordingly, we suggest that the federal government merely cede its exclusive legislative jurisdiction over Willow Grove, but retain concurrent jurisdiction. Under such an arrangement, the Commonwealth and the United States would both retain the right to exercise all authority that legislative jurisdiction entails.

Please let me know your thoughts on this alternative approach to the retrocession of federal jurisdiction over the Willow Grove Naval Air Station. When we have received your reply and the other documentation we require, the Governor will undertake the additional steps necessary to act on your offer.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert S. Ross, Jr.", written in dark ink.

Robert S. Ross, Jr.
Executive Deputy General Counsel

RSRJr/bjk