

Chapter 2: The Texas Constitution

MULTIPLE CHOICE

1. Which of the following is NOT a function of state constitutions?
 - a. to create political institutions and explain what their powers are
 - b. to prevent concentrations of too much power in one office, through a series of checks and balances
 - c. to set the proper tax rates for state and county authorities
 - d. to forbid certain government actions by establishing civil liberties
 - e. to establish the basic rules and guidelines for state governments to operate

ANS: C DIF: Easy REF: The Role of a State Constitution

OBJ: Identify the main functions of state constitutions STA: 1

MSC: Applying

2. Which of the following ideas does NOT unite the U.S. and Texas constitutional experiences?
 - a. Political power in both the United States and Texas is derived from the people.
 - b. Political power is divided by both the U.S. and Texas constitutions into three separate parts and placed in separate branches of government.
 - c. The idea of individual rights.
 - d. The subordinate role that Texas has in the federal system.
 - e. The embodiment in both the U.S. and Texas constitutions is that of federalism.

ANS: D DIF: Easy REF: The Role of a State Constitution

OBJ: Identify the main functions of state constitutions STA: 1

MSC: Understanding

3. The system of distributing powers between states and a central government is called
 - a. federalism.
 - b. separation of powers.
 - c. constitutionalism.
 - d. filtration.
 - e. checks and balances.

ANS: A DIF: Easy REF: The Role of a State Constitution

OBJ: Identify the main functions of state constitutions STA: 2

MSC: Remembering

4. The supremacy clause of the U.S. Constitution states that
 - a. the constitution of Texas is the supreme law in Texas.
 - b. laws passed by the national government are supreme over all state laws.
 - c. the president is the supreme government authority throughout the United States.
 - d. all laws passed by the Texas legislature are supreme, even if they conflict with federal laws.
 - e. state laws take precedence over national laws when they conflict.

ANS: B DIF: Medium REF: The Role of a State Constitution

OBJ: Identify the main functions of state constitutions STA: 2

MSC: Understanding

5. Which event did NOT signal the break with Britain and the emergence of the United States as a confederate republic?
 - a. the writing of a new state constitution
 - b. the Bill of Rights
 - c. the Articles of Confederation

- d. the Declaration of Independence
- e. the Treaty of Paris

ANS: B DIF: Difficult REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Evaluating

6. The current Texas Constitution borrowed all of the following from the Constitution of 1827 EXCEPT
- a. the establishment of Catholicism as the state religion.
 - b. a guarantee of citizens' rights to liberty, security, property, and equality.
 - c. the curtailment of the spread of slavery.
 - d. the legislature's order to promote education.
 - e. the legislature's establishment of freedom of the press.

ANS: A DIF: Difficult REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Analyzing

7. Which provision of the 1836 Constitution was the most important adaptation of Spanish-American Law for the Texas Republic?
- a. the idea of community property
 - b. a bicameral legislature
 - c. a four-tiered judicial system
 - d. a system of checks and balances
 - e. the establishment of a chief executive

ANS: A DIF: Difficult REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Understanding

8. The majority of delegates to the Convention of 1836 that drafted the constitution for a newly independent Republic of Texas were from
- a. Texas.
 - b. slave-owning southern states.
 - c. New England and New York.
 - d. Mexico.
 - e. Spain.

ANS: B DIF: Medium REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Remembering

9. Texas became an independent republic in _____ and became part of the United States in _____.
- a. 1827; 1861
 - b. 1827; 1869
 - c. 1836; 1845
 - d. 1845; 1876
 - e. 1844; 1845

ANS: C DIF: Difficult REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Understanding

10. The main problem that stalled the admission of Texas into the United States was
- a. the lack of enough people in Texas.
 - b. Texas's overly large debt, which would have to be assumed by the federal government.
 - c. that Texas would be a proslavery state.
 - d. that foreign nations had refused to recognize an independent Texas.

e. that Texas was still under the control of Mexico.

ANS: C DIF: Easy REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 8 MSC: Applying

11. Which of the following was NOT part of the annexation agreement between Texas and the United States?
- Texas could divide itself into as many as five separate states.
 - Texas was responsible for paying all foreign debts it incurred while independent.
 - Texas could maintain its own army and navy for twenty-five years.
 - Texas would retain title to its public lands.
 - Texas ceded all military armaments, bases, and facilities to the U.S. government.

ANS: C DIF: Medium REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Analyzing

12. _____ dominated the secession convention of 1861.
- Landowners and cattlemen
 - Lawyers and slaveholders
 - Supporters of Governor Sam Houston
 - Supporters of succession
 - Texas Supreme Court justices

ANS: B DIF: Medium REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Analyzing

13. Which of the following statements about the Texas Constitutional Convention of 1865 is FALSE?
- Texas had to accept the abolition of slavery.
 - Texas had to repudiate the war debt incurred by the state.
 - Texas had to return to the federal government parts of Oklahoma seized by Texas Confederate soldiers.
 - The state had to formally reject the right of secession.
 - There were strong Union and secessionist factions at the convention.

ANS: C DIF: Medium REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Evaluating

14. Who were the Radical Republicans?
- those Republicans who proposed to write a new U.S. constitution in the late 1990s
 - those Republicans after the Civil War who controlled Reconstruction policy in the former Confederate states
 - the first Republicans since Reconstruction in Texas to win elected office during the 1960s
 - followers of the pro-Union governor Sam Houston
 - those Republicans who opposed admitting Texas into the Union

ANS: B DIF: Easy REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Analyzing

15. The Texas Constitution of 1869 was created
- because Texas needed a new constitution when it joined the Confederacy.

- b. by members of the Texas Republican Party.
- c. in order to limit the power of state government.
- d. as a reaction against Reconstruction.
- e. to abolish slavery.

ANS: B DIF: Medium REF: The First Texas Constitutions
 OBJ: Describe the six Texas constitutions that preceded the current constitution
 STA: 1 MSC: Understanding

16. Which of the following statements best describes the post–Civil War governorship of E. J. Davis?
- a. Davis was a Democratic Confederate sympathizer who frequently clashed with the federal Congress.
 - b. Davis tried to return Texas to independence rather than reenter the Union after the Civil War.
 - c. Davis was a Republican who used the centralized powers of the governorship to maintain control over his regime.
 - d. Davis sought to decentralize government in Texas, moving toward a policy of home rule.
 - e. Davis sought to bring Texas into a cooperative relationship with the United States after the Civil War.

ANS: C DIF: Medium REF: The First Texas Constitutions
 OBJ: Describe the six Texas constitutions that preceded the current constitution
 STA: 1 MSC: Remembering

17. The domination of Texas politics by Republicans after the Civil War ended
- a. in an armed stand-off in the capital between the Republican governor and the Democratic legislature in 1872.
 - b. with the victory of the Populist Party in 1892.
 - c. in 1888, with violent riots by farmers in Houston, Dallas, and Austin.
 - d. through a peaceful transfer of power in 1900.
 - e. with the Democrats' victory in the 1892 elections.

ANS: A DIF: Medium REF: The First Texas Constitutions
 OBJ: Describe the six Texas constitutions that preceded the current constitution
 STA: 1 MSC: Remembering

18. What was Texas's most progressive constitution in terms of power and organization?
- a. the Constitution of the Republic of Texas
 - b. the "statehood constitution" of 1845
 - c. the Civil War Constitution of 1861
 - d. the Constitution of 1869
 - e. the Constitution of 1867

ANS: D DIF: Difficult REF: The First Texas Constitutions
 OBJ: Describe the six Texas constitutions that preceded the current constitution
 STA: 1 MSC: Understanding

19. Who made up the Grange, and what effect did they have on the writing of the Texas Constitution?
- a. They were a consortium of railroad entrepreneurs who wanted a constitution that would aid business interests.
 - b. They were a group of pro-Union Republicans who controlled the state after the Civil War.
 - c. They were an agricultural group who wanted a government that would improve the plight of farmers.
 - d. They were early wildcatters who wanted land grants from the state so they could explore for oil.

- e. They were a group of pro-independence landowners who wanted Texas to secede from the Union.

ANS: C DIF: Easy REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Remembering

20. In what year was Texas's current constitution ratified?
- a. 1828
 - b. 1845
 - c. 1876
 - d. 1846
 - e. 1899

ANS: C DIF: Medium REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Understanding

21. Which principle of government is the key to understanding the drafting of the Texas Constitution of 1876?
- a. the need for governmental subsidy and regulation of economic growth
 - b. the importance of civil right protections for African Americans and Latinos
 - c. the necessity of strong limitations on the authority of state officials
 - d. the value of states' rights
 - e. the principle of checks and balances

ANS: C DIF: Difficult REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
STA: 1 MSC: Analyzing

22. The Mexican War of Independence against _____ grew out of the _____.
- a. Spain; Napoleonic Wars
 - b. France; French Revolution
 - c. Spain; U.S. War of Independence
 - d. the United States; U.S. War of Independence
 - e. Spain; War of 1812

ANS: A DIF: Difficult REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 1 MSC: Remembering

23. Which of the following statements best describes the structure of the Texas legislature?
- a. Since independence from Mexico, Texas has had a bicameral legislature.
 - b. Texas's first unicameral legislature was established while the state was a member of the Confederacy.
 - c. Texas has always had a unicameral legislature.
 - d. Texas created the idea of a unicameral legislature.
 - e. Texas has a plural legislature divided up into six different chambers.

ANS: A DIF: Difficult REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 4 MSC: Applying

24. The Texas Constitution was written to
- a. prevent a direct reflection of the difference in its framers' underlying goals.
 - b. overcome the liabilities of the Articles of Confederation.
 - c. create a government that could act effectively in the public welfare in a variety of policy

areas.

- d. prevent the expansion of governmental authority and the return of a system of political power that was perceived as acting against the interest of the people.
- e. prevent turning what might appear to be matters of public policy into issues of constitutional authority.

ANS: D DIF: Difficult REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 1 MSC: Remembering

25. Which of the following was NOT a goal for those writing the Texas Constitution?
- a. restrictions on the power of the government to get into debt
 - b. limits on the ability of the government to impose taxes
 - c. checking the powers of the governor
 - d. giving independence to the judiciary by making all judges appointed, instead of elected
 - e. strong popular control of state government

ANS: D DIF: Medium REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 1 MSC: Understanding

26. What is the major difference between the bill of rights in the Texas Constitution and the U.S. Bill of Rights?
- a. There is no bill of rights in the Texas Constitution.
 - b. The Texas Constitution grants Texans rights that are not found in the U.S. Constitution.
 - c. The Texas bill of rights is far less detailed than the federal Bill of Rights.
 - d. The Texas Constitution has no specific rights for those accused of crimes.
 - e. The Texas Constitution does not grant specific rights to former slaves.

ANS: B DIF: Medium REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 2 MSC: Applying

27. Which of the following statements about republican government is INCORRECT?
- a. The right to republican government is not guaranteed in the Texas bill of rights.
 - b. Republican government is part of a system of representative democracy.
 - c. Under a representative government, power derives from the people.
 - d. The Texas Constitution gives the people a right to reform or to abolish their government.
 - e. The right to republican government is guaranteed in the Texas bill of rights.

ANS: A DIF: Difficult REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 1 MSC: Applying

28. Which of the following is NOT found in the Texas bill of rights?
- a. guarantees of equal treatment under law
 - b. guarantees of no religious tests for officeholders
 - c. the right to employment
 - d. the right to trial by jury
 - e. freedom of religious worship

ANS: C DIF: Medium REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 1 MSC: Remembering

29. Which of the following describes a significant difference between the structure of the Texas executive department and the structure of the U.S. executive branch?
- In Texas, the executive department is made up of several elected offices, instead of just one.
 - The chief executive in Texas does not have the power to check the legislature with a veto, as the U.S. president can.
 - The governor has term limits, while the U.S. president does not.
 - The governor of Texas is paid more than the U.S. president.
 - The governor is considered president of the Texas Senate, while the U.S. president is not considered the presiding officer over the U.S. Senate.

ANS: A DIF: Medium REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 2 MSC: Applying

30. Under the Texas Constitution, who has the power of impeachment?
- The House of Representatives has the power to impeach, while the Senate has the power to try and convict.
 - The Senate has the power to both impeach and convict.
 - The House of Representatives has the power to impeach, while the state supreme court has the power to try and convict.
 - Texas has no constitutional provisions for impeachment.
 - The Texas Supreme Court has the power to impeach and convict.

ANS: A DIF: Medium REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 3 MSC: Understanding

31. The Texas Constitution requires which of the following for amendment?
- a two-thirds vote in both houses of the state legislature and a majority vote from the voters of Texas
 - only a majority vote from the voters of Texas
 - the governor's signature
 - a two-thirds vote in county conventions convened for the purpose of amending the constitution
 - a majority vote in both houses of the state legislature

ANS: A DIF: Easy REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 1 MSC: Understanding

32. The Texas Constitution is
- a tightly argued, brief document of general principles.
 - a long, complex, and detailed document.
 - difficult to amend, compared to the U.S. Constitution.
 - an economic treatise disguised as a blueprint for government.
 - based on the fundamental principle of liberal progressivism.

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

33. In the United States, checks and balances allow each branch of government to limit the other branches and in so doing support the principle of
- legitimacy.
 - separation of powers.
 - checks and balances.
 - judicial review.

- b. popular sovereignty.
- c. separation of powers.
- e. division of labor.

ANS: C DIF: Medium REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution
STA: 3 MSC: Applying

34. The Texas Constitutional Convention of 1974
- a. had delegates selected from the public by popular vote.
 - b. was composed of members of the Texas House and Legislative Council.
 - c. adopted a proposed constitution by a two-thirds vote.
 - d. failed to agree on a proposed constitution.
 - e. resulted in election of Dolph Briscoe, making him the first governor in the history of the state not to receive a majority of the popular vote.

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

35. What was the main criticism of the current Texas Constitution behind the Ratliff-Junell proposal for a new constitution?
- a. The constitution gave the executive branch too much power over the legislative process.
 - b. The constitution allowed for too many corrupt interest groups to control Texas politics.
 - c. The constitution was too old to be representative of modern people.
 - d. The constitution was too restrictive and cumbersome for contemporary government.
 - e. The constitution was too easy to amend.

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

36. Which of the following was NOT part of the Ratliff-Junell proposal for Texas constitutional change?
- a. The judiciary should be appointed by the governor, with confirmation by the Senate.
 - b. The executive branch should be reorganized to look more like the federal executive branch.
 - c. The legislature would hold veto sessions in order to consider overriding any gubernatorial vetoes.
 - d. The length of terms of office would grow, but there would also be term limits.
 - e. The governor would be given the authority to appoint several state officeholders who are currently elected.

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

37. Which of the following is NOT a reason for the low level of voter turnout for constitutional amendments?
- a. Most amendments are relatively insignificant for most voters.
 - b. Many amendments are not controversial.
 - c. Negative advertising in the media has had the effect of alienating possible voters.
 - d. Elections for amendments are held in “off” years, when no candidates are on the ballot.
 - e. Voters generally have little information about these amendments.

ANS: C DIF: Difficult REF: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution

TRUE/FALSE

1. Texas has a bill of rights containing more liberties than those found in the U.S. Bill of Rights.

ANS: T DIF: Medium REF: The Role of a State Constitution

OBJ: Identify the main functions of state constitutions STA: 1

MSC: Understanding

2. One of the major issues of the Civil War was how the federal system was to be understood.

ANS: T DIF: Medium REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 2 MSC: Evaluating

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

ANS: F DIF: Medium REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 2 MSC: Understanding

4. The first federal constitution that Texas operated under was the British.

ANS: F DIF: Easy REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 2 MSC: Evaluating

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

ANS: T DIF: Easy REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 1 MSC: Remembering

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

ANS: T DIF: Easy REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 1 MSC: Understanding

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

ANS: T DIF: Medium REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 1 MSC: Remembering

8. Under the Texas Constitution, it is unconstitutional to impeach elected officeholders.

ANS: F DIF: Medium REF: The First Texas Constitutions

OBJ: Describe the six Texas constitutions that preceded the current constitution

STA: 1 MSC: Applying

9. The Texas Constitution created a plural executive, consisting of multiple elected officers.

ANS: T DIF: Easy REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 1 MSC: Evaluating

10. The Texas Constitution creates two top appellate courts, one for civil cases and one for criminal cases.

ANS: T DIF: Medium REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 1 MSC: Understanding

11. Conservative rancher/banker Dolph Briscoe was the first governor in the history of the state not to receive a majority of the popular vote.

ANS: T DIF: Easy REF: The Constitution of 1876
OBJ: Explain the circumstances that led to the Texas Constitution that is still in use today
STA: 1 MSC: Remembering

12. There have been no serious attempts in recent years to change the Texas Constitution.

ANS: F DIF: Easy REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 1 MSC: Remembering

13. The current Texas Constitution has been amended more than four hundred 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

14. 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: Recent Attempts to Rewrite the Texas Constitution
OBJ: Describe modern efforts to change the Texas Constitution
STA: 1 MSC: Remembering

15. The Texas Constitution created a unicameral legislature.

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

16. The Texas Constitution became a place where special interests could seek to promote and protect their own agendas.

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

17. The Texas Constitution makes no requirements for the establishment and upkeep of a public school system.

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

ESSAY

1. What is the function of a state constitution? In what ways are the Texas and the U.S. constitutions similar in principle? What are some of the key differences between the Texas and U.S. constitutions?

ANS:
Answers will vary.

DIF: Medium REF: The Role of a State Constitution
OBJ: Identify the main functions of state constitutions STA: 1
MSC: Analyzing

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

ANS:
Answers will vary.

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

3. Describe the history of the multiple Texas constitutions before and during Texas independence. What were the main effects of Mexican rule? How did this heritage shape the structure of the constitution of the Republic of Texas?

ANS:
Answers will vary.

DIF: Difficult REF: The First Texas Constitutions
OBJ: Describe the six Texas constitutions that preceded the current constitution
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 attempts in the mid-1970s and in 1999 to change the constitution. Why did each attempt fail?

ANS:
Answers will vary.

DIF: Medium REF: The Constitution of Texas Today
OBJ: Analyze the major provisions of the Texas Constitution today
STA: 1 MSC: Evaluating

5. What is the process by which the Texas Constitution is amended? How many amendments have been added since 1876? What types of amendments have been added?

ANS:

Answers will vary.

DIF: Medium REF: The Constitution of Texas Today

OBJ: Analyze the major provisions of the Texas Constitution today

STA: 1 MSC: Understanding

6. 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:

Answers will vary.

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

OBJ: Describe modern efforts to change the Texas Constitution

STA: 1 MSC: Analyzing