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MEDIA ADVISORY

Land Commissioner Bush intervenes in lawsuit against unconstitutional seizure of private property by the BLM

Protecting PSF mineral rights against illegal takings by federal government

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AUSTIN — Today Commissioner George P. Bush announced the General Land Office (GLO) will intervene in the lawsuit challenging the federal government's unconstitutional seizure and arbitrary taking of Texas Permanent School Fund (PSF) land along the Red River. The GLO is filing an intervention in the current case against the blatant land grab by the Bureau of Land Management (BLM) in the Wichita Falls Division of the United States District Court for the Northern District of Texas

"In Texas we are known for defending our state's rights and interests in furtherance of the aims of the PSF," said Commissioner Bush. "Texas constitutionally dedicates this land to the PSF and the mineral interests benefit the public school children of the State of Texas. We are constitutionally charged with the sacred and solemn responsibility of maximizing revenues from Texas public school lands. Therefore, I join this lawsuit today on behalf of the public school children of Texas and will fight the BLM's unlawful taking of Texas public school fund land. When it comes to property rights, don't mess with Texas."

Background on BLM's unconstitutional seizure

In 2009 the BLM published in the Federal Register an updated survey covering a small portion of the Red River through Clay and Wichita Counties in which it asserted federal ownership of land south of the south gradient boundary of the Red River as defined by the Supreme Court in 1923, land located within Texas. In June of 2014, the BLM published a map indicating the intent that the same method used in the 2009 survey is applicable to a 116-mile stretch of the Red River through Clay, Wichita and Wilbarger Counties, including the GLO tract.

Standing in the case

The GLO is entitled to bring this suit as the GLO owns the mineral interests associated with approximately 113 acres situated in Wilbarger County, which the BLM is now asserting ownership of the surface and mineral interests. The GLO holds title to these mineral interests as the result of the State of Texas' ownership of public lands

dating back to Texas becoming part of the United States. The interest earned on the Permanent School Fund investments is distributed by the State Board of Education to every school district in Texas and, as such, this action affects every school child in Texas.

Background on PSF

In 1876, the Texas Constitution set aside half of Texas' public lands to establish the Permanent School Fund to help finance public schools. After 1895, Texas law provided that the state must retain all minerals when land classified by the state as "mineral land" was sold. For sales of mineral-classified school land in Texas between September 1, 1895, and August 21, 1931, the state owns the minerals under those lands, which rights are dedicated to the Permanent School Fund.

Commissioner Bush and the GLO are responsible for managing these lands and mineral interests, including sales, trades, leases and improvements, as well as administration of contracts, mineral royalty rates, and other transactions. Commissioner Bush and the GLO are constitutionally charged with the obligation to maximize revenues from leasing public school lands and interests.

To read the GLO's complaint in intervention please visit <http://www.glo.texas.gov/the-glo/news/press-releases/2015/december/files/GLO-Complaint-in-Intervention.pdf>

To read the GLO's motion to intervene please visit <http://www.glo.texas.gov/the-glo/news/press-releases/2015/december/files/GLO-Motion-to-Intervene.pdf>

For a graphic of the location of the land in question please visit http://www.glo.texas.gov/the-glo/news/press-releases/2015/december/files/GLO_BLM_20151201.pdf

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