

Sec. 8—Powers of Congress

Cl. 17—District of Columbia; Federal Property

with the exclusive jurisdiction of the United States, an area subject to such jurisdiction may be annexed by a municipality.¹⁷¹⁶

Duration of Federal Jurisdiction

A state may qualify its cession of territory by a condition that jurisdiction shall be retained by the United States only so long as the place is used for specified purposes.¹⁷¹⁷ Such a provision operates prospectively and does not except from the grant that portion of a described tract which is then used as a railroad right of way.¹⁷¹⁸ In 1892, the Court upheld the jurisdiction of the United States to try a person charged with murder on a military reservation, over the objection that the state had ceded jurisdiction only over such portions of the area as were used for military purposes and that the particular place on which the murder was committed was used solely for farming. The Court held that the character and purpose of the occupation having been officially established by the political department of the government, it was not open to the Court to inquire into the actual uses to which any portion of the area was temporarily put.¹⁷¹⁹ A few years later, however, it ruled that the lease to a city, for use as a market, of a portion of an area which had been ceded to the United States for a particular purpose, suspended the exclusive jurisdiction of the United States.¹⁷²⁰

The question arose whether the United States retains jurisdiction over a place that was ceded to it unconditionally, after it has abandoned the use of the property for governmental purposes and entered into a contract for sale to private persons. Minnesota asserted the right to tax the equitable interest of the purchaser in such land, and the Supreme Court upheld its right to do so. The majority assumed that “the Government’s unrestricted transfer of property to nonfederal hands is a relinquishment of the exclusive legislative power.”¹⁷²¹ In separate concurring opinions, Chief Justice Stone and Justice Frankfurter reserved judgment on the question of territorial jurisdiction.¹⁷²²

¹⁷¹⁶ *Howard v. Commissioners*, 344 U.S. 624 (1953). As *Howard* recognized, such areas of federal property do not cease to be part of the state in which they are located and the residents of the areas are for most purposes residents of the state. Thus, a state may not constitutionally exclude such residents from the privileges of suffrage if they are otherwise qualified. *Evans v. Cornman*, 398 U.S. 419 (1970).

¹⁷¹⁷ *Palmer v. Barrett*, 162 U.S. 399 (1896).

¹⁷¹⁸ *United States v. Unzeuta*, 281 U.S. 138 (1930).

¹⁷¹⁹ *Benson v. United States*, 146 U.S. 325, 331 (1892).

¹⁷²⁰ *Palmer v. Barrett*, 162 U.S. 399 (1896).

¹⁷²¹ *S.R.A., Inc. v. Minnesota*, 327 U.S. 558, 564 (1946).

¹⁷²² 327 U.S. at 570, 571.