

16 December 1946

OGC Has Reviewed

*Legal  
Decisions*

MEMORANDUM FOR: Executive for P&A  
STATINTL  
Subject: [REDACTED]

STATINTL

1. As you have noted, the General Accounting Office will not permit us to enter into the arrangement proposed by [REDACTED] for the [REDACTED]. On reading the Comptroller General's opinion, we feel that all of his objections could be met one way or another except the point concerning the disposition of Government property. As the Comptroller notes, Government property cannot be disposed of without clear statutory authority. We were aware that we had no specific authority, but hoped he could read into the Surplus Property, or other general acts, authority sufficient to cover this case. This, he states, he was unable to do, and consequently the defect is fatal to the proposition. Therefore, we believe this office could no longer bargain with [REDACTED] on any basis which would include passing of title to him.

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2. In his last paragraph, the Comptroller General strongly suggests that acquisition of title to the entire property by the Government would be the proper solution to this problem. It appears most unlikely that Mr. Fowler would be willing to sell, although in view of the Comptroller's attitude, we believe an offer should at least be discussed with the owner. We also believe that condemnation is unlikely of success, and possibly not advisable as a matter of policy. However, the possibilities of condemnation should be explored and, with your approval, this office will discuss the legal aspects of condemnation with the proper officials of the Department of Justice and the Engineers.

3. The Comptroller's decision is being retained in the files of this office.

LAWRENCE R. HOUSTON  
General Counsel

LRH/ml1