

1981 WL 158026 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1981

*1 The Honorable Frank E. Barron, III
Coroner
Judicial Center
Suite 307
1701 Main Street
Columbia, South Carolina 29202

Dear Mr. Barron:

Attorney General McLeod has referred your letter of October 1, 1981, to me for reply. As I understand it, your question is who has jurisdiction to rule on the manner of death of a civilian who dies at Fort Jackson. In [State v. Ziegler, 274 S.C. 6, 260 S.E. 2d 182 \(1979\)](#), the South Carolina Supreme Court held:

The United States Constitution, Article I, § 8, clearly creates exclusive federal authority over land that is purchased with the consent of the state legislature by the federal government for certain governmental purposes, including forts. South Carolina has provided its consent for such purchases in § 3-1-110, [Code of Laws of South Carolina \(1976\)](#). Section 3-1-120 creates exclusive jurisdiction over land so acquired.

The United States has heretofore acquired title to the land comprising Fort Jackson. Pursuant to [40 U.S.C. § 255](#), the Secretary of War accepted exclusive jurisdiction over the lands in 1943.

In addition, in [South Carolina Tax Commission v. Schafer, Distributing Co., 247 S.C. 491, 148 S.E. 2d 156 \(1966\)](#), the Court stated:

The authorities uniformly hold that where the State cedes to the United States the land upon which military installations are placed by the United States, exclusive jurisdiction over all matters and things occurring within the reservation is fixed alone in the United States.

Thus, it would appear that the United States, and neither the State of South Carolina nor any county thereof, would have jurisdiction concerning the cause of death of a civilian who dies at Fort Jackson.

As for who would investigate and determine the cause of death of a civilian at Fort Jackson, [10 U.S.C.A. 4711](#) provides as follows:

(a) When a person is found dead under circumstances that require investigation, at a place garrisoned by the Army and under the exclusive jurisdiction of the United States, the commanding officer shall direct a summary court-martial to investigate the circumstances of the death.

(b) In conducting an investigation under subsection (a), the summary court-martial may summon witnesses and examine them upon oath.

(c) The summary court-martial shall promptly submit to the commanding officer a report of the investigation and findings as to the cause of death.

It is important to note that the language of this statute does not limit any such inquest to deaths involving military personnel, but rather refers to the death of 'a person.' For your information, [10 U.S.C.A. 816](#) provides that a summary court-martial shall consist of one commissioned officer.

I hope this letter will be of benefit to you, but if you have any questions, or if I can be of any further assistance, please do not hesitate to contact me.

With best personal regards, I am,
Yours very truly,

*2 John M. Barton
Assistant Attorney General

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