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Spring 2012

Review of *Lone Star Law: A Legal History of Texas*. By Michael Ariens. Foreword by Gordon Morris Bakken.

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Anderson, David, "Review of *Lone Star Law: A Legal History of Texas*. By Michael Ariens. Foreword by Gordon Morris Bakken." (2012). *Great Plains Research: A Journal of Natural and Social Sciences*. 1222.
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Lone Star Law: A Legal History of Texas. By Michael Arians. Foreword by Gordon Morris Bakken. Lubbock: Texas Tech University Press, 2011. xiv + 366 pp. Illustrations, maps, photographs, tables, notes, bibliography, index. \$49.95 cloth.

In 1949, the federal government sued Texas in the Supreme Court for ownership of mineral rights in the seabed off the Texas coast. Texas claimed that even if other states did not own their tidelands, Texas did because the treaty of annexation by which the Republic of Texas joined the United States allowed the state to keep all its “vacant and unappropriated” lands. The suit was seen by most Texans as an unconscionable federal grab for power.

House Speaker Sam Rayburn tried to broker a compromise giving the state 60% of the mineral revenues, but state officials rejected it. The Supreme Court ruled in favor of the United States, seizing upon language in the treaty admitting Texas to the Union “on equal footing with the existing States.” The Court said this language put Texas in the same position as the other states—for better and worse: since no other state owned its offshore land, neither did Texas.

The opinion was an interesting exercise in legal reasoning and had huge economic consequences. But Michael Ariens shows that those were the least of the reasons for its importance. In the eyes of many, the dispute was a proxy for the coming states' rights battle over segregation. Fighting the feds made a hero of Texas Attorney General Price Daniel, propelling him to the governor's office. One of the real parties in interest was the oil industry, which would owe the federal government three times as much in royalties as the state collected. In the 1952 presidential election, Democrat Adlai Stevenson supported the Court's decision while Republican Dwight D. Eisenhower promised to sign legislation giving the tidelands to the states. Most of the state officeholders supported Eisenhower and he carried Texas, a blow from which the Texas Democratic Party has never fully recovered.

The tidelands case is one of many examples of Ariens's success in weaving the narrative of a legal development into the state's political, economic, and social history. He meticulously analyzes scores of decisions and statutes, clearly and economically explains them, and locates them in the larger history of Texas.

Some of Texas legal history is unique because of Texas's origins as a republic and its membership in the Confederacy, but other chapters, particularly those relating to land, minerals, water, and railroads, will resonate in the other Great Plains states. Ariens wisely declines to trumpet Texas exceptionalism. The infatuation with Texas myth that has bedeviled many chroniclers of the state's past will not be found in this careful, honest work. The book is a must for anyone who seeks an authoritative source for Texas legal history and a delight for anyone who just wants to understand the Lone Star State.

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