

Chapter 2

Federalism and the Texas Constitution

Multiple Choice Questions

1. The U.S. Constitution provides for a structure of government that _____.
- A. is best viewed as allowing state governments to do whatever they want
 - B. is best viewed as allowing the national government to do whatever it wants
 - C. grants state and national governments delineated authority
 - D. does not allow the national and state governments to share in funding programs

Answer: C

Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Federalism Applied

Difficulty Level: Moderate

Skill Level: Understand the Concepts

2. If the U.S. Supreme Court rules that a state law is unconstitutional, which level of government is it affirming as supreme?
- A. national
 - B. state
 - C. local
 - D. city

Answer: A

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Federalism Applied

Difficulty Level: Difficult

Skill Level: Apply What You Know

3. Steven has strong feelings about the need for more governing power to reside at the state level. How can Steven realize this goal?

- A. run for Congress so he can then pass legislation to change the U.S. Constitution
- B. work to pass a constitutional amendment that grants the states more authority
- C. advocate for laws at the state level that will void federal laws
- D. sue the governor for capitulating to federal authority

Answer: B

Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Federalism Applied

Difficulty Level: Difficult

Skill Level: Apply What You Know

4. Which political institution has the power of judicial review?

- A. the executive branch
- B. the legislative branch
- C. the judicial branch
- D. government bureaucracies

Answer: C

Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Constitutions

Difficulty Level: Easy

Skill Level: Understand the Concepts

5. Frankie wants to protest a recent law that was passed by the Texas legislature, but he is unsure whether he can legally do so. If he asked you where he can find evidence of such a right, where would you tell him to search in the U.S. Constitution?

- A. You would tell him to read the First Amendment.
- B. You would tell him to read the Fifth Amendment.
- C. You would tell him to read the Tenth Amendment.
- D. You would tell him to read the Twenty-fourth Amendment.

Answer: A

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Constitutional Amendments

Difficulty Level: Difficult

Skill Level: Apply What You Know

6. The national government can control the states by _____.
- A. threatening military law if the states do not comply with congressional laws
 - B. forcing the members of a state's congressional delegation to vacate their offices
 - C. suspending state elections
 - D. providing or withholding money

Answer: D

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Budgetary Pressure

Difficulty Level: Easy

Skill Level: Remember the Facts

7. George works for a U.S. senator and is asked to determine whether Congress has a certain power. If you were asked, where would you tell George to begin his research?
- A. in Article I of the U.S. Constitution
 - B. in Article IV of the U.S. Constitution
 - C. in the First Amendment of the Bill of Rights
 - D. in the Third Article of the Bill of Rights

Answer: A

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Budgetary Pressure

Difficulty Level: Difficult

Skill Level: Apply What You Know

8. The struggle between the national and state governments over which has the authority to do something is ultimately decided by _____.
- A. the U.S. Congress
 - B. the attorney general of Texas
 - C. the president
 - D. the U.S Supreme Court

Answer: D

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: The Federal Courts

Difficulty Level: Moderate

Skill Level: Understand the Concepts

9. Under the delineated authority that states possess under the federal system, state constitutions tend to contain many legislative provisions, each creating a _____ government.

- A. very powerful
- B. highly restrictive
- C. somewhat powerful
- D. somewhat restrictive

Answer: B

Learning Objective: 2.3 Explain why state constitutions tend to be long and restrictive.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: State Constitutions

Difficulty Level: Moderate

Skill Level: Understand the Concepts

10. Which Texas constitution was amended to include precepts of Jacksonian democracy?

- A. Coahuila y Tejas
- B. 1836 constitution
- C. 1845 constitution
- D. 1861 constitution

Answer: C

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1845 Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

11. Which of the following Texas constitutions was adopted after Texas seceded from the United States?

- A. 1836 constitution
- B. 1845 constitution
- C. 1861 constitution
- D. 1869 constitution

Answer: C

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1861 Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

12. Which of the following Texas constitutions was adopted after Texas reentered the Union?
- A. 1845 constitution
 - B. 1861 constitution
 - C. 1869 constitution
 - D. 1876 constitution

Answer: C

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1869 Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

13. Who was E. J. Davis?

- A. a World War II hero that ran for governor of Texas
- B. the founder of Dallas
- C. the Democratic governor during the 1960s who oversaw the integration of African Americans into Texas schools
- D. Republican governor of Texas during the Reconstruction Era

Answer: D

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1869 Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

14. Which of the following Texas constitutions gave the governor significant appointment power?

- A. 1845 constitution
- B. 1861 constitution
- C. 1869 constitution
- D. 1876 constitution

Answer: C

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1869 Constitution

Difficulty Level: Moderate

Skill Level: Understand the Concepts

15. Which statement best characterizes the 1869 Texas constitution?

- A. It was well written.
- B. It concentrated power in the counties.
- C. It centralized power.
- D. It made a corrupt administration of the Texas government more probable.

Answer: C

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1869 Constitution

Difficulty Level: Moderate

Skill Level: Analyze It

16. Which of the following attended the constitutional convention of 1875 looking to establish a cheap and weak government?

- A. Radical Republicans
- B. E. J. Davis
- C. Democratic Party leaders
- D. Texas Grange

Answer: D

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1876 Constitution

Difficulty Level: Easy

Skill Level: Understand the Concepts

17. In what year was the current Texas constitution written?

- A. 1869
- B. 1876
- C. 1901
- D. 1974

Answer: B

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1876 Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

18. Which of the following was a populist farmers' alliance that was influential in the creation of the 1876 Constitution?

- A. Radical Republicans
- B. Jacksonian Democrats
- C. Democratic Party
- D. Texas Grange

Answer: D

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1876 Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

19. Under the 1876 Constitution, the legislature meets _____.

- A. every year
- B. twice a year
- C. once every two years
- D. every year all year long

Answer: C

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.

Topic: Limits on Government Power

Difficulty Level: Moderate

Skill Level: Understand the Concepts

20. What was the most significant change to the powers of the governor from the 1869 constitution to the 1876 constitution?

- A. The governor's powers to appoint a cabinet were dramatically increased under the 1876 Constitution.
- B. The governor's powers to appoint a cabinet were taken away.
- C. The governor was given the power to appoint judges to the Texas supreme court.
- D. The governor was denied the ability to call special sessions of the legislature.

Answer: B

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: Limits on Government Power

Difficulty Level: Moderate

Skill Level: Understand the Concepts

21. Under the 1876 constitution, the Texas governor's power was _____.
- A. further increased from the previous constitution
 - B. kept about the same as under the previous constitution
 - C. was reduced a little from what the governor had under the previous constitution
 - D. was reduced significantly from what the governor had under the previous constitution

Answer: D

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: Limits on Government Power

Difficulty Level: Moderate

Skill Level: Understand the Concepts

22. The Texas Bill of Rights provides _____ than the U.S. Bill of Rights.
- A. significantly fewer rights
 - B. about the same amount of rights
 - C. just a couple more rights
 - D. significantly more rights

Answer: D

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: The Bill of Rights

Difficulty Level: Moderate

Skill Level: Understand the Concepts

23. To amend the Texas constitution, _____ of both houses and _____ of voters must approve.
- A. half; two-thirds
 - B. two-thirds; a majority
 - C. three-quarters; two-thirds
 - D. majority; majority

Answer: B

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.

Topic: Amending the Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

24. To amend the Texas constitution, the Texas legislature proposes _____.
- A. a bill with a simple majority and then the governor must sign it
 - B. an amendment with a two-thirds vote of both chambers and the people of Texas must vote for it
 - C. an amendment with a two-thirds vote and the governor must sign it
 - D. an amendment with three-fifths vote, the Texas Supreme Court rules on it, and then the people of Texas must vote for it

Answer: B

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.

Topic: Amending the Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

25. Which of the following is not involved in approving amendments to the Texas constitution?
- A. governor
 - B. senate
 - C. house
 - D. voters

Answer: A

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.

Topic: Amending the Constitution

Difficulty Level: Easy

Skill Level: Understand the Concepts

26. Approximately how often has the Texas constitution been amended?
- A. fewer than 30 times
 - B. between 50 and 75 times
 - C. almost 500 times
 - D. more than 750 times

Answer: C

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: Amending the Constitution

Difficulty Level: Easy

Skill Level: Remember the Facts

27. The current Texas constitution can be characterized as being _____.

- A. a model for the rest of the nation's states to follow
- B. poorly designed
- C. a model for governmental efficiency
- D. as well written as the U.S. Constitution

Answer: B

Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: Constitutional Revision

Difficulty Level: Moderate

Skill Level: Understand the Concepts

28. The best opportunity for Texas to have adopted a new constitution was in _____.

- A. 1946 after World War II
- B. 1963 after the assassinations of President Kennedy
- C. 1968 with the election of President Nixon
- D. 1972 after the Sharpstown political scandal

Answer: D

Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1974 Constitutional Convention

Difficulty Level: Easy

Skill Level: Remember the Facts

29. According to the textbook authors, why do state leaders not want to revise the Texas constitution?

- A. Certain groups now in power could potentially lose that power with a revision.
- B. It would cost too much money.
- C. It is not really needed, as the state operates at a high level of efficiency.
- D. A new constitution would have to be approved by the U.S. Congress and they do not want the Texas Constitution to undergo federal scrutiny.

Answer: A

Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1974 Constitutional Convention

Difficulty Level: Easy

Skill Level: Remember the Facts

30. Which statement is the best description of the current Texas constitution?
- A. The Texas constitution is viewed as well constructed.
 - B. The Texas constitution is viewed as not well suited for today's society.
 - C. The Texas constitution is a concise document similar in length and powers of government established by the U.S. Constitution.
 - D. The Texas constitution is well tailored to the values of modern Texans.

Answer: B

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.

Topic: The 1876 Constitution

Difficulty Level: Difficult

Skill Level: Apply What you Know

Short Answer Questions

31. What is the purpose of a constitution?

Answer: A constitution provides a framework under which government operates, grants power to political institutions, and limits the operation of that power.

Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Constitutions

Difficulty Level: Moderate

Skill Level: Understand the Concepts

32. What is judicial review?

Answer: Judicial review is the power of the courts to strike down laws that violate the state or national constitution.

Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Constitutions

Difficulty Level: Easy

Skill Level: Understand the Concepts

33. What was the primary aim behind passing the U.S. Bill of Rights?

Answer: The U.S. Bill of rights was aimed at limiting the power of the national government.

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: Constitutions

Difficulty Level: Easy

Skill Level: Apply What You Know

34. Discuss the primary difference between the U.S. Constitution and the Texas constitution regarding their length and objectives.

Answer: The U.S Constitution is noted for its brevity while the Texas constitution is noted for its extreme length. The objective behind the U.S. Constitution is to convey broad powers while the objective behind the Texas constitution is to severely restrict government power.

Learning Objective: 2.3 Explain why state constitutions tend to be long and restrictive.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: State Constitutions

Difficulty Level: Difficult

Skill Level: Skill Level: Analyze It

35. Which group held the most influence during the constitutional convention of 1875, and what was its members' primary objective?

Answer: The Texas Grange held the most influence during the convention of 1875, and their primary objective was the reduction of government power.

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous

Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1876 Constitution

Difficulty Level: Easy

Skill Level: Understand the Concepts

Essay Questions

36. Discuss the ways in which the federal government is able to control the states.

The ideal answer should include:

1. Federal transfer payments to states act to compel states to comply with federal goals.
2. The federal government can sue states in federal courts to compel states to adhere to federal law.
3. The Fourteenth Amendment's equal protection clause defines how states treat their citizens.
4. The U.S Bill of Rights provides a uniform standard of treatment across the nation that states must adhere to.

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.

Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

Topic: National Gains

Difficulty Level: Difficult

Skill Level: Analyze It

37. Discuss the major differences between the last four of Texas's constitutions, and explain the reasons for these differences.

The ideal answer should include:

1. The 1861 constitution, which was written when Texas seceded from the Union, made it illegal to free slaves.
2. The 1865 constitution was written after Texas was forced back into the Union at the end of the Civil War. It did not make slavery illegal, as the U.S. Congress expected, and this was the primary reason that the constitution of 1869 was written.
3. The 1869 constitution was written under the guidance of the Radical Republican Congress during Reconstruction; it created a strong, centralized government.
4. The 1876 constitution was written after the end of Reconstruction; compared to the 1869 constitution, the later document reduced the power of the government.

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The Constitutions of Texas

Difficulty Level: Difficult

Skill Level: Analyze It

38. Discuss the role the Texas Grange played in formulating the Texas constitution of 1876, its members' main goals, and the reasons they sought these goals.

The ideal answer should include:

1. The Grange, a populist farmers' group, played a major role as the largest block of delegates to the convention of 1875.
2. Grangers wanted a cheap government in order to limit taxation.
3. Grangers wanted a weak government in order to weaken railroad and other commercial interests' ability to attack farmers' interests.
4. Grangers had fear of strong centralized power vested in a governor.

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas Constitution.

Topic: The 1876 Constitution

Difficulty Level: Difficult

Skill Level: Analyze It

39. Explain why the 1974 constitution and other efforts to revise Texas's constitution have failed.

The ideal answer should include:

1. The proposed 1974 Texas constitution contained right-to-work provisions that were considered hostile by the dominant business interests of the state.
2. It contained school funding equalization, which was considered as too costly.
3. Those interests who could lose benefits under a new constitution are stronger than those interests that would gain.
4. Constitutional revision is not a major concern of Texas voters.

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre-Civil War policies.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: The 1876 Constitution

Difficulty Level: Difficult

Skill Level: Analyze It

40. Considering the failure to revise the Texas constitution, how would you explain the future prospects for revision?

The ideal answer should include:

1. Revising the Texas constitution would require a large expenditure of time, money, and effort, and there is no incentive for political leaders to move ahead with revision, given those requirements. As such, revision is not likely to occur.
2. There is a large number of interests that benefit under the established system, so there would be a large amount of opposition to revision.
3. The need to revise the constitution is not well understood by the general public, so there is no great push from the people to revise.
4. Even when well-meaning politicians come up with reasonable revisions, they do not go far in the legislative process.

Learning Objective: 2.6 Analyze why those who benefit from the current constitution will work to make comprehensive reform difficult.

Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

Topic: Constitutional Revision

Difficulty Level: Difficult

Skill Level: Analyze It