

April 17, 1952.

Honorable Harry S. Truman  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

Both Houses of Congress, by a decisive majority in each, have approved legislation confirming to the states the title to submerged lands within their borders. House and Senate conferees now are engaged in reconciling differences in the legislation as it was passed by the two houses, and final congressional action is in the offing. This is to urge you, respectfully but strongly, to affix your signature of approval to the measure when it comes to your desk.

This urgent request is made not only in the earnest belief that enactment of the measure into law would serve the purposes of justice and equity, and that restoration of state ownership would be in accord with the facts of history and settled principles of constitutional government, but also in the belief that it would soundly serve the interests of the nation and its security. The reasons for this may be set forth briefly as follows:

For more than 100 years, in decision after decision it has been held by the United States Supreme Court that ownership and title to the submerged lands within their borders inhere in the states. During that time the states have exercised their rights over these areas in good faith and without interference with the recognized powers of the Federal Government to regulate commerce and navigation therein. They have provided for the orderly development of the resources of these lands so as to make them an asset to the economy of the whole nation.

Until the decisions of the Supreme Court in recent years in the cases involving California, Louisiana and Texas discarded the long-settled rule of state ownership, the claim of the states to the submerged lands was unchallenged and undisputed. But with enunciation of the doctrine the Federal Government possesses "paramount rights" in these areas and to the minerals and other resources contained in them, a cloud was cast over the property rights of the states. In the case of the three states most directly involved, the effect has been to bring to a standstill all new activities aimed at developing the oil resources of the offshore area.

This result is one that could be of dire import if the nation should be plunged into a major war in the next few years. For oil - and oil in great quantities - is essential to the modern conduct of war, and oil from one of the nation's potentially most productive sources would be unavailable. The production of oil is the result of patient individual search and costly development, and in the event of war the required time, manpower and materials might be lacking. The cost of finding and producing oil in the submerged areas is so great that no one can be expected to undertake it while the present cloud of uncertainty remains.

Restoration of the submerged lands to the states would revive the orderly development of their petroleum resources, thus assuring the greater production of oil that would be vital in case of national emergency. Instead of lessened availability of oil, there would be greater availability of it to meet the nation's essential requirements, for oil produced in the tidelands would be just as available to meet national needs as are all other resources of men, materials and production in time of war. Moreover, it would be oil on this side of the ocean, where it could not be cut off by enemy action as might be the case with supplies from foreign shores.

As you are well aware, having once made special mention of it, Texas has a unique claim to its submerged lands. As an independent republic,

Texas owned the marginal sealands out to a distance of ten and a half miles from shore - a point acknowledged by the Supreme Court in its opinion in the Texas case. By terms of its voluntary admission to the Union, Texas retained the public domain which had belonged to it as an independent nation. The terms of that agreement were fixed by a joint resolution of Congress and accepted and ratified by the people of Texas. It thus formed a solemn and binding contract.

The lands in question are dedicated to public school purposes in Texas. The revenues from them form the basic endowment of the state's system of public education. The lands included in the offshore portion of the public domain are a valuable part of the heritage of the school children of Texas.

These facts of history make the tidelands matter, insofar as Texas is concerned, a moral as well as a legal matter. Whatever view may be taken as to legal aspects of the case, to dispossess Texas of the offshore lands within its historical boundaries would be to breach a good faith agreement and to cast a blight upon the honor and integrity of the United States of America.

We strongly believe that your signing of the measure confirming title of the states to their submerged lands would be an act to preserve the traditional relationship between the Federal and State governments, to uphold the honor of the United States, and to safeguard the welfare and security of the nation. It is for these reasons, and not for personal ones in any sense, that you are urged respectfully to give presidential sanction to the legislation when it is presented to you.

Sincerely,