

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

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Dear Mr. President:

Thank you for your letter of June 3 replying to my comment on some of the statements made in the speech which foreshadowed your subsequent veto of the bill confirming state ownership of the submerged coastal lands. In that reply you dwelt ^{at} ~~as~~ some length upon the obvious fact that the word "tidelands," as used in the dispute over ownership of the offshore areas, is a misnomer.

It is patently true, as you were at pains to point out, that the term "tidelands" has been rather loosely used by some in discussions of the conflicting claims to the offshore lands, and that the federal government never has asserted ownership of the coastal lands above the low-water mark. This is a matter of such common knowledge as to be almost irrelevant. Certainly I have been long familiar with that fact, and it is an equal certainty that no one in Texas is under any misapprehension as to what constitutes the valuable property which they feel is about to be taken away from them without justification and by a method which is nothing less than expropriation.

Nothing in the definition of the term "tidelands," or in the remainder of your ^{courtesy} brief letter, or in your veto message to Congress will alter the feeling of the people of Texas that the federal government is attempting to seize something that belongs to them simply because it has been found to be of value, and that in so doing the United States is stooping to dishonor a solemn pledge between two sovereigns. It is

both a surprise and a disappointment to Texans that the federal government seems disposed to regard a good faith agreement as ~~nothing~~ nothing more than a scrap of paper.

I realize, Mr. President, that it is useless to urge these considerations of good faith and honor, since you already have vetoed the submerged lands bill and have made it plain that the states will never get back these properties if you can help it. Apparently you have made up your mind to this despite the fact that the measure passed by Congress would leave to the federal government by a far the greater area of the Continental Shelf and the area richer by far in oil than that which would be confirmed to the states.

You stated in your letter that you first laid claim to the mineral content of the Continental Shelf for the federal government because you did not want any foreign power taking possession of these assets. That seems to say that the federal government can defend only that which it owns outright--a curious theory if there ever was one. If Galveston were threatened by foreign attack, it scarcely could be argued that the federal government had no right or obligation to defend it merely because title to the city was not in the name of the United States. I believe Mr. Justice Reed made an unassailable statement when he said in his dissenting opinion in the Texas case that "national responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory."

Besides, it seems to me that the Supreme Court ruling--by only four members of that body--increases rather than lessens the danger of an attempt by other nations to assert claim to resources near our shores. For the first time the court treated coastal lands seaward of low tide as being in the "international domain." It said in the California case

that "the very oil about which the state and nation here contend might well become the subject of international dispute and settlement." Far from guarding against foreign claim to resources near American shores, this sort of thing seems almost to invite Russia or some other nation to claim a share in these resources. *If they so desire*

As a recognized part of Texas when it was an independent Republic, the lands within $10\frac{1}{2}$ miles of shore were removed from the international domain. Asserting that any part of the area is in the international ~~domain~~ domain courts the risk of claims by neighboring or distant foreign nations. Whether such a claim ever will be made, and whether it could be maintained, depends upon the strength of the United States government to protect the area lying off its shores. The defensive strength of the United States, in this regard, had nothing to do with ownership of the area in question and therefore is no valid basis for a claim of federal title or control.

You spoke of your veto message as "a very restrained and factual document." Restrained it was, but in some respects it was distinctly nonfactual. At one point you stated that the Supreme Court held that the states do not and never have had any title to or property interest in the offshore lands and their resources. The Supreme Court conceded that Texas, as a republic, owned a $10\frac{1}{2}$ -mile belt of sealands off its coast. It held that somehow it lost that land when it joined the Union, in spite of an express agreement to the contrary.

Mr. President
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 You fell into error in asserting that Texas was admitted to the Union "on an equal footing with the existing states." The matter of ~~that~~ "equal footing" was cited by the Supreme Court as the principal "somehow" by which Texas lost its offshore lands. But it was pointed out to the court that there was no "equal footing" clause in the ~~joing~~

joint resolution of Congress annexing Texas to the Union and not a word about "equal footing" in the terms accepted by the Republic of Texas in assenting to annexation. The court then altered the language of its ~~the~~ opinion and shifted its base without changing its effect.

At another point in the veto message you stated that "we are rapidly using up our known reserves of oil." According to all the statistics, that is not the case. Proved reserves of liquid petroleum have increased more than 50 per cent since 1945, and additions to these reserves were greater last year than in any single year in history. For every barrel of oil produced in 1951, two new ones were discovered.

Among the other statements in the veto message which are subject to challenge is the assertion that the approval of SJR 20 would have no effect on the status of lands which lie under navigable rivers, lakes, harbors, bays, sounds and other inland waters. The measure specifically would confirm state ownership of these lands, thus settling all doubts on this score which have been raised by the submerged lands decisions.

As you said, the lands under inland waters have been held in a long line of decisions to belong to the states. But until 1947 that was as true of the submerged coastal lands as it was of lands under inland waters. The inland states have a right to fear that what has happened to the coastal states may happen to them. The way for it certainly is opened by the "paramount rights" doctrine. You say categorically that the government has no intention of claiming the land under inland navigable waters. That may be true as regards your administration, but can you speak for what future Presidents and future administrations will do?

At two spots in your veto message you referred to the "unique status" of Texas as regards its claim to ownership of its submerged lands. At another you outlined the terms of a bill regarding disposition of the offshore land controversy which would meet with your approval. Yet you did not include in that outline anything which would give recognition to ~~the~~ Texas' special--and, I think, indisputable--claim to its offshore lands. Thus at the same time that you seemed inclined to recognize the injustice which Texas would be done by seizure of its coastal lands you do not seem inclined to do anything to redress that injustice.

Believe me, Mr. President, it is the injustice of the thing which the people of Texas feel keenly, and it is principle upon which they stand. Otherwise they would be willing to accept the financial division which you ~~suggestion~~ suggested--a division that probably would yield them more in dollars and cents than restoration of title to the lands traditionally within the state boundaries. You have seen no rush by representatives of the state, nor any sentiment on the part of its people, to accept this division of revenues and let the matter of principle slide.

The people of Texas believe, Mr. President, that nothing ever is settled until it is settled in accord with the principles of right ~~and~~ justice. *and Honesty, which has not prevailed*

See this instance

Sincerely yours,

Amon Carter,
 Publisher, FortWorth Star-Telegram