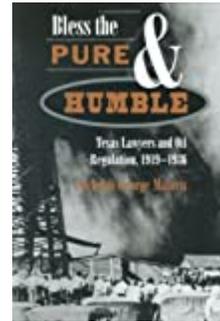


H-Net Reviews

in the Humanities & Social Sciences

Nicholas G. Malavis. *Bless the Pure and Humble: Texas Lawyers and Oil Regulation, 1919-1936.* College Station: Texas A&M University Press, 1996. xviii + 322 pp. \$44.95 (cloth), ISBN 978-0-89096-714-0.



Reviewed by Patrick L. Cox (University of Texas at Austin)

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The role of the oil industry and its contribution to modern society plays a major part in the history of twentieth century Texas. At the turn of the century, Texas maintained its nineteenth century structure as a rural, Southern and agriculture-based economy and society. The massive oil booms in the first half of this century propelled Texas into a more modern, industrial and urban state that broke the once dominant hold of the old agricultural society. In *Bless the Pure and Humble, Texas Lawyers and Oil Regulation, 1919-1936*, Nicholas George Malavis has made a large contribution to the study of an important era in the evolution of modern Texas with his focus on the public and private sector roles of the petroleum business.

In his study, Malavis covers a number of areas in his historical analysis: the division between the expanding major integrated companies and the smaller independents; the legal and philosophical battles over rules of capture, property rights and government regulation; and the evolution of both state and federal involvement in the industry. In doing so, he adds further definitive explanations of these critical divisions most prominently discussed by David Prindle in his 1981 publication *Petroleum Politics and the Texas Railroad Commission*.

The Populist era traditions of government oversight of critical industries combined with the Progressive era

initiatives of “good government” and orderly management frequently clashed with the laissez-faire business attitudes of the early twentieth century producers. Yet when overproduction, declining prices and chaos ruled the industry in the 1920’s and early 1930’s, Malavis details the roles of individual producers, attorneys and politicians. Furthermore, far from being monolithic, the industry was often at war with itself over issues of conservation, pro-rationing and production. The struggle evolved from local disputes in county courthouses to the broader state arena as more oil was produced in the state during the 1920’s. By the time of the great East Texas Oil strike of the early 1930’s, nearly eighty-five percent of Texas oil was transported out of state. This led to federal involvement in interstate regulation and “hot oil” cases. But as Malavis explains, Texas retained its right to regulate production ironically using its arguments on the Reconstruction era Fourteenth Amendment to the U.S. Constitution.

Malavis utilizes a number of new primary sources for his analysis. Most prominent of these are the papers from the internal records of the Houston-based Vinson and Elkins law firm. This offers a unique glimpse into the world of attorney-client information and their relationships with Texas corporations, independents and politicians. He also uses oral interviews, government records

and corporate records for his analysis. As the author observed, the public fights emerged in the newspapers and in the halls of Austin and Washington. Ultimately the battles were resolved and important precedents set in the courthouses through lawsuits. One shortcoming of the work is the short discussion on the State of Texas and its stake in these battles. The Permanent School Fund and the Permanent University Fund were the subject of many suits during this area as private industry fought the state for control over royalties and bonuses on surface and mineral lands in the public domain. Settlement of these suits ultimately led to significant income for the state's major educational trust funds that continue through this

day.

However, Malavis provides the reader with a unique and broad insight into this era making excellent use of new sources. The author provides a welcome addition to the literature of this period of Texas history which holds many fascinating yet untold stories.

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