

The President,

The White House,

1947

My Dear Mr. President:

I refer to your memorandum of June 24 transmitting a request from the War Assets Administrator for my opinion regarding a proposed transfer to the State of Wyoming, for highway purposes, of a strip of land within the area of the Fort Francis E. Warren Military Reservation--the Reservation having previously been declared surplus by the War Department. The Administrator requests an opinion respecting "(1) the propriety of the requested transfer on the basis that there shall be no reimbursement therefor, and (2) the legal sufficiency of the proposed instrument of transfer."

I concur in the conclusion of the General Counsel of the War Assets Administration that transfer of the land without monetary consideration is authorized by section 17 of the Federal Highway Act (23 U.S.C. 18). I also concur in his conclusion that the form of deed submitted is, in general, legally sufficient to accomplish the purpose. However, I enclose herewith for the consideration of the Administrator a memorandum prepared in the Lands Division of this Department which suggests a change in the language of the recital regarding consideration and also points out that the reference to the Surplus Property Act seems unnecessary, since the disposal is being made under the authority of the Federal Highway Act.

Respectfully yours,

PHILIP B. PERLMAN
(Acting) Attorney General

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