

CHAPTER 2 The Texas Constitution

TEXTBOOK SECTION (REF)

The Role of a State Constitution
The Texas Constitutions: 1836–1876
The Constitution of Texas Today
Recent Attempts to Rewrite the Texas Constitution

CHAPTER GOAL (OBJ)

Identify the main functions of state constitutions.
Describe the six Texas constitutions and their role in Texas political life.
Analyze the major provisions of the Texas Constitution today.
Describe modern efforts to change the Texas Constitution.

MULTIPLE CHOICE

1. State constitutions are designed to perform which of the following functions?
 - a. to establish the mechanisms through which school districts determine grade-appropriate curricula
 - b. to ensure that power is concentrated in a unitary executive branch
 - c. to ensure that free, fair, and frequent elections are conducted by the federal government
 - d. to prevent abuse of power by the government by establishing and protecting civil liberties

ANS: D DIF: Easy REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 1
MSC: Understanding

2. Thinking about the constitutions of Texas and the United States, both are based upon which fundamental idea?
 - a. Political power is derived from the people.
 - b. Political power is divided into two separate parts and placed in separate branches of government.
 - c. the idea of community rights
 - d. the subordinate role that Texas has in the federal system

ANS: A DIF: Moderate REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 1
MSC: Understanding

3. Which of the following is found in the Texas Constitution, but not in the U.S. Constitution?
 - a. Bill of Rights
 - b. separation of powers
 - c. supremacy clause
 - d. Equal Rights Amendment

ANS: D DIF: Difficult REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 1
MSC: Understanding

4. In federalism, an individual citizen lives under the direct authority of which of the following?
 - a. the central government and regional
 - c. the regional government and provincial

- government government
b. the provincial government and subnational government d. the national government and supranational government

ANS: A DIF: Moderate REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 2
MSC: Understanding

5. According to the _____, the U.S. Constitution takes precedence over the Texas Constitution.
a. supremacy clause c. necessary and proper clause
b. separation of powers clause d. delegate powers

ANS: A DIF: Easy REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 2
MSC: Understanding

6. Which of the following statements about the powers of the national government is most accurate?
a. The only powers of the national government are those specifically stated.
b. The amount of power the national government has exercised has grown over the last 200 years as a result of the “necessary and proper clause.”
c. Powers of the national government are delegated by the state governments.
d. Powers of the national government are equal to the powers of the state governments.

ANS: B DIF: Difficult REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 2
MSC: Remembering

7. Texas has operated under how many constitutions?
a. 5 c. 7
b. 6 d. 8

ANS: C DIF: Difficult REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Understanding

8. The Constitution of 1827 tried to limit the spread of _____.
a. slavery
b. liberty
c. suffrage
d. education

ANS: A DIF: Moderate REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Understanding

9. The Constitution of 1836 showed the direct influence of the U.S. Constitution through the inclusion of which of the following?
a. state retention of ownership of mineral rights c. a judicial system with four levels
b. a unicameral legislature d. government divided into three branches with a system of checks and balances

ANS: D DIF: Difficult REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Understanding

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Remembering

16. Under the Constitution of 1869, how often were legislative sessions set to be held?
- biannually
 - annually
 - semiannually
 - only when called by the governor

ANS: B DIF: Moderate REF: The Texas Constitutions: 1836–1876

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Understanding

17. The Constitution of 1869 created
- a strong governor's office.
 - strong local government.
 - a unicameral legislature.
 - the election of judges.

ANS: A DIF: Moderate REF: The Texas Constitutions: 1836–1876

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Understanding

18. Which statement best describes the post–Civil War governorship of Edmund Davis?
- Davis was a Democratic Confederate sympathizer who frequently clashed with the federal Congress.
 - Davis tried to return Texas to independence rather than reenter the Union after the Civil War.
 - Davis was a Republican who used the centralized powers of the governorship to maintain control over his regime.
 - Davis sought to decentralize government in Texas, moving toward a policy of home rule.

ANS: C DIF: Moderate REF: The Texas Constitutions: 1836–1876

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Remembering

19. Which component of the current Texas Constitution was designed to prevent future governors from abusing power like Governor Edmund Davis did under the Constitution of 1869?
- universal suffrage
 - the plural executive
 - the Bill of Rights
 - independent state grounds

ANS: B DIF: Difficult REF: The Constitution of Texas Today

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Understanding

20. The domination of Texas politics by Republicans after the Civil War ended
- with the election of governor Richard Coke in 1873.
 - with the victory of the Populist Party in 1892.
 - in 1888, with violent riots by farmers in Houston, Dallas, and Austin.
 - through a peaceful transfer of power in 1900.

ANS: A DIF: Moderate REF: The Texas Constitutions: 1836–1876

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Remembering

21. What was Texas's most progressive constitution in terms of power and organization?
- the Constitution of the Republic of Texas
 - the Civil War Constitution of 1861

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 4 MSC: Understanding

27. When writing the Texas Constitution of 1876, the framers wanted to be able to
- allow interpretation and flexibility so that it would not have to be frequently amended.
 - facilitate the development of an expansion of the railroad and other technological advances.
 - expand services provided by the state to meet the new needs of a growing population.
 - limit the power of the state government in order to prevent corruption.

ANS: D DIF: Difficult REF: The Texas Constitutions: 1836–1876

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1 MSC: Remembering

28. The Texas Bill of Rights is different from the U.S. Bill of Rights because
- it is a separate document from the Texas Constitution.
 - it does not list any specific protections for those accused of committing a crime.
 - it is shorter than the federal Bill of Rights, containing only three protections.
 - it grants rights and protections that are not found in the U.S. Bill of Rights.

ANS: D DIF: Moderate REF: The Constitution of Texas Today

OBJ: Analyze the major provisions of the Texas Constitution today.

STA: 2 MSC: Understanding

29. Which of the following statements about republican government is NOT accurate?
- The right to a republican form of government is not guaranteed in the Texas Bill of Rights.
 - A republican form of government is part of a system of representative democracy.
 - Under a representative government, all political power derives from the people.
 - In the Texas Constitution, it is explicitly stated that the people have the right to reform, alter, or to abolish their government.

ANS: A DIF: Difficult REF: The Constitution of Texas Today

OBJ: Analyze the major provisions of the Texas Constitution today.

STA: 1 MSC: Understanding

30. Article 4 of the Texas Constitution divides executive power among how many different offices?
- 3
 - 4
 - 6
 - 7

ANS: C DIF: Easy REF: The Constitution of Texas Today

OBJ: Analyze the major provisions of the Texas Constitution today.

STA: 1 MSC: Remembering

31. Which of the following is NOT found in the Texas Bill of Rights?
- guarantees of equal treatment under law
 - guarantees of no religious tests for officeholders
 - the right to employment
 - the right to trial by jury

ANS: C DIF: Moderate REF: The Constitution of Texas Today

OBJ: Analyze the major provisions of the Texas Constitution today.

STA: 1 MSC: Remembering

32. Under Article 7 of the Texas Constitution, the State Board of Education has responsibility for which of the following?
- The University of Texas
 - elementary and secondary education

ANS: D DIF: Difficult REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 1 MSC: Understanding

38. The drive to rewrite the Texas Constitution in the 1970s grew out of
- a major stock fraud involving bribery of several elected officials, state party officials, and bankers.
 - bitter politics coupled with the intense demands of highly mobilized special interests.
 - a push from the national political parties to help states streamline their constitutions.
 - frustration with the power of the Grange and the Radical Republicans.

ANS: A DIF: Moderate REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 5 MSC: Understanding

39. Constitutional amendment elections tend to have low voter turnout because
- they are held in “off” years, when there are no candidates on the ballot.
 - most of the amendments tend to be controversial and alienate voters.
 - there are additional qualifications that must be met in order to be eligible to vote in a constitutional amendment election, and most voters do not qualify.
 - most voters get confused by the complicated wording in the amendments.

ANS: A DIF: Moderate REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 8 MSC: Understanding

40. Which of the following is most likely to create advertising campaigns related to proposed constitutional amendments?
- interest groups either in favor or against the proposed amendment
 - political parties trying to mobilize their traditional voters
 - county officials who are required to run “get out the vote” campaigns
 - the state, since the constitution is a state-wide document

ANS: A DIF: Moderate REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 5 MSC: Understanding

TRUE/FALSE

1. There are rights guaranteed to Texans in Article 1 of the Texas Constitution that go far beyond those of the U.S. Constitution.

ANS: T DIF: Easy REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 1
MSC: Understanding

2. Both the Texas and U.S. Constitutions require voter approval for any proposed amendments to take effect.

ANS: F DIF: Easy REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 1
MSC: Remembering

3. The Texas Bill of Rights guarantees the right to a republican form of government.

ANS: T DIF: Moderate REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today.
STA: 1 MSC: Understanding

4. Texas has used its ownership of mineral rights in some parts of the state to fund education.

ANS: T DIF: Moderate REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 2 MSC: Understanding

5. The state of Texas has had three constitutions in the course of its history.

ANS: F DIF: Moderate REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Understanding

6. The first federal constitution that Texas operated under was the Mexican Constitution.

ANS: T DIF: Easy REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 2 MSC: Understanding

7. The Texas Constitution of 1866 did not exclude former secessionists from voting.

ANS: T DIF: Easy REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Remembering

8. The Texas Constitution of 1866 granted the governor a line-item veto on appropriations.

ANS: T DIF: Easy REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Remembering

9. The Texas Constitution of 1869 was written by members of the Republican Party, including ten elected African Americans.

ANS: T DIF: Easy REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Understanding

10. The U.S. Supreme Court in *Texas v. White et al.* (1869) ruled that Texas did secede from the union.

ANS: F DIF: Easy REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Remembering

11. The Texas Constitution of 1876 was designed to limit the power of government, especially of the governor's office.

ANS: T DIF: Moderate REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Remembering

12. Under the Texas Constitution, it is unconstitutional to impeach elected officeholders.
- ANS: F DIF: Moderate REF: The Texas Constitutions: 1836–1876
OBJ: Describe the six Texas constitutions and their role in Texas political life.
STA: 1 MSC: Understanding
13. The Texas Constitution created a plural executive, consisting of multiple elected executive officers.
- ANS: T DIF: Easy REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today.
STA: 1 MSC: Understanding
14. The Texas Constitution creates two top appellate courts: one for civil cases and one for criminal cases.
- ANS: T DIF: Moderate REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today.
STA: 1 MSC: Understanding
15. The Texas Constitution explicitly discusses the role of the state in providing education at all levels, including colleges and universities.
- ANS: T DIF: Easy REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today.
STA: 1 MSC: Understanding
16. Governor Gregory Wayne Abbott proposed convening a constitutional convention to rewrite the Texas Constitution in 2016.
- ANS: F DIF: Easy REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today.
STA: 1 MSC: Remembering
17. The current Texas Constitution has been amended more than 400 times.
- ANS: T DIF: Easy REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today.
STA: 1 MSC: Remembering
18. The most recent attempt to rewrite the Texas Constitution was in 1974.
- ANS: T DIF: Easy REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 1 MSC: Remembering
19. Constitutional amendment elections tend to have very low levels of voter turnout.
- ANS: T DIF: Easy REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 1 MSC: Remembering
20. The Texas Constitution became a place where special interests could seek to promote and protect their own agendas.

ANS: T DIF: Moderate REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 1 MSC: Understanding

21. Between 2001 and 2010, the overwhelming majority of constitutional amendments have been approved by voters.

ANS: T DIF: Easy REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 1 MSC: Understanding

22. Amendments to the Texas Constitution can address technical issues faced by state agencies and local governments.

ANS: T DIF: Easy REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution.
STA: 1 MSC: Understanding

ESSAY

1. What are some of the key similarities and differences between the Texas Constitution and the U.S. Constitution?

ANS:

- a. Functions of a state constitution: Legitimate state political institutions by explaining the source of power and authority; delegate powers; establish local governments; define limits of powers.
- b. Five ideas that unite the Texas Constitution and the U.S. Constitution: Political power is derived from the people; separation of powers; checks and balances; the idea of individual rights; federalism.
- c. Differences: Significance of including a bill of rights; supremacy clause; necessary and proper clause. Amendment process: the amending processes differ between the Texas Constitution and the U.S. Constitution; voter approval is necessary for a state constitution; the difference in length of the two constitutions is extreme, with the Texas constitution being the second longest of any state.

DIF: Moderate REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions. STA: 1
MSC: Evaluating

2. Describe the particular historical conditions under which the Texas Constitution of 1876 was drafted. What were some of the main principles behind the Texas Constitution of 1876? What are some of the most important aspects of the constitution that reflect the political philosophy of its framers?

ANS:

- a. Historical reasons for the Constitution of 1876: Prevent another Edmund J. Davis; diffuse state powers; Reconstruction Constitution of 1869; Radical Republicans; Richard Coke's election; Grange movement; establish regulations curtailing government power.
- b. Main principles behind the Constitution of 1876: To establish strong, popular control of state government; to develop a constitution that limits the power of the state government; to seek economy in the government; to promote agrarian interests.
- c. Political philosophy of framers: Decentralize the executive branch and expose state judiciaries to popular election; the state was concerned with direct democracy.

- d. Aspects of political philosophy: Executive authority was diffused among numerous officeholders rather than concentrated in the hands of the governor; constitutional amendments must be voted on by a majority of citizens; bill of rights was included.

DIF: Moderate REF: The Role of a State Constitution

OBJ: Identify the main functions of state constitutions.

STA: 1

MSC: Understanding

3. Explain the historical influences, similarities, and differences among Texas's first six constitutions.

ANS:

- a. Seven Constitutions: The Constitution of Coahuila y Texas (1827); The Constitution of the Republic of Texas (1836); the Constitution of 1845; the Civil War Constitution (1861); the Constitution of 1866; the Constitution of Reconstruction (1869); and the Constitution of 1876.
- b. How the current constitution differs from the previous constitutions: Idea of popular sovereignty; limited government; direct democracy; social contract theory; and separation of powers.
- c. Constitutions prior to 1876: Detailed limitations on the governor, the legislature, and other governmental institutions; the decentralization of governmental authority limited the ability of state and local governments to adapt effectively to economic and demographic changes.
- d. Influences of the Mexican Constitution: Separate institutions (e.g., legislative, judicial, executive); state religion; community property; homestead exemptions and protections; and debtor relief.

DIF: Difficult REF: The Texas Constitutions: 1836–1876

OBJ: Describe the six Texas constitutions and their role in Texas political life.

STA: 1

MSC: Analyzing

4. There have been several calls to revamp the Texas Constitution. What has been the rationale for significant changes to the Texas Constitution? Describe the attempt in the mid-1970s to change it. Why did the attempt fail?

ANS:

- a. Scandals or policy needs are reasons for changes to the Texas Constitution: The state has continuously amended the document on a piecemeal basis to address specific needs or political priorities; the Sharpstown State Bank and the National Bankers Life Insurance Corporation scandal brought a need for change.
- b. Group involvement against changing the constitution: The Tea Party and anti-tax groups have attempted to protect their interests through constitutional amendments; it is easier to mobilize against something than to try to change something.
- c. Reasons why changes to the constitution fail: Some changes are attempted in an off-year election cycle; voter turnout for most constitutional amendment elections is low; the interests of a small segment of the population have a disproportionate influence over the amendment process; it is easier to mobilize public opinion against rather than for major change.
- d. Political culture reflected in the constitution: The Texas Constitution reflects the values of conservative political culture (traditionalist–individualist); Article 17 of the Texas Constitution delineates the amending process as arduous (e.g., requiring a majority of state voter approval).

DIF: Moderate REF: The Constitution of Texas Today

OBJ: Analyze the major provisions of the Texas Constitution today.

STA: 1

MSC: Applying

5. How does Texas's mistrust of government and resistance to change manifest itself in the current constitution? How does this conflict with the political preferences for limited government?

ANS:

- a. Historical influences: The Mexican constitution; Edmund Davis; the issue of slavery; the Ordinance of Secession; the Grange movement.
- b. Philosophy of framers: Control of state government through popular sovereignty; plural executive; Conservative political culture; rigid and lengthy constitution.
- c. Control political interest to change the constitution: Less active role for political parties to get out the vote; no candidates to generate voter turnout; the Federalist Papers, nos. 10, 47, and 51.
- d. Traditionalist-individualist cultural influences: Article 17 of the Texas Constitution indicates that the amending process is very detailed and arduous; socially conservative groups such as the Tea Party and anti-tax groups; low voter interest and turnout.

DIF: Difficult REF: Recent Attempts to Rewrite the Texas Constitution

OBJ: Describe modern efforts to change the Texas Constitution.

STA: 1 MSC: Understanding