

JOURNAL
OF THE
House of Representatives
OF THE
SECOND CALLED SESSION
OF THE
Fifty-fifth Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
NOVEMBER 13, 1957



PROCLAMATION BY THE
GOVERNOR

The Speaker laid before the House and had read the following Proclamation by the Governor:

Proclamation by the Governor of the State of Texas.

To All to Whom These Presents Shall Come:

I, Price Daniel, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 55th Legislature, to be convened in the City of Austin, commencing at 10 o'clock a. m., Wednesday, the 13th day of November, A. D. 1957, for the following purpose:

To further provide for the maintenance of law, peace, and order in the operation of the public schools without the use of military forces: authorizing the school board having jurisdiction to close any school at which it finds that peace and order cannot be maintained without resort to military force or occupation, or at which federal troops are stationed for direction or control of the order, operation, or attendance at such school; providing that State aid, school accreditation, and payment of salaries to school officials, teachers, and employees shall not be affected thereby; providing that transfer of pupils may be made by the local board, and that the school shall be reopened at the earliest possible time that peace and order can be maintained without the use or occupation of military forces; and authorizing the Attorney General to assist any public school board requesting such assistance, in the defense of any legal action in a federal court challenging the constitutionality of a statute of this State and authorizing the transfer of certain funds for such purpose.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this
eleventh day of November A. D.,

1957, under the Seal of this
State properly attested by the
Secretary of State.

/s/ PRICE DANIEL.

(SEAL)

ATTEST:

/s/ ZOLLIE STEAKLEY,
Secretary of State.

MESSAGE FROM THE GOVERNOR

Mr. Jake Jacobsen, Executive Secretary to the Governor, was announced at the Bar of the House and being admitted read to the House the following Message from the Governor:

Austin, Texas, November 13, 1957

To the Members of the Second Called
Session, Fifty-fifth Legislature:

I hereby submit the subject of further providing for the maintenance of law, peace and order in the operation of the public schools without resort to military occupation or control.

In this connection there are four vital objectives for the well being of our State and our people:

1. The protection and continuation of our public school system.
2. The preservation of good relations among all of our citizens.
3. The maintenance of law, peace and order.
4. The preservation of the rights and responsibilities of our State and local governments.

All four of these objectives have been threatened and endangered in a neighboring state by the occupation of a public school with military troops. This should never be necessary in Texas and should not be permitted to occur.

I firmly believe that peace and order can be maintained in this State through local and State law enforcement officers without the use of military forces. However, if violence or the threat thereof should ever occur to the extent that peace and order at a public school cannot be maintained without the use of military forces, or

if Federal troops ever occupy a public school in this State, I believe that it would be best for the school to be closed until such time as peace and order can be restored and maintained without the use or occupation of military troops.

I recommend that such actions be left to the local school boards, and that State aid, accreditation, attendance records, salaries of school officials, teachers and employees should not be affected thereby.

A suggested draft of a proposed bill is attached for your consideration. The submission of this subject is limited to the specific purposes stated in the attached draft.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

PROPOSED ANTI-TROOP BILL

Be It Enacted by the Legislature of the State of Texas:

Section 1. The purpose of this Act is to further provide for the maintenance of law, peace, and order in the operation of the public schools without resort to military occupation or control. The duties and powers vested in public officials and school boards under this Act shall be in addition to and cumulative of those with which they are vested under existing law for accomplishment of the purpose of this Act or any Section thereof.

Section 2. The Governor, through the Department of Public Safety, shall provide assistance when called upon by local authorities to prevent violence and maintain peace and order in the operation of public schools; provided that the Texas National Guard and other military forces shall not be called or used for such purposes by the Governor, or any other official authorized by the laws of this State, except as a last resort. In any instance where the school board having jurisdiction finds that violence or the danger thereof cannot be prevented except by resort to military force or occupation of a public school, the school board may close the school and suspend its operation for such period as the board finds it necessary to maintain order and the public peace in accordance with the terms of this Act.

Section 3. If, upon order of any Federal authority, the National Guard

or any other military troops or personnel are employed or used on public school property or in the vicinity of any public school for direction or control of the order, operation, or attendance at such school, the school board having jurisdiction shall close the school and suspend its operation so long as said troops remain on or within the vicinity of the school for any of such purposes.

Section 4. If any school is closed pursuant to Sections 2 and 3 hereof, the salaries of school officials, teachers, and employees shall not be affected, and they shall be assigned to such duties as may be determined by the school board having jurisdiction. Neither shall State aid as provided by law or school accreditation be affected. The school board may authorize and provide for the transfer of pupils to another school in the district upon petition of the parents or persons standing in loco parentis. Compulsory attendance laws shall not be applicable, and pupils shall not be recorded as absent on attendance records when unable to attend school because of the application of this Act. The school board shall reopen such school at the earliest possible time that peace and order can be maintained without the use or occupation of military forces.

Section 5. In order to aid in preventing situations which might result in the occupation of public schools by military forces or the closure thereof, the Attorney General is authorized to assist any public school board which requests his assistance in the defense of any lawsuit in a Federal court which seeks to challenge the constitutionality of a statute of this State; provided that this section shall not apply with respect to any controversy which may occur between a public school board and an agency of the State which, under existing law, the Attorney General is authorized or required to represent. The Governor is authorized to transfer to the Attorney General from item 26 of the Governor's appropriation, House Bill 133, Regular Session, 55th Legislature, such funds as may be necessary to accomplish the purpose of this Section.

Section 6. The fact that public education under martial law or military occupation is wholly unsatisfactory and contrary to the concepts of freedom and democracy, and that it would be extremely detrimental to the well being and education of the school children of

this State to be required to attend public school under the force and surveillance of military troops, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Sheridan for today on motion of Mr. Hensley.

Mr. Martin for today on motion of Mr. Chapman.

The following Members were granted leaves of absence on account of illness:

Mr. Elliott for today on motion of Mr. Mann.

Mr. Bartram for the remainder of the session on motion of Mr. Burkett.

ADDRESS BY SPEAKER WAGGONER CARR

On the motion of Mr. Heatly, the following remarks of Speaker Waggoner Carr addressed to the House on this morning, were ordered printed in the Journal:

"Thirty days ago you were called into special session by the Governor of Texas for the purpose of considering four major items of legislation. Two of these items were major tasks. Both of them were extremely controversial.

Major revision of the Lobby Control Laws had not been accomplished for some twenty-seven years. Never in the history of this state had the water program such as proposed by the Governor been enacted. Both general subjects had been heatedly debated in several prior sessions of the Legislature.

Contrary to some critical accusation that you had been going about the business of this past session in a "dragging the foot" attitude, you enacted legislation within the 30 day period of this session on both of these major controversial issues as well as the others submitted.

You have done this in the true spirit of a deliberative body. You main-

tained your independence of thought and action. You spent long hours in hearing the view and arguments of citizens from every corner of our state. You heard everyone who had something to say. Through your committees and sub-committees you then developed areas of agreement representing the collective thinking of this great state. When you were unjustly criticized by some for thinking independently and acting deliberately, you never for one moment lost the foresight of the founders of our government who provided for three separate and independent branches of government each to act as a check on the other.

I think you have kept faith with the people of Texas. I think you have kept faith with the basic fundamentals required of a great deliberative legislative body.

What has not been done in 27 years in one instance, what has never before been done in the history of the state in the other instance, you have accomplished in a short period of 30 days. Your accomplishment has been made under what was, at times, a difficult situation.

As your presiding officer I owe it to you and to the people of Texas to tell them what I have seen—to remind them of the difficult and controversial issues which have been settled in such a short period of time. Texans everywhere owe you a debt of gratitude. I hope I may be joined with other state government leaders in correctly portraying to our people the accomplishments which you have attained through your devotion to duty and your dedication to the future of Texas."

ADDRESS BY THE HONORABLE
PRICE DANIEL, GOVERNOR

(The House and Senate in Joint Session.)

In accordance with the provisions of House Concurrent Resolution No. 10, providing for a Joint Session of the House and Senate at 11:30 o'clock a. m., today, for the purpose of hearing an address by Honorable Price Daniel, Governor, the Honorable Senators, at 11:30 o'clock a. m., were announced at the Bar of the House and, being duly admitted, occupied seats prepared for them along the aisle.

Honorable Price Daniel, Governor, Mrs. Price Daniel, Miss Ellen Daniel, and Attorney General Will Wilson, escorted by Senators Martin, Moffett, Willis, Aikin and Ashley, Committee on the part of the Senate; and Messrs. Welch, Bass, Bristow, Bullock, Ferrell, Heatly, Hollowell, Jackson, McGregor of McLennan, Myatt, Roberts, Stewart, Watson, and Martin, Committee on the part of the House, were announced at the Bar of the House and, being admitted, were escorted to seats on the Speaker's rostrum.

Senator Kazen occupied a chair on the Speaker's Rostrum.

Senator Kazen called the Senate to order and announced a quorum of the Senate present.

Honorable Waggoner Carr, Speaker, called the House of Representatives to order and stated that the two Houses were in Joint Session for the purpose of hearing an address by Honorable Price Daniel, Governor.

Speaker Waggoner Carr directed the Clerk to call the roll of the House.

A quorum of the House was announced present.

Speaker Waggoner Carr presented Honorable Price Daniel, Governor of Texas, to the Joint Session.

Governor Daniel then addressed the Joint Session, speaking as follows:

To the Members of the 55th Legislature, Second Called Session:

First, let me express my appreciation to you for the work which you have performed during the First Called Session and for the important deliberations in which you are now engaged. With the close of this Second Called Session, you will have enacted during the period of one year the most far-reaching and important legislation ever enacted by a single Legislature in the history of our State.

I congratulate you on the results, even though the process and the pathway have not been easy for any of us. At the First Called Session you reached agreements on two bills, lobby controls and statewide water plan-

ning, which have been the subject of debate, delay, and defeat for 25 years. It is only natural that differences of opinion remained and that it was necessary for these differences to be fought out and resolved in the democratic process of majority decision.

There were 30 days of discussion, debate, criticism, and dire predictions of failure. There was only one day of final agreement and success. However, in the years ahead the one day of final success will have a place in the pages of history long after the 30 days of disagreement have faded into insignificance.

While we were in the midst of some of these difficult controversies which eventually were resolved during the First Called Session, the Attorney General of the United States filed a lawsuit against the State of Texas seeking to repudiate our three league boundary in the Gulf of Mexico and thereby take away two-thirds of the tidelands property which is dedicated to our Public School Fund.

He would roll our boundary back to three marine miles rather than three leagues, which constitute nine marine miles or 10½ statute miles.

This action by Herbert Brownell, Jr. on the day before he left office as Attorney General of the United States, reminded us that once again the time had come for all of us to unite in the defense of our long established boundary and the title to our submerged lands.

Texans stood united in 1836 to win these lands along with their freedom from the tyranny of a dictator. We stood together in fighting federal attempts to take away the property through a 4 to 3 Supreme Court decision in 1950. Together we fought to have the Congress of the United States restore this property to Texas and our public schools in 1953.

In the same manner we must join

hands and unite our efforts against this latest effort to repudiate the solemn agreements and promises which the Federal Government made with Texas and prevent this attempted theft of two-thirds of the property which was restored to Texas in the Submerged Lands Act of 1953.

I call this important matter to your attention, because as the elected representatives of the people of Texas, it is appropriate that the Texas Legislature should express itself on this subject. The Congress of the Republic of Texas and every Legislature in the history of this State has a record of diligence in defending our Gulfward boundary and protecting our submerged lands.

It was the first Congress of the Republic which on December 19, 1836, passed "An Act to Define the Boundaries of the Republic of Texas," Section 1 of which was as follows:

"Section. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, the civil and political jurisdiction of this republic be, and is hereby declared to extend to the following boundaries, to-wit: beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico three leagues from land"

In 1837, with full knowledge of these boundaries, the United States of America officially recognized the independence of the Republic of Texas, and President Andrew Jackson said:

"The title of Texas to the territory she claims is identified with her independence. . . ."

With its own navy the Republic of Texas maintained and defended its three marine league boundary in the Gulf of Mexico during all of the nine years that it existed as an independent nation.

This was our boundary in the Gulf

when negotiations were made between the Republic of Texas and the United States for annexation. The Congress of Texas insisted that the United States recognize and defend our established boundaries. General Sam Houston would not agree to annexation until he obtained an assurance from President Polk on this subject. On June 15, 1845, President Polk gave his answer to General Houston through Andrew Donelson, U. S. charge d'affaires, who was negotiating on behalf of the United States. In reply to Donelson's report that Texans wanted assurances that their original boundaries would be defended if Texas agreed to annexation, President Polk wrote:

"Of course, I would maintain the Texian title to the extent which she claims it to be. . . ."

The joint resolution for annexation of Texas was passed by the Congress of the United States on March 1, 1845, providing

"That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new state, to be called the State of Texas.

* * * *

". . . and [said state] shall also retain all the vacant and unappropriated lands lying within its limits. . . ."

A joint resolution by the Congress of Texas of June 23, 1845, completed this historic international agreement by consenting to the annexation, using the words "people and territory of the Republic of Texas."

Thus, no one can deny that the Gulfward boundary of Texas was three leagues from shore (10½ miles) at the time Texas entered the United States, and that the entire territory became the new State of Texas. All laws theretofore in effect, including the Boundary Act of 1836, remained in effect after annexation, it having been so provided by the Constitution of the new State of Texas, approved by the Congress of the United States.

After Texas had officially become a member of the United States, the Texas Legislature, on April 29, 1846, passed the following joint resolution reaffirming

". . . That the exclusive right to the jurisdiction over the soil included in the limits of the late Republic of

Texas was acquired by the valor of the people thereof, and was by them vested in the government of the said Republic, that such exclusive right is now vested in and belongs to the State, excepting such jurisdiction as is vested in the United States, by the Constitution of the United States, and by the joint resolution of annexation, subject to such regulations and control as the government thereof may deem expedient to adopt. . . ."

During the war with Mexico of 1846-48, the government of the United States repeatedly recognized Texas' boundary as established by its Congress in 1836. In fact, the war came about because Mexico disputed Texas' western boundary on the Rio Grande, which, together with the three league line from its mouth into the Gulf, also formed a portion of Texas' Southwestern boundary.

After the war with Mexico was won, the Texas Legislature passed a resolution urging that its Senators and Representatives in the United State Congress insist on the original Texas boundary being agreed upon in the treaty with Mexico. Accordingly, the Treaty of Guadalupe Hidalgo was signed on behalf of the United States and Mexico on February 2, 1848, and it followed the 1836 boundary of Texas. Article 5 of this treaty, which relates to the boundary line, reads in part as follows:

"The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande. . . ."

Texas' three league boundary in the Gulf was again acknowledged and given effect in the Gadsden Purchase Treaty, concluded between the United States and Mexico December 30, 1853. Article 1 of that treaty provided that

". . . the limits between the Two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo."

Provision was made also in this article for the demarcation of this boundary by a joint commission of these countries. The official report of the marking of this boundary, pre-

pared for the Department of the Interior, states:

"Lt. Wilkinson, in command of the brig Morris, repaired at the appointed time to the mouth of the river and made soundings . . . to trace the boundary as the treaty required, 'three leagues out to sea.'"

This three league line was actually surveyed again and agreed upon as the international boundary between the United States and Mexico in 1911. I hold in my hand a reproduction of the charts from the Department of State showing this line was followed and delineated on the official maps of the United States.

Many of you served in this Legislature during those dark days when the Federal Government turned against this State and sought by judgment in the Supreme Court of the United States to repudiate the annexation agreement and take from the State and our Public School Fund these 2,608,744 acres of valuable property. You appropriated funds which were used in the defense of our title. I had the honor of serving as Attorney General of Texas in the defense of that case. At that time our three league boundary was not challenged, but the Supreme Court of the United States, in a divided decision of 4 to 3, denied Texas the right to introduce evidence in that case and rendered summary judgment against us for all of the property.

We took the matter to the Congress of the United States, and twice the Congress passed acts to restore this property, only to see them vetoed each time by President Truman.

In the 1952 Presidential campaign, General Dwight D. Eisenhower, speaking at Houston on October 14, pledged his full support to restoration of this property and specifically referred and included within his statement "the submerged area extending three marine leagues into the Gulf of Mexico."

In 1953, as a member of the United States Senate, I was co-author of the Submerged Lands Act, which restored to each of the States its submerged lands out to the boundary "as it existed at the time such State became a member of the Union . . ." Every proponent and opponent of this bill in the United States Congress recognized the fact that the Texas boundary extended three leagues into the Gulf of Mexico and that the Submerged Lands Act

would convey the property to that extent in the case of Texas.

This was acknowledged by President Eisenhower in a letter to members of the Senate while the bill was pending. It was recognized even by Attorney General Herbert Brownell when he appeared before our Senate Committee on Interior and Insular Affairs. There he testified:

"In order that there may be no misunderstanding, generally speaking, what we have in mind is the three mile line, except for the coasts of Texas and the west coast of Florida, where three leagues would generally prevail."

Mr. Brownell was proposing that a map be made a part of the bill delineating the boundaries in accordance with the terms of the bill, and that is when he said the line should be 3 miles except for Texas and the West Coast of Florida, where 3 leagues would apply. The map would have been fine for Texas and Florida, but if ever drawn 3 miles for the other Gulf States, thereby denying them any opportunity to contend in court for a wider boundary, we would have lost their votes for the bill. It would have sabotaged the bill. That is why every proponent of the Submerged Lands Act rejected the map, and every opponent of the bill embraced the idea. As far as Texas is concerned, our boundary at the time we entered the Union (3 leagues from shore) has been undisputed for 121 years. It was good enough for Brownell's map and it should be good enough for his lawsuit. In fact, if the agreements of this Nation and the words of our federal officials are worth the paper they are written on, no lawsuit should have been filed against us.

During the debate on the Submerged Lands Act in 1953, two attempts were made on the Senate floor and one in the House to amend the bill so as to limit all coastal States to three miles. Each of these efforts were defeated by a substantial vote after the three league boundary of Texas was explained to the members of the Senate and the House.

Ever since the Submerged Lands Act was passed in 1953, the United States Department of the Interior has recognized our title to three leagues and has not leased any land within these limits. On the contrary, all of the mineral leasing out to three leagues has been conducted by the School Land

Board of the State of Texas. Our title has been accepted by those who have purchased our leases at public sales through sealed bids. 424,110 acres have been leased and \$26,701,150.21 has been received for our Public School Fund from leases between the three miles and three league lines.

No one raised the slightest question as to our three league boundary until Attorney General Herbert Brownell was reported in 1954 to be thinking about filing a lawsuit. Upon hearing this, I went immediately to the White House and obtained a statement from President Eisenhower on July 15, 1954, that there was no change whatever in his position that Texas owns the submerged lands extending three leagues, rather than three miles, into the Gulf of Mexico.

One week later the President reaffirmed this in a press conference at the White House in which he said: "If there is any confusion about whether Texas owns its tidelands 10½ miles out into the Gulf, it is in somebody else's mind, not mine."

In the 1956 Presidential campaign Senator Lyndon Johnson charged that Attorney General Brownell had said he would sue Texas on the boundary question after the campaign was over. This was heatedly denied, and Governor Shivers was quoted on October 30, 1956, as saying that he had talked to Brownell and that Brownell had not filed a suit against Texas, "and he does not intend to do so."

In spite of all of these assurances, after you were convened in special session last month I learned that Attorney General Brownell was preparing this lawsuit against Texas. After meeting with the School Land Board, I sent a telegram to President Eisenhower protesting this action. A copy of the telegram is attached hereto. On November 7, I received a reply from the President, copy attached, in which he reiterated his view that "the State of Texas . . . should have the right to explore and exploit the submerged lands extending seaward of the Texas coastline for a distance of three marine leagues into the Gulf of Mexico." The President added:

"In any action that it may be necessary for the Attorney General to take by reason of the June twenty-fourth order of the Supreme Court, the statements that I have publicly made which

bear upon this controversy will be presented to the Court, as will the statements made by the Attorney General which, as you know, accorded with my own."

On the same day the President wrote this letter, his outgoing Attorney General, Herbert Brownell, filed in the Supreme Court of the United States a pleading in which he denies that the Texas boundary, when the State entered the Union, extended beyond three miles in the Gulf of Mexico, and alleges that the Congress of the United States has never approved a boundary for Texas beyond the three mile distance.

Adding insult to injury, Mr. Brownell asked the Court further to require Texas to restore all of the money which we have collected from leases beyond the three mile line since 1950. He would take away not only the land but all of the money deposited in our Public School Fund from leases made in good faith upon the assurances of the President and the Congress of the United States—yes, even upon the assurances of Herbert Brownell himself in official testimony that the Submerged Lands Act restored the land and resources to the three league historic boundary of our State.

This is a most peculiar situation in the government of our Nation. Here we have a Texas boundary which has been maintained at three leagues in the Gulf for 121 years. It was recognized by the United States when Texas entered the Union, and President Polk promised to defend it. This promise was carried out in the war with Mexico and the solemn treaty ending that war contained this boundary. The President now in office has by every public act acknowledged this boundary as the extent of our submerged land ownership. And yet, on the date of his latest acknowledgement, his own Attorney General files a lawsuit repudiating the agreements of the past and the promises of the present administration.

President Eisenhower, knowing that his Attorney General disagreed with him, is to be commended for maintaining his own personal and official belief in the integrity of the solemn contracts and promises of this Nation. However, there is something wrong when an Attorney General files a lawsuit directly contrary to the policy fixed by the head of this government. It

makes us wonder who is running the administration in Washington. We have heard for years that Attorney General Brownell has had a lot to do with it, and I for one am glad that he is gone.

His departure does not alter the fact that before leaving he placed the full weight of the United States of America against the State of Texas in the Supreme Court of the United States on the status of our three league boundary and the lands within that area. I do not believe his successor in office will prevail against us, but this is not a lawsuit to be taken lightly.

Mr. Brownell told me two years ago not to worry—that a boundary suit against Texas would be a friendly affair and best for Texas, because Texas would win and thus settle the matter forever. I said, "No, the matter is already settled, and in any court case the United States should be defending Texas boundary as the Nation and its Presidents promised to do. In no case, even a friendly one, should the weight of the Nation be thrown against us in violation of its solemn obligations."

There is no such thing as a friendly lawsuit when some of the same people in the Department of Justice who sued Texas in 1950 are still holdovers in that Department and even now scheming again to take this property away from Texas.

A friendly President on this subject—yes, but he does not write the briefs or appear in the Supreme Court. This will be done by the Solicitor General, Mr. Rankin, who has been against us from the day he entered the Department of Justice in 1953, and his chief aide in this case, Mr. Oscar Davis, the holdover from the Truman administration who helped fight against us in the original case of U. S. A. vs. Texas.

It could be made a friendly lawsuit and one Texas would be sure to win, if the President required his lawyers not to repudiate but to respect and uphold his commitments and the written agreements and treaties of this Nation. Otherwise this case is like a friendly game of Russian Roulette. Nobody knows what might happen.

Any lawsuit is serious business when you have the United States Government thrown against you in the Supreme Court of the United States. If

we are cut back to a three mile boundary, it means the loss of 1,739,183 acres and millions of dollars which would otherwise go to our Public School Fund. Having worked on this subject for more than ten years, I have offered my services to Attorney General Will Wilson and am now using funds which you appropriated to the Governor's Office for the employment of special counsel to assist in the case.

I bring this vital matter before the Texas Legislature today because I believe you will want to follow your illustrious predecessors in demanding that this boundary and the international agreements, contracts and promises of the Federal Government should be respected and upheld by the Attorney General of the United States.

It is my suggestion, and I hereby submit it for your consideration, that the Legislature of Texas adopt a concurrent resolution addressed to the President of the United States reciting the international agreements and treaties of the past, recognizing his consistent personal and official recognition of the integrity of those documents, and asking that he direct the Attorney General of the United States to do likewise in the briefs that are filed in the Supreme Court.

It seems from the President's letter that he has been led to believe that his Attorney General might follow this procedure, but every word contained in the Government's complaint filed on the same day contradicts the long recognized claims, agreements and treaties with respect to this land and boundary. If the government's briefs are written along the same line, it matters not how good the President's intentions may be; the Supreme Court of the United States will never know that the President wanted the integrity and agreements of this Nation respected and upheld in this lawsuit.

Should this State be satisfied for the President to say, "I am for you, but my Attorney General is not"?

The question answers itself. Ever since the Lone Star flag was lowered and the Stars and Stripes were raised over the Capitol of Texas, the United States has been under a solemn obligation to defend the boundaries as they existed at the time Texas entered the Union. That obligation is just as applicable to the Attorney General of the United States as it is to the Presi-

dent.

A President who respects that obligation should see to it that his own Attorney General does likewise. It is only by such action that our Nation can keep full faith with those of us who represent and inhabit a former republic which voluntarily gave up its status as an independent nation to join a Union whose contracts and treaties were dependent upon as sacred and solemn obligations.

COPY

October 19, 1957

The Honorable Dwight D. Eisenhower,
President of the United States, The
White House, Washington, D. C.

Have just been advised that Department of Justice is preparing to file a lawsuit next week challenging the validity of the original three league boundary of Texas in the Gulf of Mexico and seeking to establish not only a present three mile line but also to recover from the State of Texas even the subsoil and right to explore and develop the minerals between the three mile and the three league lines. This action would violate the promise made by the President of the United States before Texas entered the Union that the Nation would uphold and defend our boundaries as Texas claimed them to be and it would violate the Texas annexation agreement, the Treaty of Guadalupe Hidalgo with Mexico, and your own repeated statements in defense of Texas' position. During our last visit on this subject it was my impression that Justice and State Departments would acknowledge that Submerged Lands Act gives Texas the right to explore the natural resources out to the original boundary of three leagues even though they might contend that the present boundary is three miles. If it is true that any such lawsuit is contemplated by your Administration to take away all rights beyond three miles then I sincerely request an opportunity to present to you in person the views of this State before any such action is permitted.

Respectfully yours,

PRICE DANIEL,
Governor of Texas.

COPY

THE WHITE HOUSE

Washington

November 7, 1957

Dear Price:

In further response to your telegram of October twentieth, the State of Texas, in my view, should have the right to explore and exploit the submerged lands extending seaward of the Texas coastline for a distance of three marine leagues into the Gulf of Mexico. I earnestly hope that the Submerged Lands Act established this as a matter of law.

As you realize, it is appropriate, of course, for the Supreme Court to consider and decide whether the Submerged Lands Act does, as a matter of law, accomplish this purpose.

In any action that it may be necessary for the Attorney General to take by reason of the June twenty-fourth order of the Supreme Court, the statements that I have publicly made which bear upon this controversy will be presented to the Court, as will the statements made by the Attorney General which, as you know, accorded with my own.

I fully appreciate your interest in this matter and want to thank you for telegraphing me as you did. With warm regards.

Sincerely,

/s/ DWIGHT D. EISENHOWER.

The Honorable Price Daniel,
Governor of Texas,
Austin, Texas.