

## CHAPTER 2 - Federalism and the Texas Constitution

### Multiple Choice

1. The two sources for the powers of the Texas government to govern are the
- U.S. Bill of Rights and the United Nations Charter.
  - Texas Constitution and Texas's membership in the federal Union.
  - Texas Constitution and the United Nations Charter.
  - North American Free Trade Agreement and the U.S. Constitution.

ANSWER: b

REFERENCES: 42

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

2. A system of government in which power is divided between a national government and associated regional governments is a(n)
- unitary system.
  - confederate system.
  - federal system.
  - autocratic system.

ANSWER: c

REFERENCES: 42

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

3. Which of the following is a false statement about the Texas Constitution?
- It limits actions of the national government.
  - It outlines the structure of Texas's state government.
  - It authorizes the creation of cities and counties.
  - It establishes basic rules for state governance.

ANSWER: a

REFERENCES: 42-43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

4. Which most accurately describes the relationship between state constitutions and the U.S. Constitution?
- State constitutions prevail over the U.S. Constitution.
  - The U.S. constitution can be modified by changes in state constitutions and vice versa.
  - The U.S. constitution prevails over state constitutions.
  - None of these choices are true.

ANSWER: c

REFERENCES: 42-43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

## CHAPTER 2 - Federalism and the Texas Constitution

### 5. The Tenth Amendment to the U.S. Constitution

- a. denies all powers to the states except for those specifically granted to them.
- b. makes no mention of the state governments.
- c. grants all undesigned powers to the federal government.
- d. reserves to the states those powers not delegated to the federal government.

ANSWER: d

REFERENCES: 42-43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

### 6. In its capacity as the state's fundamental law, the Texas Constitution

- a. spells out the size and salary of the legislature.
- b. creates governmental institutions, assigns them powers, and places limitations on them.
- c. determines the property tax rate.
- d. provides for revision once in each generation.

ANSWER: b

REFERENCES: 42

53

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

PTXP.BROW.16.2.4 - LO2.4

NOTES: conceptual

### 7. The national supremacy clause is found in which article of the U.S. Constitution?

- a. Article I
- b. Article V
- c. Article VI
- d. Article X

ANSWER: c

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: factual

### 8. According to the U.S. Constitution's national supremacy clause,

- a. state laws take precedence over federal laws.
- b. federal laws enacted under the U.S. Constitution take precedence over state laws.
- c. state constitutions are supreme over the national constitution.
- d. laws passed by Congress take precedence over the U.S. constitution.

ANSWER: b

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

## CHAPTER 2 - Federalism and the Texas Constitution

9. The powers of the national government that are specifically stated in the U.S. Constitution are referred to as
- delegated powers.
  - implied powers.
  - inherent powers.
  - reserved powers.

ANSWER: a

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

10. The “necessary and proper” clause, found in Article I, Section 8 of the U.S. Constitution, is an example of which of the following?

- Delegated power
- Implied power
- Inherent power
- Reserved power

ANSWER: b

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

11. The regulation of interstate and foreign commerce among the several states by the U.S. Congress is an example of a(n)
- delegated power.
  - implied power.
  - inherent power.
  - reserved power.

ANSWER: a

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

12. Texas may divide into as many as five states under the terms of
- the Texas Constitution.
  - the congressional resolution admitting Texas into the Union.
  - Article V of the U.S. Constitution.
  - the Tenth Amendment of the U.S. Constitution.

ANSWER: b

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: factual

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13. Which of the following is not protected by the U.S. Constitution?

- a. Republican forms of government in each state
- b. Territorial integrity—a state cannot be combined with another state without its consent
- c. Each state is provided two members in the U.S. Senate and at least one member in the U.S. House of Representatives
- d. Equal votes for each state in the Electoral College

ANSWER: d

REFERENCES: 43-44

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

14. In *Texas v. White* (1869), the U.S. Supreme Court found that

- a. the U.S. Constitution does not provide for states to leave the Union.
- b. states are required to give full faith and credit to court decisions from other states.
- c. states must pay the national government debt.
- d. English is the official language of the United States.

ANSWER: a

REFERENCES: 44

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

15. The U.S. Constitution prohibits Texas from all of the following, *except*

- a. denying the right to vote based on gender.
- b. denying the right to vote based on race.
- c. denying the right to vote based on payment of a tax.
- d. denying the right to vote based on residency.

ANSWER: d

REFERENCES: 44

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

16. The Supreme Court's process of applying portions of the Bill of Rights to states through the Fourteenth Amendment's due process clause is referred to as

- a. incorporation.
- b. segregation.
- c. secession.
- d. integration.

ANSWER: a

REFERENCES: 44

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

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17. As a result of Thelma White's 1955 lawsuit against the state of Texas, the Court ruled that
- the state laws requiring segregation in higher education were invalid.
  - Texas could not secede from the Union.
  - discriminatory sodomy laws were unconstitutional.
  - all of these choices were results of Thelma White's lawsuit.

ANSWER: a

REFERENCES: 45

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

18. Which situation would be covered by the "full faith and credit" clause of the U.S. Constitution?
- Texas recognizes a Louisiana marriage license.
  - Texas returns a fugitive from Oklahoma.
  - Texas charges out-of-state tuition for a citizen of Iowa attending college in Texas.
  - Texas grants a corporation domiciled in Ohio the privilege of doing business in Texas.

ANSWER: a

REFERENCES: 46

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

19. What part of the U.S. Constitution provides that the citizen of one state is entitled to the same privileges and immunities of a citizen of another state?
- Article V
  - Article IV
  - the Fifth Amendment
  - the Tenth Amendment

ANSWER: b

REFERENCES: 46

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: factual

20. The 1996 Defense of Marriage Act (DOMA), which prohibited national government recognition of same-sex marriage and allowed states to deny same-sex marriages performed in other states, is challenged by critics as a violation of
- the full faith and credit clause.
  - the supremacy clause.
  - the necessary and proper clause.
  - the commerce clause.

ANSWER: a

REFERENCES: 46

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

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21. With regard to federalism, the U.S. Constitution
- codifies the reserved powers of the states.
  - provides a specific list of state powers.
  - leaves the reserved powers of the states undefined.
  - specifies all of the reserved powers of the states.

ANSWER: c

REFERENCES: 47-48

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

22. Which of the following would not be considered a reserved power?
- Use of police power
  - Adoption of international treaties
  - Assessment of a property tax
  - Ownership of public water supply

ANSWER: b

REFERENCES: 48

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

23. The power of government to appropriate private property for public projects is referred to as
- incorporation.
  - eminent domain.
  - appraisal.
  - receivership.

ANSWER: b

REFERENCES: 48

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

24. When Colorado and Washington legalized marijuana for recreational purposes, they were
- ignoring a limited area of national law.
  - recognizing that only states have the legal right to regulate controlled substances.
  - following a Supreme Court decision that said the federal government may not make laws that contradict state laws.
  - none of these choices is correct.

ANSWER: a

REFERENCES: 49

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

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25. The federal government extended its power to regulate aspects of the economy such as railroads, worker safety, minimum wages, and maximum hours principally through

- a. repeal of the Tenth Amendment.
- b. broad interpretation of the interstate commerce clause.
- c. state government secession.
- d. a more restricted use of Article I power.

ANSWER: b

REFERENCES: 50

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

26. After considering Texas's challenge to the Patient Protection and Affordable Care Act, the Supreme Court ruled that

- a. the U.S. government may penalize those without insurance, but may not withdraw Medicaid funding from states that refuse to expand the program.

- b. the entire Patient Protection and Affordable Care Act is unconstitutional.

- c. the U.S. government may withdraw Medicaid funding from states that refuse to expand the program, but may not penalize those without insurance.

- d. the entire Patient Protection and Affordable Care Act is constitutional.

ANSWER: a

REFERENCES: 50

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

27. The trend in federal-state relations since the 1980s can *best* be described as the

- a. federal government assuming more financial responsibility for state programs.
- b. states assuming more responsibility for Social Security and Medicare.
- c. federal government transferring more responsibility to the states but reducing funding.
- d. states playing a larger role in the area of national defense and border security.

ANSWER: c

REFERENCES: 51

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

28. In which of the following ways can the federal government influence state policymaking?

- a. Directly elect state officials
- b. Directly legislate for the state
- c. Place states in receivership
- d. Offer federal grants-in-aid

ANSWER: d

REFERENCES: 51

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

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29. The decline in national control over state governments is referred to as

- a. nationalization.
- b. devolution.
- c. incorporation.
- d. segregation.

ANSWER: b

REFERENCES: 51

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: conceptual

30. Texas \_\_\_\_\_ funds from the federal government for unemployment, Medicaid, and public school funding.

- a. refused
- b. accepted
- c. matched
- d. None of these choices is true.

ANSWER: a

REFERENCES: 52

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: factual

31. Governor Rick Perry, in opposing federal stimulus funds from the Obama Administration hinted at

- a. withdrawing from the Confederacy.
- b. having Texas secede from the Union.
- c. joining the Daughters of the Republic of Texas.
- d. the possibility of opposing Obama for president.

ANSWER: b

REFERENCES: 53

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

NOTES: applied

32. Between 1876 and 2014, how many amendments to the Texas Constitution have been adopted?

- a. 27
- b. 50
- c. 484
- d. 522

ANSWER: c

REFERENCES: 54

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: factual



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33. The Texas Constitution has needed hundreds of amendments due to

- a. its specificity and detail.
- b. time limits on various provisions.
- c. broad powers granted to the legislature.
- d. the constant indecision of the state government.

ANSWER: a

REFERENCES: 54

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

34. Three years after Mexico gained its independence from Spain in 1821, the area that is now Texas (then known as Tejas y Coahuila)

- a. crowned its first king and did away with constitutionalism.
- b. became its own nation and wrote its own national constitution.
- c. became part of a dictatorship for the first time and lost all sovereignty.
- d. became part of a federal republic for the first time and adopted its first state constitution.

ANSWER: d

REFERENCES: 54

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

35. According to the text, Texas has had \_\_\_\_\_ constitutions.

- a. six
- b. seven
- c. five
- d. seventeen

ANSWER: b

REFERENCES: 54

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: factual

36. All of the following were factors that led Texans to declare independence from Mexico, *except*

- a. annexation to the United States.
- b. Anglo attitudes of racial superiority.
- c. anger over Mexico's abolition of slavery.
- d. a desire for unrestricted trade with the United States.

ANSWER: a

REFERENCES: 54-55

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

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37. The constitution of 1836 was
- a. modeled on that of Mexico.
  - b. Texas's first state constitution.
  - c. the governing instrument for the Republic of Texas.
  - d. unwritten.

ANSWER: c

REFERENCES: 55

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

38. Which individual was elected the first president of the Republic of Texas under the Texas Constitution of 1836?
- a. General Antonio Lopez de Santa Anna
  - b. Edmund Jackson Davis
  - c. Jefferson Davis
  - d. Sam Houston

ANSWER: d

REFERENCES: 55

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: factual

39. Annexation of Texas into the United States was authorized by Congress in
- a. 1836.
  - b. 1845.
  - c. 1861.
  - d. 1870.

ANSWER: b

REFERENCES: 56

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: factual

40. The principal historic event leading to creation of the Texas Constitution of 1861 was
- a. Texas joining the American federal Union.
  - b. Texas joining the southern Confederacy.
  - c. Reconstruction.
  - d. a financial depression.

ANSWER: b

REFERENCES: 56

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

## CHAPTER 2 - Federalism and the Texas Constitution

41. The principal historic event shaping the 1866 Texas Constitution was
- joining the southern Confederacy.
  - reinstatement into the Union after the Civil War.
  - re-seeking full independence.
  - division of the state.

ANSWER: b

REFERENCES: 56

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

42. The 1866 Texas Constitution extended to African Americans the right to
- vote.
  - hold public office.
  - sue.
  - testify against whites.

ANSWER: c

REFERENCES: 56

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

43. To meet the demands of Reconstruction, the Texas Constitution of 1869
- enfranchised freed slaves.
  - disenfranchised prominent whites.
  - imposed military rule.
  - All of these choices are true.

ANSWER: d

REFERENCES: 57

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

44. White Texans reacted negatively against Governor Edmund (E. J.) Davis because of
- the freedom of black slaves and government efforts to protect them.
  - the defeat of "Texicans" at the Alamo.
  - T. R. Fehrenbach's negative characterization of slaves.
  - Governor Davis's support of slavery and the Confederacy.

ANSWER: a

REFERENCES: 57

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

## CHAPTER 2 - Federalism and the Texas Constitution

45. The Texas Constitution of 1869 provided for all of the following, *except*
- a. annual legislative sessions.
  - b. gubernatorial appointment of judges.
  - c. more centralized state government.
  - d. six-year term for all executive offices.

ANSWER: d

REFERENCES: 57-58

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

46. Which of the following does *not* describe the Texans elected to a state constitutional convention in the summer of 1875?

- a. Mostly non-native Texans
- b. Members of the Texas Grange
- c. Texans dedicated to reducing government spending
- d. Residents interested in strengthening the power of state government

ANSWER: d

REFERENCES: 58

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

47. As part of their effort to dismantle the Reconstruction efforts of Governor E. J. Davis, the authors of the 1876 Texas Constitution

- a. ended segregation in Texas.
- b. disallowed taxpayers the right to vote on judgeships.
- c. reinstated racial segregation in public education.
- d. allowed blacks to attend all white schools.

ANSWER: c

REFERENCES: 58

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

48. The Texas Grange was important in shaping Texas government because it

- a. dominated the Convention of 1868, which wrote the 1869 constitution.
- b. advocated large public subsidies to railways.
- c. supported African American political, economic, and social equality.
- d. advocated “retrenchment and reform”—a weak and cheap government.

ANSWER: d

REFERENCES: 58

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: conceptual

## CHAPTER 2 - Federalism and the Texas Constitution

49. The 1876 Texas Constitution, which is still Texas's fundamental law today, is best described as
- lengthy and confusing.
  - brief and tightly organized.
  - easily understood by the average citizen.
  - so badly written that Texas courts regularly ignore it.

ANSWER: a

REFERENCES: 59

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: conceptual

50. Because of the prevailing political philosophy among delegates in 1875, the Texas government may exercise
- any power it chooses.
  - any power not prohibited by the Texas Constitution.
  - only those powers specified in the Texas Constitution.
  - only those powers defined by the Texas Supreme Court.

ANSWER: c

REFERENCES: 59

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: conceptual

51. Most constitutional amendments adopted in Texas
- were struck down by the voters.
  - were surrounded by controversy and national attention.
  - were necessary because of the detailed nature of the state's constitution.
  - were not needed in order for the legislature to deal with the specific issues.

ANSWER: c

REFERENCES: 59

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: applied

52. The governor's role in the constitutional amendment process
- is to initiate the proposed amendment.
  - includes the ability to veto the legislative proposal.
  - is limited to the use of personal influence to sway the outcome.
  - is to sign the final outcome into law.

ANSWER: c

REFERENCES: 60

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: conceptual

## CHAPTER 2 - Federalism and the Texas Constitution

53. In 2011, an amendment to the Texas Constitution authorized a program to
- provide low-interest loans to college students regardless of financial need.
  - ban the hunting of feral hogs.
  - require those who carry weapons to display them openly.
  - forgive all student loans to stimulate consumer spending.

ANSWER: a

REFERENCES: 60

LEARNING OBJECTIVES: PTXP.BROW.16.2.2 - LO2.2

NOTES: factual

54. Amendments to the Texas Constitution are proposed by the
- Texas legislature.
  - Texas governor.
  - Texas secretary of state.
  - Texas election commission.

ANSWER: a

REFERENCES: 63

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: factual

55. Which of the following is *not* part of the formal amendment process for state constitutional amendments?
- Two-thirds vote of a joint resolution in the state legislature
  - Explanatory statements prepared and published in state newspapers
  - Signature of the governor
  - Simple majority of the voters who vote in the election

ANSWER: c

REFERENCES: 63

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: applied

56. Proposed amendments to the state constitution are ratified by
- the legislature.
  - the governor.
  - Texas voters.
  - county commissioners.

ANSWER: c

REFERENCES: 63

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: factual

## CHAPTER 2 - Federalism and the Texas Constitution

57. Voter turnout for constitutional amendment elections
- a. may reach 50 percent if there is enough controversy.
  - b. is always around 40 to 50 percent.
  - c. is low unless it is for an education issue.
  - d. is typically low.

ANSWER: d

REFERENCES: 63

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: applied

58. In 1972, a majority of Texas voters exercised their right to demand a change in government by approving
- a. a recall election to remove the governor who was then in office.
  - b. a proposed amendment to authorize the appointment of a constitutional revision commission.
  - c. an initiative to limit legislators to a single term.
  - d. a referendum to repeal the law that established segregation in higher education.

ANSWER: b

REFERENCES: 64

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: applied

59. In 1974, the draft constitution prepared by the constitutional revision commission
- a. was passed by the state legislature at the constitutional revision convention.
  - b. fell three votes short of passage at the constitutional convention.
  - c. dissolved state government until a new constitution was written.
  - d. proposed amendment to the U.S. Constitution.

ANSWER: b

REFERENCES: 64

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: applied

60. Which of the following was *not* a reason for the failure of the 1974 Constitutional Convention?
- a. The absence of strong political leadership
  - b. Controversy over “right to work” provisions
  - c. Legislators distracted by their need to campaign for reelection
  - d. Lack of sufficient funds

ANSWER: d

REFERENCES: 64-65

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: conceptual

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61. The constitution submitted by the legislature in April 1975 to the voters was recognized as being
- twice as long as the 1876 Constitution.
  - concise, orderly, and well-drafted.
  - essentially the same as the 1876 Constitution, though it was better organized.
  - a clearly confusing and unworkable document.

ANSWER: b

REFERENCES: 65

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: applied

62. The special election of 1975 on the proposed Texas Constitution resulted in
- overwhelming voter approval for the document.
  - a 62 percent turnout of registered voters defeating the proposed constitution.
  - defeat of all eight submissions with a low voter-turnout.
  - approval of four of the eight submissions and defeat of the other four.

ANSWER: c

REFERENCES: 65

LEARNING OBJECTIVES: PTXP.BROW.16.2.3 - LO2.3

NOTES: factual

63. The Texas Bill of Rights
- is shorter than that in the federal Constitution.
  - contains a lower level of protection than does the federal Constitution.
  - has been deleted from the Texas Constitution because most rights are now federally protected.
  - contains a provision guaranteeing equal rights to women—something not found in the federal Constitution.

ANSWER: d

REFERENCES: 69

LEARNING OBJECTIVES: PTXP.BROW.16.2.4 - LO2.4

NOTES: conceptual

64. The Texas Supreme Court has interpreted Article VII, Section 1 of the state constitution to require
- a bicameral legislature.
  - a picture ID for voters.
  - a ban on a state income tax.
  - adequate and equitable funding for public education.

ANSWER: d

REFERENCES: 69

LEARNING OBJECTIVES: PTXP.BROW.16.2.4 - LO2.4

NOTES: conceptual



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65. Something protected by the Texas Bill of Rights that is *not* protected by the U.S. Bill of Rights is
- rights of crime victims.
  - the right to keep and bear arms.
  - the right to engage in libel and slander.
  - All of these choices are true.

ANSWER: a

REFERENCES: 69

LEARNING OBJECTIVES: PTXP.BROW.16.2.4 - LO2.4

NOTES: conceptual

66. Separation of powers
- is not found in the Texas Constitution.
  - means a bicameral legislature.
  - places the lawmaking, law-enforcing, and law-adjudicating powers in separate branches of government.
  - has been rejected by American constitutional theory.

ANSWER: c

REFERENCES: 70

LEARNING OBJECTIVES: PTXP.BROW.16.2.4 - LO2.4

NOTES: conceptual

67. The “Legislative Department” of Texas government is provided for in
- Article I of the state constitution.
  - Article III of the state constitution.
  - Article IX of the state constitution.
  - Article XX of the state constitution.

ANSWER: b

REFERENCES: 70

LEARNING OBJECTIVES: PTXP.BROW.16.2.4 - LO2.4

NOTES: factual

### Subjective Short Answer

68. What is the national supremacy clause? What other limitations does the U.S. Constitution place on states? Explain why you either agree or disagree with one of these limitations.

ANSWER: Students' answers may vary.

REFERENCES: 43

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

69. What is the difference between the full faith and credit clause and the privileges and immunities clause? Explain why you either agree or disagree that a ban on same-sex marriages violates the full faith and credit clause.

ANSWER: Students' answers may vary.

REFERENCES: 46-47

LEARNING OBJECTIVES: PTXP.BROW.16.2.1 - LO2.1

## CHAPTER 2 - Federalism and the Texas Constitution

70. Explain the main ways in which the Texas Constitution of 1876 restricts the powers of the three branches of state government.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 58-59

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.2 - LO2.2

71. How may the state constitution be revised? If you were a member of a constitutional convention, what change would you propose regarding the structure and function of one of the three branches of government? If you would prefer to prevent change, choose one branch and explain why you think it is the best possible system for Texas.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 62-64

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.3 - LO2.3

72. In what ways does the U.S. Bill of Rights differ from the Texas Bill of Rights? Is there anything in the Texas Bill of Rights that you think should be added to the U.S. Bill of Rights? If not, explain why.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 67-70

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.4 - LO2.4

### Essay

73. Provide an understanding of the relationship between the national and state governments. Explain which powers are held by the national government, which powers are reserved to the states, and those powers shared by both the national and state governments. Be sure to include an understanding of the national supremacy clause contained in Article VI of the U.S. Constitution.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 42-44

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.1 - LO2.1

74. Explain the concept of incorporation of the national Bill of Rights. Include an understanding of the role of the Fourteenth Amendment's due process clause. Describe how incorporation of the Bill of Rights has changed the relationship between the national and state governments.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 44

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.1 - LO2.1

75. Trace the history of constitutional development in Texas between 1827 and 1845. Describe the historical and political events that led to the creation of the Republic of Texas, and then to the admission of Texas as a state within the United States.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 54-56

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.2 - LO2.2

## CHAPTER 2 - Federalism and the Texas Constitution

76. Discuss the role of slavery, emancipation, and rights for freed slaves in the history of constitutional development in Texas between 1861 and 1876. Be certain to include in your discussion each of the constitutions and the people and historic events that had a hand in shaping them.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 56-58

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.2 - LO2.2

77. Explain the influences that shaped the Texas Constitution of 1876. Describe the individuals and groups that played a role in drafting the document, and the sentiments held by those individuals and groups that resulted in the specific governmental design set forth in the constitution.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 58-59

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.2 - LO2.2

78. Discuss what you see as the strengths and weaknesses of the current Texas Constitution. In what ways can it be revised? Why is revision so difficult?

*ANSWER:* Students' answers may vary.

*REFERENCES:* 59-67

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.2 - LO2.2

PTXP.BROW.16.2.3 - LO2.3

79. Describe the formal amendment process for the Texas Constitution. Providing a comparison to the national constitution and those of other states, explain why the Texas Constitution has been amended so many times. Provide a few examples of issues for which the state constitution has been amended.

*ANSWER:* Students' answers may vary.

*REFERENCES:* 62-64

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.3 - LO2.3

80. What is meant by initiative and referendum? What are its advantages and disadvantages? Would you support Texas adopting initiative and referendum?

*ANSWER:* Students' answers may vary.

*REFERENCES:* 63-64

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.3 - LO2.3

81. Trace the constitutional revision effort from 1971–1975. Pay particular attention to why the process failed. In your judgment, does Texas need a new constitution? Why or why not?

*ANSWER:* Students' answers may vary.

*REFERENCES:* 64-65

*LEARNING OBJECTIVES:* PTXP.BROW.16.2.3 - LO2.3