

of all of it than we would be with a hundred percent of a 3-mile limit. Texas also suffered from that.

Someday, it may be that California might find that they are suffering because they did not take the Truman administration up on the suggestions that were made on its behalf by Cabinet members Oscar Chapman and Tom Clark at that time, and by the kind of people who would like to have worked it out, such as Sam Rayburn, and I think Lyndon Johnson at the time this whole controversy arose.

So we find ourselves looking at a very serious problem, where if we are to support the developments that is going on out there, and to support it properly, we would need the same kind of consideration that these interior States have.

Now why 37½ percent?

Well, the bill I introduced suggested 37½ percent, because that is what the upland States have. That is what Congress felt appropriate to help them carry the burden of State government, of developing these Federal lands in those States, and it would seem appropriate to us that that is how it should be.

Furthermore, one would say, "Well, the States don't own this." That is quite correct. Neither did the Federal Government, for that matter, and why does not the Federal Government own it?

Because it elected not to own it. And why did it elect not to own it? Because it wanted to bypass, if it could, the precedent, that there was no part of the continental United States that was not a part of some State, although it be Federal lands. We had this Perlman theory developed, and if it was not Perlman it was someone else, to say, "Well, now, here, let's not claim the Federal Government owns that land."

Let's say it has paramount rights to it. But you had to claim you had some kind of right to it, otherwise, you could not have taken the States off it, because the States saw the value of it, they were developing it, they claimed it, and it is a cinch Federal governments would not have owned it, if the Federal Government never claimed it. Thus the States having claimed it, first, the Federal Government asserted a paramount right to it, the Supreme Court upheld it, and the Federal Government put the States out of there, but they recognized the States had some rights to it, to the extent that at least they let the States keep the revenues that they had developed prior to the time that the Congress passed the act claiming that Outer Continental Shelf for the Federal Government.

And may I say, with regard to these submerged lands, with regard to all lands located within the U.S. boundary, it does not make any difference whether that land is under water, or whether that land is not under water.

The resources are treated the same. This Federal land, and the 37½-percent formula applies just the same.

Now the logical way to handle the Outer Continental Shelf would have been to have said that this is an outer extension of the lands of the United States, and those lands belong to us, even though we regard those waters as being high seas.

And logically, that is how it should have been done, but this theory of paramount rights was developed, partly to argue freedom of the seas, and partly to give the Federal Government some basis for claiming everything, and why do you claim everything?