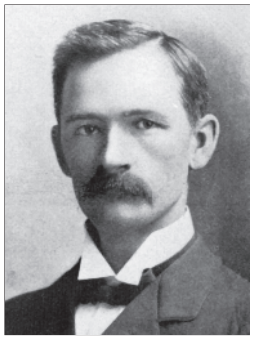
Taking the Bull By the Horns

Rogan Exhibit on $11 Billion School Fund Earnings Shown at Texas Law Center

You may not know who Charles Rogan is, but the work of this Texas lawyer resulted in billions of dollars for the state's schoolchildren. A recent exhibit in the Texas Law Center in Austin told the story of Rogan's efforts on behalf of the Permanent School Fund, a constitutional trust fund dedicated to Texas public education. The exhibit, "Taking the Bull By the Horns: Charles Rogan and the $11 Billion Fight Over Public School Land Minerals," was jointly sponsored by the State Bar History and Preservation Committee, the Texas General Land Office, the Texas Bar Historical Foundation, and the Gov. Bill and Vara Daniel Center for Legal History. (Several of Rogan's descendants and Texas Land Commissioner Jerry Patterson viewed the exhibit in September. *See p. 966.*)



Hon. Charles Rogan

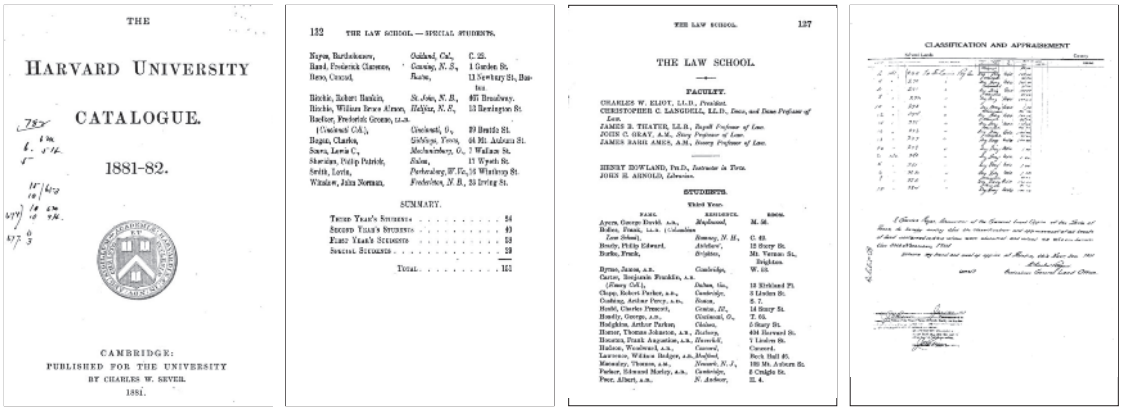
Rogan was a Harvard-educated lawyer who became commissioner of the Texas General Land Office in 1899. "He moved boldly to prevent the loss of revenue from mineral production from these Permanent School Fund lands," said former History and Preservation Committee Co-Chair Francisco J. "Frank" Valenzuela. "Someone who was not a lawyer might not have seized the opportunity."

Patterson has nothing but praise for Rogan. "The actions of Judge Charles Rogan as commissioner of the Land Office ushered in a new age of mineral exploration on state lands," Patterson said. "His foresight benefited Texas schoolchildren over the last century and will continue doing so in the future. His work made the Permanent School Fund a self-sustaining, multibillion dollar fund that earns hundreds of millions annually for education. If it were not for the innovative work of Charles Rogan, and his successors, the budget problems of the state of Texas would be even greater."

Through images and text, the exhibit explained how Rogan interpreted his authority to prevent the Permanent School Fund from losing the mineral estate on some 7 million acres. In response to two lawsuits in 1901, known as the *Chappell* and *Schendell* cases, the Texas Supreme Court interpreted the state's ability to hold onto minerals under school lands very narrowly. In the wake of the decisions, the Legislature refused to act and the state's attorney general resigned himself to the loss. Alone among state officials, the land commissioner refused to accept defeat.

Using his discretion, Rogan simply declared various school land tracts as "mineral bearing" in the belief that this would meet the Supreme Court requirements. He was proved correct when the Court reviewed his standards a few years later. His unilateral action has resulted in more than $11 billion being set aside for Texas public education.

The exhibit's title comes from a Nov. 17, 1901, article in which the *Dallas Morning News* editorialized that "the Land Commissioner has earned deserved compliments because, literally speaking, he has 'taken the bull by the horns' . . . ." ✪



THE HARVARD UNIVERSITY CATALOGUE. 1881-82. CAMBRIDGE: PUBLISHED FOR THE UNIVERSITY BY CHARLES W. SEVER. 1881.

THE LAW SCHOOL. — SPECIAL STUDENTS. SUMMARY. Total . . . 103

THE LAW SCHOOL. FACULTY. STUDENTS.

CLASSIFICATION AND APPRAISEMENT

Pieces from the exhibit showing Rogan as a student at Harvard and land office records where Rogan marked school land as "mineral"